



CITY OF CONCORD
New Hampshire's Main Street™
Community Development Department

David Cedarholm, PE
City Engineer

REPORT TO MAYOR AND THE CITY COUNCIL

FROM: David Cedarholm, PE, City Engineer
DATE: December 7, 2021
SUBJECT: Amendment to Easement for Brookline Opportunities, LLC Site Plan Submission – Pembroke Road

Recommendation

Accept this report recommending that the City Manager be authorized to execute a First Amendment to Easement in conjunction with a proposed site plan submitted on behalf of Brookline Opportunities, LLC.

Background

The City owns a water line and poles and wires easement across a property known as Map 622Z, Lot 1, currently owned by the William H. Perry Family Trust and the Barbara M. Perry Trust, by an easement deed recorded at the Merrimack County Registry of Deeds on March 18, 1931, at Book 514, Page 605. Brookline Opportunities, LLC is in the process of acquiring the property from Perry Trusts, and has submitted a site development plan to the City Planning Board to construct a three (3) building multi-family workforce housing development with associated site improvements. Some of the associated site improvements are proposed encroach upon the area in which the City owns an easement. Upon the conveyance of the land from the Perry Trusts to Brookline Opportunities, LLC, the City wishes to enter into the First Amendment to Easement to memorialize and further define the rights of the City as the easement holder and the rights of Brookline Opportunities, LLC, as the property owner subject to the City's easement.

Discussion

The site improvements contemplated by Brookline Opportunities, LLC, that will encroach into and over the City's water line and poles and wires easement, include, but are not necessarily limited to, the entrance driveway, pavement, landscaping, a sanitary sewer service, a water service, and storm water facilities. The First Amendment to Easement will allow the construction of private improvements subject to specific terms and conditions to help ensure that the improvements do not interfere with the City's easement rights. This agreement will be conditioned upon approval of the associated site plan application 2021-43 by the Planning Board.