



CITY OF CONCORD

REPORT TO THE MAYOR AND CITY COUNCIL

FROM: Nancy E. Larson, City Planner

DATE: June 24, 2015

SUBJECT: Request to release and discharge from public servitude, the dedicated portion of Locke Road that remains as a "paper street".

Recommendation:

That the City Council vote to release and discharge from public servitude, the dedicated portion of Locke Road that remains as a "paper street", pursuant to RSA 231:51.

Background:

The City Planning Board at its regular meeting held on December 17, 2014 granted Final Conditional Site Plan Approval for the construction of a 5,524 sq. ft. poultry processing facility, a 1,558 sq. ft. garage/storage building, and a 1,225 sq. ft. covered outdoor storage area at 52 Locke Road. The applicant is in the process of fulfilling those conditions of approval.

In a related action, the Planning Board voted, to recommend to City Council that they release from public servitude, the dedicated portion of Locke Road that remains as a "paper street" across #52 Locke Road, pursuant to RSA 231:51. A recorded subdivision plan from 1986 (MCRD Plan #9120) shows the extension (dedication) of Locke Road from its current terminus across the subject property to the northern property boundary. An easement deed conveying this right-of-way was never provided or recorded at the Registry. Attorney Amy Manzelli, on behalf of her client Fournier Foods, requests that this portion of right-of-way dedication be released from public servitude in accordance with RSA 231:51 (please refer to enclosed letter from BCM Environmental & Land Law, PLLC dated July 21, 2014). Submission of easements for the existing water, sanitary sewer and storm drains on the site are required as a condition of site plan approval.

Discussion:

The access road to the cell tower to the north on City owned property already has an access easement. The access road also provides public access to the conservation property to the north. The alignment of the access road is being revised to accommodate the proposed poultry processing plant.

No future development is proposed on the conservation lands to the north of the property. As long as access continues to be provided to the City property to the north and appropriate easements are provided for the existing public utilities on the site, there is no public purpose to extend Locke Road further north. Therefore, staff supports releasing the unbuilt portion of Locke Road from public servitude as long as access to the north continues to be provided and utility easements are in place.

Cc: File

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