



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

Heather Shank  
*City Planner*

**MEMORANDUM**

**To: Planning Board**  
**From: Planning Division**  
**Date: 3/20/2019**  
**Subject: City Council referral regarding a request to discontinue Osgood Street**

**Request**

A petition has been submitted by Joseph R. Alosa Sr. requesting the permanent discontinuance of Osgood Street, which is a City right of way off of Basin Street.

**Background**

According to a 1906 plat, before construction of I-93, Homefield Avenue extended from what is currently called Home Avenue west of the interstate, through to what is now called Osgood Street. Intersecting with Homefield Avenue was Riverside Drive, a paper street that ran parallel to the Merrimack River. After construction of the interstate, the eastern portion of Homefield Avenue that remained was renamed Osgood Street. A 1968 plat indicates Riverside Drive, still a paper street, ending at the boundary of the subject properties. It is unclear if it was ever shown extending into other properties on any other plat. It was renamed Osgood Street at some point.

According to the City Surveyor, Riverside Drive was automatically discontinued in 1926 in accordance with the regulations in effect at that time, since it was never accepted by the City. The City's records, including assessing and GIS data, were never updated to reflect the discontinuance. Therefore, the dead end portions of Osgood Street that were formerly Riverside Drive are not City right-of-way, and the owner has full rights to that property.

**Discussion**

Staff notes that Osgood Street is a very short dead end street that does not continue to the river. It provides no vehicular circulation and does not contribute to the City's transportation infrastructure in a meaningful way, nor does it provide public access to the river. Staff notes that the petitioner has been utilizing and maintaining the street for his business use for years, including providing snow removal in the winter. For these reasons, Staff supports the discontinuance subject to the considerations noted below.

*Planning*  
*City Hall • 41 Green Street • Concord, NH 03301 • (603) 225-8515*  
*planning@concordnh.gov*

- The petitioner's property is made up of several parcels that rely on Osgood Street to provide legal frontage. Discontinuing the street would result in the creation of multiple lots that would be nonconforming. The applicant has submitted two requests for lot mergers to address this issue, which are currently being reviewed by City staff.
- A small sliver of property owned by the City exists between one of the applicant's lots and the right of way. It would also create nonconforming parcels if the street were discontinued. The small lot was taken for tax purposes by the City from a separate property owner. Council is anticipated to meet to discuss conveyance of this lot to the petitioner.
- The State has an easement for a large stormwater drainage pipe that runs through the property adjacent to Osgood Street and empties into the Merrimack. The property owner would like to install a locked gate across the street to keep out trespassers. The City has reached out to the State to confirm whether they would support the discontinuance and installation of a gate, and what type of easement or agreement they would require from the property owner to secure access for maintenance and repair of the pipe.

### **Recommendation**

Aside from providing access to the stormwater pipe for the State, which can be addressed through agreements with the property owner, Staff does not find a public benefit in retaining the right of way. Therefore, Staff recommends supporting the discontinuance of the street, subject to the following conditions being met prior to granting of the discontinuance:

- Recording of any easement or agreement required by the State regarding access to the stormwater pipe;
- Conveyance of the City parcel to the petitioner;
- Successful merging of all lots in question such that nonconformities pertaining to frontage are eliminated.