



STAFF REPORT

Public Hearing 5-19-22

AGENDA ITEM #: 22-55
COUNCIL MTG OF: May 3, 2022
FROM: David Caron, Town Administrator
OFFERED BY: Administration
PREPARED BY: Administration
SUBJECT: Petition Court to swap land at Alexander Carr Park to facilitate construction of a fire station.

PURPOSE

To seek permission to file a petition in Court requesting approval to swap parcels of land within the Alexander Carr Trust to facilitate the construction of a fire station and to preserve other recreation land.

TOWN ADMINISTRATOR COMMENTS

See comments within this report.

BACKGROUND

The Town Council had previously commissioned a study of the condition of public safety facilities and emergency response times in the community. Beginning with the work of a Town Council subcommittee, project goals were established, and options evaluated which led to the proposal to construct a new Central Fire Station in southwest Derry to also address response times deficiencies.

Staff looked at a number of site possibilities which resulted in the conclusion that an unused piece of land under the AC Trust would best serve the public safety needs of the community. Of the 4 acres required for the project, approximately 1.83 acres has a recreation use encumbrance upon it.

The Trust originally consisted of 50 acres, of which 32 acres were removed by a judge in 1958 at the Town's request, as maintaining a park of that size was impractical. Interestingly, approximately 8 of the 32 acres was never sold by the Town and in fact developed for tennis courts and a playground. This Resolution requests the Court to return the 8 acres into the Trust in exchange for removing the 1.83-acre parcel from the restricted area.

DISCUSSION

Court approval of this proposal recognizes the impracticality of developing the proposed fire station site, which is on the other side of the hill from the active recreation area. Developing recreation facilities on this four-acre tract with adequate parking facilities would be difficult to construct and manage, as there would be no practical location for connectivity to the active recreation area located off Pierce Avenue.

As the Town developed a heavily used tennis court complex located on Birch Street, consisting of approximately eight acres, it makes sense to ask the Court to return that land to the Trust to ensure its permanent protection as a recreation area.

FINANCIAL IMPACT

The Town may be required to compensate the Trust for the land used for the fire station, although returning four times as much land to the Trust should be taken into consideration. We have earmarked \$300,000 as a placeholder within the Central Fire Station Project budget should the Court require payment into the Trust for the use of this land.

RECOMMENDED ACTION AND MOTION BY COUNCIL

Please see Resolution #2022-034.