



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

REPORT TO THE MAYOR AND CITY COUNCIL

FROM: Carlos P. Baía, Deputy City Manager for Development

DATE: January 27, 2022

SUBJECT: AN ORDINANCE amending the CODE OF ORDINANCES, Title IV, Zoning Code; Chapter 28, Article 28-2, Zoning Districts and Allowable Uses

Recommendation

Accept this report and hold a public hearing on the attached AMENDED ordinance that would, in addition to the changes that were previously noticed, prohibit new use category E6 “Clinics providing outpatient procedures, walk-in services, urgent care, and substance use disorder treatment” in the General Commercial (CG) zone.*

Background

At the Council’s January 10, 2022 meeting, Councilor Bouchard moved to prohibit new use E6 in the General Commercial District (CG) in addition to the zoning changes pending approval. Council opted to continue the public hearing and add the Councilor’s recommendation to the items previously set for approval for final determination at their February 14, 2022 meeting.

Discussion

At the Planning Board’s December 15, 2021 review of the original ordinance amendment relative to clinics, Councilor Champlin, the Council representative on the Planning Board, suggested an amendment to the ordinance to add the General Commercial (CG) district as another zoning district in which new category E6 would not be permitted. The Board was not prepared to endorse this without additional information and left it to the Council to consider at their hearing.

The CG district, per the purpose section of the Ordinance, is “established to provide for a mixture of retail, restaurant, service uses, and high density residential uses, serving a citywide or regional market which require access to arterial streets and proximity to limited access highways. Because

this district tends to be adjacent to dense residential, there is a higher expectation for buffering and screening to protect those abutting neighborhoods.”

Areas of CG include Loudon Road from roughly Hazen Drive to D’Amante Drive; the area immediately south of Exit 12 at the Concord/Bow municipal line; the commercial swaths of Fisherville Road; and Village Street from Borough Road to the Woodlawn Cemetery.

Staff is not aware of any establishments in these zones whose principal use today would be considered clinics. Staff did speak with the Executive Director of Riverbend which has a facility at 105 Loudon Road and confirmed that the facility would be categorized as an office of healthcare practitioner and would, thus, be unaffected by this change.

Please note that, to the extent clarification is needed on the type of facilities that would be considered a substance use disorder treatment clinic, they would be clinics established for the dispensing of medications used in the treatment of opiate dependence —most commonly methadone, although other medications may also be prescribed.

*The term “substance use disorder treatment” is used in this report and the attached ordinance over the originally-proposed term of “substance abuse treatment” to reflect contemporary terminology in this field.