



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

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REPORT TO THE MAYOR AND CITY COUNCIL

FROM: Heritage Commission
DATE: December 14, 2021
SUBJECT: Ordinance Amending the CODE OF ORDINANCES, Title III, Building and Housing Codes, Chapter 26, Building Regulations, Article 26-9, Demolition Review

Recommendation

Approve amendments to the Demolition Review Ordinance as proposed in the attached.

Summary

The Heritage Commission is proposing amendments to the Demolition Review Ordinance. The ordinance is intended to allow the Demolition Review Committee (DRC) an opportunity to determine if structures greater than 50 years old have historical significance, and, if so, to pursue alternatives to demolition with the property owner. Heritage Commission members make up the DRC, which reviews demolition applications for structures greater than 50 years of age.

The intent of this amendment is to clarify and simplify the process for applicants, allocate time differently to allow the DRC more flexibility to make determinations, and add 11 days to the review process to allow Committee members more time to explore alternatives with property owners when structures have been determined historically significant.

Discussion

The current ordinance initiates the demolition review timeline as soon as a demolition permit, building permit involving demolition, or a site plan involving demolition is submitted. In the past, this has created challenges to meet the required five-day window for the Code Administrator to notify the applicant that demolition review is required, since the site plan review process is unlikely to identify that demolition of a building is proposed within the five day window.

The proposed ordinance still allows the Code Administrator to notify the DRC when any application is submitted (including site plans), allowing the Committee to engage in early discussions with the applicant before planning for the site has concluded. However, the proposed ordinance will clarify that the demolition review timeline is triggered after the intent to demolish

is submitted, which the applicant can file at any time. DRC notes that this is how the demolition review process has functioned and been interpreted in practice. The language in the proposed ordinance will help clarify the process and timelines for applicants. The existing ordinance also splits the process into “responsibilities of the Code Administrator” and “responsibilities of the DRC”, which is unnecessarily confusing, duplicates information, and presents the required steps out of chronological order. The proposed ordinance simplifies the steps and states them in chronological order.

Finally, the existing ordinance allows a 49-day period for the demolition review process. The proposed ordinance allows a 60-day period. The additional eleven days allow more time for posting and notification of the community prior to the public hearing, and more time to schedule a meeting with the applicant. The proposed additional eleven days would be incorporated as follows: Seven of the days would be added to the time allotted for the DRC to hold a public hearing, and four of the days would be added to the time allotted to meet with the applicant before the demolition review period is up.

It should be noted that the majority of requests for demolition are granted within the first twelve business days of the applicant’s submission. Further, the Committee may simply request to photograph structures that are determined to be historically significant, rather than have a public hearing or explore alternatives. In the past seven years, only one project has run the demolition review process out to the 49-day limit. It is anticipated that only a very small percentage of projects would be affected by the addition of eleven days to the process.