



CITY OF CONCORD

New Hampshire's Main Street™

Matthew R. Walsh
Deputy City Manager
Development

REPORT TO MAYOR AND THE CITY COUNCIL

FROM: Matthew R. Walsh, Deputy City Manager – Development

DATE: January 30, 2024

SUBJECT: Establish a Sidewalk Reserve Fund, as well as accept and appropriate funds related thereto

Recommendation:

Accept this report recommending that the City Council establish a new Sidewalk Reserve Fund, and set the attached resolution establishing a sidewalk reserve fund, as well as accepting and appropriating the sum of \$22,023.18 from Amoskeag Beverages LLC / Amoskeag Realty LLC for this purpose.

Background:

As part of the City's development permitting process associated with Site Plan and Subdivision applications, it is normal and customary for applicants to be required to design and construct sidewalks as a condition of approval for their developments. Said sidewalks are typically an off-site improvement along the frontage of the applicant's property. Once completed, the sidewalks are accepted by the City and become part of the municipal sidewalk network. Occasionally, this approach may result in isolated sidewalk segments which are disconnected from the rest of the sidewalk system.

As such, in May 2019, the Planning Board amended Section 21.02 of the City's Site Plan Review Regulations, and created the following provision: "When an isolated section of sidewalks is proposed or required, the (Planning) Board may require the applicant to set aside equivalent funds to be placed in a City escrow account to allow for the future construction of a sidewalk, instead of constructing an isolated section of sidewalk."

No parallel provision was expressly included in the Subdivision Review Regulations. However, the Planning Board has the express ability to grant waivers to Subdivision requirements, including sidewalks, in accordance with Section 35.08 – 35.10 of the Subdivision Review Regulations.

Following the establishment of this provision in 2019, the ability of an applicant to make payment in lieu of constructing the sidewalk has been interpreted as a financial donation, which the City may use to design and construct sidewalks anywhere in the community.

Discussion:

Applicants have begun applying for, and the Planning Board been granting, requests to provide payment in lieu of constructing sidewalks for their developments. Recent examples include a 48-unit apartment project located at 303 Sheep Davis Road, expansion of a religious facility at 236 Sheep Davis Road, as well as expansion of a beverage distribution facility located at 138 Hall Street. Payments for the first two projects are currently pending. However, payment in the amount of \$22,023.18 has been received from Amoskeag Beverages LLC / Amoskeag Realty LLC for the distribution facility located at 138 Hall Street. Therefore, staff requests that the City Council establish a Sidewalk Reserve Fund so that these funds, and others in the future, can be received from Developers in conjunction with Planning Board approvals.