



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

MEMORANDUM

To: City Council
From: Planning Board
Date: 7/20/2017
Subject: Discontinuance of a portion of the North Main Street Right-of-Way

Request

A petition has been submitted by Ari Pollack, on behalf of Merrimack County, requesting the discontinuance of a four foot strip of the North Main Street right-of-way to allow space for a retaining wall and landscape bed in conjunction with the construction of the new Merrimack County Superior Courthouse at 163 N. Main Street.

Discussion

Merrimack County is proposing to demolish the existing Registry of Deeds building and construct a new Courthouse at 163 North Main Street. Part of the County's criteria for remaining at this location was the provision of a minimum of 150 parking spaces on site. The current proposal accomplishes this with the construction of a retaining wall along North Main Street. The footings for the wall and a landscape bed would be located within the North Main Street right of way. The proposed discontinuance will narrow the sidewalk to six feet, though it does not affect the curb line, lane widths, or normal traffic function of North Main Street.

Staff notes that the location of the retaining wall was supported by staff to allow for the provision of a landscape bed for shade trees in the proposed parking lot for the Courthouse. Staff also notes that the encroachment in the right of way was previously to be granted through a license agreement between the City and the State, which included provisions for maintenance of the landscape bed in the right of way, as well as public art on the six foot high section of the retaining wall. The arrangement was not accepted by the State, which preferred to request the discontinuance. Staff notes that there is no longer any assurance that the landscape bed will be maintained, or that public art will be provided on the wall.

Staff also notes that this is not an ideal location to narrow the sidewalk or lose right of way, in the event that Main Street streetscape improvements are extended north of the Centre Street intersection. However, potential future improvements of North Main Street may allow reconfiguration of the street and sidewalk such that loss of the sidewalk width can be mitigated.

Recommendation

In accordance with RSA 231:43, the Planning Board voted unanimously during their July 19, 2017 meeting to recommended that City Council grant the discontinue of a four foot wide strip of the North Main Street right-of-way, as indicated on the accompanying plan.