



CITY OF CONCORD

REPORT TO MAYOR AND THE CITY COUNCIL

FROM: Matthew R. Walsh, Dir. of Redevelopment, Downtown Services, & Special Projects

DATE: April 26, 2017

SUBJECT: Balcony License Agreement: 58-68 North Main Street

RECOMMENDATION

Accept this report and approve the attached consent resolution authorizing the City Manager to enter into a License Agreement with Associated Enterprises, Inc. for the installation of one balcony at 58-68 North Main Street which shall extend into the City's North Main Street right-of-way.

BACKGROUND

Associated Enterprises, Inc. is the owner of four story, 36,000SF building located at 58-68 North Main Street. The ground floor of the building features Northway Bank, New England College, and the Gyro House. The second and third floors feature office space. The fourth floor of the building is currently vacant.

DISCUSSION

Associated Enterprises plans to renovate the fourth floor of the building into a personal residence. As part of renovation plans, the owner desires to construct a balcony, which would extent into the City's North Main Street right-of-way.

On April 19, 2017, the Planning Board approved an Architectural Design Review application for the construction of a 5' wide by 15' long balcony on the fourth floor of the building along its frontage on North Main Street. The balcony would feature glass walls 42" in height in lieu of a traditional railing system. The balcony would be accessed through a doorway which would be created by modifying one existing window opening into a glass doorway. It is important to note that modification of the window opening will not impact the building's current fenestration (i.e. arrangement of existing windows). Please see the attached Architectural Design Review application for more information.

City Administration is neutral regarding this request for a License Agreement. If approved by the City Council, the License Agreement will be in a form satisfactory to the City Solicitor's

Office and the City Manager, and will contain the City's customary terms and conditions as developed for other similar projects, including insurance requirements.

Lastly, it is worth noting that, as part of its deliberations, the Planning Board discussed whether it would be appropriate for the City to develop specific design standards for balconies as it is anticipated that the trend of downtown properties owners desiring to install these amenities will continue. However, the Planning Board did not arrive at a decision regarding whether to craft such standards. That said, recognizing that balconies developed on downtown buildings will almost always extend into City's street rights-of-ways, and that the City Council is the steward of public property, the City Council could ask the Planning Board and Community Development Department to develop design standards. Further, the City Council, in its discretion, could also decide to institute a moratorium on balcony license requests until such time as standards have been developed. In the event the City Council or Planning Board wish to craft such standards, the City Administration would advise that any such standards should generally focus on basic design parameters such as, but not limited to, the overall size of balconies, railing requirements, the maximum distance they should extend into the City's rights of way, as well as limitations the provisions of RSA 236:15 would have on balconies less than 12' above ground surface. In addition, while such standards should ensure that balconies compliment the architectural and historic character of Downtown, City Administration would caution against any standards that would not allow for reasonable flexibility and creativity concerning the design of these amenities.