



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

David V. Hall
Code Administrator

REPORT TO THE MAYOR AND CITY COUNCIL

FROM: David Hall, Code Administrator

DATE: July 6, 2021

SUBJECT: Report on 107-109 S. Main Street supporting the need to raze or remove the hazardous building.

Recommendation:

Accept this report on the condition of the structure located at 107-109 S. Main Street, Map 28, Block 1, Lot 10 (the "Property") and pass the attached resolution ordering Comain, LLC, owner of the Property, to raze or remove the hazardous building on the Property in accordance with RSA chapter 155-B and City Ordinance 26-8.

Background:

This matter has been pending for several years, during which time the City's Code Division has been attempting to work with Comain, LLC to resolve the hazardous conditions of its building located at the Property.

On October 3, 2016, the Code Administration first received a complaint about the Property stating that homeless people were entering the structure. There were also complaints about the condition of the exterior of the Property.

On October 4, 2016, the Code Division conducted an inspection of the exterior of the Property. The inspection indicated that the structure had been vacant and not maintained in excess of 180 days. Lissa Salvatore, the Housing Inspector, posted the property as "uninhabitable" pursuant to Section 108.1 of the City of Concord's Housing and Maintenance Occupancy Code because the structure was found to be unfit for human occupancy.

On October 4, 2016, the Housing Inspector sent a certified letter to Comain LLC, the owner of the Property, to provide notice that the Property had been posted as "uninhabitable" and that an inspection would be needed of the interior and exterior of the Property to determine what measures would be required to alleviate the Property as a public nuisance. The certified letter was returned on October 17, 2017 as being undeliverable due to the wrong address. The Housing Inspector then made several attempts over the next few weeks to contact the Property owner to discuss the concerns about the Property and to obtain the correct mailing address for the Property owner.

On November 18, 2016, the Housing Inspector obtained the correct mailing address. She reissued the certified letter notifying Comain, LLC that the Property was uninhabitable and requesting an inspection. The letter was received on December 1, 2016 as evidenced by the return receipt for the certified mail. The Code Administration did not receive any response from the Property owner regarding the request for an inspection.

On January 28, 2017, the Concord Police Department reported that they found stolen property in the vacant building on the Property. The stolen property was located during an investigation into a reported burglary at a neighboring home. During the investigation, the police confirmed that a homeless person had trespassed and stayed in the building at the Property. The police notified the Property owner about the criminal activity occurring at the Property.

On May 15, 2017, the Code Administration received additional complaints about homeless people entering the Property. On May 29, 2017, the Concord Fire Department responded to a fire at the Property. It was determined that the fire was caused by a wooden pallet being burned under the back deck by a homeless person. The Fire Department notified the Code Administration that an interior inspection showed that the staircase between the first and second floors had been removed. The removal of the staircase resulted in large openings that make the home unsafe for firefighters to enter the premises should a fire occur.

On July 11, 2017, the Housing Inspector sent a letter to Comain, LLC requesting a representative to contact her to address the condition of the Property. On July 20, 2017, Timothy Boisvert of Comain, LLC contacted the Code Administration to request a meeting. A meeting was held on July 27, 2017 with Timothy Boisvert and members of the Code Administration and Fire Department. Timothy Boisvert was notified of the hazards of the vacant building, and he stated that he was determining whether to demolish the structure or to renovate it. He was requested to notify the City of the plans by August 2, 2017.

Over the next several months, the City attempted to work with Comain, LLC to receive a plan of action for the Property. A number of extensions were provided so that Comain, LLC could provide architect plans that complied with the City of Concord's Zoning Ordinance. In March of 2018, Comain, LLC ultimately proposed to renovate the Property into a two-family residential home. Comain, LLC was notified that it would need to obtain a variance to establish the use as a two-family residential home before renovations could begin. The Property is located in the Urban Commercial District where single and two-family dwellings are not permitted uses and the Property has insufficient land to be developed for a multi-family residential use. Comain, LLC was also notified that it would need to obtain variances required to address issues such as frontage and parking. Comain, LLC did not submit a request for a variance, and no plan of action was obtained.

On June 28, 2019, the former Code Administrator retired. Since that time, David Hall has been appointed as the new current Code Administrator. Over the last several months, the current Code Administrator has verified that the status of the building has not changed.

Due to the length of time that had passed, on April 1, 2021, a new Notice of Violation was issued. The Notice of Violation stated that Comain, LLC had until April 23, 2021 to apply for a variance, or alternatively, demolish the structure. Since that time, the City has again provided a number of extensions to Comain, LLC to submit a completed application for a variance or, alternatively, a demolition permit.

On Friday, June 22, 2021, Comain, LLC submitted an incomplete demolition permit. Comain, LLC was notified that the demolition permit was incomplete, and was given until June 25, 2021 to submit a completed demolition permit. Comain, LLC did not submit the necessary information by the deadline.

The building remains a public safety hazard and continues to deteriorate. Photographs of the building taken on April 26, 2021 are attached.

Discussion:

The Code Administration Division requests the City Council to order Comain, LLC, owner of the Property to raze or remove the hazardous building. The conditions for demolition are set forth in the attached resolution for the City Council's review and approval.