

**CITY CLERK'S OFFICE
CITY COUNCIL REFERRAL SLIP**

TO: Community Development & Planning Board

DATE: June 17, 2019

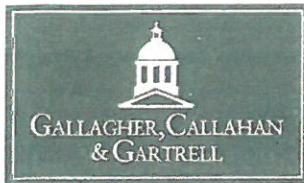
The attached document was received for City Council consideration.

The following action is required:

- Prepare a report together with related documents, if applicable, such as an ordinance, a resolution or an agreement and submit to the City Clerk's Office for inclusion in the City Council's _____ agenda.
- You are the only department or committee this communication was referred to.
- Along with your department, this item was referred to the following departments:

Community Development and the Planning Board

Please feel free to contact the City Clerk's Office if you have any questions.



ARI B. POLLACK

214 N. Main Street
Concord, NH 03301

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General: (603) 228-1181

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pollack@gcglaw.com

VIA EMAIL ONLY

May 8, 2019

Carlos P. Baia
Deputy City Manager - Development
City of Concord
41 Green Street
Concord, NH 03301

Re: Zoning Amendment Proposal

Dear Carlos:

On behalf of the ROI Irrevocable Trust, Christine M. Windler, Trustee, please accept the attached Zoning Amendment Proposal, and its related exhibits. I understand that the Concord City Council will receive this information for its potential referral to the Planning Board for consideration and recommendations.

Please let me know if you or others at the City have questions. Thank you for your kind assistance.

Very truly yours,

Ari B. Pollack

ABP/mla
Attachment

cc: Heather Shank, City Planner
Christine Windler, Trustee
Alex Vailas LLC
Via email, all w/ attachment

CITY OF CONCORD PLANNING BOARD

Zoning Amendment Proposal Form

1. A description of the area for which the amendment is proposed:

The areas affected by the proposed zoning amendments are located off Manchester Street with frontage upon Black Hill Road. The area is largely unimproved land bordering on the Merrimack River. Black Hill Road is served by an a four-way, signalized intersection at Manchester Street, Black Hill Road and Old Turnpike Road.

2. A statement of the purpose and intent of the proposed amendments:

The proposed amendments would rezone parcels identified as Concord Tax Map 110, Block H3, Lot 3 (0.34 acres) and Map 110, Block I2, Lot 3 (29.3 acres) from Open Space Residential District (RO) to Gateway Performance District (GWP). The parcel identified as Concord Tax Map 110, Block H2, Lot 3 (24.8 acres) is currently zoned GWP and is located between parcels H3, Lot 3 and I2, Lot 3.

The proposal would also amend the existing table of uses to allow as "permitted" the following uses in the GWP District: Attached Dwellings, Multifamily Dwellings, Assisted Living, Duplex or Two-Family Dwellings, and Conversion of a Non-Residential Building to Accommodate One or More Dwelling Units. In working with City Staff, the applicant understands that these uses are consistent with development trends in the performance districts and can be effectively regulated through the City's site planning process.

Additionally, Sections 28-4-5(e)(2) and (3), Maximum Floor Area Ratio and Table of Maximum Floor Area Ratio, would be revised to include reference and ratios for multifamily dwellings developed in the GWP district. The proposed ratios are similar to those currently in effect for other performance districts.

Lastly, working off recently-approved zoning amendments that change references from prior Army Corps floodway mapping to FEMA floodway mapping, the proposal would clarify that lands included within the FEMA-defined Flood Hazard (FH) District may be developed as part of a FEMA map revision process (often referred to as a Conditional Letter of Map Revision or "CLOMR").

3. A map showing existing zoning districts, and the changes and modification to these districts as proposed in the amendment:

See attached map at Exhibit A. See attached zoning proposal at Exhibit B.

4. A statement of the effect of the proposed amendment on the City's economy, environment, municipal services, and municipal facilities.

The proposed amendments would have the effect of opening additional unimproved lands for development consistent with the Concord Zoning Ordinance and its supporting land regulations.

Considering that the subject area borders on the Merrimack River, the amendments would have the added benefit of "activating" the riverfront. Whether through the development of walking and biking pathways, enhanced river views, or points of direct access to the water, the Merrimack River

is an often underutilized natural resource that could provide an enhanced amenity to the City and its residents.

Impacts on municipal services and facilities, from such activities such as road maintenance, waste removal, and emergency services, would be similar to that experienced with other development elsewhere in the GWP district. Such impacts would likely be offset or significantly mitigated by expansion of the City's tax base. Moreover, the City's site plan review process is designed to investigate and mitigate such potential impacts to the greatest extent practicable.

5. Names, address and telephone numbers of those making the request and of the agents and representatives of the same:

Property Owner: ROI Irrevocable Trust, Christine M. Windler, Trustee

C/O Cronin, Bisson and Zalinsky, PC

420 2nd Street

Manchester, NH 03102-4822

Attorney: Ari B. Pollack, Esq.

Gallagher, Callahan & Gartrell, P.C.

214 N. Main Street

Concord, NH 03301

(603) 228-1181

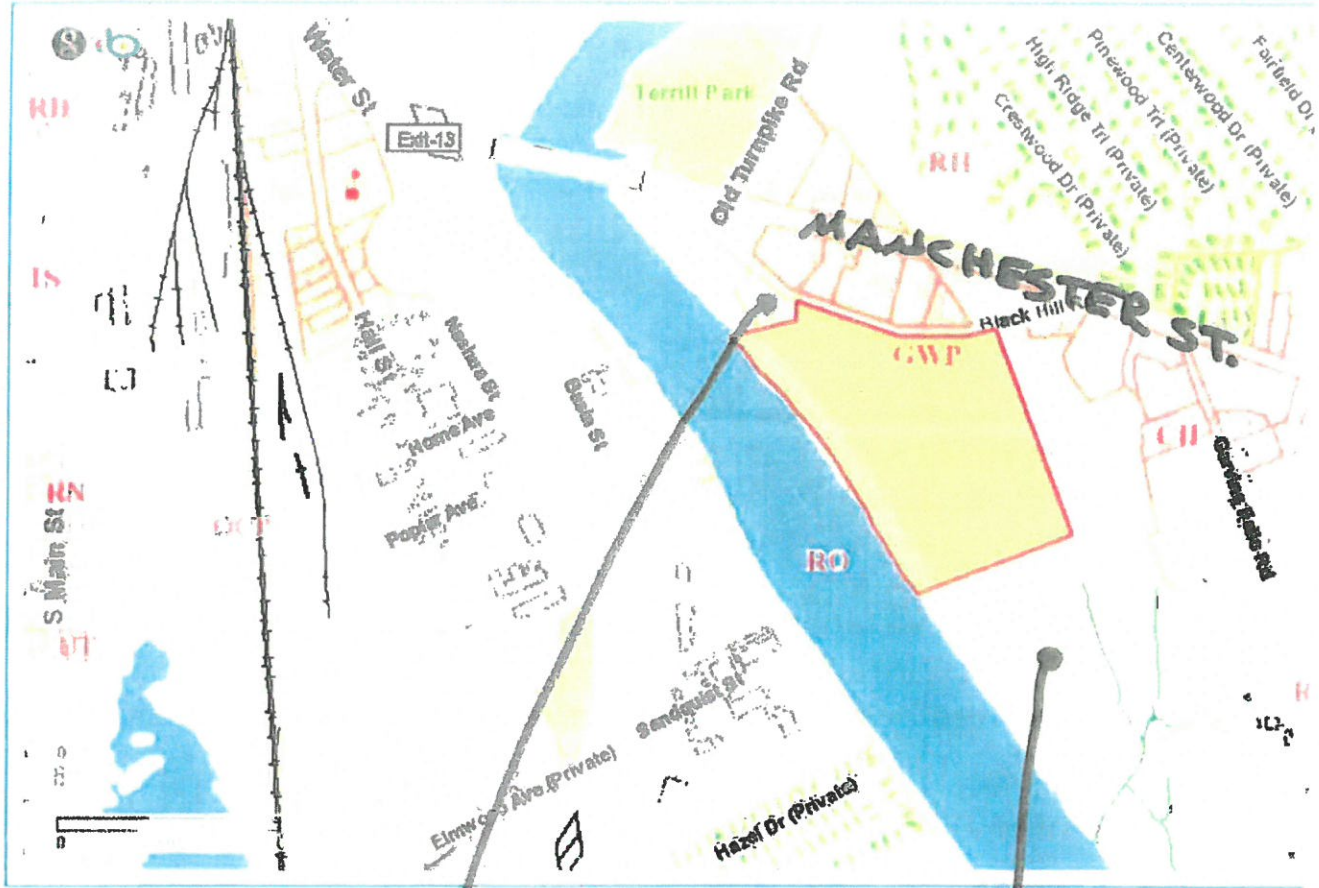
pollack@gcglaw.com

6. Parcels abutting or Within 200 Feet of Area of Proposed Zoning Amendments.

See attached table at Exhibit C.

Concord GIS

Zoom In Zoom Out Full Extent Prev Extent Next Extent Pan Info Clear



BLOCK H3/LOT3

BLOCK 12, LOT3

Proposed Amendments to the City of Concord Zoning Ordinance:

1. Whereas portions of existing lots are presently within both the **Gateway Performance District (GWP)** and the **Open Space Residential District (RO)**, amend the Zoning Base District Map (Section 28-2-3(a)) such that the entirety of the following lots are rezoned as within the **Gateway Performance District (GWP)**:

- a. Map 110, Block H3, Lot 3 (0.34 acres)
- b. Map 110, Block I2, Lot 3 (29.3 acres)

2. Amend the Table of Uses (Section 28-2-4(j)(A)(4) and (A)(13)) to provide that “Attached Dwellings”, “Multifamily Dwellings”, “Assisted Living Residence”, Duplex or two-family dwellings, and Conversion of a non-residential building to accommodate one or more dwelling units” are “permitted” (“P”) principal uses within the GWP District. [Presently, uses are “not permitted” and thus denoted by a dashed line (“-“).]

3. Amend Subsection 28-4-5(e)(2) to add the underlined language and delete the language shown as ~~strikethrough~~:

(2) Maximum Floor Area Ratio. The density of the development of attached and multi-family dwellings where each structure is located on its own individual lot, excluding accessory structures, shall be established by a maximum floor area ratio as specified hereinafter for each principal residential use as indicated below: For the respective Performance District in which attached and multi-family dwellings are permitted:

4. Amend the Table of Maximum Floor Area Ratios (Section 28-4-5(e)(2) to add an additional table row as follows:

Performance District	Attached Dwellings	Multifamily Dwellings	Multifamily for Elderly
GWP	0.5	3.0	3.5

5. Amend Section 28-4-5(e) to add new Subsection (3) as follows, renumbering existing Subsections (3) and (4) as Subsections (4) and (5):

(3) Density. For buildings not on their own individual lots, excluding accessory structures, the density maximum of Section 28-4-5(d)(2), Maximum Lot Coverage and Density, of this ordinance, shall apply.

6. Amend Subsection 28-2-3(b)(1) to add the underlined language:

(1) The boundaries of, and special limits within, the Flood Hazard (FH) District shall be as identified by the Federal Emergency Management Agency (FEMA) in an

engineering report entitled "The Flood Insurance Study for the County of Merrimack, New Hampshire," (FIS) with an effective date of April 19, 2010, as amended or revised with the accompanying Flood Insurance Rate Map (FIRM), excluding those areas that are the subject of a pending request for a Conditional Letter of Map Revision (CLOMR) filed with FEMA or subject to a CLOMR issued by FEMA.

4/10/19 NAULT Concord-ABUTTERS-ON LINE GIS ONLY (200')

SUBJECT

110-H3-2, 110-H3-3, 110-I2-3

ROI IRREVOCABLE TRUST
CHRISTINE M. WINDLER TRUSTEE
C/O CRONIN BISSON & ZALINSKY PC
420 2ND STREET
MANCHESTER, NH 03102-4822

ABUTTERS

110-H2-2

JEANNE SKAFIDAS REVOCABLE LIVING TRUST
JEANNE G. SKAFIDAS TRUSTEE
48 SOUTH CURTISVILLE RD
CONCORD, NH 03301-5908

110-H2-4, 110-H2-9, 110-4-4

ROI IRREVOCABLE TRUST
CHRISTINE M. WINDLER TRUSTEE
C/O CRONIN BISSON & ZALINSKY PC
420 2ND STREET
MANCHESTER, NH 03102-4822

110-H2-6

ROI IRREVOCABLE TRUST
CHRISTINE M. WINDLER TRUSTEE
722 CHESTNUT STREET
MANCHESTER, NH 03104-3001

110-H2-10

JEANNE SKAFIDAS REVOCABLE LIVING TRUST
JEANNE G. SKAFIDAS TRUSTEE C/O ENTERPRISE
10 NAVIGATOR RD
LONDONDERRY, NH 03053-4403

110-2-1 (110-2A-999)

JENSEN'S RESIDENTIAL COMMUNITIES LLC
PO BOX 608
SOUTHINGTON, CT 06489-0608

110-H2-7, 110-H2-7A

MLB REVOCABLE TRUST
MARIE L. BLAIS TRUSTEE
18 PLEASANT VIEW AVE
CONCORD, NH 03301-2554

110-H2-8
STATE OH NH
PO BOX 483, 1 HAZEN DR.
CONCORD, NH 03302-0483

110-I2-1
NORMAN A. & FRANCES D. ROUX IRREVOCABLE TRUST
NORMAN A. & FRANCES D. ROUX TRUSTEES
75 S MAIN ST UNIT 7 PMB 253
CONCORD, NH 03301-4865

110-I2-2
DAVAL REALTY ASSOCIATES LP
137 MANCHESTER ST
CONCORD, NH 03301-5118

110-I2-10
FERNANDO REALTY TRUST
121 S. MAIN ST.
CONCORD, NH 03301-4806

110-I2-8
FARMHOUSE APARTMENTS LLC
70 LOWELL ST
MANCHESTER, NH 03101-1635

110-I2-9
INSURANCE AGENTS' SERVICES INC
6 GARVINS FALLS RD
CONCORD, NH 03301-5177

110-I2-7, 110-I2-4
10 GARVINS FALLS ROAD LLC
720 LAFAYETTE RD.
SEABROOK, NH 03874-6207

110-I2-5
GAIL LAFOE
54 GARVINS FALLS ROAD
CONCORD, NH 03301-5174

110-H3-1
STATE OF NH
C/O SECRETARY OF STATE
107 N MAIN ST
CONCORD, NH 03301-4951