



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

**AMENDED MEMORANDUM**

**To:** City Council  
**From:** Planning Board  
**Date:** 8/11/2017  
**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 site plan proposal accomplishes this with the construction of a retaining wall along North Main Street. The footings for the wall and a landscape bed are proposed within the North Main Street right of way.

**This report has been amended to address field measurements by the City Surveyor.** Based on the latest plan submitted by the County and the City Surveyor's recent observations in the field, there is a possibility that the paved sidewalk in the discontinued area could be reduced to five feet or less in spots. However, the County's consultants, during the plan review process, have assured staff that a minimum of six feet would remain for the sidewalk to allow sufficient width for sidewalk plows and pedestrian movement.

To protect the City's interests, staff is recommending that the Resolution, Building Permit, and Certificate of Occupancy include conditions that the sidewalk shall be a minimum of six feet in width at the completion of the project, that the County shall widen the sidewalk if six feet has not

been maintained, and that the sidewalk shall be in as good or better condition – as determined by the City of Concord – as the condition prior to the start of construction.

Please note that while the discontinuance will affect the width of the sidewalk, it is not anticipated to affect the curb line, lane widths, or normal traffic function of North Main Street. Staff acknowledges that this is not an ideal location to narrow the sidewalk or lose right of way, particularly 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.

Staff also notes that the location of the retaining wall was supported 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.

### **Recommendation**

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