



CLEVELAND, WATERS AND BASS, P.A.  
ATTORNEYS AT LAW

PHILIP M. HASTINGS, ESQUIRE  
(603) 224-7761 EXT. 1069  
(603) 224-6457 FACSIMILE  
HASTINGSP@CWBPA.COM

TWO CAPITAL PLAZA, P.O. BOX 1137  
CONCORD, NEW HAMPSHIRE 03302-1137

ALSO ADMITTED IN MASSACHUSETTS

January 2, 2018

**HAND-DELIVERED**

The Honorable Mayor James Bouley and City Council  
41 Green Street  
Concord, NH 03301  
Attention: Janice Bonenfant, City Clerk

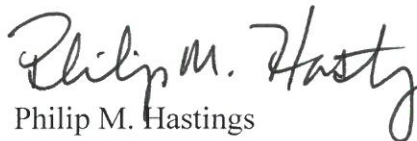
**Re: Request to Amend Zoning Ordinance – Property at and near 77 & 82  
Merrimack Street, Penacook (former “Rivco” site)**

Dear Mayor Bouley and Members of the City Council:

On behalf of the owners of the property located at 77 & 82 Merrimack Street in Penacook and to facilitate the redevelopment of the above-referenced property, we hereby request that the City amend the Code of Ordinances, Title VI, Zoning Code, substantially in accordance with the Zoning Amendment Proposal Form and proposed form of ordinance enclosed with this cover letter. The area affected by the proposed amendment is shown on the enclosed maps (three sheets). Also enclosed is a list of the owners of the lots within and abutting the area affected by the proposed amendment (with mailing addresses) so that they may be notified at the appropriate time.

We appreciate your attention to this matter.

Sincerely,

  
Philip M. Hastings

cc: Ms. Heather Shank, City Planner  
Mr. Craig Walker, Zoning Administrator  
Mr. David Cedarholm, City Engineer  
77 Merrimack Street, LLC  
South Union Realty Trust

4827-9328-8579, v. 1

## **CITY OF CONCORD PLANNING BOARD**

### **Zoning Amendment Proposal Form**

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

The area affected by the proposed amendment consists of the former “Rivco” industrial site in Penacook Village (77 and 82 Merrimack Street) and several smaller adjacent parcels on Merrimack and MacCoy (a/k/a McCoy) Streets. The area borders the Town of Boscawen and the Contoocook River to the north and the railway and Merrimack River to the east. The applicant has submitted with its request a list of the specific parcels within and abutting (within 200 feet) the area proposed to be re-zoned.

**2. A statement of the purpose and intent of the proposed amendment:**

The purpose of the proposed amendment is to provide for the economic redevelopment of unique, under-utilized industrial properties, enhance economic and housing opportunities within Penacook, and improve access to and enjoyment of the recreational opportunities afforded by the properties’ proximity to the Contoocook and Merrimack Rivers and the rail-trail system. By re-zoning the affected properties on the northerly side of Merrimack Street from primarily Industrial (IN) to Opportunity Corridor Performance (OCP) and the affected properties on the southerly side of Merrimack Street from Medium Density Residential (RM) to Neighborhood Residential (RN), the City will allow the properties to be used potentially for a broader range of permissible uses, including multi-family housing and a variety of commercial uses, consistent with the nearby Penacook Village. By re-zoning the affected properties on the southerly side of Merrimack Street from Medium Density Residential (RM) to Neighborhood Residential (RN), the City will allow those properties to be used for a slightly more varied type of housing (i.e., attached dwellings/townhomes), which is consistent with the existing uses of several of those and nearby properties.

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

The affected parcels are shown on the map entitled “Proposed Rezoning to Opportunity Corridor Performance District and Neighborhood Residential District, McCoy & Merrimack Streets, Penacook Village, Concord, NH” dated December 19, 2018.

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

The proposed amendment will allow for the redevelopment of an under-utilized industrial area to a higher and better use, spur further residential and commercial development in the area, and revitalize the neighborhood. This will aid the City’s economy in terms of an improved tax base for the area. The potential increase in housing within walking distance of downtown Penacook will positively impact the commercial establishments in the village.

The effect on the environment will be minimal, if not positive. The current industrial uses likely will be converted to residential and commercial uses, reducing the impact on the environment. The proposed amendment will provide ample recreational opportunities for enjoying the Contoocook and Merrimack Rivers and the rail-trail system.

The effect on municipal services will be minimal. The area is already served by municipal water and sewer. Thus, major infrastructure improvements are not required to accommodate the redevelopment of this area.

The effect on municipal facilities will be minimal. Although traffic volumes may increase with the redevelopment of the affected parcels, any increase will likely be consistent with the historic traffic volumes when the Rivco site was fully-operational and appropriate site design and review by the City will minimize and mitigate the impacts.

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

Property Owner:	77 Merrimack Street, LLC and Paul E. Kelleher, Trustee of South Union Realty Trust
Mailing Address:	1 Wall Street Hudson, NH 03051
Attorney:	Philip M. Hastings, Esquire Cleveland, Waters and Bass, P.A. Two Capital Plaza, Fifth Floor P.O. Box 1137 Concord, NH 03302-1137
Telephone:	(603) 224-7761
E-mail:	<a href="mailto:hastingsp@cwbp.com">hastingsp@cwbp.com</a>

**Proposed Zoning Amendment for Property  
at and near 77 and 82 Merrimack Street,  
Penacook, New Hampshire**

**Owner Information**

<b>Parcels Within Area of Proposed Zoning Amendment</b>			
<b>Owner Name</b>	<b>Mailing Address</b>	<b>Map/Block/Lot</b>	<b>Property Address</b>
City of Concord	41 Green Street Concord, NH 03301	0534/P1	Walnut Street
Erwyn J. & Arline D. Dlubac & Deanna L Bennett	3 Maccoy Street Penacook, NH 03303	0534/P2	3 Maccoy Street,
77 Merrimack Street, LLC & South Union Realty Trust	1 Wall Street Hudson, NH 03051	0534/P3 & 053/P39	77 & 82 Merrimack Street
Cheryl-Ann C. Wright	90 Merrimack Street Penacook, NH 03303	0534/P4	90 Merrimack Street
Gary R. Tewksbury Sr.	88 Merrimack Street Penacook, NH 03303	0534/P5	88 Merrimack Street
David A. Kiess	86 Merrimack Street Penacook, NH 03303	0534/P6	86 Merrimack Street
1 Penacook Street, LLC	28 Danville Road, Apt. #10 Plaistow, NH 03865	053/P7/1	1 Penacook Street
Robin L. Raycraft	92 Merrimack Street Penacook, NH 03303	053/P40	92 Merrimack Street
Briar Hydro Associates	c/o Essex Hydro Assoc., LLC 55 Union Street, Floor 4 Boston, MA 02108	053/P41	Canal Street

<b>Parcels Abutting or Within 200 Feet of Area of Proposed Zoning Amendment</b>			
<b>Owner Name</b>	<b>Mailing Address</b>	<b>Map/Block/Lot</b>	<b>Property Address</b>
William K. & Patricia Day	107 Merrimack Street Penacook, NH 03303	053/P1	107 Merrimack Street
James E. & Levy Judith Berkey	109 Merrimack Street Penacook, NH 03303	053/P2	109 Merrimack Street
Robert P. & Donna R. Whitcher	117 Merrimack Street Penacook, NH 03303	053/P3	117 Merrimack Street
Ronald P. & Coleen M. Drapeau	121 Merrimack Street Penacook, NH 03303	053/P4	121 Merrimack Street
Tricia A. Corriveau	123 Merrimack Street Penacook, NH 03303	053/P5	123 Merrimack Street
Andrew S. & Nicole M. Carson	127 Merrimack Street Penacook, NH 03303	053/P6	127 Merrimack Street
Northern Railroad	c/o PanAm Railway 1700 Iron Horse Park North Billerica, MA 01862	053/P7	Penacook Street

<b>Parcels Abutting or Within 200 Feet of Area of Proposed Zoning Amendment</b>			
<b>Owner Name</b>	<b>Mailing Address</b>	<b>Map/Block/Lot</b>	<b>Property Address</b>
Penacook Historical Society	16 Penacook Street Penacook, NH 03303	053/P8 & 053/P31	10-16 Penacook Street & 11 Penacook Street
Rebekah Sutherland	6 Penacook Street Penacook, NH 03303	053/P33	6 Penacook Street
Kevin F. and Diane M. LeBlanc	2 Penacook Street Penacook, NH 03303	053/P34	2 Penacook Street
Jonathan L. and Lianne E. Keary	120 Merrimack Street Penacook, NH 03303	053/P35	120 Merrimack Street
Jason Michael and Carisa Marie Corrow	116 Merrimack Street Penacook, NH 03303	053/P36	116 Merrimack Street
Robert A. Bates	112 Merrimack Street Penacook, NH 03303	053/P37	110-112 Merrimack Street
Cheryl-Ann C. Wright	112 Merrimack Street Penacook, NH 03303	053/P38	104-106 Merrimack Street
Stephen and Cherilyn Atherton	39 Rolfe Street Penacook, NH 03303	053/P25	39 Rolfe Street
Leslie Durgin	37 Rolfe Street Penacook, NH 03303	053/P24	37 Rolfe Street
Thomas W. and Susan M. Morgan	33 Rolfe Street Penacook, NH 03303	053/P23	33 Rolfe Street
Mark A. and Kimberly S. Durgin	31 Rolfe Street Penacook, NH 03303	053/P22	31 Rolfe Street
Nina and Zachery M. Crucitti	27 Rolfe Street Penacook, NH 03303	053/P21	27 Rolfe Street
Raymond and Marilyn Beauchesne	19 Rolfe Street Penacook, NH 03303	0534/P10	19 Rolfe Street
Peter R. Jones Revocable Trust	17 Rolfe Street Penacook, NH 03303	0534/P9	17 Rolfe Street
Jeffrey G. Presby	11 Rolfe Street Penacook, NH 03303	0534/P8	11 Rolfe Street
Jonathan J. and Sonja A. Fortier	16 Rolfe Street Penacook, NH 03303	0534/P13	16 Rolfe Street
Audrey Clairmont and Drew D. Stock	14 Rolfe Street Penacook, NH 03303	0534/P14	14 Rolfe Street
Robert E. and Jeanette N. Charron	5 Rolfe Street Penacook, NH 03303	0534/P7	5 Rolfe Street
Jay F. and Kathy L. Weinstein	6 Rolfe Street Penacook, NH 03303	0534/P15	6 Rolfe Street
Paul A. & Ruth L. Speed and Kathy Weinstein	76 Merrimack Street Penacook, NH 03303	0534/P16	77 Merrimack Street
P. Douglas and Elizabeth R. Smith	24 Rolfe Street Penacook, NH 03303	0534/P11	24 Rolfe Street
Perry D. and Tracy M. L. Maier	56 Summer Street Penacook, NH 03303	0534/P23	54-56 Summer Street
Wendy A. Follansbee	72 Merrimack Street Penacook, NH 03303	0534/P17	72 Merrimack Street

Parcels Abutting or Within 200 Feet of Area of Proposed Zoning Amendment			
Owner Name	Mailing Address	Map/Block/Lot	Property Address
Joseph K. and Karolee A. Boulton	223 Wes Locke Road Barnstead, NH 03218	0534/P56 & 0534/P57	13 & 17 Bye Street
Bye Street LLC	213 East Side Drive Concord, NH 03301	0534/P55	7-9 Bye Street
Estate of Alvin F. Hurlbutt, Jr.	c/o Robert C. Hurlbutt 298 Main Street Andover, NH 03216	0534/P54	1-3 Bye Street