

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 rezoning 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:

hastingsp@cwbpa.com

4847-6768-4995, v. 1

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

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Owner Information

Parcels Within Area of Proposed Zoning Amendment			
Owner Name	Mailing Address	Map/Block/Lot	Property Address
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	1 Wall Street	0534/P3 &	77 & 82 Merrimack
& South Union Realty Trust	Hudson, NH 03051	053/P39	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

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

Owner Name Majiling Address Map/Block/Lot Property Address Penacook Historical Society 16 Penacook Street 053/P8 & 053/P31 10-16 Penacook Street Rebekah Sutherland 6 Penacook, NH 03303 053/P31 6 Penacook Street Penacook, NH 03303 2 Penacook Street 053/P34 2 Penacook Street LeBlane 120 Merrimack Street 053/P34 2 Penacook Street Meric Corrow 1120 Merrimack Street 053/P35 120 Merrimack Street Marie Corrow 112 Merrimack Street 053/P35 116 Merrimack Street Penacook, NH 03303 Street 112 Merrimack Street 053/P37 110-112 Merrimack Street Penacook, NH 03303 Street 053/P37 110-112 Merrimack Street 053/P37 110-112 Merrimack Street Penacook, NH 03303 Street 053/P38 104-106 Merrimack Street 053/P37 104-106 Merrimack Street Penacook, NH 03303 37 Rolfe Street 053/P24 37 Rolfe Street Stephen and Cherilyn 37 Rolfe Street 053/P24 37 Rolfe Street Penacook, NH 03303 13 Rolfe Street <th>Parcels Abutting of</th> <th>or Within 200 Feet of Area</th> <th>of Proposed Zoning A</th> <th>mendment</th>	Parcels Abutting of	or Within 200 Feet of Area	of Proposed Zoning A	mendment
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Wendy A. Follansbee 72 Merrimack Street 0534/P17 72 Merrimack Street Penacook, NH 03303	wendy A. Foliansbee		00011111	

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

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