

# — NOLIN LAW, PLLC —

P.O. Box 87  
Nottingham, NH 03301

Elizabeth J. Nolin, Esq.

[liz@nolinlaw.com](mailto:liz@nolinlaw.com)  
(603) 416-9007

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Robert S. Woodfin, Chair  
City of Concord Planning Board  
41 Green Street  
Concord, NH 03301

**RE: Request for Special Remote Meeting of the Planning Board**

Dear Chair Woodfin:

I would like to begin this letter by thanking you for taking the time to read my correspondence. In these unprecedented times, you and this board are performing above and beyond the call of duty in this scenario; and as members of your Concord community, we thank you for your service, particularly now as our nation is in uncharted waters.

Given the severity of the current COVID-19 pandemic affecting the United States and the vast majority of countries around the world, our municipal government will surely be affected in being able to function as it traditionally has. As of now, many services provided by our governments—including but not limited to schools—are closed for the next few weeks to mitigate the spread of the virus. While we are hopeful that the next few weeks will help to bring this pandemic to an end, we are also being braced by our President and other officials that the societal changes created in response to the coronavirus could be in place well through the summer months, if not longer.

We were scheduled to appear at your public meeting tomorrow, March 18, in order to have this board determine whether my client, Abbott Farm LLC (“Abbott”) has satisfactorily completed the conditions imposed by this board at the public meeting of September 18, 2019. At that meeting, this board decided, in part, that “no additional COs or building permits shall be issued until the applicant submits a plan agreeable to the Planning Board for the future development of the Abbott House.” The March 18 meeting was postponed yesterday due to the current coronavirus pandemic until April 15, but again- there is no guarantee that meeting will occur.

Abbott is a residential developer. Abbott currently has seven (7) units that are substantially built in the development that are under contract to close within the next month, prior to the regular meeting currently scheduled for April 15. The individuals looking to close on these units are dependent on their housing being completed by closing dates. In these times of national emergency, particularly where government agencies are requesting and/or requiring individuals to remain at home, reliable housing is an absolute necessity. Pushing these closings for any length of time could be detrimental to the health, safety, and well-being of the buyers and their families. There is no indication that real estate closings will halt during this time. Indeed, many real estate transactions are completed through the mail, with parties signing documents remotely and mailing or otherwise transmitting the signed documents. This is likely to become a popular form of real estate closings in the upcoming weeks, especially as gatherings of individuals is beginning to be prohibited.

In order to permit these closings to occur, I respectfully request that this Board call a special, remote meeting of the planning board in order to determine whether Abbott has satisfactorily completed the conditions imposed by this board at the public meeting of September 18, 2019. Abbott has submitted the requested plan with addenda to this board. The submitted plan consists of the ideas that Abbott has raised to this board in previous public meetings (including the meeting of September 18, 2019), and that the board has indicated are good ideas and solutions to the current Abbott House matter. Abbott has worked closely with third-party professionals to stay on track with the City's requirements and recommendations, and has—in my opinion—fulfilled all requirements imposed by the board at this time. I request that this special meeting be called so that the certificates of occupancy for the seven (7) immediately-affected units be released, and that all future building permits and certificates of occupancy be non-contingent on requirements of this board so that Abbott may continue without delay to construct and convey residential units to buyers who need clean, safe, and new residences during these times of uncertainty.

Mr. Woodfin, I respectfully request that you invoke your authority as Chair of this board and enact section RSA 91-A:2, III(b), which provides that you make a determination that this is an "emergency," which is defines the terms as being when "immediate action is imperative and the physical presence of a quorum is not reasonably practical within the period of time requiring action." In these circumstances, we strongly believe this is an "emergency" as defined under that provision. Immediate action is imperative in order to allow the closings of these residences to occur. We do not know when a physical meeting of this board may occur next. Therefore, a physical presence of a quorum is not reasonably practical within the period of time requiring action.

I therefore request that this Board provide notice of a special public meeting being held for as soon as possible, with that meeting to occur remotely with members of the board, the applicant, and any interested members of the public. One way I think could work to have this meeting safely would be to host an online meeting of all members (who can dial in by cell, computer, or tablet); the applicant; and any other member of the public who would be interested in joining the meeting. The dial-in information to the web meeting could be made public with notice of the special meeting, and be posted both on the City of Concord website and in other

forms of notice. There are many free online hosts that provide this service for free, but the applicant would be happy to cover the cost of any paid hosting the city may need for web security reasons.

I believe that due to the circumstances before us, the meeting can occur any time after notice has been made to the public that the meeting will occur. This is not a matter where there is an application at issue. In other words, there is no subdivision application, plat, or any other matter before this board that triggers specific statutory notice requirements. Our matter before this board is rather to determine whether conditions imposed on building permits and certificates of occupancy has been fulfilled by the applicant. There is no statute that governs the notice period requirement for this type of appearance before a planning board. Therefore, I believe that this meeting could occur as soon as the public is made aware of the public meeting, and that notice is provided. In a worst-case, most-delayed scenario, I believe this matter would most closely fall under matters of planning board purview articulated under RSA 676:4, which provides that notice must be given ten (10) days prior to the public meeting. We would therefore request that at the latest, this meeting occur on March 27 or March 28, but again stress that sooner is better on our end.

Given the novel situation at hand, the applicant would be happy to cover any additional costs, including but not limited to remote meeting hosting and notice costs, and would also be happy to do anything else this board or the city requires in order to satisfy notice to allow this extraordinary meeting to occur.

Again, we thank this board for reading this request. If this was not an extremely urgent and intensely time-sensitive matter, we would make no request of this board and be content to wait until the next public meeting, whenever that may occur. We wish you all health and safety during these turbulent times, and hope that you will approve this request.

Sincerely,



Liz Nolin, Esq.