



CITY OF CONCORD

New Hampshire's Main Street™

City Manager's Office

41 Green Street, Concord NH 03301

(603) 225-8570

Thomas J. Aspell, Jr.
City Manager

Parking Committee Minutes

June 25, 2018 @ 5:00PM

Attendees:

City Councilor Byron Champlin, Chair

City Councilor Mark Coen

City Councilor Linda Kenison

Mayor Jim Bouley

*City Councilor Brent Todd was excused.

Staff:

Matt Walsh, Director of Redevelopment, Downtown Services, & Special Projects

David Florence, Parking Supervisor

Rob Mack, Traffic Engineer

Carlos Baia, Deputy City Manager - Development

1. **Overview of Agenda:** The meeting was called to order at 5:00PM. Recognizing that residents and property owners of the UNH Law School neighborhood were present, Councilor Champlin stated it would be his intention to expedite discussion of the changes to the City's on-street resident permit parking program once the meeting began.
2. **Adoption of Minutes (5:00PM)**
 - a) **Minutes of March 26, 2018:** Councilor Coen moved to approve the minutes as presented. Councilor Kenison seconded. There was no discussion and the minutes were approved unanimously.
3. **Referrals to Parking Committee**
 - a) **Nivelle Street – Request for No Parking near #40 Nivelle Street:** Derek Ruiz and Christie Healy-Ruiz addressed the Parking Committee and discussed their request to prohibit on-street parking in the vicinity of 39/40 Nivelle Street.

Mr. Ruiz explained that on-street parking sometimes interferes with his ability to enter or exit his driveway. He also explained that he is concerned about emergency vehicle access to his property.

He also stated that 39 Nivelle Street is often very busy and that vehicles visiting the property park on both sides of Nivelle Street, which makes vehicular travel difficult. He provided the Committee with copies of several

photographs depicting this circumstance. Staff noted that the street is approximately 22' wide. He asked the Parking Committee to consider restricting on-street parking to the right hand side of the road, or ban on-street parking between #10 and #40 Nivelles Street.

The Parking Committee noted that this issue has been ongoing for a few months. The Committee also acknowledged a letter received from Patty Daniels, owner of #39 Nivelles Street, about this issue.

Staff noted that the lack of a formal cul-de-sac or "hammerhead" at the end of the street is complicating this situation. Staff also confirmed that the right-of-way is 50' wide.

Discussion ensued regarding a new fence which was recently installed at 40 Nivelles Street. Staff noted that the City Surveyor had inspected the fence to determine whether it was located in the City's right-of-way.

It was the consensus of the Parking Committee to schedule an on-site neighborhood meeting to discuss this request. Staff was instructed to invite all residents and property owners, as well as Councilor Nyhan, as this item is in his Ward. The meeting shall be held during a week night in the early evening.

- b) **Resident Permit Parking in UNH Law School Neighborhood:** Matt Walsh provided an overview of resident permit recommendations set forth in the City's Strategic Parking Plan. He explained that the permit program was created in 1981, and restricted parking on sections of Perry, Essex, Blanchard and Rowell Streets for residents only. Under this program, residents had the ability to secure a parking permit from the City's Collections Division for the sum of \$5. No formal application was required and the permit had no expiration date. If the permit holder ever returned the permit to the City, they would receive a full refund of the \$5 fee. Mr. Walsh indicated that the permit program has not been updated since its enactment nearly 40 years ago. He also discussed challenges with the historical permit model.

He further explained that, on December 11, 2017, the City Council passed Ordinance #299, which overhauled the Resident Parking Program in order to align it with industry best management practices. Changes included:

- Creation of a formal permit application;
- Permits must be renewed annually;
- Limit of 2 permits per dwelling unit; unless otherwise approved by the City Manager in the case of hardship or unique circumstances;
- Permit fee was increased to \$50 per permit.

The new Ordinance is set to take effect on July 1, 2018.

It was noted that the Resident Permit Program geography covers approximately 40 properties containing 61 dwelling units. The area has approximately 40 on-street parking spaces. Councilor Kenison voiced support for limiting the number of permits, given limited supply of on-street parking and the reality that almost every property in the District has on-site parking.

General discussion about the Strategic Planning process occurred. Staff and the Parking Committee noted that several public forums were held about proposed parking changes during the three year planning process.

Staff also noted that a petition was filed with the City Clerk's Office on June 25, 2018, asking, among other things, that the permit fee be rescinded. The Clerk's Office had not had the opportunity to verify the names on the petition prior to the Parking Committee meeting.

Councilor Champlin noted that residents of the neighborhood were present and he asked for their input.

Steve Wearn, owner of 9 and 11 Perry Avenue, addressed the Committee. He is a Canterbury resident and has owned these properties for 32 years. He stated that he has a total of 3 apartments combined with 10 occupants living at the property, all of which are UNH Law students. He currently has 5 on-site parking spaces. He stated that the 2 permit per unit limit was creating a hardship for himself, as well as his tenants. Discussion ensued. Staff noted that he would be eligible for 6 permits. With the 5 on-site parking spaces, he would have ample parking.

Mayor Bouley asked Mr. Wearn a series of questions. Specifically, the Mayor asked if Mr. Wearn thought Perry was a narrow street and whether emergency vehicles, delivery vehicles, or garbage or plow trucks could safely navigate the road when vehicles are parked. Mr. Wearn stated that he thought the road was narrow and that vehicular travel for larger vehicles was especially challenging during the winter months.

The Mayor noted that Essex, Perry, Rowell, and Blanchard Streets are very similar to other predominantly residential streets in the Downtown area near other activity generators similar to UNH Law. He asked why residents of these four streets should receive this special preferential treatment. Mr. Wearn responded that he rejected the notion of preferential treatment, and stated that the permit program was enacted to address externalities created by UNH Law School parking.

Ted Wing, owner of 28 Essex Street, voiced his opinion that the resident permit program is unfair, as it forces residents to pay for special privileges due to issues created by the UNH School of Law. He stated that resident parking should be extended to other areas of the City, as needed, to address similar circumstances with other large activity / parking generators. Although

he acknowledged that some parking forums did discuss resident permit parking program changes, he stated his opinion that more discussion should have occurred.

Councilor Coen asked Mr. Wing if he would support elimination of the resident permit program in its entirety. Mr. Wing responded that he would. He then went on to discuss issues with special events at White Park, such as the Black Ice Pond Hockey Tournament, which creates parking issues in the neighborhood. He asked for more neighborhood parking enforcement during special events.

Mr. Wing went on to discuss the \$50 permit fee. He stated that two permits amount to a 1.6% increase on his property taxes. Carlos Baia, Deputy City Manager – Development, reminded those present that the permit is a user fee, not a tax, which users of resident parking areas pay for the special privilege of being able to exclusively park on these public streets.

Discussion of UNH Law School parking ensued. Several members of the public stated that UNH does not use their surface parking lots and that students and faculty choose to use on-street parking closer to the campus. Staff responded that the only way to get UNH to use their parking would be to make public parking around the campus more restrictive. Staff noted that this could be accomplished through short-term time limits or metering. Under this approach, the City could offer permits to exempt residents from time limits or meters. Staff reminded those present of previous proposals to meter parking on sections of White and Washington Streets, which were rejected by the Parking Committee during the Strategic Planning process.

Discussion ensued. Councilor Kenison stated that the Parking Committee's ongoing work regarding narrow streets should incorporate resident parking issues, and that it would be appropriate to take a comprehensive look at these issues together.

Councilor Herschlag spoke about resident parking in the context of variances granted for the expansion of UNH Law, as well as conversion of single residential homes around UNH Law into multi-family properties, which, in his opinion, have created parking issues in the neighborhood. He expressed a desire for the City to enter into a dialog with UNH Law about parking issues and lack of utilization of their private parking lots.

Councilor Champlin offered the following proposal for the Committee's consideration:

1. That the permit fee be reduced from \$50 / permit to \$20 / permit.
2. That the City take a comprehensive look at resident permit parking, White Park parking, and UNH Law parking issues as a single package.

Discussion ensued. The Mayor offered a brief recap of the issues discussed.

There was also discussion among members of the Parking Committee as to whether the new Residential Permit Parking Ordinance should be repealed. Mr. Walsh noted that the new Ordinance will take effect on July 1, 2018, and that the Parking Committee does not have the authority to repeal Ordinances. He explained that the process to repeal the Ordinance would take at least two months, as it would require the City Council to hold a public hearing. He also discussed potential confusion that would likely occur if the Ordinance was repealed two months after it took effect. Discussion ensued about the new permit fee. Mr. Walsh stated that the fee is a Non-Ordinance based fee set by the City Manager; however, the City Council was specifically informed about this fee in writing last December, at the time the new ordinance was adopted. He noted that the Council did not question the fee. He advised that the Parking Committee could make a recommendation about the fee, which the City Manager could take under advisement. He also noted that the typical cost for a residential permit fee ranges between \$25 and \$50 per permit.

Ted Wing, 28 Essex Street, made a few final comments about UNH Law School parking. He also noted variances which were granted by the City that allowed the Law School to provide one third of the amount of parking spaces required by the Zoning Ordinance. He also noted that the one-year follow-up meeting promised by the Law School during their variance application public hearing in 2010 never occurred.

Motion: Councilor Coen moved that the Parking Committee recommend that the permit fee be reduced from \$50 / permit to \$5 per permit, but that all other aspects of Ordinance 2997 be implemented on July 1, 2018. The motion was seconded by Councilor Kenison and carried unanimously on a voice vote.

- c) **Montgomery Street – Merrimack County Courthouse Request for Law Enforcement Parking Only On-Street Parking:** Matt Walsh provided a brief overview of the County's request to establish law enforcement only parking on a section of Montgomery Street near the "sally port" entrance into the new Merrimack County Courthouse. The "sally port" is a garage where vehicles transporting prisoners access the building.

Robert Krieger of the Merrimack County Sherriff's Office addressed the Parking Committee and explained that the County wants to prohibit public parking around the entrance so vehicles transporting prisoners may queue near the sally port. He explained that the sally port may only accommodate one vehicle at a time. It was also noted that the driveway into the sally port was only wide enough to accommodate one vehicle and could not be expanded due to obstructions on either side.

A discussion ensued regarding whether the County could use some of the Court's new on-site parking to satisfy this need. Mr. Krieger explained that the one-way nature of Montgomery Street makes that potential solution less

efficient due to vehicle circulation patterns. He also stated he was unsure how new on-site parking was intended to be used.

Staff noted that this section of Montgomery Street is scheduled to be metered in FY 2020 and that law enforcement parking would result in lost revenues.

After discussion, it was suggested that County vehicles could queue in the dumpster pad driveway, thus resulting in the need for only one parking space to be reserved for law enforcement.

Mr. Krieger further explained that the County would only need the space during normal business hours, Monday – Friday.

After additional discussion, a motion was duly made and seconded to recommend that the City Council make the one on-street parking space, immediately south of the sally port driveway, reserved for law enforcement parking, Monday – Friday, 8AM to 5PM. The motion was duly seconded. The motion carried on a voice vote, with Councilor Champlin voting against the motion.

4. **Narrow Streets Project Update:** A brief discussion was held regarding neighborhood forums for the Narrow Streets Project. The Committee reaffirmed its desire to hold forums, starting with the UNH Law School neighborhood (area #3 on the Narrow Streets Map). The Committee asked staff to schedule the forum for early to mid-September. In addition to narrow streets, the forum will also cover the new Resident Permit Parking Program, as well as UNH Law School parking issues.
5. **Parking Strategic Plan Update**
 - a) **Fact Sheet:** Staff noted that a fact sheet for the upcoming parking changes has been prepared and was distributed to nearly 70 downtown ground floor businesses (mostly retail and restaurants) during the Market Days Festival.
 - b) **Communications Plan:** Staff provided a copy of the City's communications / public relations plan for the new parking changes. Staff noted that street banners would be installed on June 26th and that variable message signs were installed this morning. Approximately 20 sandwich board signs announcing the changes were deployed during Market Days and will remain throughout downtown until August 1st. Staff also noted that the Parking webpage has been updated and changed to concordnh.gov/parking for the convenience of the public. Information is also being disseminated to the public through a variety of social media outlets.
 - c) **Smart Meters and Kiosks RFP Update:** Staff reported that interviews were held in late May and that the review process is ongoing. A brief discussion about Pay by Cell applications ensued in relation to on-street meters. Staff indicated the City would issue a Request for Proposals during FY 2019 to select a vendor.

6. Other Business

- a) **Discussion – Backing out of residential driveways and legally existing on-street parking spaces:** Mr. Walsh informed the Parking Committee about a flurry of inquiries / complaints regarding on-street parking on certain residential streets, which comply with roadway width guidelines and related ordinances. Specifically, the issue is concerning the complainants' ability to back out of their driveways. Staff asked for guidance from the Parking Committee regarding whether the Committee wished to review these cases if the Staff did not believe a unique circumstance existed. The Parking Committee quickly reviewed some examples, including 9 Glenn Street and 5 Chapman Street. It was the unanimous consensus of the Parking Committee to not review these types of cases unless a unique or special circumstance existed.
- b) **Warren Street Parking Ordinance at Concord High School:** Mr. Walsh stated that this Ordinance change will be submitted to the City Council in July for August public hearing. He asked for clarification concerning the new two hour parking zone on the south side of Warren Street; specifically, whether to convert a small residual area of 20 minute parking, between Westbourne and West Washington Streets, to two hour parking. It was the consensus of the Parking Committee to recommend the change from 20 minutes to two hour parking.

7. **Adjourn:** The meeting adjourned at 6:43PM.

Respectfully Submitted,

Matthew R. Walsh
Director of Redevelopment, Downtown Services, & Special Projects