

## PROJECT NARRATIVE

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This project involves a complete redevelopment of Map 6443Z Lot 27 along with a renovation to the Existing Phenix Hall building on adjacent Map 6443Z Lot 28.

Map 6443Z **Lot 27** is 14,454-sf in area and currently contains two separate buildings. The first is known as 44-52 N. Main Street which was the former home to CVS Pharmacy and the second is known as 54-56 N. Main Street which is the E&P Hotel building. Collectively, these two buildings are known as the Phenix Block. The two buildings account for nearly the entire area of the parcel, which is bordered to the west by N. Main Street, to the east by Low Ave, to the south by Phenix Ave and to the north by the Hills Block building.

Map 6443Z **Lot 28** is 9,550-sf in area and currently contains the Phenix Hall building known as 34-42 N. Main Street. This building is bordered to the west by N. Main Street, to the east by Low Ave, to the north by Phenix Ave and to the south by a one-story retail building.

Both parcels are located within the Central Business Performance District (CBP).

### **Project Description**

The project is proposing the complete redevelopment of the Phenix Block (Lot 27) along with a new building connection to Phenix Hall (Lot 28). This new connection will require the discontinuance of existing Phenix Ave which currently lies between the two parcels. The two existing buildings on Lot 27 will be removed to make way for a new, 8-story, mixed-used building. The new building will have a small parking garage and some limited retail space on the lower level (basement floor) accessible from Low Ave. It will then have retail space on the main floor (first floor) at the Main Street level. The second floor will be comprised of office space and the third through sixth floors will be residential apartments (36 total units) – a combination of one-, two- and three-bedroom units. The top floor will be a restaurant venue with outdoor seating on the roof deck.

The connection to Phenix Hall will be a 6-story infill of the discontinued Phenix Ave. It will include an open-air lobby on the main floor with pedestrian access to both Main Street and Low Ave. The upper floors will include accessory space to Phenix Hall, including a main lobby on the third floor and a balcony lobby on the fourth floor. In addition to interior renovations of the existing Phenix Hall building, two new external elevator shafts will be constructed on the rear side of the building adjacent to Low Ave and a new emergency staircase will be constructed on the south side of the building.

### **Phenix Avenue Discontinuance**

In order to accommodate the infill portion of the new building, existing Phenix Avenue will need to be discontinued. Phenix Ave is a 25-foot wide, paved, City right-of-way that separates the two subject parcels. It provides pedestrian access from Main Street to Low Ave and also serves as vehicle access from Low Ave only. It also contains municipal water and sanitary sewer mains that connect the respective water and sewer systems between Main Street and Low Ave. The project is proposing that the City discontinue the entirety of Phenix Ave while reserving the right for pedestrian access and for the underground water and sewer mains.

### Lot Line Adjustment / Resubdivision

The discontinued Phenix Ave right-of-way is proposed to be reapportioned between the two subject parcels, with the majority being added onto the Phenix Hall parcel (Lot 28) to the south. This will necessitate a lot-line adjustment between the subject parcels. The proposed lot line will fall along the southerly line of the new Phenix Block building such that the infill portion of the building will be part of the existing Phenix Hall building. A Resubdivision Plan has been prepared and is being submitted as part of the corresponding Minor Subdivision Application. As proposed, Lot 27 will increase in overall area from 14,454-sf to 14,711-sf and Lot 28 will increase in overall area from 9,550-sf to 11,863-sf.

### Site Improvement Plans and Architectural Elevations

Although this project is taking place on two separate parcels, it is intended to be constructed in a single phase as the improvements on each parcel are dependent on one another. A single set of Site Improvement Plans has been prepared along with Architectural floor plans and building elevations for the entire development. The plans include the minor site work that will need to take place around the building, including temporary impacts to Low Ave and to the sidewalk area on Main Street. The plans also include detailed design of the water and sewer main relocations within Phenix Ave. Both mains will be reconstructed within sleeves that will be laid underneath the foundation of the infill portion of the building. The infill building will remain an open air lobby on the first two floors with at-grade pedestrian access to Main Street and both stair and elevator access to Low Ave.

### Site Plan and Conditional Use Permit Applications

Two separate Major Site Plan applications are being submitted, one for each parcel, both referring to the single set of Site Improvement Plans. The application for Lot 27 (Phenix Block) is also accompanied by two Conditional Use Permit applications, both of which are associated with the height of the proposed building.

### State & Federal Permits

The only additional permit anticipated for this project is a Sewer Connection Permit from NHDES as part of the proposed sewer main relocation.



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**Waiver Request Form – Site Plan Regulations**

**Instructions:**

1. List the section for which the waiver is being requested, along with a brief explanation of the request.
2. Explain how the waiver request complies with each criterion.

*Section 36.08 Waivers: Where the Planning Board finds that extraordinary hardships or practical difficulties may result from strict compliance with these regulations and/or the purposes of these regulations may be served to a greater extent by an alternative proposal, it may approve waivers to these subdivision regulations so that substantial justice may be done and the public interest secured, provided that such waiver shall not have the effect of nullifying the intent and purpose of these regulations...*

Waiver from Section Section 16.02(12)(b) - Drainage Study

A waiver to allow a major site plan application to omit a drainage study including ten (10) and twenty-five (25) year storm runoff estimates, including all calculations, shall be submitted providing an analysis of the pre-development and post-development drainage characteristics by phase, and in total.

*and further provided the Planning Board shall not approve waivers unless it shall make findings based upon the evidence presented to it in each specific case that:*

- (1) The granting of the waiver will not be detrimental to the public safety, health, or welfare or injurious to other property;* This property remains entirely impervious under the current plan. Approving this waiver will not compromise safety, health, welfare, or nearby properties.

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(2) *The conditions upon which the request for a waiver is based are unique to the property for which the waiver is sought and are not applicable generally to other property;* \_\_\_\_\_  
The subject site is completely impervious under current conditions;  
therefore, no change to the runoff will occur.

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(3) *Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular and unnecessary hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations are carried out;* The subject site is completely impervious under current conditions;  
therefore, no impervious area difference exists that would require a drainage study.

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(4) *Specific circumstances relative to the subdivision or conditions of the land in such subdivision indicate that the waiver will property carry out, or not be contrary to, the spirit and intent of the regulations; and* \_\_\_\_\_  
The subject site is completely impervious under current conditions;  
therefore, no impervious area difference exists that would require a drainage study.

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(5) *The waiver will not in any manner vary the provisions of the Zoning Ordinance, Master Plan Reports, or Official Map.* \_\_\_\_\_

The subject site is completely impervious under current conditions; therefore, no impervious area difference exists that would require a drainage study.

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**Finally, note if the waiver complies with RSA 674:44(III)(e)(1) or (2) below and explain how.**

(1) Strict conformity would pose an unnecessary hardship to the applicant and waiver would not be contrary to the spirit and intent of the regulations \_\_\_\_\_

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**OR**

(2) Specific circumstances relative to the site plan, or conditions of the land in such site plan, indicate that the waiver will properly carry out the spirit and intent of the regulations \_\_\_\_\_

The subject site is completely impervious under current conditions; therefore, no impervious area difference exists that would require a drainage study.

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**Waiver Request Form – Site Plan Regulations**

**Instructions:**

1. List the section for which the waiver is being requested, along with a brief explanation of the request.
2. Explain how the waiver request complies with each criterion.

*Section 36.08 Waivers: Where the Planning Board finds that extraordinary hardships or practical difficulties may result from strict compliance with these regulations and/or the purposes of these regulations may be served to a greater extent by an alternative proposal, it may approve waivers to these subdivision regulations so that substantial justice may be done and the public interest secured, provided that such waiver shall not have the effect of nullifying the intent and purpose of these regulations...*

Waiver from Section Section 16.02(15) & 27.03 - Landscape Plans

A waiver to allow a major site plan application to omit a stamped landscape plan showing the location of existing, required, and proposed landscaping, a plant schedule showing all proposed plant material, and landscape construction details.

*and further provided the Planning Board shall not approve waivers unless it shall make findings based upon the evidence presented to it in each specific case that:*

- (1) *The granting of the waiver will not be detrimental to the public safety, health, or welfare or injurious to other property;* This project is situated directly on South Main Street, with the proposed building occupying the entire parcel of land, thereby leaving no space for supplementary landscaping. Approving this waiver will not compromise safety, health, welfare, or nearby properties.

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(2) *The conditions upon which the request for a waiver is based are unique to the property for which the waiver is sought and are not applicable generally to other property;* \_\_\_\_\_  
This project is situated directly on South Main Street, with the proposed building occupying the entire parcel of land, thereby leaving no space for supplementary landscaping.

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(3) *Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular and unnecessary hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations are carried out;* \_\_\_\_\_  
This project is situated directly on South Main Street, with the proposed building occupying the entire parcel of land, thereby leaving no space for supplementary landscaping.

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(4) *Specific circumstances relative to the subdivision or conditions of the land in such subdivision indicate that the waiver will property carry out, or not be contrary to, the spirit and intent of the regulations; and* \_\_\_\_\_  
This project is situated directly on South Main Street, with the proposed building occupying the entire parcel of land, thereby leaving no space for supplementary landscaping.

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(5) *The waiver will not in any manner vary the provisions of the Zoning Ordinance, Master Plan Reports, or Official Map.* \_\_\_\_\_

Landscaping has already been completed by the city along the sidewalks in front of the property where needed.

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**Finally, note if the waiver complies with RSA 674:44(III)(e)(1) or (2) below and explain how.**

(1) Strict conformity would pose an unnecessary hardship to the applicant and waiver would not be contrary to the spirit and intent of the regulations \_\_\_\_\_

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**OR**

(2) Specific circumstances relative to the site plan, or conditions of the land in such site plan, indicate that the waiver will properly carry out the spirit and intent of the regulations \_\_\_\_\_

This project is situated directly on South Main Street, with the proposed building occupying the entire parcel of land, thereby leaving no space for supplementary landscaping.

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Application for Conditional Use Permit – Building Height  
Ciborowski Associates, LLC  
44-52, 54-56 N. Main Street, Concord  
October 15, 2025

I. Project Description:

Applicant proposes a complete redevelopment of 44-52 N. Main Street (CVS) and 54-56 N. Main Street (E+P Hotel), along with a connection to and renovation of 34-42 N. Main Street (Phenix Hall). The subject properties are all located within the Central Business Performance District (CBP). Preservation and redevelopment of historic Phenix Hall, including its unique performance space, has been featured in the City of Concord’s Master Plan for multiple editions. The demolition of the former E+P Hotel, a necessary component of this proposed infill redevelopment project, received unanimous approval at the October 19, 2023 meeting of the City of Concord Heritage Commission – a rare endorsement reserved for only the most notable once-in-a-generation projects.

Applicant has filed herewith conceptual project plans which demonstrate the need for a conditional use permit relative to the following provision of the Concord Zoning Ordinance: Article 28-4-1(g)(6) – Applicability to Performance Districts – to allow a portion of the proposed mixed-use building to be constructed to a maximum height of 89’-6 from area average grade, whereas 80’ is otherwise allowed in the CBP. [Applicant has separately applied for a conditional use permit under Article 28-4-1(g)(2) to allow a partial obstruction of views of the State House Dome from Interstate 93.]

The public interest in redeveloping underperforming elements of Concord’s Main Street greatly outweighs concern relating to overburdening the subject site. In addition, the proposed rooftop restaurant venue, per submitted site plan set, would be set back from the building façade and, therefore, less visible from street grade at N. Main Street. Also, the rooftop venue only represents approximately 40%+/- of the total building footprint. Put differently, the conditional height allowance would not be readily visible from street-level and would not apply to the entirety of the rooftop floor.

Other aspects of the proposed redevelopment can be accomplished without conditional relief and in compliance with the terms of the Concord Zoning Ordinance, subject to typical site plan review by the Planning Board.

II. Arguments for Conditional Height Increase:

See generally, Zoning Ordinance Article 28-9-4(b)(4)(a-g).

- a. The subject property is located in the Central Business Performance District, where the maximum building height is stated as eighty feet (80’) UNLESS a conditional use permit is granted by the Planning Board pursuant to Article 28-4-1(g)(6).
- b. The proposed redevelopment program, if completed as and where proposed, will comply with all requirements of the Zoning Ordinance, and with the standards set forth in Article 28-4-1(g)(6) relative to building height from average grade.
- c. The use will not materially endanger the public health or safety as a building height of eighty-nine feet six inches (89’-6”), as proposed, is well within modern construction techniques and utility capabilities.

- d. The use is compatible with the downtown district and with adjoining and abutting uses, wherein mixed-use buildings are the existing condition.
- e. The proposed redevelopment will not have an adverse effect on highway or pedestrian safety, and the proposed additional building height will not factor into highway or pedestrian considerations at the surface grade.
- f. The proposed redevelopment will not have an adverse effect on the natural, environmental, and historic resources of the City. Moreover, the project has already received the endorsement of the Heritage Commission and the additional building height does not factor into the need for demolition of the existing structure.
- g. The use will be adequately serviced by necessary public utilities and by community facilities and services of sufficient capacity to support the additional building height. Near-identical utilities and services are necessary to support the proposed building at either 80' or 89'-6" of height from average grade.

See specifically, Ordinance Article 28-4-1(g)(6)(a-k).

a. The proposed redevelopment exceeds the allowed height (80') by a total of nine feet six inches (9'-6") to provide adequate building height to complete a seventh (7<sup>th</sup>) occupied floor above average grade. The additional nine feet six inches (9'-6") is the minimum necessary to complete the additional floor. The additional floor is programmed for a rooftop restaurant, and is a pivotal element of the overall building program. The proforma for lower building floors contributes towards and otherwise supports the rooftop program, an amenity available for public reservation and use. While the restaurant venue *could* be substituted for one of the proposed residential floors, thereby lowering the building, the loss of revenue associated with the loss of a residential floor would cause the project to deliver fewer housing units and would cause the proforma to fall deeply into the red – i.e., the project would not be financially viable.

b. The proposed redevelopment will have a maximum height of eighty-nine feet six inches (89'-6") from average grade, representing only a ten percent (10%) increase in overall building height. Additionally, the actual height along N. Main Street would be 84'-4" when considering how the surface grade falls-away between N. Main Street and eastward towards Low Avenue.

c. The proposed redevelopment building observes upper-floor setbacks that are intended to protect against over-massing of the streetscape and help to minimize shadow impacts at grade and as to adjacent buildings and properties. Put differently, the shadow and solar impacts of the proposed building are no different at 80' versus at 89'-6" of proposed height, whereas the impacts associated with a 80' building are allowed by right.

d. The design of the proposed redevelopment building is in keeping with the downtown district, and makes a positive contribution to the architectural character of the City's skyline and surrounding buildings. Additionally, the design of the redevelopment building makes it possible to repurpose the existing and adjacent Phenix Hall, which would be renovated through a separate site plan filing. [Effects on views of the State House Dome are addressed by separate CUP filing.]

e. The applicant seeks conditional relief to allow a maximum building height of eighty-nine feet six inches (89'-6"); and to partially-obstruct views of the State House Dome. The applicant's design and program and is otherwise compliant with standards applicable in the CBP.

f. The applicant can demonstrate to the satisfaction of the City Engineer that the proposed redevelopment building can be served with adequate potable water pressure for fire suppression and domestic use.

g. The applicant can demonstrate to the satisfaction of the City Fire Chief that the proposed redevelopment building can be served by the City's tower ladder fire apparatus.

h. The proposed redevelopment building would be abutted by existing buildings of three (3) or more stories on the same side of N. Main Street. One of the adjacent buildings is the Phenix Hall, which is under common ownership with the Applicant.

i. The proposed redevelopment site does not have frontage upon State Street, and not is located in prohibited areas of the CBP.

j. The proposed redevelopment building incorporates four and one half (4 1/2) floors of multi-family dwelling units, wherein there will be in excess of ten (10) new units of housing developed.

k. As confirmed by the Concord Heritage Commission, the CVS and E&P buildings are not viable candidates for preservation or adaptive reuse. Both existing structures are unfit for reuse, expansion, and preservation and it is reasonable to replace them. Additionally, the replacement mixed-use building will enhance the vibrancy and attraction of Concord's downtown by adding retail, restaurant and office uses, with unparalleled views of the State House dome and Main Street. Moreover, the replacement of the existing structures will allow for expansion of the City's supply of housing units in the CBP by more than ten (10) new units, and provides for the rehabilitation and preservation of the adjacent Phenix Hall, which is itself an historic property and venue that is most worthy of preservation and reuse.

Application for Conditional Use Permit – Obstruction of View of State House Dome from Interstate  
Ciborowski Associates, LLC  
44-52, 54-56 N. Main Street, Concord  
October 15, 2025

I. Project Description:

Applicant proposes a complete redevelopment of 44-52 N. Main Street (CVS) and 54-56 N. Main Street (E+P Hotel), along with a connection to and renovation of 34-42 N. Main Street (Phenix Hall). The subject properties are all located within the Central Business Performance District (CBP). Preservation and redevelopment of historic Phenix Hall, including its unique performance space, has been featured in the City of Concord’s Master Plan for multiple editions. The demolition of the former E+P Hotel, a necessary component of this proposed infill redevelopment project, received unanimous approval at the October 19, 2023 meeting of the City of Concord Heritage Commission – a rare endorsement reserved for only the most notable once-in-a-generation projects.

Applicant has filed herewith conceptual project plans which demonstrate the need for a conditional use permit relative to the following provision of the Concord Zoning Ordinance: Article 28-4-1(g)(2) – Applicability to Performance Districts – to allow the partial obstruction of views of the State House Dome from areas of Interstate 93. [Applicant has separately applied for a conditional use permit under Article 28-4-1(g)(6) to allow an increase in building height to eighty-nine feet six inches (89’-6”) above average grade.] Applicant’s materials illustrate the degree of obstructed views, which are partial, intermittent, and for fleeting seconds at Interstate speeds. See attached exhibits – State House Dome Sight Line Exhibit, prepared by Northpoint Engineering, LLC (Exhibit A); View A Exhibit, prepared by SMP Architecture (Exhibit B); and View B Exhibit, prepared by SMP Architecture (Exhibit C).

The public interest in redeveloping underperforming elements of Concord’s Main Street greatly outweighs concern relating to a minimal obstruction of the State House Dome from sections of the Interstate. The viewscape from the highway is already impaired by any number of factors such as trees and vegetation, bridges, directional signage, and ramp and access grading. Moreover, NHDOT is presently proposing a redesign of the Capitol Corridor in a manner that will also alter the viewscape in indeterminate ways.

In addition, the proposed rooftop restaurant venue, per submitted site plan set, would offer superior views of the State House Dome as compared to a glance from a moving vehicle travelling at highway speeds.

Other aspects of the proposed redevelopment can be accomplished without conditional relief and in compliance with the terms of the Concord Zoning Ordinance, subject to typical site plan review by the Planning Board.

II. Arguments for Conditional Partial Obstruction:

See generally, Zoning Ordinance Article 28-9-4(b)(4)(a-g).

- a. The subject property is located in the Central Business Performance district, where an obstruction of the view of the State House Dome may be approved by the Planning Board pursuant to Article 28-4-1(g)(2).

- b. The proposed redevelopment program, if completed as and where proposed, will comply with all requirements of the Zoning Ordinance, and with the standards set forth in Article 28-4-1(g)(2) relative to a partial obstruction of views.
- c. The partial viewscape obstruction only applies to perspectives from vehicles travelling the Interstate, and will not materially endanger the public health or safety. Put differently, the question of view obstruction does not relate to construction techniques and utility capabilities.
- d. The use is compatible with the downtown district and with adjoining and abutting uses, wherein mixed-use buildings are the existing condition. Moreover, the proposed mixed-use redevelopment program will offer superior views of the State House Dome and the Main Street corridor.
- e. The proposed view obstruction will not have an adverse effect on highway or pedestrian safety, and will not factor into highway or pedestrian considerations at the surface grade.
- f. The proposed view obstruction will not have an adverse effect on the natural, environmental, and historic resources of the City. The proposed redevelopment will offer superior views of the State House Dome from a static position and a closer vantage point, thereby celebrating Concord's stature as the State Capitol.
- g. The use will be adequately serviced by necessary public utilities and by community facilities and services of sufficient capacity to support the building.

See specifically, Ordinance Article 28-4-1(g)(2)(a-e).

a. The proposed redevelopment only obstructs Interstate views of the State House Dome for fleeting seconds and to the minimum extent necessary to accomplish the development program. See Exhibits A-C (providing illustration of the Interstate vantage points and the degree of partial obstruction of the State House Dome and Drum). The majority of the partial obstruction relates to an additional floor programmed for a rooftop restaurant, which is a pivotal and popular element of the overall building program. The proforma for lower building floors contributes towards and otherwise supports the rooftop program, an amenity available for public reservation and use. While the restaurant venue *could* be substituted for one of the proposed residential floors, thereby lowering the building, the loss of revenue associated with the loss of a residential floor would cause the project to deliver fewer housing units and would cause the proforma to fall deeply into the red – i.e., the project would not be financially viable.

b. The design of the proposed redevelopment building is in keeping with the downtown district, and makes a positive contribution to the architectural character of the City's skyline and surrounding buildings. Additionally, the design of the redevelopment building makes it possible to repurpose the existing and adjacent Phenix Hall, which would be renovated through a separate site plan filing. [Building height is addressed by separate CUP filing.]

c. The design of the proposed redevelopment building is consistent with the City's Architectural Design Guidelines and the Main Street Design Guide. Specifically, the design incorporates the following features: .

1. The Mainstreet façade of the new building is broken up and articulated in 4 distinct building elevations. This keeps the overall length of each façade consistent with the

neighboring buildings on main street and reduces the visual massing of the new building.

2. The building maintains the pedestrian scale and relationship to the street consistent with the neighboring buildings and what is traditionally found on main street. Retail storefronts are recessed providing additional pedestrian space on the sidewalk as well as protecting passersby from getting hit by a door.
3. The building is primarily brick masonry with granite and sandstone accents. Limited use of modern glazing and fenestration is incorporated only to highlight the public lobby and event spaces and to juxtapose the historic Phenix hall. The glass enclosures also highlight the pedestrian walk-through which connect Main Street with Low Ave.
4. Portions of the existing E+P hotel cornice are planned to be salvaged and reinstalled on the building.
5. The main cornice line is held down and a slate-clad mansard roof is incorporated on the 6<sup>th</sup> floor. This is consistent with other buildings on main street, as well as the historic building that burned in the 1950s. Furthermore, this maintains a cornice line in keeping with the other buildings on main street and further reduces the visual massing.
6. Architectural façade lighting is incorporated in a minimal and sophisticated way.

The applicant's design and program is otherwise compliant with standards applicable in the CBP.

d. The seventh and top floor of the proposed mixed-use building, a building floor "for which the floor level is at an elevation of more than sixty-five (65) feet above street level" is set back ten feet (10') or more from lower stories to achieve appropriate massing.

e. The proposed redevelopment building incorporates four and one half (4 1/2) floors of multi-family dwelling units, wherein there will be in excess of ten (10) new units of housing developed.



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**Waiver Request Form – Site Plan Regulations**

**Instructions:**

1. List the section for which the waiver is being requested, along with a brief explanation of the request.
2. Explain how the waiver request complies with each criterion.

*Section 36.08 Waivers: Where the Planning Board finds that extraordinary hardships or practical difficulties may result from strict compliance with these regulations and/or the purposes of these regulations may be served to a greater extent by an alternative proposal, it may approve waivers to these subdivision regulations so that substantial justice may be done and the public interest secured, provided that such waiver shall not have the effect of nullifying the intent and purpose of these regulations...*

Waiver from Section Section 16.02(20) - Offsite Improvement plan

Where off-site improvements are required or proposed, an off-site improvement plan shall be submitted in compliance with the standards in the City of Concord Subdivision Regulations

*and further provided the Planning Board shall not approve waivers unless it shall make findings based upon the evidence presented to it in each specific case that:*

- (1) The granting of the waiver will not be detrimental to the public safety, health, or welfare or injurious to other property;*

The plans provide sufficient detail for review by City staff and the Planning Board and allow for proper construction oversight. Granting the waiver will not compromise public safety, health, or welfare, nor will it negatively affect adjacent or nearby properties.

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(2) *The conditions upon which the request for a waiver is based are unique to the property for which the waiver is sought and are not applicable generally to other property;* \_\_\_\_\_  
The proposed development consists of relatively small parcels with a limited and clearly defined scope of off-site improvements. Due to the size and configuration of the parcels, all off-site work can be accurately and legibly shown on the site and civil plans without the need for a separate off-site improvement plan. These conditions are specific to this project and are not typical of larger developments where separate off-site plans are necessary.

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(3) *Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular and unnecessary hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations are carried out;* \_\_\_\_\_  
Requiring a separate off-site improvement plan would impose additional time and cost without providing additional clarity or benefit beyond what is already included in the submitted plans. This would create an unnecessary hardship by duplicating information already reviewed and accepted by staff, rather than serving a substantive regulatory purpose.

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(4) *Specific circumstances relative to the subdivision or conditions of the land in such subdivision indicate that the waiver will property carry out, or not be contrary to, the spirit and intent of the regulations; and* \_\_\_\_\_  
The intent of Section 16.02(20) is to ensure that off-site improvements are clearly identified and adequately reviewed. That intent is fully met through the submitted plan set, which clearly illustrates all off-site improvements in a coordinated and comprehensive manner. Granting the waiver allows the project to meet the spirit and intent of the regulation while avoiding unnecessary duplication.

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(5) *The waiver will not in any manner vary the provisions of the Zoning Ordinance, Master Plan Reports, or Official Map.* \_\_\_\_\_

*The requested waiver relates solely to the format and submission requirements of the site plan review process.*

*It does not alter zoning requirements, permitted uses, dimensional standards, or any provisions of the Zoning Ordinance, Master Plan, or Official Map.*

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**Finally, note if the waiver complies with RSA 674:44(III)(e)(1) or (2) below and explain how.**

(1) *Strict conformity would pose an unnecessary hardship to the applicant and waiver would not be contrary to the spirit and intent of the regulations* \_\_\_\_\_

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**OR**

(2) *Specific circumstances relative to the site plan, or conditions of the land in such site plan, indicate that the waiver will properly carry out the spirit and intent of the regulations* \_\_\_\_\_  
*Given the small size of the proposed parcels and the limited scope of off-site improvements, all required information is clearly shown within the submitted plans. Granting the waiver allows for efficient review while fully satisfying the intent of the regulations.*

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Waiver from Section Section 21.02 - Sidewalks Required

Sidewalks shall be required adjacent to the site along projects on City Streets within the Urban Growth Boundary.

Specifically to waive the requirement for sidewalks in Low Ave.

*and further provided the Planning Board shall not approve waivers unless it shall make findings based upon the evidence presented to it in each specific case that:*

- (1) *The granting of the waiver will not be detrimental to the public safety, health, or welfare or injurious to other property;*

The absence of a sidewalk along this segment of Low Avenue will not create unsafe conditions, as the street currently lacks continuous sidewalks and is not configured to support pedestrian circulation in this location. Granting the waiver will not negatively impact public safety, health, or welfare, nor will it cause harm to adjacent or nearby properties.

(2) *The conditions upon which the request for a waiver is based are unique to the property for which the waiver is sought and are not applicable generally to other property;* \_\_\_\_\_  
Low Avenue currently lacks sidewalk infrastructure and does not provide continuity with existing pedestrian facilities.  
\_\_\_\_\_  
The physical layout, roadway configuration, and surrounding development patterns are unique to this location  
\_\_\_\_\_  
and differ from streets where sidewalks can be readily integrated. These conditions are specific to this site  
\_\_\_\_\_  
and are not representative of typical projects along fully developed urban streets.  
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\_\_\_\_\_

(3) *Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular and unnecessary hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations are carried out;* \_\_\_\_\_  
Requiring sidewalk construction along Low Avenue at this time would necessitate improvements  
\_\_\_\_\_  
that may not align with future roadway design, grading, or utility planning. This would impose unnecessary  
\_\_\_\_\_  
costs and potential rework without providing meaningful pedestrian benefit.  
\_\_\_\_\_  
Strict compliance would therefore result in an unnecessary hardship rather than a mere inconvenience.  
\_\_\_\_\_  
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(4) *Specific circumstances relative to the subdivision or conditions of the land in such subdivision indicate that the waiver will property carry out, or not be contrary to, the spirit and intent of the regulations; and* \_\_\_\_\_  
The intent of Section 21.02 is to promote safe, connected pedestrian infrastructure.  
\_\_\_\_\_  
In this case, isolated sidewalk construction would not advance that intent and could  
\_\_\_\_\_  
hinder future coordinated improvements. Granting the waiver, with the option of contributing  
\_\_\_\_\_  
equivalent funds to a City escrow account, better supports the long-term goals of the regulation.  
\_\_\_\_\_  
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(5) *The waiver will not in any manner vary the provisions of the Zoning Ordinance, Master Plan Reports, or Official Map.* \_\_\_\_\_

The requested waiver does not alter zoning standards, permitted uses, density, or dimensional requirements.

It solely addresses the timing and method of sidewalk installation and does not conflict with the Zoning Ordinance, Master Plan, or Official Map.

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**Finally, note if the waiver complies with RSA 674:44(III)(e)(1) or (2) below and explain how.**

(1) Strict conformity would pose an unnecessary hardship to the applicant and waiver would not be contrary to the spirit and intent of the regulations \_\_\_\_\_

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**OR**

(2) Specific circumstances relative to the site plan, or conditions of the land in such site plan, indicate that the waiver will properly carry out the spirit and intent of the regulations \_\_\_\_\_  
Given the existing and proposed conditions of Low Avenue, the waiver allows pedestrian infrastructure to be implemented in a coordinated and effective manner at a future date. This approach fulfills the spirit and intent of the regulations more appropriately than immediate sidewalk installation.

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**Waiver Request Form – Site Plan Regulations**

**Instructions:**

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2. Explain how the waiver request complies with each criterion.

*Section 36.08 Waivers: Where the Planning Board finds that extraordinary hardships or practical difficulties may result from strict compliance with these regulations and/or the purposes of these regulations may be served to a greater extent by an alternative proposal, it may approve waivers to these subdivision regulations so that substantial justice may be done and the public interest secured, provided that such waiver shall not have the effect of nullifying the intent and purpose of these regulations...*

Waiver from Section Section 23.04(1) Construction Standards (Water)

The applicant shall install facilities for the supply and distribution of water including fire protection capabilities, in a manner prescribed by the City of Concord Construction Standards and Details or, as applicable, the Penacook and Boscawen Water Precinct Construction Standards. Specifically to allow HDPE pipe for a Water Main.

*and further provided the Planning Board shall not approve waivers unless it shall make findings based upon the evidence presented to it in each specific case that:*

- (1) The granting of the waiver will not be detrimental to the public safety, health, or welfare or injurious to other property;* \_\_\_\_\_

The proposed replacement water main will improve the condition and reliability of the existing infrastructure. HDPE provides joint integrity and resistance to infiltration and exfiltration compared to many traditional materials. Granting the waiver will not adversely affect public health, safety, or welfare and will not result in injury to adjacent properties or the municipal water system.

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(2) *The conditions upon which the request for a waiver is based are unique to the property for which the waiver is sought and are not applicable generally to other property;* \_\_\_\_\_

The proposed work involves replacement of an existing municipal water main within a constrained urban roadway serving an established, historic building. Site conditions, including roadway limitations, existing utilities, and construction constraints, necessitate consideration of alternative materials that perform well under these conditions. These circumstances are specific to this project and are not representative of typical new water installations.

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(3) *Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular and unnecessary hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations are carried out;* \_\_\_\_\_

Requiring the use of only listed materials may necessitate deeper excavation, more complex construction sequencing, or increased disruption to Phenix Avenue and surrounding infrastructure. Strict compliance would therefore result in an unnecessary hardship rather than a mere inconvenience.

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(4) *Specific circumstances relative to the subdivision or conditions of the land in such subdivision indicate that the waiver will property carry out, or not be contrary to, the spirit and intent of the regulations; and* \_\_\_\_\_

The intent of Section 23.04 is to ensure durable, reliable, and properly functioning municipal infrastructure. Allowing the use of a material that meets or exceeds the performance standards of permitted materials fulfills this intent. Granting the waiver supports infrastructure improvement while maintaining system integrity and performance.

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(5) *The waiver will not in any manner vary the provisions of the Zoning Ordinance, Master Plan Reports, or Official Map.* \_\_\_\_\_

The requested waiver pertains solely to sanitary sewer material standards and does not alter zoning classifications, permitted uses, densities, or adopted planning policies. The project remains fully consistent with the Zoning Ordinance, Master Plan, and Official Map.

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**Finally, note if the waiver complies with RSA 674:44(III)(e)(1) or (2) below and explain how.**

(1) Strict conformity would pose an unnecessary hardship to the applicant and waiver would not be contrary to the spirit and intent of the regulations \_\_\_\_\_

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**OR**

(2) Specific circumstances relative to the site plan, or conditions of the land in such site plan, indicate that the waiver will properly carry out the spirit and intent of the regulations \_\_\_\_\_

Given the constrained urban conditions and the proposed replacement of existing infrastructure, the use of an alternative water material that meets or exceeds City standards supports the intent of the regulations.

Granting the waiver allows necessary infrastructure improvements while maintaining performance, durability, and public safety.

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Waiver from Section Section 24.03 - Design Standards

Where extensions of the municipal sanitary sewers are required, said facilities shall be

constructed in a manner set forth in Section 24, Sanitary Sewage Disposal of the City of Concord Subdivision Regulations and the City of

Concord Construction Standards and Details. Specifically to allow the use of HDPE pipe for sewer main.

*and further provided the Planning Board shall not approve waivers unless it shall make findings based upon the evidence presented to it in each specific case that:*

*(1) The granting of the waiver will not be detrimental to the public safety, health, or welfare or injurious to other property;* \_\_\_\_\_

The proposed replacement sanitary sewer will improve the condition and reliability of the existing infrastructure.

HDPE SDR 11 provides joint integrity and resistance to infiltration and exfiltration compared to many traditional materials. Granting the waiver will not adversely affect public health, safety, or welfare and will not result in injury to adjacent properties or the municipal sewer system.

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(2) *The conditions upon which the request for a waiver is based are unique to the property for which the waiver is sought and are not applicable generally to other property;* \_\_\_\_\_

The proposed work involves replacement of an existing municipal sanitary sewer within a constrained urban roadway serving an established, historic building. Site conditions, including roadway limitations, existing utilities, and construction constraints, necessitate consideration of alternative materials that perform well under these conditions. These circumstances are specific to this project and are not representative of typical new sewer installations.

(3) *Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular and unnecessary hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations are carried out;* \_\_\_\_\_

Requiring the use of only listed materials may necessitate deeper excavation, more complex construction sequencing, or increased disruption to Phenix Avenue and surrounding infrastructure. Strict compliance would therefore result in an unnecessary hardship rather than a mere inconvenience.

(4) *Specific circumstances relative to the subdivision or conditions of the land in such subdivision indicate that the waiver will property carry out, or not be contrary to, the spirit and intent of the regulations; and* \_\_\_\_\_

The intent of Section 24.03 is to ensure durable, reliable, and properly functioning municipal sanitary sewer infrastructure. Allowing the use of a material that meets or exceeds the performance standards of permitted materials fulfills this intent. Granting the waiver supports infrastructure improvement while maintaining system integrity and performance.

(5) *The waiver will not in any manner vary the provisions of the Zoning Ordinance, Master Plan Reports, or Official Map.* \_\_\_\_\_

The requested waiver pertains solely to sanitary sewer material standards and does not alter zoning classifications, permitted uses, densities, or adopted planning policies. The project remains fully consistent with the Zoning Ordinance, Master Plan, and Official Map.

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**Finally, note if the waiver complies with RSA 674:44(III)(e)(1) or (2) below and explain how.**

(1) Strict conformity would pose an unnecessary hardship to the applicant and waiver would not be contrary to the spirit and intent of the regulations \_\_\_\_\_

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**OR**

(2) Specific circumstances relative to the site plan, or conditions of the land in such site plan, indicate that the waiver will properly carry out the spirit and intent of the regulations \_\_\_\_\_

Given the constrained urban conditions and the proposed replacement of existing infrastructure, the use of an alternative sewer material that meets or exceeds City standards supports the intent of the regulations.

Granting the waiver allows necessary infrastructure improvements while maintaining performance, durability, and public safety.

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Waiver from Section Section 29.01 Lighting - General Requirements

all external building and site lighting shall be designed to minimize glare and spillover of on-site lighting as well as sky glow.

External site lighting is not required, but where provided these standards shall govern the design and placement of lighting fixtures.

Full cutoff fixtures are required for all parking lots, loading areas, and affixed building lighting.

*and further provided the Planning Board shall not approve waivers unless it shall make findings based upon the evidence presented to it in each specific case that:*

*(1) The granting of the waiver will not be detrimental to the public safety, health, or welfare or injurious to other property;* \_\_\_\_\_

All exterior lighting has been designed to provide adequate illumination for pedestrian and vehicular safety while minimizing glare, spillover, and sky glow. The use of full cut-off fixtures ensures that light is directed downward and contained within the site.

Granting the waiver will not affect public safety, health, or welfare and will not create adverse impacts to neighboring properties.

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(2) *The conditions upon which the request for a waiver is based are unique to the property for which the waiver is sought and are not applicable generally to other property;* \_\_\_\_\_  
The site is located in a dense, urban context with limited space and a constrained lighting layout. The lighting design is straightforward and limited in scope, and all fixtures are compliant full cut-off fixtures. Because of the small scale and clarity of the lighting design, the required information can be effectively conveyed through a note rather than additional graphic revisions, a condition not typical of larger or more complex developments.

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(3) *Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular and unnecessary hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations are carried out;* \_\_\_\_\_  
Requiring a full reworking of the lighting plans solely to improve legibility of fixture details would result in unnecessary time and expense without providing additional substantive benefit. The lighting fixtures already meet full cut-off requirements, and the intent of the regulation can be satisfied through a clear notation. Strict compliance would therefore create an unnecessary hardship rather than a mere inconvenience.

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(4) *Specific circumstances relative to the subdivision or conditions of the land in such subdivision indicate that the waiver will property carry out, or not be contrary to, the spirit and intent of the regulations; and* \_\_\_\_\_  
The intent of Section 29.01 is to ensure that exterior lighting minimizes glare, spillover, and sky glow. This intent is fully met by the proposed lighting design and the use of full cut-off fixtures. Allowing compliance to be confirmed by a plan note maintains the spirit and intent of the regulation while avoiding redundant plan revisions.

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(5) *The waiver will not in any manner vary the provisions of the Zoning Ordinance, Master Plan Reports, or Official Map.* \_\_\_\_\_

The requested waiver does not alter lighting performance standards, zoning requirements, or permitted uses.

It only affects the method by which compliance is documented within the plan set and does not conflict with the Zoning Ordinance, Master Plan, or Official Map.

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**Finally, note if the waiver complies with RSA 674:44(III)(e)(1) or (2) below and explain how.**

(1) Strict conformity would pose an unnecessary hardship to the applicant and waiver would not be contrary to the spirit and intent of the regulations \_\_\_\_\_

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**OR**

(2) Specific circumstances relative to the site plan, or conditions of the land in such site plan, indicate that the waiver will properly carry out the spirit and intent of the regulations \_\_\_\_\_  
Given the limited scale of the lighting system and the use of compliant full cut-off fixtures, the lighting design meets the intent of Section 29.01. Documenting compliance through a clarifying note on Sheets 13 and 14 ensures clear understanding while maintaining efficient plan review.

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Waiver from Section Section 29.04 Building and Façade Lighting

A waiver from the requirement that all building and canopy lighting shall meet the standards contained in Article 28-7-7(j),  
all parking lot lighting shall be subject to a four to one (4:1) uniformity ratio, which is the  
ratio of average illumination to minimum illumination

*and further provided the Planning Board shall not approve waivers unless it shall make findings based upon the evidence presented to it in each specific case that:*

*(1) The granting of the waiver will not be detrimental to the public safety, health, or welfare or injurious to other property;* \_\_\_\_\_

The proposed lighting has been designed to provide adequate illumination for safety while minimizing glare,  
light spillover, and impacts to adjacent properties. All lighting will be downward-directed, shielded, and limited to  
areas necessary for pedestrian and vehicular safety. The waiver will not reduce visibility, create unsafe conditions, or  
negatively affect neighboring properties. The site's urban, downtown context further limits potential impacts,  
as surrounding properties already contain similar lighting conditions.

(2) *The conditions upon which the request for a waiver is based are unique to the property for which the waiver is sought and are not applicable generally to other property;* \_\_\_\_\_  
This property is located in a dense downtown corridor with minimal setbacks and a fully developed lot.  
The building occupies nearly the entire parcel, limiting opportunities to adjust lighting layouts to meet uniformity ratios typically intended for larger sites.  
These conditions are unique to this specific site and do not apply to most properties with larger footprints, parking areas, or landscaped buffers.

(3) *Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular and unnecessary hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations are carried out;* \_\_\_\_\_  
Strict compliance with the lighting uniformity and façade lighting requirements would necessitate additional fixtures or altered mounting locations that are impractical for the site's constrained layout. This would result in unnecessary cost, visual clutter, and potential over-illumination without providing meaningful safety or functional benefits.  
Given the limited site area and urban surroundings, strict application of these standards would impose an unnecessary hardship rather than a minor inconvenience.

(4) *Specific circumstances relative to the subdivision or conditions of the land in such subdivision indicate that the waiver will property carry out, or not be contrary to, the spirit and intent of the regulations; and* \_\_\_\_\_  
The intent of the lighting regulations is to ensure safety, prevent glare, and protect neighboring properties from excessive illumination. The proposed lighting design meets these objectives by providing sufficient, controlled lighting appropriate for a downtown setting.  
Granting the waiver allows the project to meet the spirit and intent of the regulations while responding appropriately to the site's physical constraints.

(5) *The waiver will not in any manner vary the provisions of the Zoning Ordinance, Master Plan Reports, or Official Map.* \_\_\_\_\_

The requested waiver relates solely to site plan lighting standards and does not alter permitted uses, dimensional requirements, zoning classifications, or long-range planning policies.

The project remains fully consistent with the Zoning Ordinance, Master Plan, and Official Map.

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**Finally, note if the waiver complies with RSA 674:44(III)(e)(1) or (2) below and explain how.**

(1) Strict conformity would pose an unnecessary hardship to the applicant and waiver would not be contrary to the spirit and intent of the regulations \_\_\_\_\_

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**OR**

(2) Specific circumstances relative to the site plan, or conditions of the land in such site plan, indicate that the waiver will properly carry out the spirit and intent of the regulations \_\_\_\_\_

Due to the constrained size, downtown location, and full build-out of the parcel, strict compliance with lighting uniformity standards is impractical.

The proposed alternative lighting design maintains safety, minimizes impacts, and fulfills the intent of the regulations more effectively than strict adherence would in this specific case.

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Waiver from Section Section 29.05 Canopy Lighting

Light levels under canopies shall have a maximum illumination of twenty (20) foot-candles, and shall be subject to a four (4) to one (1) uniformity ratio between average illumination and minimum illumination.

*and further provided the Planning Board shall not approve waivers unless it shall make findings based upon the evidence presented to it in each specific case that:*

- (1) The granting of the waiver will not be detrimental to the public safety, health, or welfare or injurious to other property;*

The increased illumination beneath the pass-through stair canopy improves pedestrian safety and visibility in an area with frequent foot traffic and vertical circulation.

All lighting is shielded and directed downward, preventing glare or light spillover onto adjacent properties or public rights-of-way. Granting the waiver will not negatively affect public safety, health, or welfare and will not cause injury to nearby properties.

(2) *The conditions upon which the request for a waiver is based are unique to the property for which the waiver is sought and are not applicable generally to other property;* \_\_\_\_\_  
The pass-through stair canopy serves a unique function as both a covered pedestrian connection and a stair access point within a compact, urban site. The physical configuration of the canopy, combined with limited natural light and clearance constraints, necessitates a lighting approach that differs from typical canopy installations. These conditions are specific to this site and are not representative of standard canopy lighting scenarios.

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(3) *Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular and unnecessary hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations are carried out;* \_\_\_\_\_  
Strict adherence to the maximum illumination and uniformity standards would require a reduction in lighting levels that could compromise visibility and safety beneath the canopy. Alternatively, redesigning the canopy or lighting layout would impose additional cost and design constraints without providing a proportional public benefit. Such requirements would constitute an unnecessary hardship rather than a mere inconvenience.

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(4) *Specific circumstances relative to the subdivision or conditions of the land in such subdivision indicate that the waiver will property carry out, or not be contrary to, the spirit and intent of the regulations; and* \_\_\_\_\_  
The intent of Section 29.05 is to prevent glare, light spillover, and excessive illumination while ensuring safe use of canopy-covered areas. The proposed lighting design achieves these objectives by using controlled, downward-directed fixtures that enhance safety without impacting surrounding areas. Granting the waiver allows the design to better fulfill the spirit and intent of the regulation given the site's constraints.

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(5) *The waiver will not in any manner vary the provisions of the Zoning Ordinance, Master Plan Reports, or Official Map.* \_\_\_\_\_

The requested waiver affects only canopy lighting performance standards and does not alter zoning classifications, permitted uses, dimensional requirements, or long-term planning policies. The project remains consistent with the Zoning Ordinance, Master Plan, and Official Map.

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**Finally, note if the waiver complies with RSA 674:44(III)(e)(1) or (2) below and explain how.**

(1) Strict conformity would pose an unnecessary hardship to the applicant and waiver would not be contrary to the spirit and intent of the regulations \_\_\_\_\_

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**OR**

(2) Specific circumstances relative to the site plan, or conditions of the land in such site plan, indicate that the waiver will properly carry out the spirit and intent of the regulations \_\_\_\_\_  
Due to the functional role and constrained design of the pass-through stair canopy, the proposed lighting provides appropriate safety and visibility while minimizing off-site impacts. Granting the waiver allows the project to meet the intent of Section 29.05 more effectively than strict numerical compliance would in this specific context.

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Waiver from Section Section 29.07 Nuisance and Glare

Light trespass beyond property boundaries greater than two tenths (0.2) foot candles anywhere above the horizontal plane shall be considered non-compliant.

*and further provided the Planning Board shall not approve waivers unless it shall make findings based upon the evidence presented to it in each specific case that:*

- (1) The granting of the waiver will not be detrimental to the public safety, health, or welfare or injurious to other property;* \_\_\_\_\_

The lighting design enhances safety for pedestrians and vehicles along public sidewalks and street edges without creating nuisance or disabling glare. All fixtures are downward-directed and shielded to minimize direct glare and light spillover. Granting the waiver will not negatively affect adjacent properties or compromise public safety, health, or welfare.

(2) *The conditions upon which the request for a waiver is based are unique to the property for which the waiver is sought and are not applicable generally to other property;* \_\_\_\_\_  
The site is located at the intersection of Low Avenue and North Main Street within a dense urban environment with limited setbacks. Public sidewalks and rights-of-way are immediately adjacent to the building and lighting fixtures, making strict numerical compliance difficult despite the use of compliant fixtures. These conditions are unique to this site and are not representative of properties with greater separation from public ways.

(3) *Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular and unnecessary hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations are carried out;* \_\_\_\_\_  
Achieving strict compliance with the 0.2 foot-candle light trespass limit would require reducing illumination levels to a degree that could compromise pedestrian safety and security along building frontages and walkways. Alternatively, relocating or removing fixtures would significantly impact the functionality of the site. Such measures would impose an unnecessary hardship rather than a mere inconvenience.

(4) *Specific circumstances relative to the subdivision or conditions of the land in such subdivision indicate that the waiver will property carry out, or not be contrary to, the spirit and intent of the regulations; and* \_\_\_\_\_  
The intent of Section 29.07 is to prevent nuisance and disabling glare while ensuring that lighting is properly contained and controlled. The proposed lighting design meets this intent by utilizing full cut-off fixtures, shielding, and appropriate mounting heights to minimize glare and light trespass. Granting the waiver acknowledges the realities of an urban streetscape while preserving the regulation's purpose.

(5) *The waiver will not in any manner vary the provisions of the Zoning Ordinance, Master Plan Reports, or Official Map.* \_\_\_\_\_

The requested waiver relates only to lighting performance standards within the site plan review process.

It does not alter zoning classifications, permitted uses, dimensional requirements, or adopted planning documents.

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**Finally, note if the waiver complies with RSA 674:44(III)(e)(1) or (2) below and explain how.**

(1) Strict conformity would pose an unnecessary hardship to the applicant and waiver would not be contrary to the spirit and intent of the regulations \_\_\_\_\_

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**OR**

(2) Specific circumstances relative to the site plan, or conditions of the land in such site plan, indicate that the waiver will properly carry out the spirit and intent of the regulations \_\_\_\_\_

Due to the site's urban context, proximity to public rights-of-way, and limited setbacks, minor exceedances of the numerical light trespass standard are unavoidable. Granting the waiver allows the project to maintain safe and effective lighting while still minimizing glare and off-site impacts consistent with the intent of Section 29.07.

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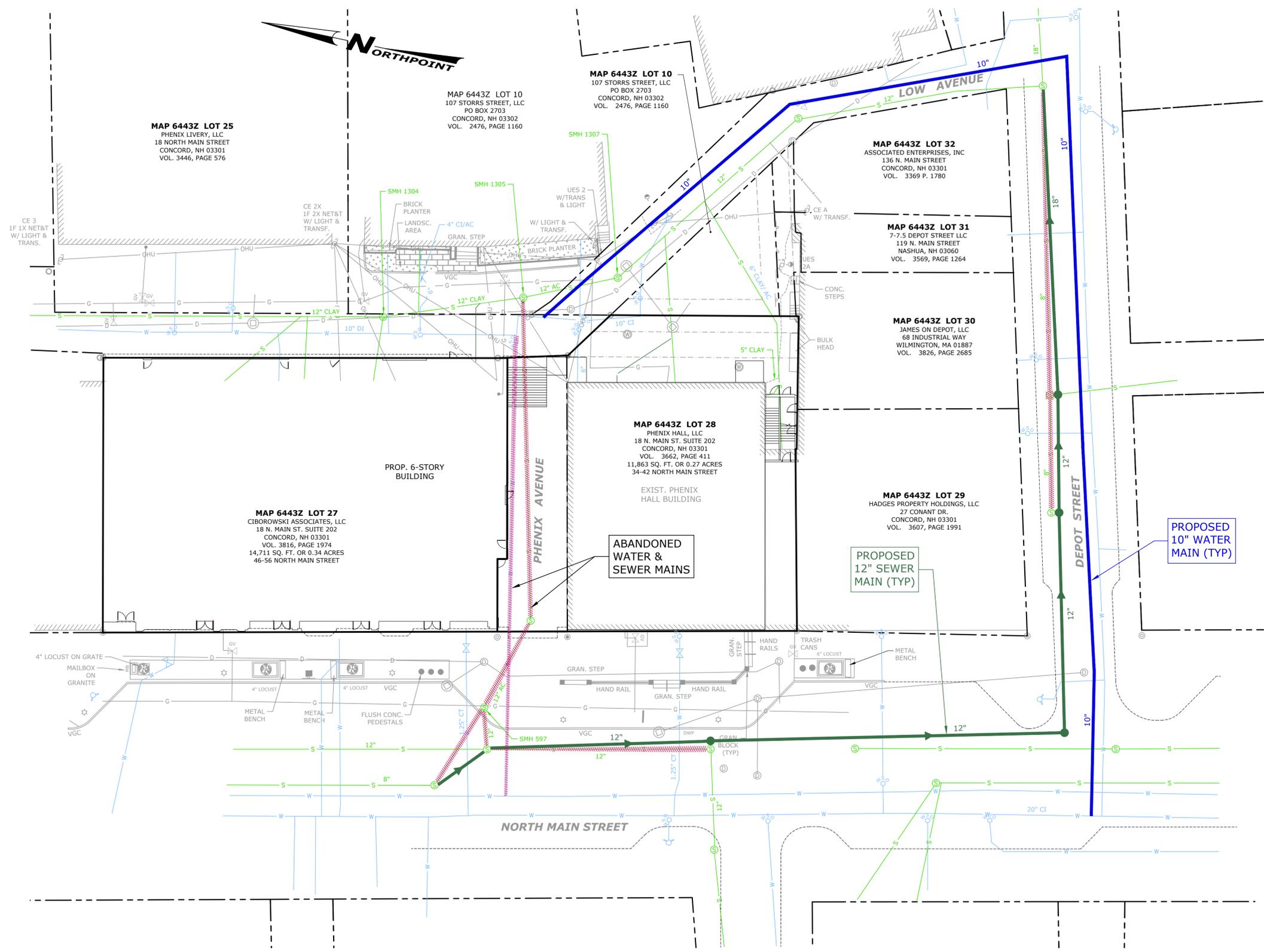
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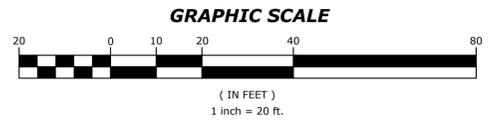
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**ALTERNATIVE UTILITY EXHIBIT**  
 PREPARED FOR:  
**PHENIX BLOCK REDEVELOPMENT**  
 MAP 6443Z LOTS 27 & 28  
 34 TO 56 NORTH MAIN STREET  
 CONCORD, NEW HAMPSHIRE

OWNER: PHENIX HALL, LLC.  
 & CIBOROWSKI ASSOCIATES, LLC  
 18 NORTH MAIN STREET, SUITE 202  
 CONCORD, NH 03301

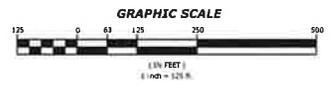
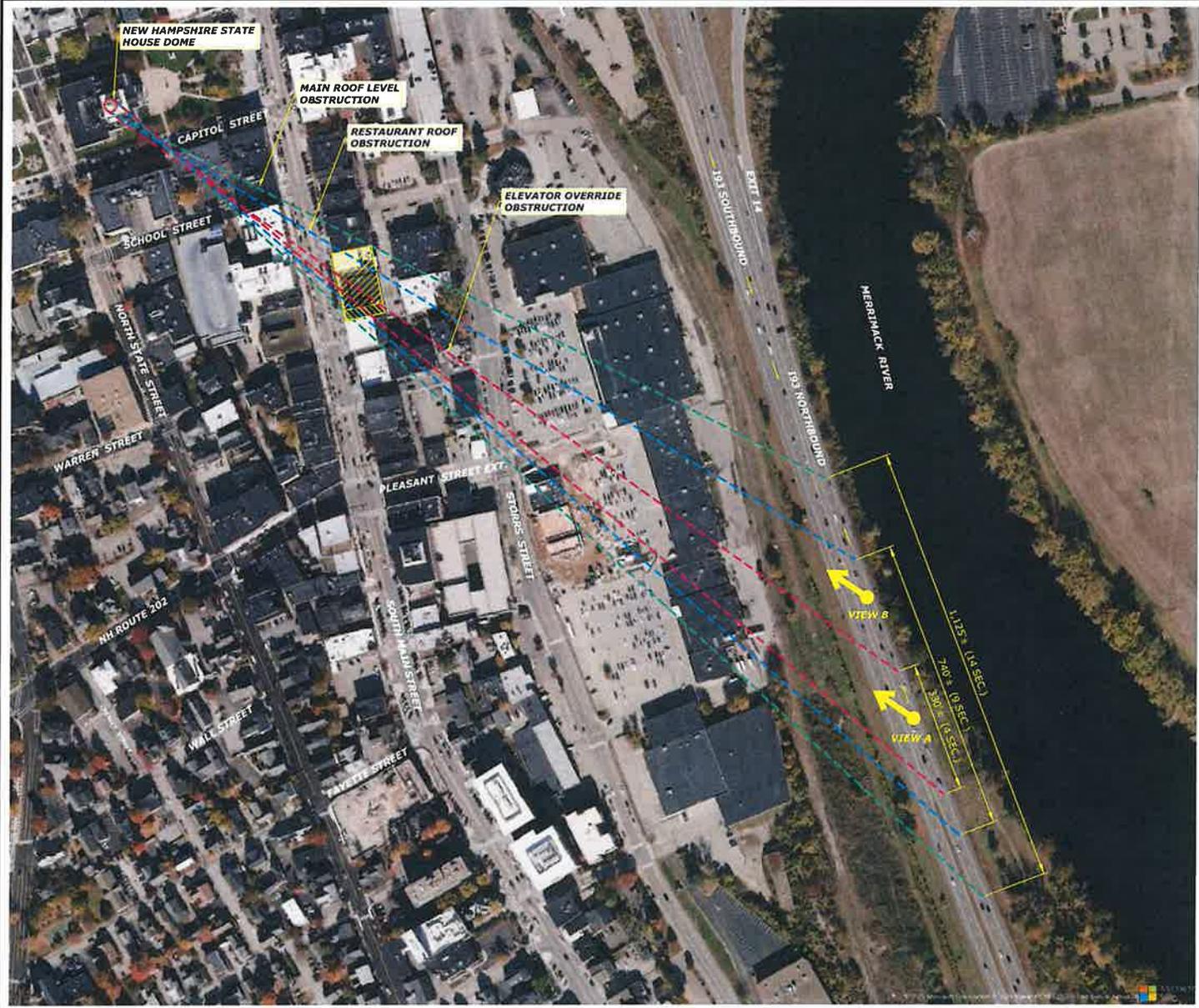
REVISIONS:		
NO.	DATE	DESCRIPTION



**NORTHPOINT  
ENGINEERING, LLC**  
Civil Engineering Land Planning Construction Services

119 Storr's St, Ste 201  
 Concord, NH 03301  
 Tel 603-226-1166  
 Fax 603-226-1160  
 www.northpointeng.com

DATE: JAN. 2026  
 PROJ.: 19017.1  
 SCALE: 1"=20'  
 SHEET: 1 OF 1



**STATE HOUSE DOME SIGHT LINE EXHIBIT**  
 PREPARED FOR:  
**PHENIX BLOCK REDEVELOPMENT**  
 MAIN STREET  
 CONCORD, NEW HAMPSHIRE

OWNER: PHENIX HALL, LLC  
 P.O. BOX 463  
 CONCORD, NH 03302-0463

NO.	DATE	DESCRIPTION

**NORTHPOINT ENGINEERING, LLC**  
 Civil Engineering • Land Planning • Construction Services

119 Slows St., 5th Fl. 202  
 Concord, NH 03301  
 Tel: 603-226-7166  
 Fax: 603-226-1860  
 www.northpointeng.com

DATE: NOV. 2023  
 PROJ.: 19017.1  
 SCALE: 8" = 125'  
 SHEET: 1 OF 1

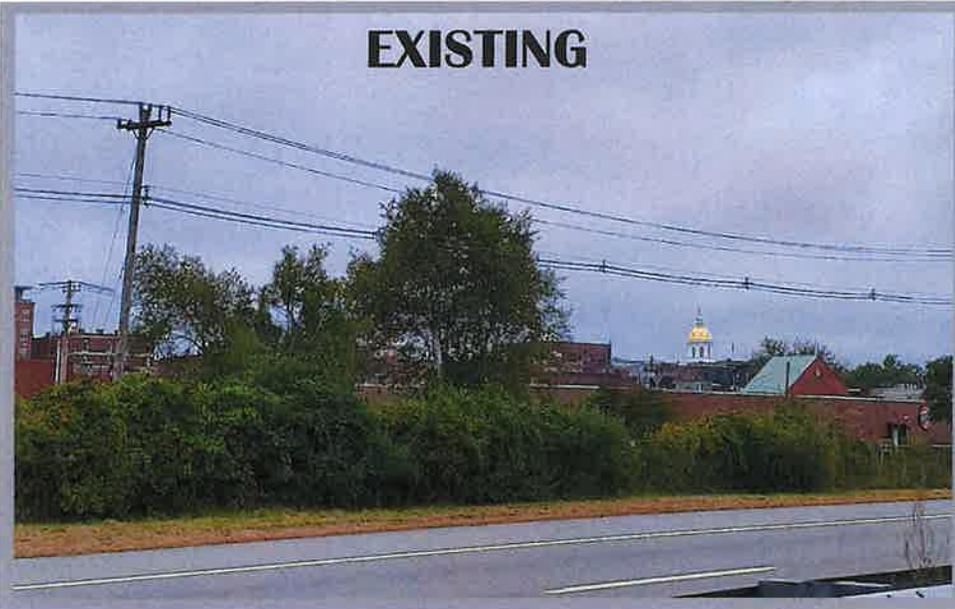
**A**



**VIEW A**



**EXISTING**



**PROPOSED**



**VIEW B**



6 AM



# SUMMER SOLSTICE



9 AM



# SUMMER SOLSTICE



12 PM



# SUMMER SOLSTICE

3 PM



# SUMMER SOLSTICE



6 PM



# SUMMER SOLSTICE



6 AM



# WINTER SOLSTICE



9 AM



12 PM



3 PM



6 PM



# WINTER SOLSTICE





## Phenix Block: Preliminary Fire Pump

November 20, 2025

**Submitted to:**

Jason LaCombe  
SMP Architecture  
30 South Main Street  
Concord, NH 03301

**Job Location:**

Phenix Block  
North Main Street  
Concord, NH 03301

Dear Mr. LaCombe,

Nortech Systems (Nortech) is providing engineering services to SMP Architecture regarding fire and life safety for the Phenix Block project. This letter outlines the anticipated requirement for a fire pump to ensure proper operation of the proposed fire sprinkler system. All details – including final pump sizing – will be verified during the fire sprinkler system design phase.

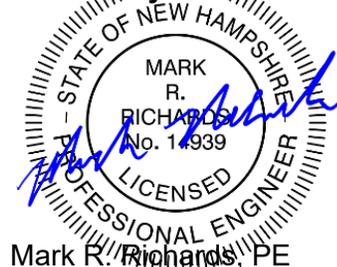
Phenix Block is proposed for North Main Street in downtown Concord and will be served by the municipal water supply. The building is planned to be seven stories plus a basement, with the fire pump located in the basement. The Authority Having Jurisdiction (AHJ) does not classify the building as a high-rise.

The fire pump is proposed to be an electric motor-driven horizontal split-case (HSC) unit. The building is proposed to be equipped with an on-site generator to provide reliable power.

The building is proposed to be equipped with a fire sprinkler system and multiple standpipes. Per NFPA 14-2019, Section 7.10.1.1.5, the maximum required flow rate is 1,000 GPM for fully sprinklered buildings. Based on the available information and professional experience, the preliminary design assumes a 1,250 GPM electric motor-driven HSC fire pump capable of providing 125 PSI of additional pressure to the municipal water supply. This sizing is intended as a starting point and is subject to adjustment during the fire sprinkler system design phase.

Respectfully Submitted,

**Nortech Systems**



Mark R. Richards, PE  
Fire Protection Engineer

**Customer Quote**



<b>Quote No</b>
SQN003425_1
<b>Customer Bill To</b>
All Bidders US
<b>Purchase Order #</b>

<b>Project</b>
Phenix Block Concord NH 1250 HSE 125# FT90 460v
<b>Ship To</b>
All Bidders US
<b>Requested Ship Date</b>

Line	Qty	Description
1	1	8x6 MABS HORIZONTAL SPLIT CASE MOTOR DRIVEN PUMP UL-FM APPROVED CLOCKWISE ROTATION DESIGN: 1250 GPM 125 PSI 289 TDH 1780 RPM IMPELLER PATTERN: B-15396 SUCTION-125# FLG DISCHARGE-125# FLG PUMP BASE/COUPLING 1 BASE PLATE, STANDARD 1 COUPLING, STANDARD 1 COUPLING GUARD, STANDARD MOTOR/CONTROLLER 1 FAC. CHOICE, 150.0 H/P, 1780 RPM, 3 PHASE, 60 CYCLE, 460 VOLT, OPEN DRIPPROOF MOTOR, FRAME-444TS SOFT START UL LABELED 1.15SF 1 CUTLERHAMMER MODEL-FT90-150D COMBINED MANUAL AND AUTOMATIC FIRE PUMP CONTROLLER SOFT START, FLOOR MOUNT RATED FOR 3 PHASE, 60 CYCLE, STANDARD AIC 460 VOLT, 150.0 H/P OPERATION, TRANSFER SWITCH MOTOR CONTROLLER MODIFICATIONS OP1 - RELAY CARD (FOUR (4) ONE FORM-C RELAYS; SPECIFY FU PUMP ACCESSORIES 1 1" AUTOMATIC AIR RELIEF VALVE, 300 LBS 1 SET S/D GAUGES, STANDARD 300 LBS W/ GAUGE COCKS 2 3/4" CASING RELIEF VALVE, 175# 1 6 X 8 CONCENTRIC DISCHARGE INCREASER DISCHARGE-125# FLG 1 8 INCH OF DUCTILE IRON TEST HEADER, GROOVED 1 6 SETS OF 2 1/2 IN HOSE VALVES-ANGLE NST THREAD, WITH CAPS AND CHAINS JOCKEY PUMP 1 GRUNDFOS MODEL-CR3-13033646-T JOCKEY PUMP RATED FOR 15 GPM, 135 PSI, 3 HP, 3450 RPM 3 PHASE, 60 CYCLE, 460 VOLT TEFC ENCLOSURE



Line	Qty	Description
		W/ FLANGES
1		UL APPROVED JOCKEY PUMP CONTROLLER CUTLERHAMMER MODEL-XTJP-G05 FOR 3 PHASE, 60 CYCLE, 460 VOLT 3 HP OPERATION WITHOUT PRESSURE RECORDER WITHOUT RUNNING PERIOD TIMER
2		ELECTRONIC MANUAL VIA ELECTRONIC LINK
TOTAL WEIGHT 2979 LBS		

**Technical Clarifications / Exceptions**

**Shipping Notes**

FINAL DESTINATION:  
 FCA VT, PREPAY & ADD

TAG FOR:  
 All notification of necessary authorities (water department, fire department, insurance company, owner's reps., etc.) permitting (if applicable), filing of any impairment plan and disabling of all alarms prior to performing work by others.

Total price includes freight, 1 trip for final start-up and 1 O/M on USB or download. If a transfer switch is being provided with the fire pump the back-up generator must be fully operational prior to scheduling the acceptance test. All installation, wiring and alarms are to be done by others. It is recommended that all alarm wiring be fully operational prior to scheduling an acceptance test.

Test header as quoted is not flush style and does not include ID plate or removable hose valves

Lead-time is approximately 12 weeks. Lead-time may change due to individual component availability, including motor lead-time, determined at time of order release.

Voltage to be confirmed.  
 Final fire pump GPM and PSI rating to be confirmed.  
 Suction pressure to be confirmed.

**Terms & Conditions**

We are pleased to offer the following for your consideration. This proposal is based on Patterson Pump Company's Standard Terms and Conditions of Sale and Standard Warranty available at [www.PattersonPumps.com](http://www.PattersonPumps.com). All orders are subject to final review and acceptance by Patterson Pump Company. Price adjustments may be made by Patterson to reflect any substantial increases in material and supplied components costs directly attributable to new or increased tariffs imposed by government authorities.



**PATTERSON PUMP COMPANY**  
 A Gorman-Rupp Company Phone: (706) 886-2101  
 Post Office Box 790 www.pattersonpumps.com  
 Toccoa, Georgia 30577 U.S.A.

CONDITION	GPM	PSI
RATED	1250	125
150%	1875	81.2

**NOL (MAX) POWER**

169 HP

**1780 RPM**

**8x6 MABS**

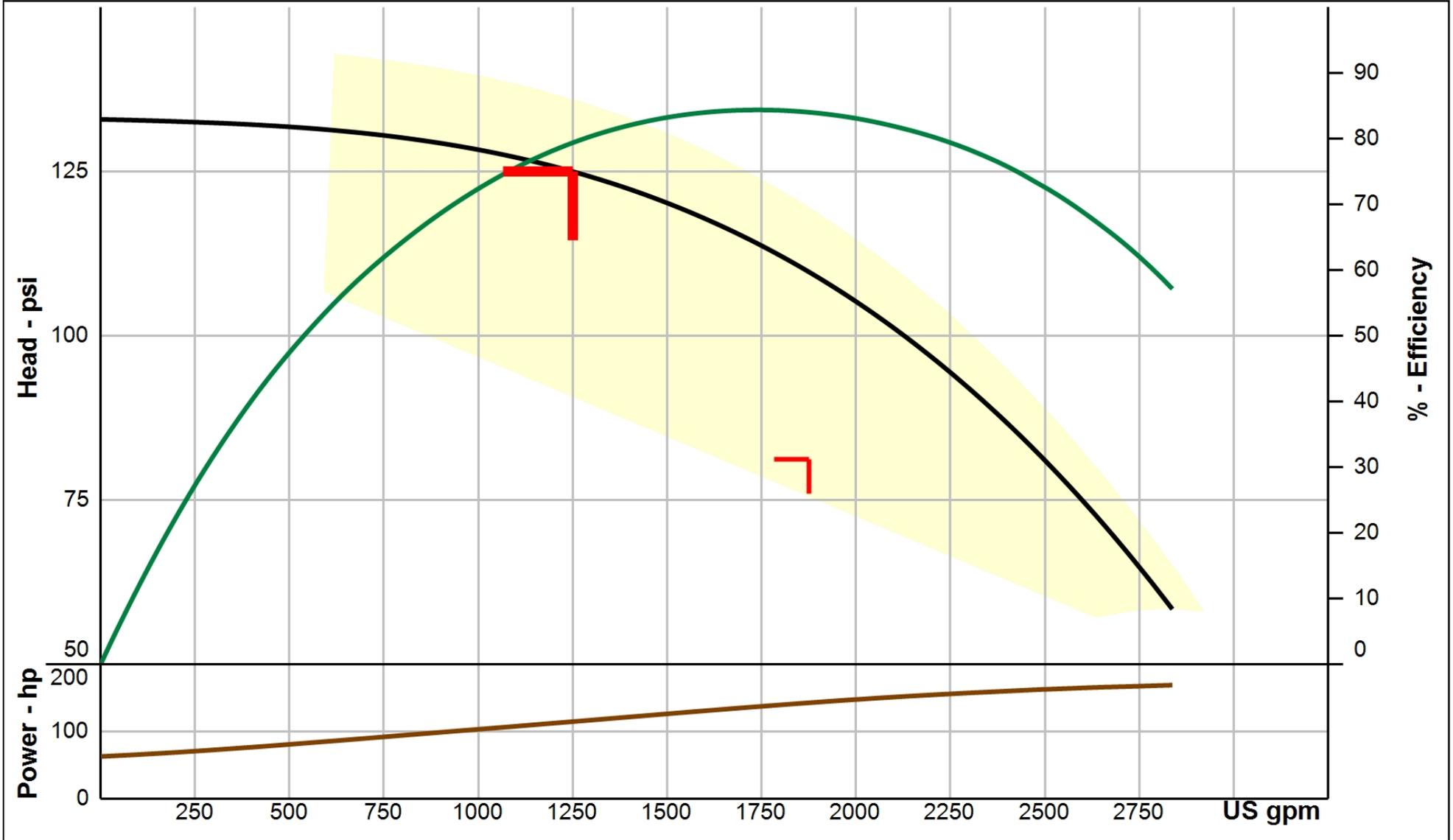
1250 GPM

102 to 136 psi

Impeller B-15396

Catalog Curve ---

UL LISTED / FM APPROVED



MAX SHUT-OFF PRESSURE= 141 PSI

FRESH WATER (1.0 SG)

140% RATED PRESSURE= 175 PSI

NOTE: Performance curve indicates preliminary expected performance. Actual performance is subject to ANSI/HI 14.6 Grade 1U testing tolerances. Actual impeller diameter(s), shut-off pressure, and NOL (MAX) power determined by testing. ONLY the Rated Condition (GPM & PSI) is guaranteed. Velocity head is included. Confirm all critical shut-off requirements with factory before placing an order.

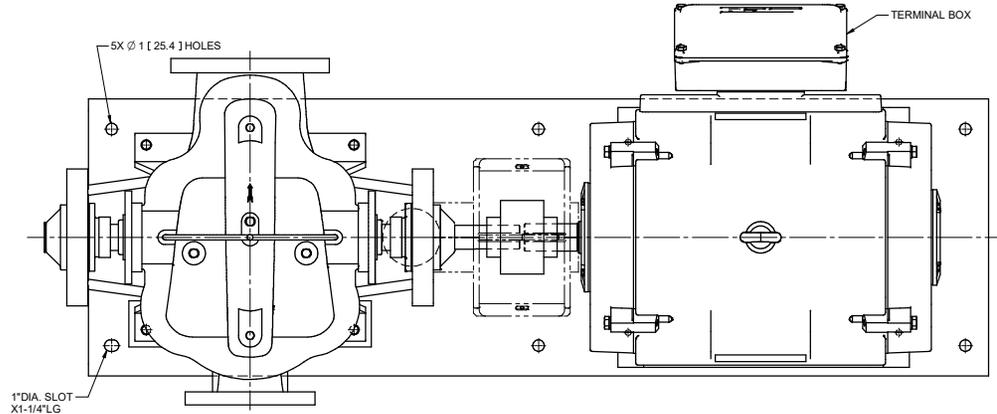
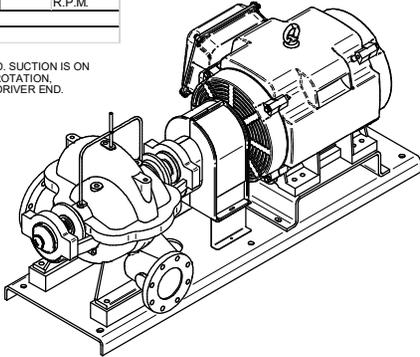
PACKAGE MOUNT BASE PLATE WITH CONTROLLER AVAILABLE ON REQUEST.

UNIT:	PPC ORDER No:				
JOB:	CUSTOMER PO No:				
PUMP:	8x6MABS	CAPACITY:	GPM@:	FRAME:	FT. HD.
MOTOR:	HP	PHASE	CYCLE	VOLT	R.P.M.
CONTROLLER:	DATE:				

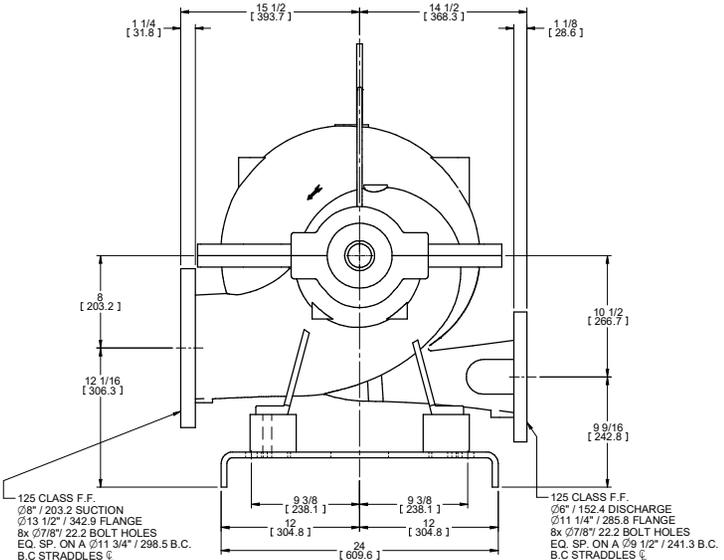
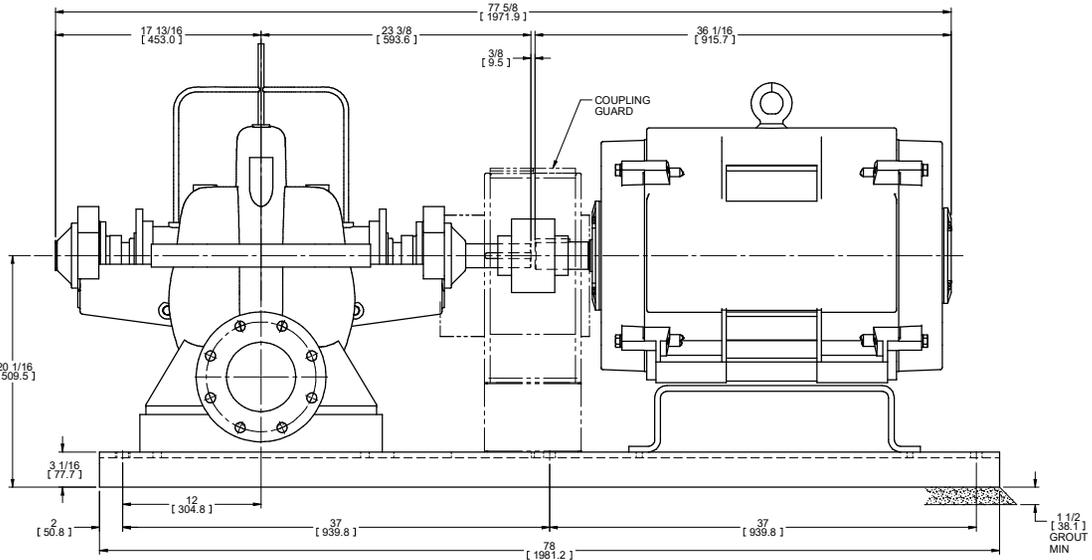
NOTES:  
 1) CLOCKWISE ROTATION SHOWN WHEN VIEWED FROM THE DRIVER END. SUCTION IS ON THE RIGHT, DISCHARGE IS ON THE LEFT. FOR COUNTERCLOCKWISE ROTATION, SUCTION IS ON LEFT, DISCHARGE IS ON RIGHT. WHEN VIEWED FROM DRIVER END.

- 2) GROUT HOLES ARE PROVIDED.
- 3) IMPORTANT; BASEPLATES MUST BE GROUTED TO THEIR FULL DEPTH.
- 4) ALL DIMENSIONS ARE ± 1/4" / 6.4mm (EXCEPT FOR FLANGE DRILLINGS).
- 5) MOTOR WEIGHT AND DIMENSIONS MAY VARY BY MANUFACTURER AND FRAME TYPE. DIMENSIONS AND WEIGHT DEPICTED ARE FOR LARGER ODP MOTOR OF OPTIONS LISTED ON DRAWING.

APPROX. WEIGHTS:	
MOTOR W/T MAY VARY - SEE NOTE 5	
PUMP =	860 LBS 390 KG
MOTOR	1650 LBS 748 KG
CPLG. =	23 LBS 10 KG
GUARD =	25 LBS 11 KG
BASE =	580 LBS 263 KG
TOTAL =	3138 LBS 1423 KG



PLAN VIEW



DRIP RIM BASE (OPTIONAL)



DIMENSIONS IN ( ) ARE FOR REFERENCE ONLY ALL PRIMARY DIMENSIONS ARE IN INCHES AND SECONDARY DIMENSIONS, SHOWN IN [ ], ARE IN MILLIMETERS



OUTLINE DIMENSIONS  
 8 X 6 MABS SPLIT CASE PUMP  
 WITH 444TS / 445TS ODP MOTOR

DWG. NO.	D02-153758	REV.	0
DRAWN	tammijordan	DATE	1/30/2020
SCALE	3/16"=1"	APPROV.	BG
		SHEET	1 OF 1



wv engineering associates, pa. [www.wvengineering.com](http://www.wvengineering.com)  
11 king court, keene, new hampshire 03431 t: 603.352.7007

November 21, 2025

**Mr. Anthony Mento**  
SMP Architecture, Inc.  
30 S. Main Street, Bldg. 2, Ste 401  
Concord, NH 03301-4809

Re: **Phenix Block**  
**Mixed Use Building**  
**Concord, New Hampshire**  
**WVA Project No. 22111**

Dear Anthony:

To accommodate the available municipal water pressure and building elevation the domestic water design includes several smaller inline booster pumps. These pumps will be located in utility closets on each floor. This is our preferred method because it allows each floor to be treated independently to achieve the required water pressure and minimizes impact on other areas of the building if pump maintenance or failure occurs. Please refer to the attached cut sheet as an example.

Sincerely,

WV Engineering Associates, PA

A handwritten signature in black ink, appearing to read 'Richard A. Parks, III'.

Richard A. Parks, III, PE

Enclosure: Pressure Booster Pump

## INLINE CP

### APPLICATIONS

- Municipal water or private well systems
- Multi-family dwellings: duplexes, triplexes, and quads
- Increased and constant water pressure from water storage/cistern systems
- Irrigation and water reclamation systems
- General pressure regulation/increase

### FEATURES

- Increases pressure by up to 60 psi
- Handles up to 35 gpm
- Complete packaged system
- Small and compact design
- Simple and easy installation
- NEMA 4 electronics enclosure
- Mount in any configuration
- Product power rating: 1-1/2 hp, 0.9 kW
- Built-in system protections guard the Inline CP from many common failure modes including: surge protection, voltage underload, locked pump, open circuit, short circuit, and overheated controller
- Capable of operating with more than one pump in parallel for larger volume demand applications
- cCSAus listed



### SERIES SPECIFICATIONS

Item No.	Model Description	Input Voltage	Input Phase
90411101	25LGL1100N4 1 (Inline CP)*	230	Single

\*Includes pump, motor, drive, pressure switch, and all cables

### REPLACEMENT PARTS & KITS

Item No.	Model Description	Input Voltage	Input Phase
604452	Pressure Tank (2-gallon) Total Volume	-	-
604453	Pressure Tank (4-gallon) Total Volume	-	-
225970901	High Pressure Sensor Kit	-	-
305707902	Pump Motor Assembly	230	Three
305707903	Mounting Feet	-	-
305707904	Fastener Kit	-	-
305707905	Pressure Sensor Cable	-	-
305707906	Pressure Sensor	-	-
305707907	Drive Assembly	230	Single
305707908	Overpressure Shut-off Switch Cable*	-	-
305707909	Overpressure Shut-off Switch*	-	-
305707912	Over Pressure Shut-off Sensor/Cable Kit*	-	-
5850012000	Duplex Alternator	115	Single
14221002	Kit O-Ring (NBR)	-	-
14222023	Kit Mechanical Seal	-	-
14231001	Kit Ball Bearings	-	-

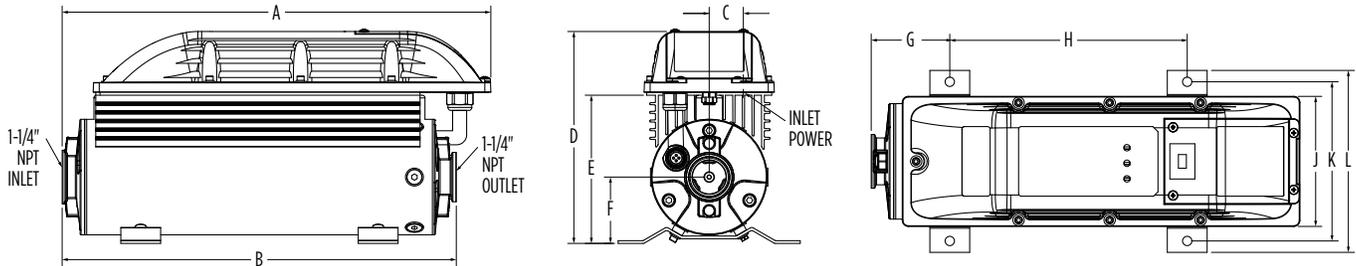
\*Overpressure switch is sold as an accessory and is not required for normal operation

FLEXCON PH5 OR PH12 ALSO OPTIONS TO THE LITTLE GIANT

# CONSTANT PRESSURE

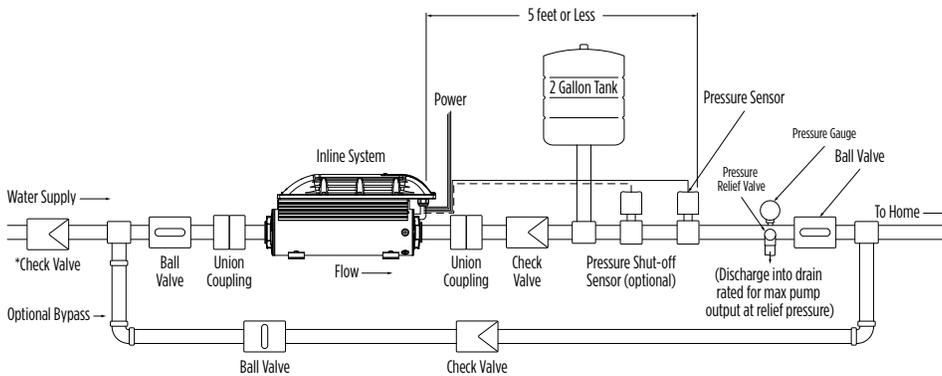
## INLINE CP

### ENGINEERING DATA



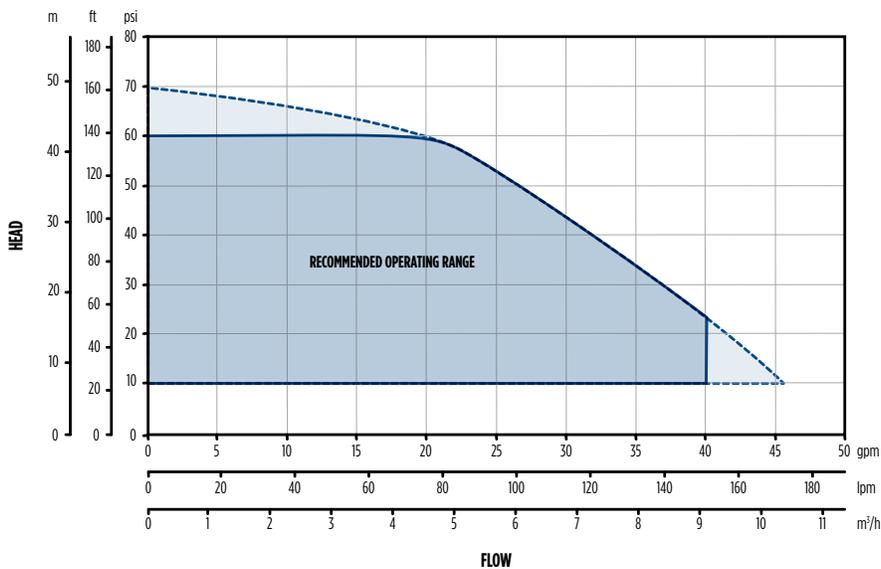
A	B	C	D	E	F	G	H	J	K	L
18.84"	17.32"	1.50"	9.31"	6.65"	2.92"	3.45"	10.43"	5.72"	7.00"	8.00"
479 mm	439 mm	38 mm	236 mm	169 mm	74 mm	88 mm	265 mm	145 mm	178 mm	203 mm

### TYPICAL INSTALLATION



\* If system plumbing does not have a backflow prevention device, a check valve is required on the incoming water supply line  
 NOTE: Optional components are shown in a typical installation diagram and should be used at the installer's discretion as required for particular applications; 2 gallon total volume tank is a recommendation only—other tank sizes are acceptable based on specific application conditions.

### PERFORMANCE DATA





# FIRE DEPARTMENT CITY OF CONCORD

*New Hampshire's Main Street™*



John A. Chisholm  
Fire Chief

November 28, 2025



Ciborowski Associates LLC  
18 North Main Street, Suite 202  
Concord, NH 03301

**Re. PL-CUP-2025-0101**

Dear Phenix Block Project Team,

This letter is in response to your request pertaining to the City of Concord Zoning Ordinance Chapter 28, Article 28.4, Section 28-4-1 (g) (6) requiring a letter from Concord Fire Department stating the current tower ladder has the capability of serving the height of the building specified in the Phenix Block project.

The information provided in the conditional permit submittal was reviewed by Chief Chisholm and Fire Marshal Sirois. In addition, Concord Fire personnel completed several setup evolutions with the in-service tower ladder using comparable buildings downtown. The results demonstrated a comparable ability for Concord Fire apparatus to reach the top floor of the proposed Phenix Block structure.

Please contact me should you have any questions.

Best Regards,

*Paul J. Sirois*

Paul J. Sirois  
Fire Marshal  
Concord Fire Department  
Office – (603) 230-3804

CC: John Chisholm – Fire Chief  
File



# CITY OF CONCORD

*New Hampshire's Main Street™*  
Community Development Department

## **MEMORANDUM**

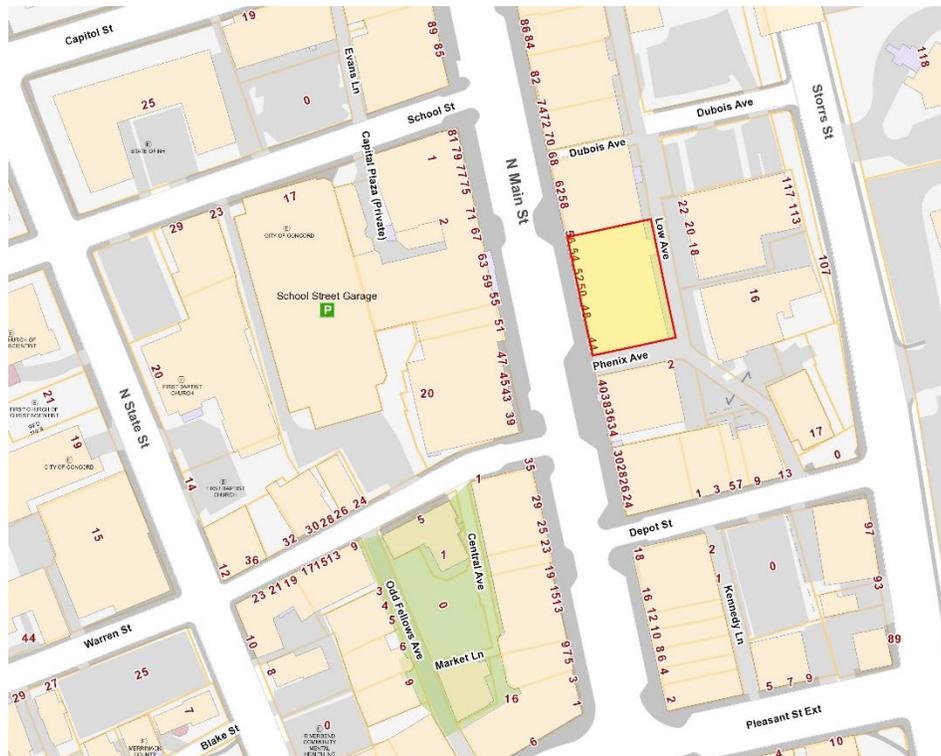
**Date:** October 6, 2023  
**To:** J. Richard Jaques, Sr., Chair, & Members, Heritage Commission  
**From:** Timothy J. Thompson, AICP, Assistant Director of Community Development  
**Subject:** **Heritage Commission Role in RSA 79-E Process, Mark Ciborowski – Former E&P Hotel/ CVS**

---

### **Background**

The subject property is located at 44-56 North Main Street in the CBP zoning district. The parcel is comprised of the former E&P Hotel, former Phenix Hotel (previously destroyed by fire), and the former CVS Pharmacy (now DIY Craft & Thrift).

The applicant, Ciborowski Associates, is in the initial phases of redevelopment of the property (along with the Phenix Hall building, located at 34-42 North Main Street). Given the complexity of the project's financing, the applicant is seeking approval by the City to designate the 2 parcels (in separate applications) as eligible for Community Revitalization Tax Relief Incentive under NH RSA 79-E.



As it relates to the Heritage Commission, the applicant is before the Commission to request a determination under 79-E that the structure on the property has determined that the replacement of the existing structure *“does not possess significant historical, cultural, or architectural value, the replacement of the qualifying structure will achieve one or more of the public benefits identified in RSA 79-E:7 to a greater degree than the renovation of the underutilized structure, and the historical, cultural, or architectural resources in the community will not be adversely affected by the replacement.”*

### **Summary**

As presented to the Commission on October 5, the applicant is in the midst of a significant redevelopment project along a key portion of the North Main Street corridor, a location that has long been seen as a “gap” in the traditional Main Street streetscape and identified specifically in the 1997 Downtown Master Plan as a priority project for the community.

The applicant has identified that there is a funding “gap” as well, given the significant cost of the project and the ability to finance it. As such, he is requesting the City designate this property as eligible for Community Revitalization Tax Relief Incentive under NH RSA 79-E.

This relief would allow the applicant to have the property taxes at the property held at pre-redevelopment assessed value for a short period of time (in this location the request is expected to be for 7 years), allowing for the development costs of the project to be eased in such a way to make the project viable.

The Heritage Commission only has a role in this project because the applicant is proposing the demolition and replacement of the E&P Hotel and former CVS building.

Staff notes that the applicant is also seeking 79-E designation for the neighboring property at 34-42 North Main Street (Phenix Hall), however no Heritage Commission involvement is necessary for that application, as the structure there is not proposed to be demolished and/or replaced.

### **Recommendation**

The Commission will need to consider the request in 2 parts.

First, the Commission needs to determine if the proposed replacement of the existing building(s) (both the E&P and former CVS) no longer possesses **significant** historical, cultural, or architectural value. The Commission should consider the materials submitted by the applicant and his historic preservation consultant as part of the Commission’s evaluation.

Second, if the Commission determines that the building(s) do not possess significant historical, cultural, or architectural value, the Commission must then determine if the proposed redevelopment would meet one (or more) of the following criteria from RSA 79-E:7 (to a greater degree than renovation of the existing structure):

- *Enhance the economic vitality of the downtown; and/or*
- *Promote development of municipal centers, providing for efficiency, safety, and a greater sense of community, consistent with RSA 9-B; and/or*
- *Increase residential housing in an urban or town center.*

**Staff-Suggested Motion (if the Commission determines the project appropriate for the incentive):**

***"I move to determine and report to the City Council that:***

- 1. The structure located at 44-56 North Main Street does not possess significant historical, cultural, or architectural value per the requirements of RSA 79-E:4; and***
- 2. The replacement of the structure will achieve the following public benefits identified in RSA 79-E:7 to a greater degree than the renovation of the underutilized structure:***
  - a. {Insert one or more of the above 3 criteria listed in the recommendation section, above}; and***
- 3. That the historical, cultural, or architectural resources in the community will not be adversely affected by the replacement."***

cc: Mark Ciborowski, Ciborowski Associates, Applicant/owner  
Matt Walsh, Deputy City Manager - Development  
Heather Shank, City Planner

**HERITAGE COMMISSION**  
**Special Meeting Minutes**  
**October 19<sup>th</sup>, 2023**

The Heritage Commission held its regular monthly meeting at Council Chambers, 37 Green Street, Concord, New Hampshire, on Thursday, October 5<sup>th</sup>, 2023.

Attendees: Chairman Richard Jaques, Vice-Chair Jim Spain, Councilor Jennifer Kretovic, Members Dr. Bryant Tolles Jr., Mike Dunn and Carol Durfee Brooks, and Alternate Althea Barton

Staff: Heather Shank, City Planner  
Krista Tremblay, Administrative Specialist II  
Matt Walsh, Deputy City Manager – Development  
Tim Thompson, Assistant Community Development Director

**1. Call to Order and Seating of Alternates**

The meeting was called to order by Chairman Jaques at 4:30 p.m. Chairman Jaques stated that they will not need to seat an alternate as they have a quorum.

**2. New Business**

- a) Mark Ciborowski presenting RSA 79-E request regarding demolition of the E&P hotel building at 56 N. Main Street.

Chairman Jaques stated that this is a continuation of the meeting that occurred on October 5<sup>th</sup>, 2023. Mr. Jaques made sure all commission members had received all documents for a decision to be made this evening. He then read the staff memo:

As it relates to the Heritage Commission, the applicant is before the Commission to request a determination under 79-E that the structure on the property has determined that the replacement of the existing structure “does not possess significant historical, cultural, or architectural value, the replacement of the qualifying structure will achieve one or more of the public benefits identified in RSA 79-E:7 to a greater degree than the renovation of the underutilized structure, and the historical, cultural, or architectural resources in the community will not be adversely affected by the replacement.”

Mark Ciborowski was present along with Anthony Mento from SMP Architecture.

Mr. Ciborowski explained the E&P building and CVS building are taxed as one lot and one building. He explained the fire in 1956 demolished the CVS portion of the building for the southern half and two thirds of the northern half of the building. There has been no access, plumbing or wiring since 1956. If they could have saved the building they would have saved the building. Mr. Ciborowski explained from the October 5<sup>th</sup>, 2023 meeting what his consultant shared about the building. The historic value of the building has been marginalized due to the removal of most of the original character defining features. The metal sign dating to the early 1900’s is worth retaining and incorporating into the new construction on the site. The space above the CVS next door to the right of 54\56 S. Main St would be considered a hole in the street scape. The loss of the continuity of the street scape has degraded the historic value of that area. Mr. Ciborowski advised that today they are looking for a determination from the Heritage Commission that the benefits of the project far out way the marginal loss of the existing building at 54\56 S. Main St, Concord.

**HERITAGE COMMISSION**  
**Special Meeting Minutes**  
**October 19<sup>th</sup>, 2023**

Anthony Mento (SMP Architecture) explained the goal was to get Phenix Hall up and running again. However, the other buildings can be used to tie in to Phenix Hall and will be positive for downtown. Mr. Mento explained there is one lot in question, the E&P 54/56 N Main St and CVS 44-52 N. Main St. He showed the proposed structure they will install. This will provide access to Phenix Hall. They will re-utilize the cap on the E&P building now and put it on the new building. There are other materials they will re-use as well with the new building. This project will be seven stories with retail, office, apartments, and a roof top venue with a restaurant. Phenix Hall will be offices, a theater and a restaurant. This is the vision of what they would like to do for this area on Main St. They feel this will have positive economic impact to area along with cultural impacts by redeveloping these buildings.

Mr. Ciborowski explained that the existing first floor of E&P and CVS is 11,645 square feet. If this project moves forward there will be 130,000 square feet. This will put density in the core of downtown where they will be using existing infrastructure and preventing sprawl. He feels this project meets three out of five of the criteria and he pointed out he only needs one of the criteria. He pointed out that this is one lot and taxed as one lot. Mr. Ciborowski pointed out a decision needs to be made that these buildings do not possess significant historical, cultural, or architectural value, and that the replacement of the qualifying structure will achieve one or more of the public benefits.

Ms. Brooks asked about the features for the E&P building to save the top. She mentioned keeping the signage and items in the building. She asked if they would save the school house lights. She asked for clarification if those are the types of items they will save and incorporate in the new building?

Mr. Mento responded those are items they are looking to save. Along with those there are old timbers that are a part of the frame which could be used for many purposes. They will keep what ever they can to keep with the character of the old building.

Ms. Brooks explained she is struggling with the term “significant”. Ms. Barton said that determining historical significance under RSA 79-E is not subjective and suggested there is a member in the audience, Liz Durfee Hengen, that might be able to help answer questions the Commission might have about the building.

Mr. Jaques agreed he would like to hear from Ms. Hengen about the historical significance of that portion of the building.

Elizabeth Durfee Hengen is a consultant in historic preservation with nearly fifty years of experience in the field. She is here today as a private citizen. She is not going to weigh in on the overall benefits of this project. Ms. Hengen is here to discuss if the E&P building is historically, architecturally, or culturally significant. She explained that this is the first finding the Heritage Commission needs to make. There is a clear process in 79-E. She then went on to explain the E&P building was built in 1868 as a business block. The building’s original appearance was heavily Italianate with arched windows, ornate window heads and cornices. The adjacent Phenix Hotel went up a few years earlier than the E & P building. About thirty years after it was built, the hotel took over the upper two stories of the E & P for hotel rooms and also, some of the space in the next block to the north, the ‘Hills Block’. In the early 20<sup>th</sup> century the upper floors of the façade of the E&P were renovated and that is when they received the sign E&P Hotel Company. Another thirty to forty years later in 1940’s the store fronts were remodeled with aluminum frames and recessed entrances. Then ten to fifteen years ago the store fronts were remodeled again. Ms. Hengen explained that Mr. Ciborowski restored the older iron columns and introduced the multi faced transom windows. This was a sensitive approach. Ms. Hengen explained this is typical of all buildings going up and down Main St. She explained she would argue that these buildings, E&P and CVS, were built as two separate buildings even though they are taxed as one lot. The E&P building and the former Phenix Hotel were built separately and for different purposes. It wasn't until 1888, more than twenty years after E&P was built, that its upper

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two stories were taken over by the hotel, just as it took over space in the next block to the north, the Hills Block. These two buildings are not the only ones on N. Main St. that share a tax map lot. Across the street, all seven commercial buildings between Warren and School streets occupy just two tax lots. Ms. Hengen feels the E&P building does have significance. Ms. Hengen also stated that the E & P building is on the National Register, which is one of the definitions of a ‘qualifying building’ per RSA 79-E. She further stated that for the purposes of 79-E, it is immaterial whether a building is a contributing building within an historic district or is individually listed.

Ms. Barton explained to the Commission there are three things they as a group need to determine. Ms. Barton handed out a document to the commission. Ms. Barton read RSA 79-E:4.IV.(a)

Members discussed the definitions of the terms “significant” and “historic” with respect to the 79-E criteria and how they should be applied. Several members felt there was a subjective component to the determination. Ms. Barton felt the determination was not subjective and that the inventory forms completed by consultants provided clear answers.

Ms. Barton said the Historic Inventory commissioned and paid for by the City of Concord in 1999/2000 to establish the Downtown Concord Historic District found that the E & P building is eligible for the National Register under the Criterion A as a named contributing building in the Historic District. The Historic Inventory commissioned by MR. Ciborowki in 2003 confirmed that the E & P building is eligible under the Criterion A, and added that it is also “marginally eligible” under the Criterion C. Ms. Barton said that if the City-hired consultant, the owner-hired consultant, and the NH Division of Historical Resources all agree that the E & P building is eligible/listed on the National Register, then, the building fits the RSA 79-E definition of “historic structure” and is therefore “historically significant”.

Mr. Walsh offered the 2009 Sanel/Smile project as a precedent. Ms. Barton noted that the Sanel project had several older buildings on the development site, but they were determined not to be eligible for the Register, so it is not comparable. Mr. Walsh agreed that the Sanel buildings were not eligible/listed and the area was not in the Historic District. Councilor Kretovic pointed to the Bindery/Love Your Neighbor project. Ms. Barton said there were two eligible buildings there, but the owner opted not to apply for 79-E, allowing for the demolition of the buildings.

Mr. Jaques asked what would happen if the Commission decides the E & P building is significant. Mr. Walsh said the 79-E request would not go to Council; Council cannot grant 79-E tax relief to demolish and replace a building deemed historically significant.

Mr. Walsh said the consultants who prepared the Inventories checked the “Eligible, only in district” box but not the “Eligible” for individual National Register listing box, and suggested this could be used to determine “no significant historical value”. Ms. Barton clarified that the 1999 and 2023 consultants were hired to determine district eligibility, not individual eligibility. When asked to comment, Ms. Hengen stated that no consultants assess individual eligibility if resources are part of the nominated district.

Collectively, the Heritage Commission decided to take up the three parts of the Staff Report in three separate motions.

**On the first action: Councilor Kretovic made a motion**, amended by Ms. Brooks, the structure located at 44-56 North Main Street (the CVS building and E & P building) contributes to the Downtown Historic District as the District is listed on the National Register of Historic Places, but is not significant individually, as noted in the 1999 and 2023 inventories; and therefore, does not possess significant historical, cultural or architectural value per the requirements of RSA 79-E:4

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Discussion: Ms. Barton stated that both consultants indicated the building is significant as a contributing building to the Downtown Historic District. She, therefore, feels that the determination of significance is clear, as the building doesn't need to be individually significant to be determined significant. She does not agree that the 79-E requirements make any distinction between a contributing building or an individually significant building. Ms. Barton said the City has never granted 79-E tax relief for the demolition and replacement of a National Register building like the E & P Hotel. She is concerned that by finding the E & P building "not significant", the Commission would be setting a precedent for granting 79-E tax relief for the demolition of all other contributing buildings in the Downtown Concord Historic District, and financially incentivizing the demolition and replacement of Register-listed buildings across the City.

Mr. Ciborowski stated that there is a great disparity in the degree of significance or value that the buildings on Main Street have individually, or that they contribute to the overall Historic District. He notes that Phenix Hall and the single-story Christian Science Reading Room both have the same designation on their respective inventory forms of being contributing buildings to the downtown Historic District, though they clearly have very different levels of value or significance. He notes that Phenix Hall is also not listed as individually significant on the 1999 form though it clearly would be considered so. He does not feel that the Commission is setting a precedent since every 79-E application must come before them to be discussed. Each application should be reviewed thoughtfully to determine how much significance a contributing building has.

With no further discussion, Chairman Jaques called for a vote on the motion and the second. All were in favor. The motion passed.

**On the second action: Ms. Brooks made a motion** to determine that the replacement of the qualifying building will enhance the economic vitality of downtown; increase residential housing in the downtown; promote the development of the municipal center; and restore architectural integrity by restoring the site lines of downtown to a greater degree than renovation of the existing structure. Mr. Spain seconded. All were in favor. The motion passed.

**On the third action: Councilor Kretovic motioned** that historic, cultural, or architectural resources of the community will not be adversely affected by the replacement. Mr. Dunn seconded. All were in favor. The motion passed.

### **3. Adjournment**

With no other business to address, Councilor Kretovic. motioned, seconded by Ms. Brooks, to adjourn the meeting. All voting members were in favor. Motion passed unanimously at 6:45 p.m.

The next regular monthly meeting will be held on November 2<sup>nd</sup> at 4:30 p.m.

Respectfully Submitted,  
Krista Tremblay  
Administrative Specialist II