

PROJECT NARRATIVE

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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Community Development Department
Planning Division

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.

(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.

(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.

(4) *Specific circumstances relative to the subdivision or conditions of the land in such subdivision indicate that the waiver will properly 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.

(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.

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 _____

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.
- _____
- _____
- _____
- _____

(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.

(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.

(4) *Specific circumstances relative to the subdivision or conditions of the land in such subdivision indicate that the waiver will properly 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.

(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.

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 _____

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.

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 (7th) 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

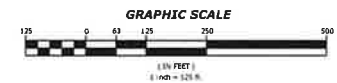
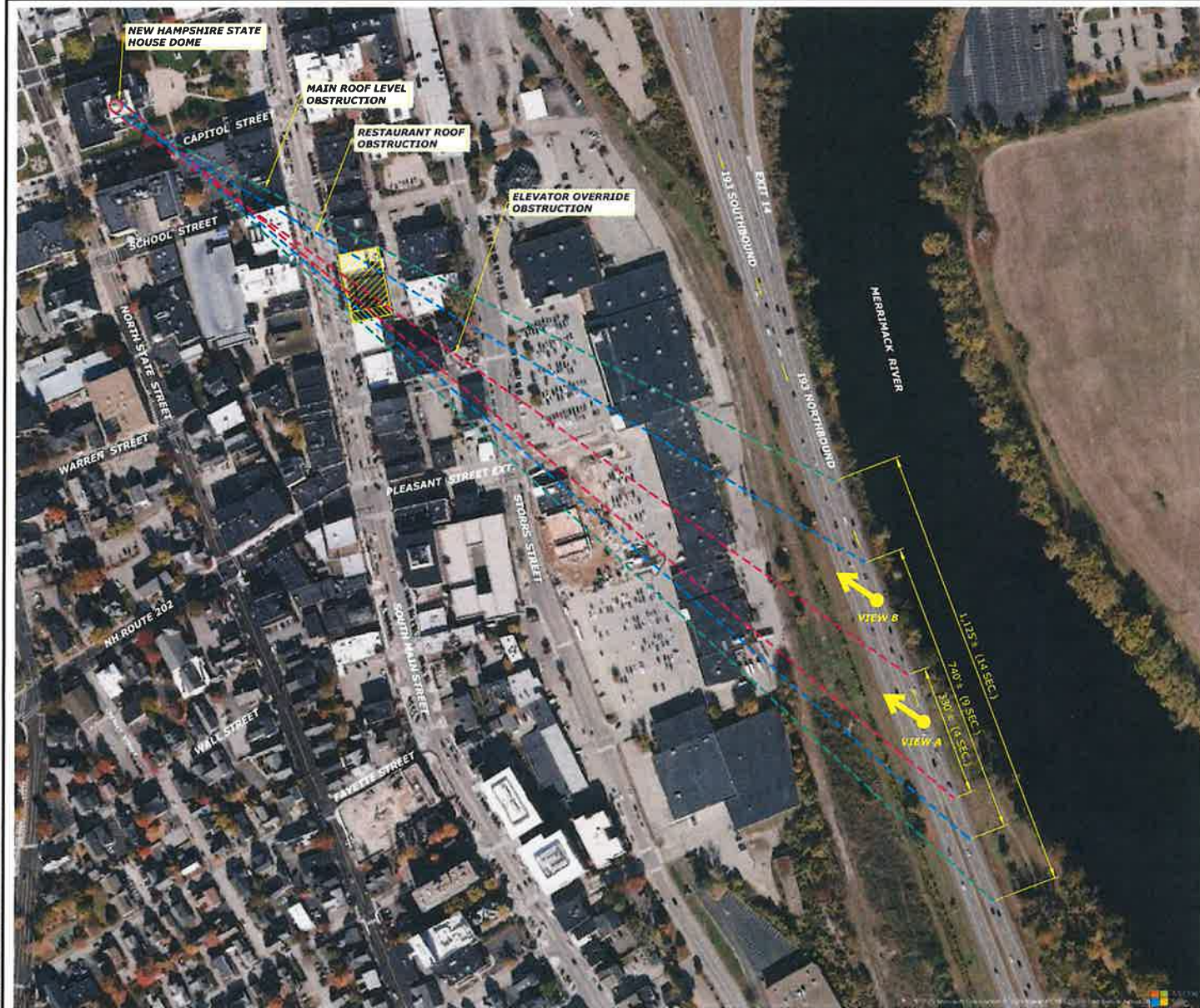
neighboring buildings on main street and reduces the visual massing of the new building.

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 6th 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.



STATE HOUSE DOME SIGHT LINE EXHIBIT

PREPARED FOR:
PHENIX BLOCK REDEVELOPMENT
 MAIN STREET
 CONCORD, NEW HAMPSHIRE

OWNER: PHENIX HALL, LLC
 P.O. BOX 443
 CONCORD, NH 03302-0443

REVISIONS:

NO.	DATE	DESCRIPTION

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

119 Slows St., Ste. 202
 Concord, NH 03301
 Tel: 603-226-1166
 Fax: 603-226-1860
 www.northpointeng.com

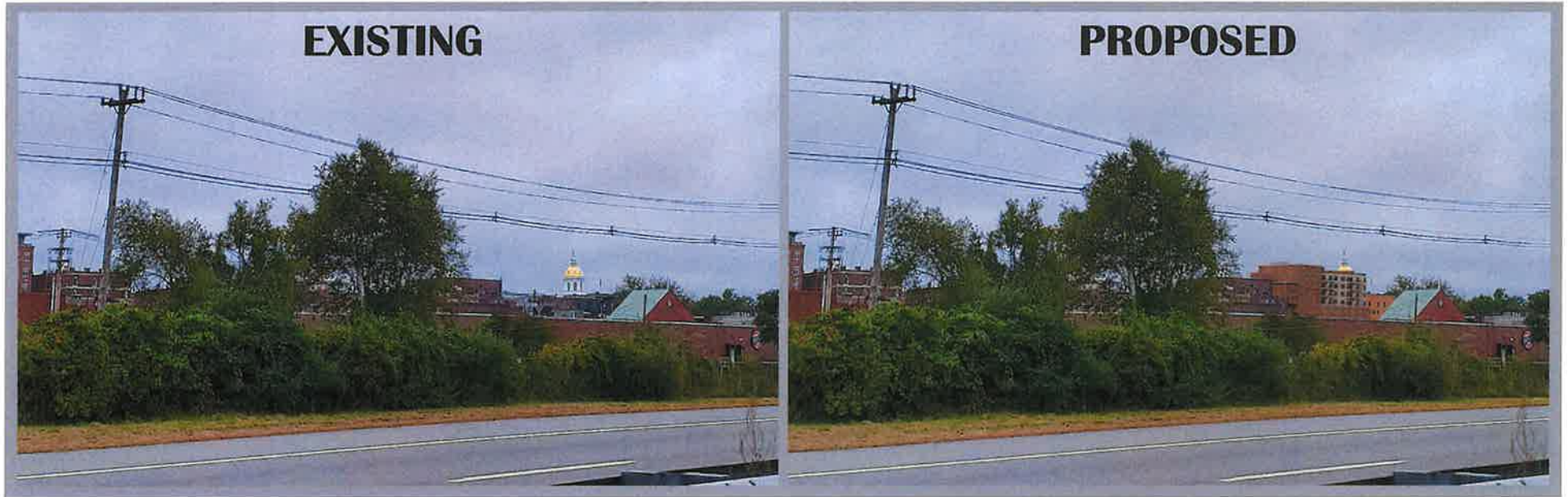
DATE: NOV. 2023
 PROJ.: 19017.1
 SCALE: 8" = 125'
 SHEET: 1 OF 1

A



EXISTING

PROPOSED



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