

November 19, 2024

City of Concord Planning Board  
City Hall  
41 Green Street  
Concord, New Hampshire 03301

**RE: Waiver Requests for Arts Alley Subdivision / Condominium Plan (2024-060)**  
**Arts Alley, LLC**  
**20 S. Main St, 20 ½ S. Main St and 22 S. Main St, Concord, NH**

Dear Planning Board:

On behalf of Arts Alley, LLC and in support of the subdivision application referenced above, Wilcox & Barton, Inc. requests the following waiver from the Subdivision Regulations:

A waiver to Section 10.06, *Major Subdivision Procedure, Determination of Completeness*, to allow for the Major Subdivision Application to be heard within a one scheduled meeting period where a minimum two meeting review period is required for Major Subdivision Applications.

The proposed condominium falls under the Major Subdivision threshold criteria listed in Section 6.02(4) *Condominium Conversions*. The project is comprised of 4 building condominiums as well as common and limited common areas. The project is classified as a Major Subdivision because the conversion involves a change in the site layout. All site changes were previously permitted through the Major Site Plan process. At this time the plans are limited to those required to create the condominium. Those plans have been revised in response to all comments received from the Planning Department.

We request a waiver to the scheduling process for the Planning Board meetings, which would allow the schedule to adhere to a shorter timeframe. The criteria for this request are detailed below.

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

The waiver would allow for a realistic timeline for the Subdivision Condominium Application to be reviewed and publicly noticed and allow for the owner/applicant to move forward with their project in a feasible timeframe. Site construction is underway per the approved Site Plan and the condominium documents pave the way to finalize project financing. Holding a public hearing the same night as determination of completeness will not be detrimental to the safety, health, welfare to the public nor will it be injurious to other property.

- 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 reduced timeline is specific for this project. The Major Subdivision application was submitted a couple of months ago allowing the applicant time to revise plans in response to items missing for completeness and as well as other items noted by staff. Though it is a site plan, no new or different improvements are proposed. The subdivision is entirely to facilitate a building condominium. Based on this unique situation, it appears feasible to submit and review the project permit application within one scheduled meeting.

- 3. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, an unnecessary hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out.*

Strict conformance to the scheduling regulations would provide a hardship to the owner based upon the character of the permit application and the affiliated review/noticing that would be required. There are no site changes, and all comments related to the subdivision plat have been addressed; therefore, the elongated scheduling period would limit the owner's ability to move forward with financing for the project.

- 4. Specific circumstances relative to the site plan or conditions of the land where a site plan is proposed indicate that the waiver will properly carry out, or not be contrary to, the spirit and intent of these regulations.*

The proposed conditions of this Major Subdivision Application could be carried out/reviewed, while adhering to the intent of the Subdivision Regulations. This waiver request would allow for the permit application to be heard at the same scheduled Planning Board meeting as the Determination of Completeness.

- 5. The waivers will not in any manner vary the provisions of the Zoning Ordinance, Master Plan Reports or Official Map.*

The proposed design and requested waiver will not in any manner vary the provisions of the Zoning Ordinance, Master Plan or Official Map.

We appreciate your consideration of this request. If you have any questions, or require additional information, please contact me at (603) 369-4190 x527.

Very truly yours,

**WILCOX & BARTON, INC.**



Erin R. Lambert, P.E.  
Senior Vice President

Revised November 19, 2024

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**Arts Alley, LLC**  
**20 S. Main St, 20 ½ S. Main St and 22 S. Main St, Concord, NH**

Dear Planning Board:

On behalf of Arts Alley, LLC and in support of the subdivision application referenced above, Wilcox & Barton, Inc. requests the following waiver from the Subdivision Regulations. The Condominium Plan was prepared by Richard D. Bartlett & Associates LLC. Given the nature of the condominium, the plan omits various items required by the Subdivision Regulations which we believe would be an undue burden to the applicant and would provide little or no informational benefit to the Planning Board.

We hereby request waivers from the following Subdivision requirements to not depict or list the following on the plan:

- Section 12.08(3) – Topography: Existing topographic conditions and all proposed changes in ground elevation at a contour interval of two (2) feet.
- Section 12.08(18) – *Lighting*: The type and location of existing outdoor lighting. The details were included with the prior site plan application.
- Section 12.08(23)(c) *Tabulations* and Section 16.01(1) *Required Information* require listing the impervious surface coverage in square feet and percent.
- Section 16.02(3) – Plan Scale. The plan is at 1" = 10' which is not one of the listed required scales. It is drawn at this scale for more clarity due to lot size.
- Section 16.03(11) Municipal Sewer: To not show rim and invert data as the information is provided with the prior site plan application. The information is not relevant to the condominium submission.
- Section 16.03(13) *Municipal Sewer* requires showing the location, size, rim, and invert elevations of existing and proposed sanitary and storm sewers including manholes, catch basins, and culverts.

- Section 16.03(14) *Municipal Water Supply* requires showing the location and size of all existing and proposed water mains, including hydrants, gates, valves, and blowoffs.
  - Section 16.04 *Construction Plans* requires the submittal of construction plans for a major subdivision.
  - Section 17.04(1) requires that all common facilities on the site shall be shown on the final plat, including landscaped areas, walkways, signs, solid waste facilities, fire hydrants, light poles, above-ground utilities, fences, walls, and other pertinent common facilities.
  - Section 17.04(3) requires that the acceptable means for water metering, water service, and sewer service including existing and proposed water and sewer service connections shall be shown on the final plat and building floor plans.
  - Section 17.05 *Acceptable Water Metering and Water Service* requires demonstration of one or more of four provisions for water metering and water service for the conversion of the one existing building at 20 S Main St to a condominium.
1. *The granting of the waiver will not be detrimental to the public safety, health, welfare or injurious to other property.*

Omitting these items from the Condominium Plan has no impact on any of these matters. Many of the items are fully detailed on the approved Site Plans for the projects.

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 subdivision is a condominium plan associated with the Arts Alley, LLC and Duke's/Carriage House redevelopment plans. In connection with the approved site plans, comprehensive information about the properties was provided with respect to those areas impacted by proposed improvements. Provision of additional information on the condominium plan, provides no significant additional benefit, while imposing material burden on the applicant. Many of the site features including drainage, utilities and impervious surfaces are under construction and cannot be reflected on the condominium plan at this time.

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

The subdivision is a condominium plan associated with the Arts Alley, LLC and Duke's/Carriage House redevelopment plans. In connection with the approved site plans, comprehensive information about the properties was provided with respect to those areas impacted by proposed improvements. Provision of additional information on the

condominium plan, provides no significant additional benefit, while imposing material burden on the applicant. Many of the site features including drainage, utilities and impervious surfaces are under construction and cannot be reflected on the condominium plan at this time.

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 these regulations.*

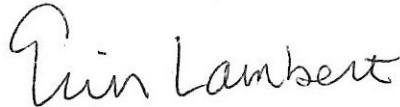
The subdivision is a condominium plan associated with the Arts Alley, LLC and Duke's/Carriage House redevelopment plans. In connection with the approved site plans, comprehensive information about the properties was provided with respect to those areas impacted by proposed improvements. Granting the waivers will not be contrary to the spirit and intent of the regulations.

5. *The waivers will not in any manner vary the provisions of the Zoning Ordinance, Master Plan Reports or Official Map.*

The proposed waivers will not in any manner vary the provisions of the Zoning Ordinance, Master Plan or Official Map.

If you have any questions, or require additional information, please contact me at (603) 369-4190 x527.

Very truly yours,  
**WILCOX & BARTON, INC.**



Erin R. Lambert, P.E, LEED AP  
Senior Vice President