



CITY OF CONCORD
New Hampshire's Main Street™
Community Development Department
Planning Division

Staff Report for Planning Board

Meeting on June 17, 2026

Project Summary – Conditional Use Permit

Project: Concord Craft Delivery Driveway (2026-054)
Property Owner: Phenix Livery, LLC
Applicant: Northpoint Engineering, LLC, and Mark Ciborowski
Project Address: 117 Storrs Street
Tax Map Lot: 6443Z / 11 & 25

Determination of Completeness:

To determine completeness of a conditional use permit application without a companion site plan or subdivision application, the Board shall consider the requirements of Sections 14.02 and 36.14(1) of the Site Plan Regulations, the written recommendation of the Planning Division, and any written communications from the applicant, abutters, and parties of interest; **however, no hearing shall be opened nor shall testimony be received on a determination of completeness.** If it is determined that the application is complete, the Board shall then open the public hearing on said application. An application which is determined to be incomplete may be revised and resubmitted to a subsequent meeting of the Board for another determination of completeness.

The Planning Division reviewed the application for completeness based upon the criteria of the Site Plan Regulations and concluded that the application contains sufficient information and detail for a full review and action by the Board.

Based upon the Planning Division's review of the application, the Planning Division recommends that the Board move to:

- **Determine the Conditional Use Permit application complete;**
- **State that the project does not meet the criteria for a development of regional impact per RSA 36:55; and**
- **Open the public hearing.**

Project Description:

Phenix Livery, LLC, on behalf of Concord Craft Brewing, is requesting a Conditional Use Permit (CUP) to allow the proposed driveway to be located approximately 108-feet south of the intersection of Dubois Avenue and Storrs Street where 200-feet is required at 117 Storrs, in the Central Business Performance (CBP) District.

Concord Craft Brewing has traditionally utilized a loading space located on the adjacent parcel to the north (Tax Map 6443/Z 24, owned by Low and Dubois Realty, LLC) for their deliveries

associated with the craft beer brewing operation that has been operating since 2015. In recent months, the abutting property owner, following failed negotiations to maintain the existing delivery/loading usage of the property, prohibited the use of the loading space, leaving Concord Craft without a direct means of accepting deliveries to the building.

Directly in front (to the east) of the building at 117 Storrs Street is a parcel of land owned by the City of Concord (Tax Map 6443Z / 11). Concord Craft, through the property owner Phenix Livery, LLC, has an existing license agreement to utilize a portion of the City property for use as an outdoor patio that is used by patrons during the warmer months of the year (this license dates back to 2020). The property owner approached the City recently, requesting modification to the existing license agreement to allow for a loading area and driveway access on Storrs Street to facilitate deliveries to Concord Craft.

The proposed loading space will be a 14' long driveway (measured from back of the sidewalk to face of building) and does not meet typical dimensional standards for loading spaces (1,000 square feet of area). As such, when loading occurs, there will be impacts to the Storrs Street sidewalk. Given these issues, the amended license agreement includes provisions which 1) place specific limits on time of day deliveries are permitted, and 2) advise the licensee of potential ordinance violations for blocking the sidewalk during loading activities (see supplemental materials for a copy of the draft amended license agreement).

Additionally, the proposed driveway access point is located too close to the intersection of Storrs Street and Dubois Ave to the north. Therefore, prior to final endorsement of the amended license agreement, Phenix Livery, LLC is required to obtain the necessary CUP for the driveway separation requirement from the intersection with Dubois Ave.

The request for relief is pursuant to *Section 28-7-8(c)(2) Access and Driveway Standards, Separation of Driveways in Nonresidential Districts*, which states: *...except where a conditional use permit has been granted by the Planning Board pursuant to Section 28-7-11, Alternative Parking Arrangements, of this ordinance...For all collector and arterial streets, driveways entering such streets shall be located at least two hundred (200) feet from street intersections, and at least two hundred (200) feet from other existing driveways on the same lot or an adjacent lot.* Storrs Street is classified as a major collector street.

Compliance:

The review of this application under the applicable land use regulations is based on a 6-page narrative and graphic exhibits, submitted May 20, 2026; and, a 2-sheet "Driveway Plan" set, dated May, 2026, prepared by Northpoint Engineering, LLC.

1. Project Details and Zoning Ordinance Compliance:

Zoning District:	Central Business Performance (CBP) District
Existing Use:	Patio (licensed by City of Concord to Concord Craft Brewing)
Proposed Use:	Same, with introduction of a loading space for brewery and new driveway to Storrs Street to facilitate deliveries
Wetland:	None
Wetland buffers:	None

While several waivers were requested, none are applicable for this application, as it is not a site plan.

5. Conditional Use Permit:

The applicant requests approval for a conditional use permit pursuant to Section 28-7-8(c)(2) *Separation of Driveways in Nonresidential Districts* of the Zoning Ordinance to allow for the proposed driveway to be located approximately 108-feet south of the intersection of Dubois Avenue and Storrs Street where 200-feet is required.

The applicant's response to the CUP criteria is in the Board's packet materials.

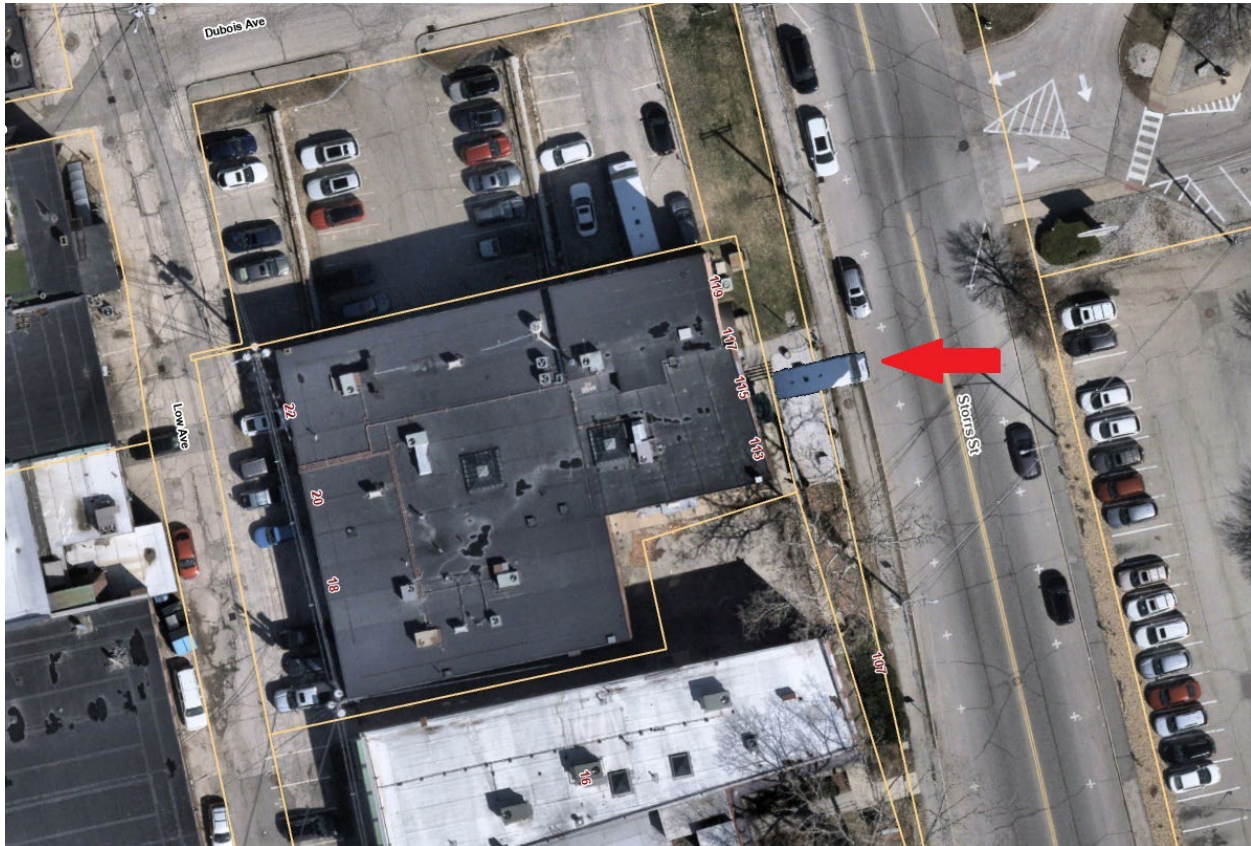
The Engineering Division comments about this proposed CUP are outlined in the attached memorandum dated June 9. Community Development Administration staff generally agrees that the criteria for the CUP are addressed, and note that the applicant has already negotiated a license agreement authorize this use of the City's property for loading. Additional comments relative to the criteria, in the context of the license agreement, follow.

- *The use will not materially endanger the public health or safety;*

Review: Because the loading use is licensed on City property, the City has appropriate mechanisms within the license agreement to terminate the use of the property at any time should there be any activity that impacts public safety: *"The City or the Licensee may terminate this License Agreement in writing to the other party or its agent(s) **at any time and for any reason.** It is understood and agreed between the Parties that upon any termination of this License Agreement, Licensee shall have no claim whatsoever upon the City for reimbursement of any of Licensee's costs in the exercise of the license rights set forth in this License Agreement."*

- *The use will not have an adverse effect on highway or pedestrian safety;*

Review: The license agreement understands that because of the physical limitations on the property (both the City's and the applicant's) there will be impacts on pedestrian use of the sidewalk in front of the property, as the typical delivery vehicle will block a portion of the sidewalk during deliveries (see image next page indicating the typical delivery truck superimposed on the April 2025 aerial photo of the site). The City Council and the applicant recognize this situation, and have limited deliveries to a 3-hour period in the morning (7am to 10am) and the applicant is aware that even during these hours the vehicles will be subject to citation for any violations of the traffic and parking codes (including blocking the sidewalk). Again, should there be any significant safety issues, the City retains the right to terminate the agreement at any time per the license agreement.



6. **Architectural Design Review:**
Not applicable to this application.

7. **Conservation Commission:**
Conservation Commission review is not required for this application.

8. **Recommendations:**

8.1 Staff recommends that the Planning Board **adopt the findings of fact**, which include information provided in staff reports; the applicant's submission materials; testimony provided during the public hearing; and/or other documents or materials provided in the public hearing.

Based on the adopted findings of fact, staff recommends that the Planning Board makes the motion outlined below:

8.2 **Grant conditional use permit approval** to allow the proposed driveway to be located approximately 108-feet south of the intersection of Dubois Avenue and Storrs Street where 200-feet is required at Tax Map 6443Z / 11 & 25 addressed as 117 Storrs Street, based on the evidence provided showing that the criteria of Section 28-9-4(b) have been met, with the following precedent and subsequent conditions:

- (a) **Precedent Conditions** – to be fulfilled within two years and prior to signature of the conditional use permit plat by the Chair and Clerk of the Planning Board, unless otherwise specified.
1. Revise the conditional use permit plat as follows:
 - a. The applicant shall provide the Planning Board Approval Block on the driveway plan.
 2. The license agreement between Phenix Livery, LLC and the City shall be fully executed prior to final approval of the Conditional Use Permit.
 3. Upon notification from the Planning Division that the project complies with the precedent conditions, Zoning Ordinance, and Site Plan Regulations, deliver to the Planning Division for signature one full-size or 11x17 conditional use permit plan set.
- (b) **Subsequent Conditions**
1. The applicant is responsible for compliance with the municipal code, Site Plan Regulations, and Construction Standards and Details, including obtaining necessary variances, waivers, and conditional use permits.



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Michael S. Bezanson, PE
City Engineer

MEMORANDUM

TO: Tim Thompson, AICP, Acting City Planner
FROM: Paul Gildersleeve, PE, Project Manager, and Pete Kohalmi, PE, Associate Engineer
DATE: June 9, 2026
SUBJECT: 117 Storrs St- CUP- Engineering Review
117 Storrs St.; Map 6443Z, Lot 25; Project 2026-054

The Engineering Services Division (Engineering) has received the following items for review:

- Storrs Street Driveway Plans prepared by Northpoint Engineering, dated May 2026
- Conditional Use Permit Application by Northpoint Engineering, dated May 12, 2026
- Waiver Applications, received May 20, 2026

As a supplement to any comments offered by the Planning Division, Engineering offers the following design related comments. With subsequent submissions, the applicant shall provide a response letter that acknowledges or addresses each of these comments and discusses any additional changes to the plans.

1. Conditional Use Permit (CUP)- Article 28-7-8(c)(2)

- a. Engineering does not support relief from Article 28-7-8(c)(2), which requires driveways to be at least 200' from street intersections for collector and arterial streets. A driveway where a large truck would be parked this close to another street could cause sight distance restrictions for vehicles exiting DuBois Ave.

2. Waivers

- a. The applicant has submitted waivers for the following regulations: 12.03 (1), 12.04, 14.02 (3)(a)(vi), 14.02 (3)(f), 14.02 (4)(f), 15.03, 15.04 (6) of the City of Concord Subdivision Regulations. Engineering is in support of these waivers.

3. Overall Design Comments

- a. When in use, the proposed driveway would block through-access of the sidewalk requiring pedestrians to enter the street to walk around. This would violate Public Right-of-Way Accessibility Guidelines and lessen safety for pedestrians.
- b. Was a boundary survey conducted for the preparation of this plan?
- c. The right-of-way line along Storrs Street does not appear to be accurate. There is a right-of-way bound at the intersection of Dubois Avenue that has not been held.
- d. There is a water main within the City owned parcel known as Map 6443Z Lot 11, that is not shown on the plan. Please add this main.
- e. The existing outdoor seating area is the subject of a license with the City (available upon request). Please add a note to the plan indicating the date of execution of the license. An 8" drain pipe was proposed during construction of the patio. Can its existence be confirmed?
- f. A new or revised license for the driveway will be required. Please consult with the Deputy City Manager's office.

4. Storrs Street Driveway Plan (Sheet 1 of 2)

- a. Flare the driveway as shown on Detail D-1, Sheet 2 of 2.

5. Storrs Street Driveway Details (Sheet 2 of 2)

- a. On the Typical Pavement Section Detail, change 1" to 1.5" for the wearing course, pursuant to Detail D-1 this page.