

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.



CITY OF CONCORD
New Hampshire's Main Street™
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 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.

(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.



CITY OF CONCORD
New Hampshire's Main Street™
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(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 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.

(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.



CITY OF CONCORD
New Hampshire's Main Street™
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(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.

(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.

(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.

(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.

(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.

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* _____
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.



CITY OF CONCORD
New Hampshire's Main Street™
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 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.

(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.

(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.

(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.

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 _____
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.



CITY OF CONCORD
New Hampshire's Main Street™
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 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.

(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.

(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 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.

(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.

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 _____

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.



CITY OF CONCORD
New Hampshire's Main Street™
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 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.

(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.

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 _____

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.



CITY OF CONCORD
New Hampshire's Main Street™
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 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.

(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.

(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.

(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.

(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.

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 _____
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.



CITY OF CONCORD
New Hampshire's Main Street™
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 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.

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 _____

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.



CITY OF CONCORD
New Hampshire's Main Street™
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 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.

(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.

(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.

(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.

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 _____
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.



CITY OF CONCORD
New Hampshire's Main Street™
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 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.

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

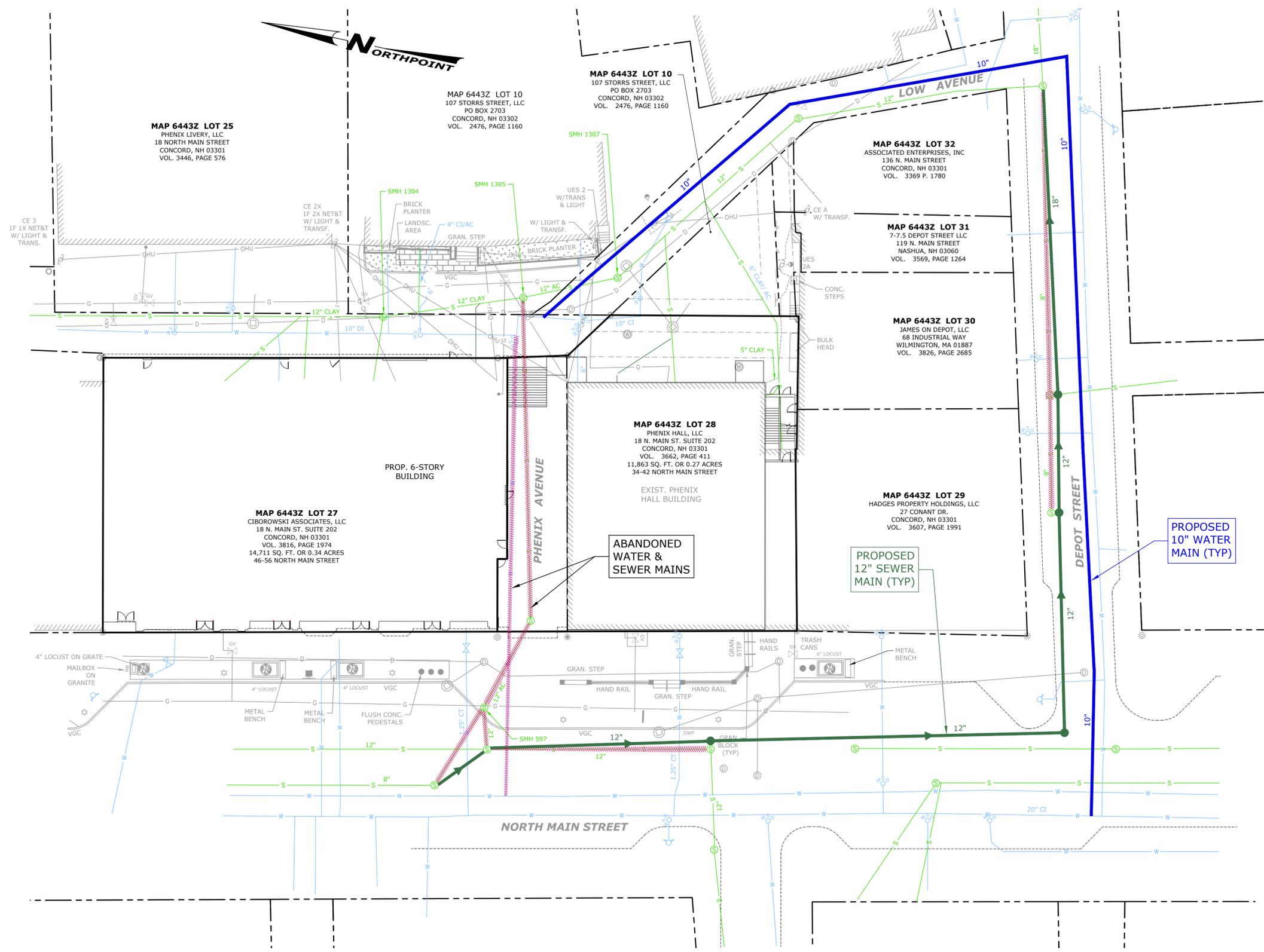
(1) Strict conformity would pose an unnecessary hardship to the applicant and waiver would not be contrary to the spirit and intent of the regulations _____

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 _____

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.

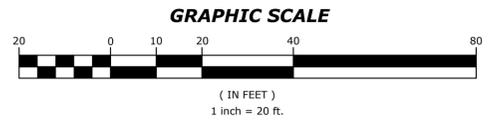
FILE: G:\projects\19017\ALT UTIL EXHIBIT.dwg BY: James DATE: 21 Jan 2026 - 9:38am



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