



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

Staff Report for Planning Board

Meeting on February 18, 2026

**Project Summary –Major Site Plan Architectural Design Review, and
Conditional Use Permit Applications**

Project: Phenix Block – Major Site Plan (2025-123)
Property Owner: Ciborowski Associates, LLC
Applicant: Northpoint Engineering, LLC
Property Address: 56 North Main St
Tax Map Lot: 6443Z 27

Determination of Completeness:

On December 17, 2025, the Planning Board determined this application complete, determined it to not be a development of regional impact, and continued the public hearing to the date certain of February 18, 2026.

The Board has 65 days within which to consider and act on the application once the application is determined complete, per RSA 676:4(I)(c). Provided the Board determines the application complete, the 65-day period shall commence on December 17, 2025, and end on **February 20, 2026**. If the applicant has not demonstrated compliance with the Subdivision Regulations by the end of the statutory timeline (**February 20, 2026**), the applicant may waive the requirement for Planning Board action within the 65-day time period and consent to an extension of the public hearing as may be mutually agreeable, or the Board may approve, approve conditionally, or deny the application based on the information provided at that time.

Project Description:

The applicant is proposing the complete redevelopment of the Phenix Block (Lot 27) along with a new building connection to Phenix Hall (Lot 28). The two existing buildings on Lot 27 will be removed to make way for a new, 8-story, mixed-use building. The new building will have a small parking garage and some limited retail space on the lower level accessible from Low Ave. The second floor will be comprised of office space and the third through sixth floors will be residential apartments (36 units total) – 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 redevelopment of the area surrounding Phenix Hall has been a significant economic development aspiration of the applicant and has been identified as a key redevelopment location by the City as well, to the extent that the project location is specifically discussed in the City's 1997 Downtown Master Plan.

The connection to Phenix Hall (Lot 28) will be a 6-story infill of the discontinued Phenix Ave and a separate major site plan application (PL-SPR-2025-0050) has been submitted for that redevelopment. While two separate site plan applications have been submitted for each parcel (Lot 27 and Lot 28), both applications utilize the same plan set and for all intents and purposes, are a single project.

In order to accommodate the infill portion of the new building of Lot 28, the applicant has also submitted an accompanying minor subdivision application (PL-MIS-2025-0047) for the discontinuance of the existing Phenix Ave and lot line adjustment to reapportion the property lines between Lot 27 and Lot 28 resulting from the discontinuance of Phenix Ave.

Compliance:

The following analysis of compliance with the Zoning Ordinance and Site Plan Regulations is based on an undated 2-page narrative; a 14-sheet civil plan set titled “Phenix Block Redevelopment”, prepared by Northpoint Engineering, LLC, dated October 2025, with revisions through January 21, 2026; a 25-sheet architectural plan set titled Phenix Block, prepared by SMP Architecture, dated October 13, 2025, with revisions through December 1, 2025; ten, undated, 3-page waiver request narratives; a 6-page conditional use permit narrative for the obstruction of view of State House Dome from Interstate, dated October 15, 2025; a 3-page conditional use permit narrative for the building height, dated October 15, 2025; a 3-page waiver narrative titled “Application No. 2025-123; Major Site Plan and CUP; 56 N. Main Street, Concord, NH” prepared by Gallagher, Callahan, & Gartrell, dated November 24, 2025; a 5-page fire pump information narrative titled “Phenix Block: Preliminary Fire Pump” prepared by Nortech Systems, dated November 20, 2025; a 3-page water pressure narrative titled “Phenix Block” prepared by WV Engineering Associates, PA, dated November 21, 2025; the 4-page Heritage Commission Special Meeting Minutes dated October 19, 2023; a 1-page Fire Response letter titled “Re. PL-CUP-2025-0101” prepared by the City of Concord Fire Department, dated November 28, 2025; a 3-page City Memorandum titled “Heritage Commission Role in RSA 79-E Process, Mark Ciboroski – Former E&P Hotel/CVS” prepared by the Community Development Department, dated October 6, 2023; an undated, 10-page shadow study titled “Phenix Block”, prepared by SMP Architecture; and, a 1-page Alternative Utility Exhibit, dated January 2026, prepared by Northpoint Engineering, LLC.

1. Project Details and Zoning Ordinance Compliance:

Zoning District: Central Business Performance (CBP) District
 Existing Use: Retail
 Proposed Use: Mixed Use
 Overlay Districts:
 Flood Hazard (FH) District: None
 Shoreland Protection (SP) District: None
 Historic (HI) District: None
 Penacook Lake Watershed (WS) District: None
 Aquifer Protection (AP) District: None
 Wetland: None
 Wetland Buffer: None

Zoning Code Item	Required	Existing	Proposed
Minimum Total Area	N/A	14,454-square-feet	14,711-square-feet
Minimum Buildable Land	N/A	14,454-square-feet	14,711-square-feet
Minimum Lot Frontage	22 feet	144.38 feet	144.38 feet
Minimum Front Yard	N/A	0	0
Minimum Rear Yard	N/A	0	0
Minimum Side Yard	N/A	0	0
Maximum Lot Coverage	N/A	100%	100%
Maximum Building Height	80 feet	Less than 80 feet	89.5 feet

- 1.1 Per Section 29.2-1-2(a)(1) of the Zoning Ordinance, any person or entity which seeks to undertake new development within the City of Concord, shall pay impact fees to the City in the manner and in the amounts set forth in the ordinance. An applicant for the development of permitted nonresidential uses shall qualify for a waiver of the transportation facilities impact fees, but the waiver request must be received prior to the Clerk’s calculation of the impact fees. The Clerk determines the impact fee at the time of building permit application, and **the applicant must request the waiver prior to the date of the determination.**

On December 18, 2025, the applicant requested via an email from Gallagher, Callahan & Gartrell, P.C., a waiver from Section 29.2-1-2(a)(1) of the Zoning Ordinance, to waive transportation facilities impact fees from the pending Phenix-related applications (2025-122, 2025-123, 2025-125)

2. General Comments:

- 2.1 Per Section 6.01(4) of the Site Plan Regulations, staff was unaware of any nonconformities with the Zoning Ordinance at the time the abutter notifications were mailed.
- 2.2 Per Section 6.01(5) of the Site Plan Regulations, a completed conditional use permit application if required shall be made at the same time as the site plan application. This project requires two conditional use permit approvals –for the obstruction of view of State House Dome and for the building height. The conditional use permit applications were submitted.
- 2.3 Per Section 12.01 *Research* of the Site Plan Regulations, applicants are responsible for familiarizing themselves with all city, state, and federal regulations relative to zoning, site plan design and approval, land sales, utilities, drainage, health, buildings, roads, and other pertinent data so that the applicants are aware of the obligations, standards expected, and documents to be submitted.
- 2.4 Per Section 25.01 *Nonmunicipal Utilities General Requirements* of the Site Plan Regulations, the applicant is responsible for all coordination with the utility companies to ensure that utilities are installed in accordance with the Board-approved plans. Staff recommends that the applicant coordinate with all nonmunicipal utilities providing services to the site to ensure the existing services are adequate. Any changes to the utilities after the Board’s conditional approval will require either administrative approval or an amendment to the conditional approval depending upon the changes proposed.
- 2.5 Per Section 15.03 *Existing Condition Plan*, where minimal changes are proposed to the site, the Clerk may allow the applicant to reduce the amount or extent of the information required from Section 15.03 to be shown on the existing conditions plan provided that the proposed extent and impacts of the proposed improvements to the site, and City at large, can be satisfactorily reviewed and sufficient information is provided on the plan for the Planning Board to act on the application. Accordingly, as the majority of the site remains unchanged, the Planning Board Clerk has determined to reduce the amount or extent required from Section 15.03 as noted below:
- a. Section 15.03(23)(b), (c), (d), (e), and (f), to not require the applicant to provide the required tabulations on the existing conditions sheet.
- 2.6 Per Section 15.04 *Proposed Site Plan*, where minimal changes are proposed to the site, the Clerk may allow the applicant to reduce the amount or extent of the information to be required from Section 15.04 to be shown on the site plan provided that the proposed extent and impacts of the proposed use and improvements to be made to the site can be satisfactorily reviewed and

sufficient information has been provided for the Planning Board to act on the application. Accordingly, and whereas the majority of the site remains unchanged, the Planning Board Clerk has determined to reduce the amount or extent required from Section 15.04 as noted below:

- a. Section 15.04(6) *Topography*. The applicant has provided a separate grading and drainage sheet as part of the plan set.
 - b. Section 15.04(11) *Parking, Loading, Access*. Section 28-5-48 *Central Business Performance (CBP) District Standards* of the Zoning Ordinance provides separate requirements for development within the CBP District, which include no parking requirements.
 - c. Section 15.04(13) *Municipal Sewer*. The applicant has provided a separate Utility Plan sheet as part of the plan set.
 - d. Section 15.04(14) *Drainage & Erosion Control*. The applicant has provided a separate Grading & Drainage sheet and Erosion Control sheet as part of the plan set.
 - e. Section 15.04(17) *Municipal Water Supply*. The applicant has provided a separate Utility Plan Sheet as part of the plan set.
 - f. Section 15.04(19) *Other Utilities*. The applicant has provided a separate Utility Plan Sheet as part of the plan set.
 - g. Section 15.04(26) *Lighting*. The applicant has provided a separate Lighting Sheet as part of the plan set.
- 2.7 Staff notes that no building or tenant signage has been proposed in conjunction with this application. Section 16.03(11) *Signs* of the Site Plan Regulations does allow, if tenancy is unknown at the time of site plan submittal, a master sign plan or sign permits may be submitted for architectural design review prior to occupancy of the building or specific tenant space.
- 2.8 Staff notes that that Planning Board has the authority to, and may require third party investigations or reviews, at the applicant's expense, in order for the Planning Board to satisfactorily complete its review in accordance with Section 13.01(8) *Impact Studies* and Section 13.01(9) *Special Investigative Studies or Third Party Reviews* of the Site Plan Regulations.
- 2.9 The Assessing Department and Fire Department had no general comments.
- 2.10 The Engineering Services Division general comments are noted in the attached 11-page memo to Alec Bass from Paul Gildersleeve and Pete Kohalmi, dated February 11, 2026.
- 2.11 Staff notes that Section 28-5-48 *Central Business Performance (CBP) District Standards* of the Zoning Ordinance provides supplemental ordinance considerations for development within the CBP district, including, but not limited to: removal of certain dimensional regulations; the removal of off-street parking, off-street loading, and off-street loading for refuse containers.
- 2.12 It is the Planning Division's understanding that the applicant intends to pursue a public-private partnership with the City to support the applicant's project. As of the date of this report, no public-private partnership currently exists between the applicant and the City for this project, and any potential public-private partnership will require City Council approval. The exact parameters of any potential public-private partnership have not been defined. However, per discussions with the applicant, it is anticipated that the applicant will seek discontinuance of Phenix Avenue (which is partially owned by the City in fee), public utility and other off-site improvements, as well as other items.

Given this, and the fact that the applicant has chosen to proceed through the Planning Board process prior to having secured any partnership agreement with the City Council, staff is placed in a difficult position on how best to proceed with the approval process for the project.

With respect to utilities, the applicant has proposed (in the associated site plan applications) locating public water and sewer utilities within the to-be-discontinued Phenix Ave area. Specifically, the utilities would be located beneath a new building which will be constructed within the existing Phenix Avenue right-of-way. City Engineering does not support this approach, due to the inherent complications that will exist for future maintenance and replacement of said utility mains beneath a private building.

Alternatively, the applicant has provided a conceptual layout plan showing alternative routing for public utilities on North Main Street / Depot Street / Low Avenue. No detail design has been provided. City Engineering prefers this alternative concept, subject to final design by the applicant.

Staff recommends the Board conditionally approve the application with the alternative utility design which routes utilities on North Main Street / Depot Street / Low Avenue subject to final design prepared by the applicant and approved by the City Engineer. If upon completion of design by the applicant the conceptual utility route is deemed infeasible by the City Engineer, the condition of approval should be structured to allow utilities to be constructed within the to-be-discontinued Phenix Avenue rights-of-way, or as might otherwise be agreed to by the City Engineer and the applicant.

3. Site Plan Regulations Determination of Completeness:

The items below are missing and **the Site Plan Regulations REQUIRE the items for the application to be deemed complete (unless a waiver from the requirement is otherwise approved).**

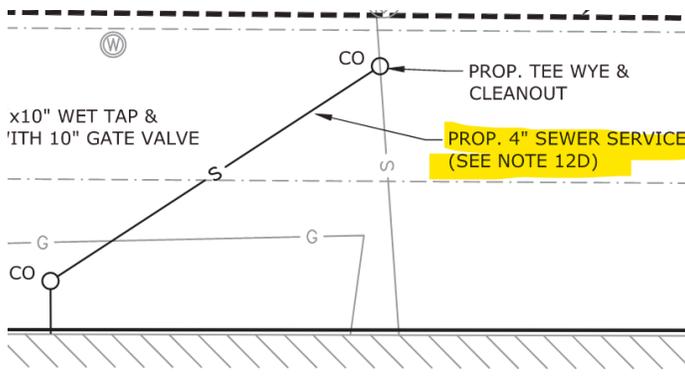
- 3.1 Section 12.03(4), Section 16.02(1) *Preparation*, and Section 16.03(1) *Preparation*, requires architectural elevations shall be signed and sealed by a New Hampshire Licensed Architect, or a New Hampshire Licensed Professional Engineer, as allowed by the State of New Hampshire professional licensing boards. Specifically, the 25-sheet architectural plan set titled Phenix Block, prepared by SMP Architecture, dated October 13, 2025, with revisions through December 1, 2025 is missing the sign and seal of a New Hampshire Licensed Architect and shall be provided.
- 3.2 Section 13.01(6) requires a copy of any application made to a State or Federal agency required for the approval of this site plan, including those required for the development of off-site improvements be submitted as part of the application. Specifically, Note 21 on sheet 3 Site Plan states that a NHDES Sewer Connection Permit is required, and a copy of this application shall be provided to the City.
- 3.3 Section 13.02(4) *Other Public Easements*, requires Warranty Deeds or Deeds of Easement for any other public use shown on the plat or required by the Planning Board. Staff notes this application has been submitted in conjunction with a minor subdivision application for the discontinuance of Phenix Ave and lot line adjustment between the two subject parcels. Concurrently with final approval of the major site plan application, the minor subdivision application (PL-MIS-2025-0047) shall receive final approval and an access easement and plan, to provide public pedestrian access between North Main Street and Low Ave, shall be prepared, reviewed and approved by the Clerk of the Planning Board, City Solicitor, and City Engineer as to form and content, and recorded with the Merrimack County Registry of Deeds. Additionally, the easement plan shall be included in the civil plan set.
- 3.4 Section 13.02(8) *State and Federal Permits*, requires copies of all state and federal permits to be submitted to the Planning Division for review and approval prior to the issuance of a certificate of

- approval. Specifically, Note 21 on sheet 3 Site Plan states that a NHDES Sewer Connection Permit is required, and an approved application shall be provided to the City.
- 3.5 Section 16.02(18) *Demolition Plan* requires the demolition plan to show the extent of removal of all building, structures, pavement, and landscaping, etc. Specifically, the removal plan now provides callouts as to what will need to be removed, but does not shown the full extent of removal and restoration on the plan. A note shall be added to the removals and site plans stating to the effect that it will be the responsibility of the owner that all work related to the project, including removal or installation of municipal or non-municipal utilities, shall be completed in one, cohesive restoration element. Additionally, a callout has been added to remove, salvage, and preserve the metal sculpture on Main Street. This sculpture is located in an area designated through an agreement between the City of Concord and the Chamber of Commerce, and the art is owned by the artist. Removal of the sculpture shall be performed in accordance with the agreement, and shall only be removed by the artist. In addition, the curbed area is designated by the City of Concord for artwork, and shall be restored to its prior condition at the completion of construction. All costs associated with the removal and restoration of the art and designated area shall be at the owner of this development project's expense. The plans shall be revised to say "Artwork to be removed by others in coordination with the City of Concord", and the plans shall be revised to show the restoration in kind of this designated art and sculpture area.
- 3.6 Section 16.02(19) *Traffic Control Plan* requires where work is required or proposed within or immediately adjacent to a travel way of a public street or common private drive, a traffic control plan shall be submitted to the satisfaction of the City Engineer. Specifically, the proposed development has potential to significantly pose impacts daily vehicle and pedestrian traffic on Low Ave, North Main Street, Phenix Ave pedestrian connection, as well as festivities typically held on North Main Street. The applicant shall provide a conceptual traffic control plan demonstrating how these impacts will be mitigated prior to final approval by the Planning Board. As a subsequent condition of approval prior to the issuance of a building permit, staff recommends the Board require the applicant to submit a complete traffic control plan, prepared by a qualified and licensed engineer, subject to the review and approval by the City Engineer.
- 3.7 Section 16.02(22) *Construction Details* requires construction details shall be provided for all utilities, driveways, and parking areas, pavement markings, sidewalks and patios, drainage facilities and structures, information, regulatory and directional signage, outdoor recreation facilities, common mailboxes, street furniture, solid waste receptacles, buffer walls and fences, retaining walls, landscaping, and site lighting. Specifically, the herringbone brick pattern on the Paving Pattern for 7'-0" wide brick furniture zone doesn't appear to match the pattern installed on North Main Street. The pattern of brick shall be verified to match what was installed along North Main Street. Staff recommends the applicant also contact City Engineering about utilizing the same details which were used as part of the original construction of all North Main Street facilities.
- 3.8 The Assessing Department and Fire Department had no determination of completeness compliance comments.
- 3.9 The Engineering Services Division compliance comments are noted in the attached 11-page memo to Alec Bass from Paul Gildersleeve and Pete Kohalmi, dated February 11, 2026.

Site Plan Regulations Compliance:

The submittal was found to be compliant with all other sections of the Site Plan Regulations, except as listed below, noting that the items below are missing as required for full compliance but are **not required to deem the application complete. determination of completeness.**

- 3.10 Section 17.04 *Addressing* requires that an address shall be provided for each building, rental space or condominium unit shown on the site plan. The applicant shall obtain the address of each building, or unit, from the City Engineering Division and add it to the site plan. Specifically, the applicant shall confirm with the City Engineering Division that no change of addressing is required for any of the new or redeveloped buildings.
- 3.11 Section 24.04 *Design Standards for Service Connections* requires service connections to the municipal sanitary sewer system shall be constructed in accordance with the standards contained in the City of Concord Construction Standards and Details. Specifically, the applicant proposes a 4-inch PVC sanitary sewer service for the existing Phenix Hall building. Section 4.03.B.13.b of the City of Concord Construction Standards requires a minimum 6-inch service lateral for commercial use and this service shall be revised accordingly. Additionally, the size and material of the existing sanitary service proposed to be connected into shall be confirmed, and if less than 6-inches, or found in substandard condition, it shall be replaced accordingly per Section 24.05 *Substandard Connections* of the Site Plan Regulations.



- 3.12 Section 13.02(2) *Utility and Drainage Slope Easements* requires deeds of easements for new, extended or expanded utility and drainage rights-of-way located outside of any existing or proposed street right-of-way. Specifically, the applicant is proposing to install a 6-inch sanitary sewer service for Tax Map 6443Z Lot 27 which will require connecting to the City's existing sanitary sewer main located on Tax Map 6443Z Lot 10. A utility easement deed and easement plan for the connection on Tax Map 6443Z Lot 10 shall be prepared, subject to the approval of the Clerk of the Planning Board, City Engineer, and City Solicitor as to form and content, and recorded with the Merrimack County Registry of Deeds prior to final approval.

4. Variances:

- 4.1 No variances are requested.

5. Waivers:

- 5.1 The applicant requests a waiver from the following section of the Site Plan Regulations:
- Section 16.02(12)(b), to not require a drainage study including 10- and 25-year storm runoff estimates, including all calculations.
 - Section 16.02(15) *Landscape Plan* & 27.03 *Landscape Plans*, to not require 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.

- c. Section 6.03(2)(c) *Site Plan* and Section 11.05 *Determination of Completeness*, to allow for the determination of completeness and public hearing in the same meeting.
- d. Section 16.02(20) *Offsite Improvement Plan*, to not require a separate off-site improvement plan.
- e. Section 21.02 *Sidewalks Required*, to not provide a sidewalk on Low Ave
- f. Section 23.04(1) *Construction Standards*, to allow a water main to be constructed of HDPE pipe.
- g. Section 24.03 *Design Standards for Municipal Sanitary Sewers*, to allow the use of HDPE pipe for sanitary sewer main.
- h. Section 29.01 *General Requirements*, to not provide fully legible fixture details and instead allow plan note be added to confirm compliance.
- i. Section 29.04 *Building and Façade Lighting*, to not require all building and canopy lighting to meet the 4:1 uniformity ratio standard contained in Article 28-7-7(j) of the Zoning Ordinance, and to allow more than 25% of building lighting to be directed upward.
- j. Section 29.05 *Canopy Lighting*, to allow canopy lighting to exceed the maximum illumination of 20 foot-candles and exceed the 4:1 uniformity ratio between average illumination and minimum illumination
- k. Section 29.07 *Nuisance and Glare*, to allow light trespass beyond property boundaries greater than 0.2-foot candles

The applicant provided an analysis of the five waiver criteria listed in Section 36.08 of the Site Plan Regulations and criteria in RSA 674:44(III)(e). Staff reviewed the criteria and found the criteria to be satisfactorily addressed and supports granting, or conditionally granting these waivers for items **5.1(b) through (e)** and **5.1(i) through (k)**

For **Item 5.1(a)**, staff does not recommend granting the requested waiver. The applicant has yet to provide an analysis of the pre and post flow of roof drains for the project. Without this, staff cannot determine if the intent of the regulations are being met without a comprehensive drainage analysis.

For **Item 5.1(f)**, staff does not recommend granting the requested waiver. Not only does staff recommend against the placement of the proposed utility mains through Phenix Ave, but if the plan does ultimately move forward with utilities through Phenix Ave, more traditional materials, compliant with current regulations can be utilized.

For **Item 5.1(g)** staff does not recommend granting the requested waiver. Not only does staff recommend against the placement of the proposed utility mains through Phenix Ave, but if the plan does ultimately move forward with utilities through Phenix Ave, more traditional materials, compliant with current regulations can be utilized.

For **Item 5.1(h)** staff does not recommend granting the requested waivers. Specifically, because it was determined that all information provided on the approved set of plans must be legible.

6. Conditional Use Permits:

- 6.1 The applicant requests approval for a Conditional Use Permit (CUP) pursuant to Section 28-4-1(g)(6), which allows a building located in the CBP or OCP to obstruct the views of the State House Dome from specific locations Interstates 93 and 393, provided the Planning Board grants Architectural Design Review approval and makes the findings listed below in granting the CUP from both Sections 28-9-4(b) and 28-4-1(g)(6). The CUP would apply to the properties located at

44-52 North Main St and 54-56 North Main Street, along with a connection to and renovation of 34-42 North Main St.

Analysis of the required criteria for Section 28-9-4(b) *Conditional Use Permits* for the principal use follows:

- a. The use is specifically authorized in this ordinance as a conditional use;

Review: The use (mixed use residential/entertainment) is permitted in the CBP, and the specific item in question, the maximum height, is permitted to be increased through a CUP by Section 28-4-1(g)(6) to a maximum of 90'. The applicant's proposed building height is 89'-6". **Staff recommends the Board find that this criterion is satisfied by the applicant's proposal.**

- b. If completed as proposed by the applicant, the development in its proposed location will comply with the requirements of this article, and with the specific conditions of standards established in this ordinance for the particular use;

Review: Satisfaction of this criterion is dependent on the Board's decision on the associated CUP for obstruction of the State House Dome. **Staff recommends that if the Dome obstruction CUP is granted, the Board find that this criterion is satisfied by the applicant's proposal.**

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

Review: The uses proposed are permitted under the Zoning Ordinance, and the building will be constructed and inspected per all required building and life safety codes. **Staff recommends the Board find that this criterion is satisfied by the applicant's proposal.**

- d. The use will be compatible with the neighborhood and with adjoining or abutting uses in the area in which it is to be located;

Review: The proposed mixed-use project is consistent with the adjoining and abutting uses along Main Street and generally in downtown Concord. **Staff recommends the Board find that this criterion is satisfied by the applicant's proposal.**

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

Review: As proposed and currently designed, the properties' use would not have adverse impacts for pedestrians or vehicular traffic, outside of during the construction process. **Staff recommends the Board find that this criterion is satisfied by the applicant's proposal**

- f. The use will not have an adverse effect on the natural, environmental, and historic resources of the City;

Review: While the proposed redevelopment project does include the demolition of the former E&P Hotel building (which had been determined as a contributing structure to a potential downtown historic district), there has been some measure of review completed by the City's Heritage Commission, which voted on October 19, 2023 to determine that the demolition of the building was not significant individually, and therefore could be demolished and be part of an RSA 79-E tax relief incentive for the redevelopment of the property. While this vote was specifically intended to be a necessary component of an eventual RSA 79-E tax relief

incentive request (to be considered by the City Council at some future date), it does provide guidance that the Planning Board can draw upon in determining compliance with this criterion. **Staff recommends the Board find that this criterion is satisfied by the applicant's proposal.**

- g. The use will be adequately serviced by necessary public utilities and by community facilities and services of a sufficient capacity to ensure the proper operation of the proposed use, and will not necessitate excessive public expenditures to provide facilities and services with sufficient additional capacity.

Review: The applicant has provided supporting memorandum's specific to water, that the existing municipal infrastructure will be adequate to provide domestic and suppression for the building, through the use of pumps to be installed in the building as part of the project. **Staff recommends the Board find that this criterion is satisfied by the applicant's proposal.**

Analysis of the required criteria for Section 28-4-1(g)(6) follows:

- a. Buildings or structures shall exceed the height limit only to the minimum extent necessary to accomplish the development program as approved by the Planning Board, and in no case shall any building or structure exceed a height of ninety (90) feet from average grade as calculated in Section 28-4-1(f);

Review: As represented by the applicant, the proposed 9'-6" increase above the 80' building height requirement is necessary to provide an additional story of residential units, which provide a revenue stream integral to the overall financial viability of the project. Staff expects that a full and comprehensive review of the project's financial viability will be undertaken by the Assistant Director of Community Development as part of the review of an upcoming RSA 79-E tax relief incentive application associated with the project. Even without this comprehensive review, a cursory understanding of the project costs by City staff is consistent with the applicant's assertion that the residential units are critical to the project's viability. **Staff recommends the Board find that this criterion is satisfied by the applicant's proposal.**

- b. Notwithstanding subsection "a" above, no building or structure shall exceed a height of ninety (90) feet from the elevation of South Main Street if located, or proposed to be located, in the Central Business Performance District westerly of South Main Street, between Pleasant Street and Concord Street;

Review: The proposed building height is 89'-6". **Staff recommends the Board find that this criterion is satisfied by the applicant's proposal.**

- c. Buildings or structures which exceed the height limit shall be designed to minimize shadow impacts and impacts to solar access to public parks and open space, and on adjacent buildings and properties, to the extent feasible to accomplish the development program as approved by the Planning Board;

Review: The applicant notes building "step-backs" intended to address this criterion, and has provided as supplemental material, a shadow study demonstrating the impacts of the extra height of the building against what would be permitted by right. **Staff recommends the Board find that this criterion is satisfied by the applicant's proposal.**

- d. The design of buildings or structures which exceed the height limit shall respect the surrounding vernacular architecture and make a positive contribution to the architectural character of the City's skyline as determined by the Planning Board. Additionally, the design of buildings and structures which exceed the height limit shall respect the view of the State House Dome unless a conditional use permit to obstruct the view of the State House Dome has otherwise been approved by the Planning Board in accordance with Article 28-4-1(g)(2);

Review: Satisfaction of this criterion is dependent on the Board's decision on the associated CUP for obstruction of the State House Dome. **Staff recommends that if the Dome obstruction CUP is granted, the Board find that this criterion is satisfied by the applicant's proposal.**

- e. Unless otherwise approved by the Planning Board in conjunction with a conditional use permit, the design of buildings or structures which exceed the height limit shall be built to conform with Article 28-5-48(g)(2)g. of this Ordinance;

Review: The preliminary review of the applicant's various applications (CUP, minor subdivision/roadway discontinuance, major site plan) indicate that the CBP District's supplemental standards are complied with, or will be complied with through the granting building height and Dome obstruction CUPs, at the time of final site plan approval. **Staff recommends that the Board find that this criterion is satisfied by the applicant's proposal, provided that all relevant approvals (CUPs, Architectural Design Review, minor subdivision/roadway discontinuance, major site plan) are granted as part of the Planning Board's overall actions on the redevelopment project.**

- f. That the applicant has demonstrated to the satisfaction of the City Engineer that buildings or structures exceeding the height limit shall have adequate potable water pressure for fire suppression and domestic use;

Review: The applicant has provided supporting memorandum's specific to water, that the existing municipal infrastructure will be adequate to provide domestic and suppression for the building, through the use of pumps to be installed in the building as part of the project. **Staff recommends the Board find that this criterion is satisfied by the applicant's proposal.**

- g. That the applicant has demonstrated to the satisfaction of the Fire Chief that buildings or structures exceeding the height limit can be served by the City's tower ladder fire apparatus;

Review: The applicant has provided as supplemental material, a memorandum prepared by the Concord Fire Department stating that comparable buildings have been tested, and the proposed building height can be served by the City's tower ladder. **Staff recommends the Board find that this criterion is satisfied by the applicant's proposal.**

- h. That the buildings or structures which exceed the height limit shall be directly adjacent to at least one building or structure that is three (3) stories or more in height located on the same side of the street as the subject property for which the conditional use permit has been applied;

Review: The existing adjacent buildings are both greater than 3 stories. **Staff recommends the Board find that this criterion is satisfied by the applicant's proposal.**

- i. That the buildings or structures which exceed the height limit shall not be located at properties that have more than fifteen (15) feet of frontage on North State Street or South

State Street, or be in those portions of the Central Business Performance District located westerly of North State Street;

Review: The project is not located on North or South State Street. **Staff recommends the Board find that this criterion is not applicable to the applicant's proposal.**

- j. Buildings or structures which exceed the maximum height limit shall achieve one of the following public benefits for the community:
 - I. Results in the use or reuse of real estate which will enhance the vitality or vibrancy of the Downtown Central Business District to an extent greater than what would otherwise be achieved within the maximum height limitation; or,
 - II. Results in the removal of slums, or blight, or the cleanup and redevelopment of a property contaminated with hazardous materials (i.e. brownfield site), or results in the economically viable redevelopment of an underutilized property which could not otherwise be achieved; or
 - III. Expands the supply of housing units within the Downtown Central Business District by at least ten (10) dwelling units.

Review: The project is proposed to add 36 new residential units, which satisfies subsection III. **Staff recommends the Board find that this criterion is satisfied by the applicant's proposal.**

- k. For applications involving the demolition and replacement of existing structures, that the applicant has sufficiently demonstrated, and the Planning Board has determined:
 - I. The existing building or structure is not a viable candidate for preservation, rehabilitation, and adaptive reuse due to the building's or structure's condition, characteristics, or other circumstances;
 - II. The demolition of the existing building or structure will not result in a significant adverse impact on the historical, cultural, or architectural resources in the community. The Planning Board may require the Applicant provide to the Planning Board, at the Applicant's expense, reports, documents, or evaluations of the subject property prepared by one or more qualified professional(s) selected by the Applicant, or other parties acceptable to the Planning Board, to assist the Planning Board with its review of the Applicant's project and evaluation of its potential impacts upon historic, cultural and architectural resources;
 - III. The replacement building or structure will achieve all of the following public benefits:
 - 1. Results in the use or reuse of real estate which will enhance the vitality or vibrancy of the Downtown Central Business District to an extent greater than what would otherwise be achieved within the maximum height limitation, and if the existing building was otherwise preserved and renovated; and,
 - 2. The vitality or vibrancy resulting from the replacement building or structure will be to a greater degree than if the existing building or structure was otherwise preserved and renovated; and,

3. Results in the removal of slums, or blight, or the cleanup and redevelopment of a property contaminated with hazardous materials (i.e. brownfield site), or results in the viable redevelopment of an underutilized property which could not otherwise be achieved if the existing building was otherwise preserved; and,
 4. Expands the supply of housing units within the Downtown Central Business District by at least ten (10) additional units.
- IV. That the existing building or structure is not a viable candidate for preservation and adaptive reuse due to the building or structure's condition, characteristics, or circumstances.

Review: The applicant has submitted as supplemental material, the analysis of the redevelopment utilized by the Heritage Commission prior to making a finding relative to compliance with this criterion. **Staff recommends the Board find that this criterion is satisfied by the applicant's proposal.**

Staff reminds the Board that, in issuing a CUP, the Board may, upon its consideration of applicable design review guidelines, including the Architectural Design Guidelines and the Main Street Design Guide as adopted and amended, attach conditions to the CUP including, but not limited to requirements related to location, size, scale, mass, height, color, materials, and other architectural details of a building or structure which will exceed the height limit.

- 6.2 The applicant requests approval for a Conditional Use Permit (CUP) pursuant to Section 28-4-1(g)(2), which allows a building located in the CBP or OCP to obstruct the views of the State House Dome from specific locations Interstates 93 and 393, provided the Planning Board grants Architectural Design Review approval and makes the findings listed below in granting the CUP from both Sections 28-9-4(b) and 28-4-1(g)(2). The CUP would apply to the properties located at 44-52 North Main St and 54-56 North Main Street, along with a connection to and renovation of 34-42 North Main St.

Analysis of the required criteria for Section 28-9-4(b) *Conditional Use Permits* for the principal use follows:

- a. The use is specifically authorized in this ordinance as a conditional use;

Review: The use (mixed use residential/entertainment) is permitted in the CBP, and the specific item in question, the obstruction of the State House Dome, is permitted to occur if permitted through the CUP by Section 28-4-1(g)(2). Satisfaction of all necessary CUP criteria will be required as part of the overall project (which includes CUPs, minor subdivision/roadway discontinuance, and a major site plan). **Staff recommends the Board find that this criterion is satisfied by the applicant's proposal.**

- b. If completed as proposed by the applicant, the development in its proposed location will comply with the requirements of this article, and with the specific conditions of standards established in this ordinance for the particular use;

Review: Satisfaction of this criterion is dependent on the Board's decision on the associated CUP for building height. **Staff recommends that if the building height CUP is granted, the Board find that this criterion is satisfied by the applicant's proposal.**

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

Review: The uses proposed are permitted under the Zoning Ordinance, and the building will be constructed and inspected per all required building and life safety codes. **Staff recommends the Board find that this criterion is satisfied by the applicant's proposal.**

- d. The use will be compatible with the neighborhood and with adjoining or abutting uses in the area in which it is to be located;

Review: The proposed mixed-use project is consistent with the adjoining and abutting uses along Main Street and generally in downtown Concord. **Staff recommends the Board find that this criterion is satisfied by the applicant's proposal.**

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

Review: As proposed and currently designed, the properties' use would not have adverse impacts for pedestrians or vehicular traffic, outside of during the construction process. **Staff recommends the Board find that this criterion is satisfied by the applicant's proposal.**

- f. The use will not have an adverse effect on the natural, environmental, and historic resources of the City;

Review: While the proposed redevelopment project does include the demolition of the former E&P Hotel building (which had been determined as a contributing structure to a potential downtown historic district), there has been some measure of review completed by the City's Heritage Commission, which voted on October 19, 2023 to determine that the demolition of the building was not significant individually, and therefore could be demolished and be part of an RSA 79-E tax relief incentive for the redevelopment of the property. While this vote was specifically intended to be a necessary component of an eventual RSA 79-E tax relief incentive request (to be considered by the City Council at some future date), it does provide guidance that the Planning Board can draw upon in determining compliance with this criterion. **Staff recommends the Board find that this criterion is satisfied by the applicant's proposal.**

- g. The use will be adequately serviced by necessary public utilities and by community facilities and services of a sufficient capacity to ensure the proper operation of the proposed use, and will not necessitate excessive public expenditures to provide facilities and services with sufficient additional capacity.

Review: As it pertains to this criterion, the proposed redevelopment uses do not materially impact public utilities and services. *Staff notes that for this CUP (for the State House Dome obstruction), the issues relative to water pressure and fire protection from the building height CUP are not applicable.* **Staff recommends the Board find that this criterion is satisfied by the applicant's proposal.**

Analysis of the required criteria for Section 28-4-1(g)(2) follows:

- a. Buildings or structures shall only obstruct the view of the State House Dome to the minimum extent necessary to accomplish the development program as approved by the Planning Board;

Review: The applicant has provided a narrative explanation of the proposed obstruction, coupled with a viewshed analysis exhibit, indicating the locations along Interstate 93 where the proposed building would partially obstruct the view of the State House Dome. The

applicant contends that the obstruction is minimal, given the highway speed vehicles will be traveling along I-93, and further explains the necessity of the upper story of the building to necessary to provide an additional story of residential units, which provide a revenue stream integral to the overall financial viability of the project. **Assuming the Board agrees that the obstruction is minimalized to the extent practicable, Staff recommends the Board find that this criterion is satisfied by the applicant's proposal.**

- b. The design of buildings or structures which obstruct the view of the State House Dome shall provide a positive contribution to the architectural character of the Downtown Central Business District and Opportunity Corridor, as well as to the visual image of the City's skyline as determined by the Planning Board;

Review: The applicant has presented the design of the project building on multiple occasions over the years, primarily to the Architectural Design Review Committee and Heritage Commission. In general, the applicant has received positive feedback in these preliminary design meetings. A formal recommendation from the Architectural Design Review Committee will occur prior to the public hearing on this application with the Planning Board. **Assuming the Board receives a positive recommendation on the formal application from the Architectural Design Review Committee, Staff recommends the Board find that this criterion is satisfied by the applicant's proposal.**

- c. The design of buildings or structures within the Central Business Performance District which obstruct the view of the State House Dome shall be built to incorporate recommendations set forth in the Architectural Design Guidelines and the Main Street Design Guide, as adopted and amended. Unless otherwise approved by the Planning Board in conjunction with the Planning Board's conditional use permit approval, buildings and structures shall conform with Article 28-5-48(g)(2)g. of this Ordinance.

Review: The applicant has provided a narrative and renderings of the design responding to this criterion. A formal recommendation from the Architectural Design Review Committee will occur prior to the public hearing on this application with the Planning Board. **Assuming the Board receives a positive recommendation on the formal application from the Architectural Design Review Committee, Staff recommends the Board find that this criterion is satisfied by the applicant's proposal.**

- d. Unless otherwise approved by the Planning Board in conjunction with a conditional use permit, the design of buildings or structures within the Opportunity Corridor Performance District which obstruct the view of the State House Dome, and for which a Conditional Use Permit has been granted to exceed the maximum height limitation in accordance with Article 28-4-1(g)(5), each story of a building for which the floor level is at an elevation of more than sixty-five (65) feet above street level, the front, side, and rear walls of those stories shall be set back ten (10) feet from the exterior wall of those portions of the building located below sixty-five (65) feet; and

Review: The applicant's design does contain the required step-backs at heights above 65' as required by this criterion. **Staff recommends the Board find that this criterion is satisfied by the applicant's proposal.**

- e. Buildings or structures which obstruct the view of the State House Dome shall achieve one of the following public benefits for the community:

- I. Results in the use or reuse of real estate which will enhance the vitality or vibrancy of the Downtown Central Business District or Opportunity Corridor to an extent greater than that could otherwise be achieved if the view of the Dome was not obstructed; or,
- II. Results in the removal of slums, or blight, or the cleanup and redevelopment of a property contaminated with hazardous materials (i.e. brownfield site), or results in an economically viable redevelopment of an underutilized property or building which could not otherwise be achieved if the view of the State House Dome was not obstructed; or
- III. Expands the supply of housing units within the Downtown Central Business District or Opportunity Corridor by at least ten (10) dwelling units.

Review: The project is proposed to add 36 new residential units, which satisfies subsection III. **Staff recommends the Board find that this criterion is satisfied by the applicant's proposal.**

Staff reminds the Board that, in issuing a CUP, the Board may, upon its consideration of applicable design review guidelines, including the Architectural Design Guidelines and the Main Street Design Guide as adopted and amended, attach conditions to the CUP including but not limited to requirements related to location, size, scale, mass, height, color, materials, and other architectural design details of a building or structure which will obstruct the State House Dome.

7. **Architectural Design Review:**

- 7.1 The applicant appeared before the Architectural Design Review Committee on December 2, 2025. The application was reviewed for conformity with the Architectural Design Guidelines; harmony and compatibility with existing architectural character of the site, district, or location; integration into site design of significant natural features on site and abutting properties; and the integration of landscaping, parking, and site features into the overall design of the project.

The Architectural Design Review Committee recommended that the Planning Board approve the application as submitted with the following conditions: the E&P Hotel building, the upper floor window and masonry pattern shall be adjusted to diminish the scale of the building; the windows are all recessed on the exterior and with expressed muntin's; the trim details are to look red or stone on the building; the mechanical unit screen over the linking connector building shall not be translucent, glow, or call attention in any way; the bay bumpouts shall not be EIFS or stucco, but another material; and, prior to issuance of a building or construction, the applicant shall return to the Architectural Design Review Committee with physical samples of all materials for the buildings, including colors and patterns, and a lighting plan, which shall be in compliance with the Architectural Design Guidelines and Main Street Design Guide.

- 7.2 The application was also reviewed on December 2, 2025 for conformity with the Architectural Design Guidelines in accordance with Section 28-4-1(g)(6) and the applicants conditional use permit application to exceed the maximum height restrictions.

The Architectural Design Review Committee recommended that the Planning Board approve the conditional use permit in respect to the additional height of the building and obstruction of the dome as submitted with the rational that 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.

- 7.3 Lastly on December 2, 2025, the application was also reviewed for conformity with the Architectural Design Review Guidelines in accordance with Section 28-4-1(g)(2) and the applicants conditional use permit application to for an obstruction to the State House Dome.

The Architectural Design Review Committee recommended that the Planning Board Planning Board approve the conditional use permit to allow partial obstruction of the State House dome with the rational that the overall redevelopment project 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, this particular redevelopment project makes it possible to repurpose the existing and adjacent Phenix Hall.

8. Conservation Commission:

- 8.1 Appearances before the Conservation Commission are not required for this application.

9. Recommendation:

- 9.1 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, other documents or materials provided in the public hearing.

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

- 9.2 **Grant the waiver requests below** from the listed sections of the Site Plan Regulations, based on evidence provided showing that the criteria of RSA 674:44(III)(e) and Section 36.08 of the Site Plan Regulations are met:
- a. Section 16.02(15) *Landscape Plan & 27.03 Landscape Plans*, to not require 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.
 - b. Section 16.02(20) *Offsite Improvement Plan*, to not require a separate off-site improvement plan. However, the Planning Board may require an off-site improvement plan to be prepared for any future amendments.
 - c. Section 21.02 *Sidewalks Required*, to not provide a sidewalk on Low Ave
 - d. Section 29.04 *Building and Façade Lighting*, to not require all building and canopy lighting to meet the 4:1 uniformity ratio standard contained in Article 28-7-7(j) of the Zoning Ordinance, and to allow more than 25% of building lighting to be directed upward.
 - e. Section 29.05 *Canopy Lighting*, to allow canopy lighting to exceed the maximum illumination of 20 foot-candles and exceed the 4:1 uniformity ratio between average illumination and minimum illumination
 - f. Section 29.07 *Nuisance and Glare*, to allow light trespass beyond property boundaries greater than 0.2-foot candles
- 9.3 **Deny the waiver request below** from the listed section of the Site Plan Regulations because evidence was not provided showing that the criteria of RSA 674:44(III)(e) and Section 36.08 of the Site Plan Regulations were met.
- a. Section 16.02(12)(b), without an analysis of the roof drains it cannot be determined if granting of this waiver would meet the spirit and intent of the regulations.
 - b. Section 29.01 *General Requirements*, granting of this waiver would not be in the spirit and intent of the regulations, as all material included within the site plan shall be legible.
 - c. Section 23.04(1) *Construction Standards*, there is no uniqueness to the site that prevents

- construction of the utilities from being constructed with materials compliant with the City of Concord Construction Standards and Details.
- d. Section 24.03 *Design Standards for Municipal Sanitary Sewers*, there is no uniqueness to the site that prevents construction of the utilities from being constructed with materials compliant with the City of Concord Construction Standards and Details.
- 9.4 **Grant architectural design review approval** for the proposed redevelopment at 56 North Main Street with the following conditions: the E&P Hotel building, the upper floor window and masonry pattern shall be adjusted to diminish the scale of the building; the windows are all recessed on the exterior and with expressed muntin's; the trim details are to look red or stone on the building; the mechanical unit screen over the linking connector building shall not be translucent, glow, or call attention in any way; the bay bumpouts shall not be EIFS or stucco, but another material; prior to issuance of a building or construction, the applicant shall return to the Architectural Design Review Committee with physical samples of all materials for the buildings, including colors and patterns, and a lighting plan, which shall be in compliance with the Architectural Design Guidelines and Main Street Design Guide; and, prior to final approval, the accompanying major site plan application shall receive final approval, and the architectural design review approval shall share the same final approval date for the purposes of establishing the date of decision by the Planning Board.
- 9.5 **Grant conditional use permit approval** from Section 28-4-1(g)(6), for the properties located at 44-52 North Main St and 54-56 North Main Street, along with a connection to and renovation of 34-42 North Main St, to allow a building located in the CBP to exceed the maximum height restrictions and instead have a maximum height of 89ft-6inches with the condition that prior to final approval, the accompanying major site plan application shall receive final approval, and the conditional use permit approval shall share the same final approval date for the purposes of establishing the date of decision by the Planning
- 9.6 **Grant conditional use permit approval from** Section 28-4-1(g)(2), for the properties located at 44-52 North Main St and 54-56 North Main Street, along with a connection to and renovation of 34-42 North Main St, to allow a building located in the CBP or OCP to obstruct the views of the State House Dome from specific locations Interstates 93 and 393 with the condition that prior to final approval, the accompanying major site plan application shall receive final approval, and the conditional use permit approval shall share the same final approval date for the purposes of establishing the date of decision by the Planning Board.
- 9.7 **Grant major site plan approval** for the construction of a new 8-story, mixed-use building, and associated on and off-site improvements at Tax Map 6443Z Lot 27, addressed as 56 North Main Street, as submitted, and subject to the following precedent and subsequent conditions:
- (a) **Precedent Conditions** – Per Section 7.08(9) *Expiration of Approval*, approved site plans shall meet all precedent conditions and obtain the signature of the Chair and Clerk of the Planning Board within one year of the date of the Planning Board meeting where conditional final approval was granted; otherwise said plans shall be null and void.
1. Unless a specific variance, waiver, or conditional use permit is granted stating otherwise, revise the plan sheet/set to fully comply with the Site Plan Regulations, Zoning Ordinance, and Construction Standards and Details, including but not limited to the following:
 - a. Per Section 12.03(4), Section 16.02(1) *Preparation*, and Section 16.03(1) *Preparation*, the sign and seal of the New Hampshire Licensed Architect shall be provided on the architectural plan set.

- b. Per Section 13.01(6) and Section 13.02(8) *State and Federal Permits*, a copy of the NHDES Sewer Connection Permit shall be provided to Planning Staff.
 - c. Per Section 13.02(4) *Other Public Easements*, the minor subdivision application (PL-MIS-2025-0047) shall receive final approval and an access easement and plan, to provide public pedestrian access between North Main Street and Low Ave, shall be prepared, reviewed and approved by the Clerk of the Planning Board, City Solicitor, and City Engineer as to form and content, and recorded with the Merrimack County Registry of Deeds. Additionally, the easement plan shall be included in the civil plan set.
 - d. Per Section 16.02(18) *Demolition Plan*, a note shall be added to the removals and site plans stating to the effect that it will be the responsibility of the owner that all work related to the project, including removal or installation of municipal or non-municipal utilities, shall be completed in one, cohesive restoration element.
 - e. Per Section 16.02(18) *Demolition Plan*, the callout for the metal art sculpture shall be revised to say “Artwork to be removed by others in coordination with the City of Concord”. Additionally, the plans shall be revised to show the restoration in kind of this designated area art and sculpture area.
 - f. Per Section 16.02(19) *Traffic Control Plan*, a conceptual traffic control plan, subject to approval by the City Engineer, shall be submitted, demonstrating the mitigation plan to vehicle and pedestrian traffic on Low Ave, North Main Street, the Phenix Ave pedestrian connection, and festivities held on North Main Street. As a subsequent condition of approval, a complete and comprehensive traffic control plan, prepared by a qualified and licensed engineer, subject to the review and approval by the City Engineer will be required.
 - g. Per Section 16.02(22) *Construction Details*, the herringbone brick pattern on the Paving Pattern for 7’-0” wide brick furniture shall be confirmed to the pattern installed on North Main Street. If different, it shall be changed on the plan set to match what is constructed on North Main Street, and any details shall be revised accordingly, meeting the details and requirements from the North Main Street project.
 - h. Per Section 17.04 *Addressing*, the applicant shall confirm with the City Engineering Division that no change of addressing is required for any of the new or redeveloped buildings. Any changes shall be shown on the site plan as applicable.
 - i. Per Section 24.04 *Design Standards for Service Connections*, the proposed 4-inch sanitary sewer service from the existing Phenix Hall Building shall be changed to a 6-inch service. Additionally, the size and material of the existing sanitary service proposed to be connected into shall be confirmed, and if less than 6-inches, or found in substandard condition, it shall be replaced accordingly per Section 24.05 *Substandard Connections* of the Site Plan Regulations
 - j. Per Section 13.02(2) *Utility and Drainage Slope Easements*, a utility easement deed and easement plan for the sanitary sewer connection on Tax Map 6443 Lot 10 shall be prepared, subject to the approval of the Clerk of the Planning Board, City Engineer, and City Solicitor as to form and content prior to final approval. As a subsequent condition of approval, the easement shall be recorded with the Merrimack County Registry of Deeds prior to the issuance of a building permit.
2. Final approval of this application (signature by the Chair and Clerk of the Planning Board) shall be concurrent with final approval of the associated lot line adjustment / discontinuance plan (2025-122) and site plan application (2025-125).

3. Revise the plan set for compliance with the Site Plan Regulations and Construction Standards and Details as noted in the attached 11-page memo to Alec Bass from Paul Gildersleeve and Pete Kohalmi, dated February 11, 2026
 4. The applicant shall revise the plan set to include the alternative utility design which routes utilities on North Main Street / Depot Street / Avenue subject to the final complete design (including off-site improvement sheets) prepared by the applicant and approved by the City Engineer.
 - a. If upon completion of the alternative utility design by the applicant, the conceptual utility route is deemed infeasible by the City Engineer, only then may the utilities be constructed within the to-be-discontinued Phenix Avenue rights-of-way, or as might otherwise be agreed to by the City Engineer and the applicant. In this event, the plan set shall be revised accordingly meeting the approval of the City Engineer.
 5. List all approved variances, waivers, conditional use permit, and other approvals with the applicable section numbers, descriptions, and date of approval on the cover sheet or site plan sheet.
 6. Upon notification from the Planning Division that the plan set complies with Planning Board conditions, the Zoning Ordinance, Site Plan Regulations, and Construction Standards and Details, the applicant shall deliver to the Planning Division two full-size plan sets, including civil, landscaping, and lighting plans and architectural elevations, for endorsement by the Planning Board Chair and Clerk.
- (b) **Subsequent Conditions** – to be fulfilled as specified:
1. The applicant is responsible for compliance with the City’s municipal code, Site Plan Regulations, and Construction Standards and Details, unless a variance, waiver, or conditional use permit is granted.
 2. No building permit shall be issued until the site plan has been approved by the Planning Board and the pre-construction conditions of approval have been satisfactorily addressed as determined by the Clerk of the Planning Board. No certificate of occupancy shall be issued until all site and building improvements have been completed to the satisfaction of the Clerk of the Planning Board according to the approved plans and conditions of Planning Board approval. (Section 11.09(6))
 3. A site stabilization guarantee shall be provided to ensure that sites are properly stabilized. The City Engineer may call said financial guarantee, and stabilize a disturbed site, if upon notice, the applicant has not stabilized or restored the site. (Section 27.11)
 4. The Clerk shall inspect the exterior appearance of sites to determine if the exterior of a building, site, and signage are in conformity with the architectural design review approval granted by the Planning Board. No certificate of occupancy may be issued prior to a determination by the Clerk that the site is consistent with the Board’s approval. (Section 33.08)
 5. If there is a conflict between regulations, rules, statutes, provisions or law, or the approved plan set, whichever provisions are the more restrictive or impose higher standards shall control, unless a specific waiver from the provision has been granted by the Planning Board. (Sections 36.04 and 36.05)
 6. Temporary certificates of occupancy are only issued under certain circumstances and only for the items outlined in Section 36.18, only in winter conditions to defer certain weather-dependent items to spring.

7. Prior to the issuance of a certificate of occupancy, digital as-built drawings shall be provided conforming to the Engineering Services Division's as-built checklist. (Sections 12.09, 13.02(11), and 36.25)
8. Where a public facility, public utility, or public improvement is to be constructed, a financial guarantee shall be provided. (Sections 13.02(5) and 36.26)
9. Where required improvements are to be fully or partially funded by the City of Concord, or other governmental authority, a fully executed public improvement guarantee or development agreement shall be provided prior to the issuance of a building permit. (Section 13.02(6))
10. Prior to the issuance of a building permit, a complete traffic control plan, prepared by a qualified and licensed engineer, and subject to approval by the City Engineer, shall be submitted. The plan shall demonstrate the mitigation plan to vehicle and pedestrian traffic impacts, including, but not limited to: Low Ave; North Main Street; the Phenix Ave pedestrian connection; and, festivities held on North Main Street.
11. Prior to the issuance of a building permit, the prepared utility easement deed and easement plan for the sanitary sewer connection on Tax Map 6443 Lot 10 shall be recorded with the Merrimack County Registry of Deeds.



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

Michael S. Bezanson, PE
City Engineer

MEMORANDUM

TO: Alec Bass, Assistant City Planner
FROM: Paul Gildersleeve, PE and Pete Kohalmi, PE
DATE: February 11, 2026
SUBJECT: Phenix Block Redevelopment & Phenix Hall Renovations– Major Site Plan, Waivers, LLA, and CUP- Engineering Review
34-56 N. Main St; Map 6443Z, Lots 27 and 28; City Projects 2025-122, 123, and 125

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

- Alternative Utility Exhibit by Northpoint Engineering, LLC, dated January 2026
- Site Improvement Plans by Northpoint Engineering, LLC, dated January 21, 2026
- Response to comments by Northpoint Engineering (2025-122), dated January 21, 2026
- Response to comments by Northpoint Engineering (2025-123), dated January 21, 2026
- Waiver Requests, received January 21, 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.

Section 3.12 (City Project 2025-122)

- a. Applicant agrees. A summary of this information has been added to note 14 of the Existing Conditions Plat (Same comment as Section 3.18 (1e) below).** The City owns in fee, two strips of land within the public highway limits of Phenix Avenue, with both being 6.81 feet wide. The northerly strip abuts the southerly line of Map 6443Z, Lot 27, and the southerly strip abuts the northerly line of Map 6443Z, Lots 28 & 28A. See MCRD Book 898, Page 344.

- b. **Applicant agrees (Same comment as Section 3.18 (1f) below).** *The Resubdivision Plat contemplates a public highway discontinuance of Phenix Avenue, and a lot line adjustment between Map 6443Z, Lot 27 and Map 6443Z, Lots 28 & 28A. Prior to the lot line adjustment occurring, the Concord City Council will need to vote on the public highway discontinuance of Phenix Avenue, and vote on the conveyance of the two strips of land to Ciborowski Associates, LLC (Map 6443Z, Lot 27) and Phenix Hall, LLC (Map 6443Z, Lots 28 & 28A).*
- c. **Applicant agrees (Same as comment Section 3.18 (1g) below).** *Any discontinuance of a city street requires input and a recommendation from the planning board. See Concord Code of Ordinances 30-2-20(d)(10).*

30-2-20 - Community Development Department.

(d) The Division of Community Planning shall be under the immediate supervision of the City Planner. It shall perform the following functions:

(10) Make recommendations of Mapped Line of Future Streets, street acceptances or discontinuances, and disposition of tax deeded properties on behalf of the Planning Board.

- d. **Comment not fully addressed (Same as comment Section 3.18 (1h) below).** *A draft petition and resolution of the proposed discontinuance will need to be submitted to the City Council. Applicant would like to submit this requirement as a precedent condition of approval. The City agrees and will review the document upon submission.*

Section 3.18 (City Projects 2025-123 and 2025-125)

1. General Comments

- a. **Comment not fully addressed.** *Show the pre- and post-development roof drain flows for the 2-, 10-, and 25-year flood, pursuant to City of Concord Site Plan Regulations (CSPR) 16.02(12)(b) and 22.07(1). Peak flow rates post-development should not exceed pre-development conditions. The applicant has requested a waiver to not have to provide a comprehensive drainage analysis for the project. Instead, they have proposed to provide an analysis of the existing and proposed roof drains for the existing and proposed buildings. Engineering will review this roof drain analysis and reserves the right to comment on it but cannot support the waiver to eliminate the drainage report at this time.*
- b. **Comment not fully addressed.** *The applicant does not show how pedestrian and vehicular traffic will be routed around the work site. Traffic*

control plans will need to show these details. Traffic in this area is an important variable in the construction process. Please provide this information. The applicant would like to delay submittal and include it as a precedent condition of approval but a basic concept of pedestrian and vehicular traffic operations must be presented prior to conditional approval.

- c. **Comment not fully addressed.** *Phenix Avenue is proposed to be discontinued and the 25-foot wide right-of-way area is largely proposed to be converted to what is called an “open air lobby” with reserved rights for pedestrian access between North Main Street and Low Avenue. Because of the 10-foot elevation difference proposed between this “open air lobby” and Low Avenue, an elevator has been proposed to provide an accessible public pathway between North Main Street and Low Avenue. Although an elevator could be designed in this situation to meet the requirements of ADA/PROWAG, the City does not desire to take on the significant on-going maintenance associated with an elevator. If this “open air lobby” is proposed to be a City sidewalk, please propose a reasonable alternative for an accessible pathway, such as a ramped access way that meets ADA/PROWAG. It is understood that this may need to be accomplished by sacrificing some of the proposed basement space underneath the so-called “open air lobby.” The applicant has not presented an alternative to the elevator as requested. Please provide a reasonable alternative to the elevator as an accessible pathway, such as a ramped access way that meets ADA/PROWAG.*
- d. **Comment not fully addressed.** *Because Phenix Avenue is proposed to be discontinued as a public right-of-way and a building is proposed above and below the proposed “open air lobby”, public water and public sanitary sewer utility mains in Phenix Avenue need to be addressed in some manner as part of the proposed project. It is understood that there is some history with the development of the proposed plan with the previous City Engineer. It was recognized that the proposed plan would need approval from the City Engineer, as the proposal does not meet the City’s Construction Standards. Although the proposed utility changes could physically be constructed, as attested by a local contractor during meetings with Engineering Services Division staff, the proposal is not desirable for the following reasons. First, new City infrastructure (public water and public sanitary sewer mains) are being proposed beneath a building. Although there is an “open air lobby” above, there is also basement and mechanical room space proposed directly above the utilities. There will be no ability to excavate and access these*

utilities for any maintenance. Second, the pipe sleeves proposed to mitigate the lack of access to the utility mains will require significant access pits be excavated on both ends of the “open air lobby” to cut and remove the proposed pipe at depths greater than 12-feet and 15-feet to install replacement pipe when needed. This would be a very significant effort causing very significant disturbance to both North Main Street and Low Avenue at very significant cost. Third, the pipe material proposed is not an approved pipe material according to the City’s Construction Standards. It is understood that HDPE pipe is proposed in an attempt to mitigate the lack of access to maintain the mains in a normal manner, however the City’s maintenance crews are not equipped to provide maintenance to HDPE pipes. Fourth, the proposed pipe within a sleeve underneath a building will not allow for normal leak detection and monitoring of the City’s utility mains. Issues would likely not be detected until the issue became significant, likely affecting private property. As such, please propose relocation of the public water and public sanitary sewer mains within City right-of-way. It is likely that public water could be looped from the 20-inch water main in North Main Street at the intersection with Depot Street, along Depot Street to the intersection with Low Avenue, and along Low Avenue to the existing 10-inch water main. It is also likely that the public sanitary sewer could be relaid/laid in North Main Street from the intersection with Phenix Avenue to the intersection with Depot Street, and along Depot Street to an existing sanitary sewer manhole at the intersection of Low Avenue. Engineering does not support the applicant’s primary option of new water and sewer mains under Phenix Ave. A concept level design for new water and sewer on N Main St and Depot St was submitted. Please refine this concept into a full design so it can be evaluated by the City.

- e. **Applicant agrees. A summary of this information has been added to note 14 of the Existing Conditions Plat.** *The City owns in fee, two strips of land within the public highway limits of Phenix Avenue, with both being 6.81 feet wide. The northerly strip abuts the southerly line of Map 6443Z, Lot 27, and the southerly strip abuts the northerly line of Map 6443Z, Lots 28 & 28A. See MCRD Book 898, Page 344.*

- f. **Applicant agrees.** *The Resubdivision Plat contemplates a public highway discontinuance of Phenix Avenue, and a lot line adjustment between Map 6443Z, Lot 27 and Map 6443Z, Lots 28 & 28A. Prior to the lot line adjustment occurring, the Concord City Council will need to vote on the public highway*

discontinuance of Phenix Avenue, and vote on the conveyance of the two strips of land to Ciborowski Associates, LLC (Map 6443Z, Lot 27) and Phenix Hall, LLC (Map 6443Z, Lots 28 & 28A).

- g. **Applicant agrees.** *Any discontinuance of a city street requires input and a recommendation from the planning board. See Concord Code of Ordinances 30-2-20(d)(10).*

30-2-20 - Community Development Department.

*(d) The Division of Community Planning shall be under the immediate supervision of the City Planner. It shall perform the following functions:
(10) Make recommendations of Mapped Line of Future Streets, street acceptances or discontinuances, and disposition of tax deeded properties on behalf of the Planning Board.*

- h. **Comment not fully addressed.** *A draft petition and resolution of the proposed discontinuance will need to be submitted to the City Council. Applicant would like to submit this requirement as a precedent condition of approval. The City agrees and will review the document upon submission.*

2. Conditional Use Permit

- a. The applicant is applying for a conditional use permit under Article 28-4-1(g)(6) and 28-4-1(g)(2), to allow a portion of the proposed mixed-used building to be constructed to a maximum height of 89.5', and to allow a partial obstruction of views of the State House Dome from Interstate 93, respectively. The requirements of Article 28-9-4(b)(4)(a-g) have been addressed. Engineering takes no position on these requests as they are non-technical in nature.

3. Waiver Request from 16.02(12)(b)

- a. **Comment not fully addressed.** *A waiver has been requested from 16.02(12)(b), which requires a drainage study for the 10- and 25-year storms, including pre- and post-development characteristics. Since the roof area appears to increase post-development, the roof drains would need to be sized to handle this increased flow and velocity. A pre- and post-development calculation is needed to ensure more flows are not collected downstream of the roof drains. The 2-year flows required by CSPR 22.07(a) are also needed. Therefore, Engineering does not support this waiver request. The applicant*

would like to provide, as a precedent condition of approval, a letter documenting both existing and proposed conditions to ensure there is no additional area draining to Low Avenue in the proposed condition. Engineering still does not support this waiver request as noted in 1a above.

- b. **New waiver.** A waiver has been requested from CSPR 16.02(20), which requires offsite improvements to be shown on an offsite improvement plan. The waiver requirements of CSPR 36.08 have been met. A separate Off-Site Improvement Plan is not necessary as long as the revised Utility Plan depicts all utility work proposed. Engineering can support this waiver request.
- c. **New waiver.** A waiver has been requested from CSPR 23.04(1), which requires the construction standards to be followed when constructing facilities for the supply and distribution of water. The waiver requirements of CSPR 36.08 have been met. The applicant would like to use HDPE as a water main instead of DIP. However, the City is requesting a more traditional re-design of utilities as noted in 1d above therefore Engineering does not support this waiver.

4. Sheet 1 of 1, Existing Conditions Plat

- a. Comment addressed.
- b. **Comment not addressed.** *Please include a list of plan references pursuant to CSPR 12.06(4,5). Please include this list.*
- c. Comment addressed.
- d. **Comment not addressed.** *Show landscaping irrigation conduit on Main St. The City can provide plans for reference. Please show this landscaping irrigation conduit.*

5. Sheet 2 of 11, Removals Plan

- a. Comment addressed.
- b. Comment addressed.
- c. **Comment not fully addressed.** *What is the disposition of the metal sculpture in the sidewalk in front of the alley? Please show where this sculpture will be relocated.*
- d. Comment addressed.
- e. Comment addressed. *What is the disposition of the monitoring well on the southeast corner of Phenix Hall where an elevator is to be installed? Please*

apply for an Excavation Monitoring Well permit for the decommissioning of the monitoring well during the Pre-Construction phase.

- f. Comment addressed.
- g. **New comment.** In Construction Notes (7), please replace “overhaul” with “overhead.”

6. Sheet 3 of 11, Site Plan

- a. **Comment not fully addressed.** *Indicate which parking spaces will be restriped in Low Avenue. The saw-cut line on Sheet 4 shows parking spaces being disturbed. Please show how these parking space striping will be repaired.*
- b. **Comment not fully addressed.** *Site Plan shows granite pavers in the sidewalk area where a raised sculpture feature exists today. Some feature is necessary in this area to accommodate the change in grade from below the granite step to above the granite step that exists in the middle of the sidewalk area along North Main Street. The Grading & Drainage Plan does not adequately address how this will be resolved. Please indicate whether the raised sculpture feature will be replaced in-kind or with some other feature around which the grade of the granite pavers could be gradually adjusted to match existing grades. The applicant would like to discuss the options for the sidewalk treatment and sculpture before the grading plan is finalized, and that this comment be referenced as a precedent condition of approval. Engineering concurs that a mutually agreed-upon sidewalk treatment can be negotiated as a condition of approval.*

7. Sheet 4 of 11, Grading and Drainage Plan

- a. **Comment not addressed.** *Turn off the water and sanitary sewer symbols. Please turn off these symbols.*

8. Sheet 5 of 11, Utilities Plan

- a. Comment addressed.
- b. Comment addressed.
- c. **Comment not fully addressed.** *Show MH 9693 on the storm line in Low Avenue, as shown in the included City of Concord GIS pdf. Please add ex. MH 9693 as shown in the City of Concord GIS.*

- d. Comment addressed.
- e. **Comment not fully addressed.** *An existing water-valve symbol is shown on the southeast corner of the Lot 28 building. Please show how this valve connects to a water line. Please label both monitoring wells on the southeast corner with the monitoring-well symbol located in the Cover-Sheet Legend.*
- f. **Comment not fully addressed.** *Please show the proposed water service for the proposed building on Lot 27. Fire suppression connections shall be identified. While the fire line was shown, the domestic water line was not. Please show the domestic water service.*
- g. **Comment not fully addressed.** *Show a sewer clean-out near the connection to the main in Low Ave. Please show this sewer clean-out. Sewer cleanouts are a useful tool to keep the downstream line clear, and to mark the location of the sewer line.*
- h. **Comment not addressed.** *The sewer service for Phenix Hall shall be a minimum of 6" dia. The sewer service still states 4". Please revise it to 6".*
- i. Comment addressed.
- j. **Comment not fully addressed.** *A relocated water service is shown for Phenix Hall. Provide size and material for this service. Provide a shut-off. While the size and shutoff were provided, the material is still needed. Please provide the material of this water service. Also, move this service at least 5' from the building for construction purposes.*
- k. Comment addressed.
- l. Comment addressed.
- m. **Comment not fully addressed.** *Construction Note 9 refers to obtaining permits from General Services but it is the Engineering Division who issues Utility Connection and Excavation permits. Please change "emergency" to "engineering."*

9. Sheet 6 of 11, Utilities Profiles

- a. **Comment not fully addressed.** *On the Sewer Profile show the existing 12" AC sewer main (and upstream MH) in an existing linetype. Show the existing 12" AC sewer pipe and MH on the downstream section of the profile near station 1+58, also in an existing linetype. Show the existing sewer pipe and MH. Disregard this comment if the sewer design will be revised as commented above in 1d. Please show the text for ex. SMH 1305 and its existing inverts in an existing font, and label them existing.*

10. Sheet 7 of 11, Erosion Control Plan

- a. Comment addressed.

11. Sheet 8 of 11, Construction Details

- a. Comment addressed.
- b. Comment addressed.
- c. Comment addressed.

12. Sheet 9 of 11, Construction Details

- a. **Comment not fully addressed.** *In the Joint Details, revise the depth of the joints for the Tooled Control Joint and the Saw Cut Control Joint to be ¼ slab thickness. Also, revise the width of the cut in these two details, and the Expansion Joint Detail, to 5/16" to ¼", pursuant to CCSD Section 3(3)(O)(4). In the Expansion Joint Detail, the width of 3/8" is wider than 5/16" and in the Saw Cut Control Joint Detail, the width of 1/8" is smaller than ¼". Please revise these joints to be between 5/16" and ¼".*
- b. **Comment not fully addressed.** *In the Pedestrian Concrete Sidewalk and Brick Paver Details, revise W1.4xW1.4 to W2.9xW2.9, pursuant to CCSD Section 3(2)(D)(3). In the Brick Paver Detail on Sheet 8, revise "6"x6" W2.9" WWM" to "6"x6" W2.9xW2.9 WWF."*
- c. **Comment not fully addressed.** *Please add a Granite Paver Detail to depict construction of these pavers in a manner consistent with the existing pavers. Applicant will provide additional details like this one.*

13. Sheet 10 of 11, Construction Details

- a. **Comment not fully addressed.** *On the Paving Pattern at Utility Detail, Note 1, specify which specifications are being referred to. Applicant will provide additional details like this one.*
- b. **Comment not fully addressed.** *Include a bituminous paving section for the area of Low Avenue that will be removed. In the Typical Pavement Section Detail, revise the 1" wearing course to 1.5", the 2" base course to 2.5", and the crushed gravel to 12", pursuant to CCSD Detail R-4.*

State/Federal Permits

The project may require the following state and/or federal permit(s) associated with the site design:

- EPA General Construction Permit
- NHDES Alteration of Terrain Permit
- NHDES Sewer Connection Permit

Per Site Plan Regulation 13.02 (8) and/or Subdivision Regulation 13.02 (10), a copy of the State and Federal permit(s) shall be submitted to the City prior to final approval.

Post-Approval/Pre-Construction Requirements

The following items are required prior to the start of construction:

1. The following permit(s) will need to be obtained from the Engineering Services Division:
 - Excavation Permits for Drainage, Sewer, Water, and Monitoring Well
 - Other permits deemed necessary by the City Engineer

Please note that all Engineering permits must now be applied for online using the City's new Citizen Self Service (CSS) Permit Portal, which can be found here:

<http://concordnh.gov/1915/Engineering-Permits-Fees>

2. Per Site Plan Regulation 36.24, the Applicant is responsible for paying engineering permit inspection fees to ensure work is consistent with City standards and the Approved Plans.

Prior to scheduling the pre-construction meeting, the Applicant should apply for the required Engineering permits listed above and provide an estimate of the anticipated number of inspections for review by Engineering. The Applicant shall provide a project schedule when applying for the required permits.

The permit fees shall be paid prior to scheduling the pre-construction meeting.

3. Establish a performance surety (bond, letter of credit, or cash deposit) for work within the Right-of-Way and proposed public improvements or common private improvements per Subdivision Regulation 10.09, prior to subdivision plat signature (13.02 (7), and 30.01. An engineer's cost estimate, prepared by the Applicant and based on the current NHDOT weighted average unit prices, shall be submitted a minimum of two weeks prior to scheduling the pre-construction meeting.
4. When above requirements have been met, request to set up a pre-construction meeting with the Engineering Services Division to discuss construction

requirements, site inspections, associated fees, schedules, etc. Engineering permits will not be authorized (unless explicitly stated otherwise) until final revised plans have been submitted and approved to the satisfaction of Planning and Engineering.

Construction Requirements

1. Shop drawings/submittals shall be submitted to Engineering for the proposed water, sewer, drainage improvements as applicable.
2. Per Site Plan Regulation 12.09, prior to issuance of a Certificate of Occupancy (CO), the contractor shall submit digital as-built drawings that are to the satisfaction of Engineering and conforming to the Engineering as-built checklist. A copy of the as-built drawing requirements is available on the Engineering Services Division section of the City of Concord website.
3. Retaining wall design drawings (stamped Structural Engineer licensed in the State of NH) shall be submitted to Engineering for proposed retaining walls that are greater than 4 feet high. In addition, walls greater than 48 inches require a Building Permit from the Code Administration Office.