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

Staff Report for Planning Board

Meeting on June 18, 2025

**Project Summary – Amendment to Major Site Plan and Architectural
Design Review**

Project: Arts Alley (2022-47)
Property Owner: Arts Alley, LLC, c/o Foxfire Property Management Inc.
Applicant: Wilcox & Barton, Inc
Project Address: 20 ½ South Main St
Tax Map Lot: 7412Z 37

Project Description:

The applicant is requesting an amendment to the major site plan and architectural design review approvals for changes to the landscaping and hardscape in the courtyard, and the addition of a fence with a gate across the alley for security.

On December 21, 2022, the Planning Board granted conditional major site plan, conditional use permit, and architectural design review approvals for the construction of a new five-story building, along with two outdoor patio areas.

On May 17, 2023, the Planning Board granted an amendment to the conditionally approved major site plan and architectural design review approvals for the construction of a new four-story building, along with two outdoor patio areas.

On January 17, 2024, the Planning Board granted an amendment to the conditionally approved major site plan and architectural design review approvals for construction of a new two-story building and a separate one-story diner car structure, along with two outdoor patio areas.

Compliance:

The following analysis of compliance with the Zoning Ordinance and Site Plan Regulations is based on an undated, 1-page narrative, prepared by Wilcox & Barton, Inc; revised Sheets C1-2, C1-3, and C1.4, dated July 20, 2022, with revisions through May 13, 2025, prepared by Wilcox & Barton Inc; and revised sheets L-01, L-02, and L-03, dated June 30, 2022, with revisions through May 13, 2025, prepared by Terrain Planning and Design LLC.

1. Project Details and Zoning Ordinance Compliance:

Zoning District: Central Business Performance (CBP) District
Existing Use: Vacant
Proposed Use: Restaurant and Event Space

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

2. Comments:

- 2.1 Per Section 6.05, proposed revisions to a major site plan that result in a major change to an approved site require a new public hearing before the Planning Board as required for a new application. The proposed revision qualifies as a major change, rather than minor, so the public hearing process is being followed as if this was a new application.
- 2.2 The Assessing Department reviewed this application and had no general comments.
- 2.3 The Engineering Services Division reviewed this application and had the following general comment: future repair and maintenance of underground utilities will be made more difficult in areas where extra concrete is proposed in the courtyard.
- 2.4 The Fire Department reviewed this application and had no general comments.
- 2.5 The General Services Department reviewed this application and had no general comments.
- 2.6 The Planning Division provides the following general comments:
 - a. Administrative approval for PL-ADM-2024-0012 was granted on June 18, 2024, revising utility locations based on site items and site constraints.
 - b. Administrative approval for PL-ADM-2024-0013 was granted on June 18, 2024, revising the location of diner for constructability of proposed retaining wall, bulkhead access, grading, etc.
 - c. Administrative approval for PL-ADM-2024-0022 was granted on August 15, 2024, revising minor changes to grading and drainage and utility plans for Arts Alley.
 - d. Administrative approval for PL-ADM-2025-0057 was granted on January 27, 2025, revising the sidewalk along the south side, utilizing a previously approved waiver, decreasing the width of the sidewalk from 5feet to 4feet for about 8feet in length where the gas meter location is present.
 - e. Administrative approval for PL-ADM-2025-0079 was granted on May 14, 2025, revising locations of roof drain and foundation drains from the carriage house on the drainage plan and an updated footprint for a new loading dock for Bank of NH Stage.
 - f. As part of this amendment approval, it is made clear that the decorative archway spanning the access aisle between 18 S Main St and 22 S Main St has been removed from the project.

3. Compliance with Site Plan Regulations:

- 3.1 The Assessing Department reviewed this application and had no compliance comments.
- 3.2 The Engineering Services Division reviewed this application and had no compliance comments.
- 3.3 The Fire Department reviewed this application and had the following compliance comments:
 - a) Gate access will be required by installing a Knox Box affixed to the gate in accordance with Section 18.2.2 *Access to Structures or Areas* of the NFPA Fire Code and Section 18.2.2.1 *Access Box(es)* which states the Authorities Having Jurisdiction (AHJ) shall have the authority to require an access box(es) to be installed in an accessible location where access to or within a structure or area is difficult because of security; the access box(es) shall be of an approved type listed in accordance with UL 1037; and, Section 18.2.2.2 *Access to Gated Subdivisions or Developments* which states the AHJ shall have the authority to require fire department access be provided to gated subdivisions or developments through the use of an approved device or system.
 - b) The alley access is narrow and the gate cannot decrease the current width for fire apparatus access. On-site survey and approval will be required by FM Sirois in accordance with the following sections of the NFPA 1 Fire Codes and NFPA 101 Life Safety Codes: Section

18.2.3.5 Specifications; Section 18.2.3.5.1 Dimensions; Section 18.2.3.5.1.1* Fire apparatus, access roads shall have an unobstructed width of not less than 20 feet (6.1 meters); and, Section 18.2.3.5.1.1.1*, where approved by the AHJ, the width of fire apparatus access roads shall be permitted to be less than the minimum specified in 18.2.3.5.1.1.

- c) Bank of NH Stage uses the alley as part of their egress access and therefore will require the ability to egress without special tools/keys.
- 3.4 The General Services Department reviewed the application and had no compliance comments.
- 3.5 The Planning Division reviewed the application and had the following compliance comments:
 - a) Section 16.03(2) *Copies* requires submittal of any construction details for fences, sheds, dumpster screens and gates, mechanical equipment screens, and or other applicable appurtenances. Accordingly, a detail for the gate spanning the access drive aisle shall be provided with the plan set.
 - b) Section 15.04(12) *Easements and Rights-of-way* requires the location, width, and purpose of existing and proposed easements for road rights-of-ways, utilities, drainage, slope, open space or conservation easements and any other easement as required. The easements to be shown include both public and private easements. The dimensions and bearings shall be shown for the boundaries of all easement areas where available.

A portion of the fence and gate structure is proposed on the Concord Theatre, property Map 7412Z Lot 39. An easement for the placement and maintenance of the fence and gate shall be established, shown on the plan, and recorded with the Merrimack County Registry of Deeds prior to final approval of this amendment to the major site plan approval. The easement shall also consider any additional space necessary for the opening and closing operations of the gate.

- c) Section 15.04(12) *Easements and Rights-of-way* requires the location, width, and purpose of existing and proposed easements for road rights-of-ways, utilities, drainage, slope, open space or conservation easements and any other easement as required. The easements to be shown include both public and private easements. The dimensions and bearings shall be shown for the boundaries of all easement areas where available.

The proposed new loading dock and staircase for the Concord Theatre property, Map 7412Z Lot 39, appears to expand beyond the boundaries of the existing common dock and stairway easement (V. 3601 P. 1720), and as shown on the existing conditions plan. The existing common dock and stairway easement shall be revised, shown on the plan, and recorded with the Merrimack County Registry of Deeds prior to final approval of this amendment to the major site plan approval.

4. Variances:

- 4.1 No variances are requested.

5. Waivers:

- 5.1 No waivers are requested.

6. Conditional Use Permits:

- 6.1 No conditional use permits are requested.

7. Architectural Design Review:

- 7.1 The applicant appeared before the Architectural Design Review Committee on November 5, 2024. 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 applicant appeared before the Architectural Design Review Committee on June 3, 2025, to present the proposed amendment. The Architectural Design Review Committee recommended that the Planning Board grant the amendment to the architectural design review approval for the application as submitted, with the condition that the black chain link fence crossing the alley shall be replaced with a decorative fence.

8. Conservation Commission:

- 8.1 No appearances before the Conservation Commission are necessary for this application.

9. Recommendations:

- 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/or, 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 architectural design review amendment approval** as submitted, with the condition that the black chain link fence crossing the alley shall be replaced with a decorative fence.

- 9.3 **Grant major site plan amendment approval** as submitted and for the changes to the landscaping and hardscape in the courtyard, and the addition of a fence with a gate across the alley for security at 20 ½ South Main Street, subject to the following precedent and subsequent conditions:

- (a) **Precedent Conditions** – to be fulfilled within one year and prior to signature of the certificate of approval by the Planning Board Chair and Clerk, unless otherwise specified:
1. For compliance with the Site Plan Regulations, revise the plans as follows:
 - a. Per Section 16.03(2) *copies*, a detail for the gate spanning the access alley shall be provided with the plan set.
 - b. Per Section 15.04(12) *Easements and Rights-of-way*, an easement for the placement and maintenance of the fence and gate shall be established, shown on the plan, and recorded with the Merrimack County Registry of Deeds prior to final approval of this amendment to the major site plan approval. The easement shall also consider any additional space necessary for the opening and closing operations of the gate.
 - c. Per Section 15.04(12) *Easements and Rights-of-way*, the existing common dock and stairway easement shall be revised to encompass the entirety of the newly proposed stair and dock structure, shown on the plan, and recorded with the Merrimack County Registry of Deeds prior to final approval of this amendment to the major site plan approval.
 2. For compliance with the Site Plan Regulations and compliance comments provided from the Fire Department, revise the plans as follows:
 - a. Per Section 28.06 *Gated Access* of the Site Plan Regulations, a Knox Box shall be affixed to the gate spanning the access drive aisle. The gate and access box(es) shall

be of an approved type listed in accordance with UL 1037 and conform with NFPA 1 Fire Codes and NFPA 101 Life Safety Codes.

- b. Per Section 28.002 *Fire Access* of the Site Plan Regulations, fire access shall be provided through an unobstructed 15-foot wide corridor from an accessible paved area, and the gate across the access aisle cannot decrease the current width for fire apparatus access.
 - c. Per Section 28.06 *Gated Access* of the Site Plan Regulations, an egress for the Bank of NH building through the alley without the use of special tools or keys shall be provided.
3. The amended site plan approval shall be noted and fully described on the cover sheet or site plan sheet, including date granted.
 4. The plan sheets submitted for final approval shall contain the signature and seal of the appropriate licensed professional as outlined in Section 12.03(1) through (6), as applicable.
 5. Upon notification from the Planning Division that the final plan set complies with Planning Board conditions, Zoning Ordinance requirements, and the Site Plan Regulations, the applicant shall deliver to the Planning Division two complete plan sets (two full-size) for endorsement by the Planning Board Chair and Clerk.
- (b) **Subsequent Conditions** – to be fulfilled as specified:
1. The application is subject to all previous subsequent conditions of approval.
 2. On-site survey and approval that the access alley gate complies with the site plan regulations and NFPA 1 Fire Codes and NFPA 101 Life Safety Codes will be required by the City of Concord Fire Marshal
 3. This approval notwithstanding, the applicant is responsible for full knowledge of, and compliance with, the municipal code, Site Plan Regulations, and Concord Construction Standards and Details for the project, unless a variance, waiver, or conditional use permit is granted.
 4. Per Section 33.08 of the Site Plan Regulations, no certificate of occupancy or use permit may be issued prior to a determination by the Clerk that the proposed use is consistent with the Board's approval.
 5. Per Section 34.07 of the Site Plan Regulations, no certificate of occupancy or use permit may be issued prior to a determination by the Clerk that the proposed use is consistent with the Board's conditional use permit approval.
 6. Per Section 36.15 of the Site Plan Regulations, the Clerk shall not approve any certificate of occupancy, nor shall any use of the building or site commence, unless the proposed improvements, and the proposed use of land or buildings, is found to be in compliance with the approved site plan and the conditions of Planning Board approval.
 7. Per Section 36.19 of the Site Plan Regulations, it shall be the duty of the Clerk to enforce the regulations and to bring any violations or lack of compliance herewith, to the attention of the City Solicitor and Code Administrator.
 8. Per Section 36.24 of the Site Plan Regulations, no certificate of occupancy or other use permit shall be issued until the development has been completed according to the approved plans.
 9. Per Section 36.25 and Section 12.09 of the Site Plan Regulations, and **prior to the issuance of a certificate of occupancy, the applicant's engineer or surveyor shall submit to the City Engineer a detailed "as-built" survey showing the location of buildings, structures, utilities, parking areas, driveways and access, as well as for any public improvement constructed indicating location, dimensions, materials, and other information required by the City Engineer. The as-built survey shall also be**

**submitted in digital format and media conforming to the Engineering Services
Division's as-built checklist.**

Prepared by: ATB