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VIA EMAIL ONLY
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March 4, 2024

Matt Walsh
Deputy City Manager - Development
City of Concord
41 Green Street
Concord, NH 03301

Re: Zoning Amendment Proposal

Dear Matt:

On behalf of Ciborowski Associates, LLC, please accept the attached Zoning Amendment Proposal, and its related exhibits. I understand that the Concord City Council will receive this information for its potential referral to the Planning Board for consideration and recommendations.

Please let me know if you or others at the City have questions. Thank you for your kind assistance.

Very truly yours,

Ari B. Pollack

ABP/mla

Attachments

cc: Annemarie Skinner, Acting City Planner
Client
via email, all w/attachment

CITY OF CONCORD PLANNING BOARD

Zoning Amendment Proposal Form

1. A description of the area for which the amendment is proposed:

The areas affected by the proposed zoning amendments are portions of Main Street, State Street and Storrs Street and the commercial and mixed-use corridors within the downtown. These areas are zoned Central Business Performance District (CBP) and are developed with multi-storied commercial and mixed-use buildings, with some older one-story structures, institutional structures and other modern and historic structures.

2. A statement of the purpose and intent of the proposed amendments:

The proposed amendments relate to allowed building height in the CBP zoning district and the existing prohibition against any obstruction of the view of the State House Dome from certain stretches of Interstates 93 and 393.

3. A map showing existing zoning districts, and the changes and modification to these districts as proposed in the amendment:

See attached map at Exhibit A. See attached zoning proposal at Exhibit B.

4. A statement of the effect of the proposed amendment on the City's economy, environment, municipal services, and municipal facilities.

The proposed amendments would have the effect of encouraging redevelopment in the downtown corridor by enabling the City's Planning Board to evaluate development proposals on a case-by-case basis and in the context of conditional use criteria (CUP). CUP applications are already well-integrated throughout the Zoning Ordinance and available relative to maximum building height in the Opportunity Corridor Performance (OCP) district. The proposed amendment is intended to make similar opportunities available by CUP in the CBP District.

Impacts on municipal services and facilities, from such activities such as road maintenance, waste removal, and emergency services, would be similar to that experienced with other existing and proposed development elsewhere in the CBP district. Such impacts would likely be offset or significantly mitigated by expansion of the City's tax base.

The City's site plan and conditional use review process is designed to study and mitigate potential impacts to the greatest extent practicable. The City's Master Plan, 2030 designates the downtown districts as opportunities to "[p]rioritize and maximize the re-use and redevelopment of land and buildings particularly in the downs ... in preference to new development and Greenfield development." See Master Plan, 2030, Concord, New Hampshire ("Master Plan"), dated June 18, 2008, at Section III.B.3; see also Master Plan at Section III.D ("utilizing present investment in buildings and infrastructure before breaking new ground, urging brown field development and infill").

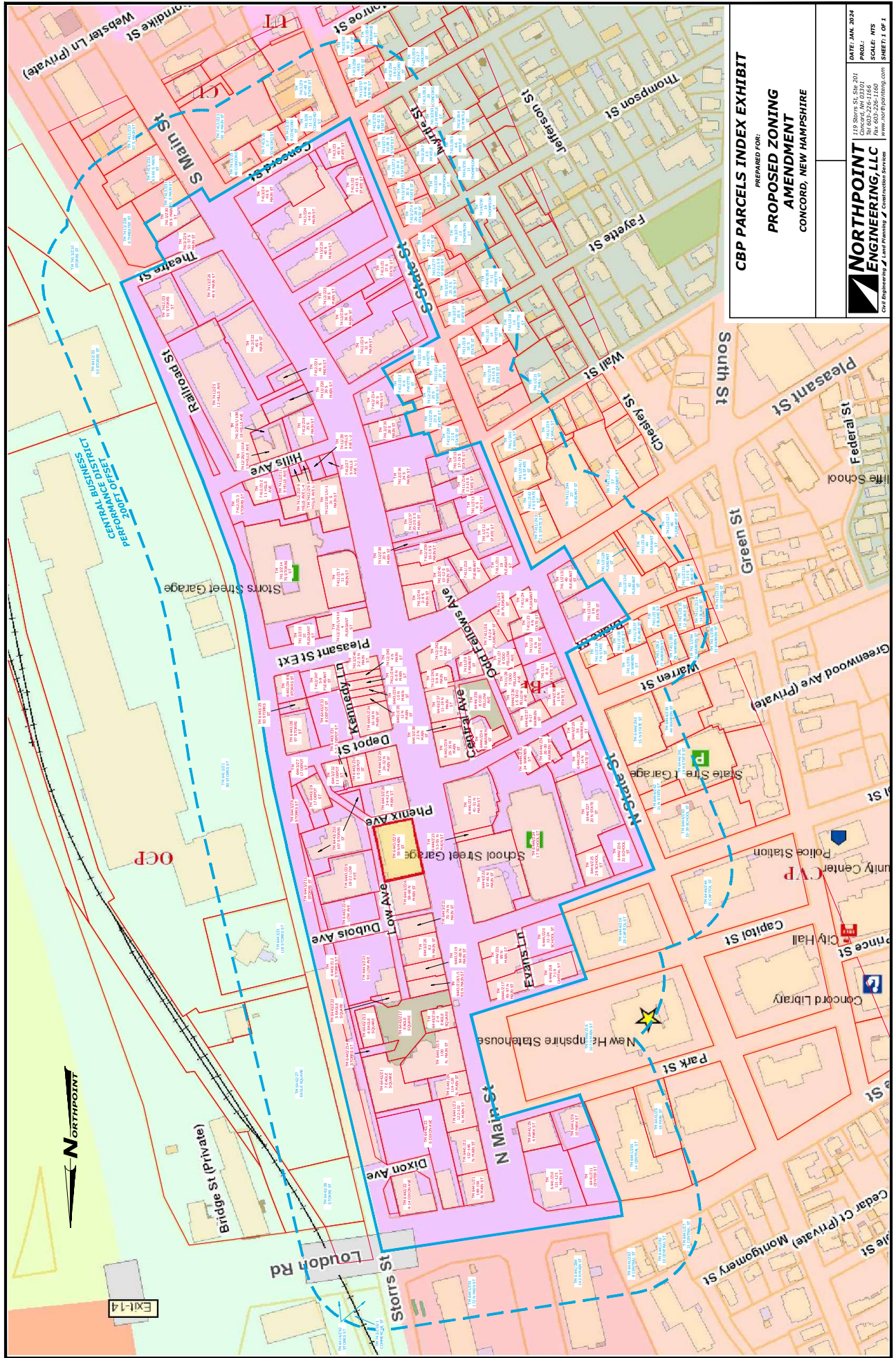
5. Names, address and telephone numbers of those making the request and of the agents and representatives of the same:

Property Owner: Mark Ciborowski, Member
Ciborowski Associates, LLC
54 N. Main Street
Concord, NH 03301

Attorney: Ari B. Pollack, Esq.
Gallagher, Callahan & Gartrell, P.C.
214 N. Main Street
Concord, NH 03301
(603) 228-1181
pollack@gcglaw.com

6. Parcels abutting or Within 200 Feet of Area of Proposed Zoning Amendments.

See attached table at Exhibit C.



PREPARED FOR:
PROPOSED ZONING AMENDMENT
 CONCORD, NEW HAMPSHIRE

CBP PARCELS INDEX EXHIBIT

DATE: JAN. 2024
 PROJ.: 119 Storr St, Site 201
 CONCORD, NH 03301
 SCALE: NTS
 BY: 603-235-1160
 www.northpointeng.com

NORTHPOINT ENGINEERING, LLC
 CIVIL Engineering • Land Planning • Construction Services

SHEET: 1 OF 1

Proposed Amendments to the City of Concord Zoning Ordinance:

1. Strike Subsection 28-4-1(g)(2) and replace with “Intentionally omitted.”.
2. Amend Subsection 28-4-1(g) to add new sub-subsection (6) as follows:
 - (6) Buildings or structures within that portion of the Central Business Performance (CBP) District which lies westerly of Storrs Street and easterly of State Street may exceed the maximum height restrictions as specified in [Section 28-4-1\(h\)](#), Table of Dimensional Regulations, of this ordinance upon the granting of a conditional use permit pursuant to [Section 28-9-4\(b\)](#), Conditional Use Permits, of this ordinance, and approval in accordance with [Section 28-9-4\(f\)](#), Architectural Design Review, of this ordinance. An applicant for a conditional use permit shall provide adequate documentation in order for the Planning Board to make a finding that the proposed additional height of the appurtenant structure meets the following conditions:
 - 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;
 - b. 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;
 - c. The design of buildings or structures which exceed the height limit shall respect views of the State House Dome to the extent feasible to accomplish the development program as approved by the Planning Board; and,
 - d. The design of buildings or structures which exceed the height limit shall provide a positive contribution to the architectural character of the Downtown and to visual image of the City's skyline.

In issuing a conditional use permit, the Planning Board may attach conditions to the permit including but not limited to requirements related to location, mass, height, color, and materials of a building or structure which will exceed the height limit.

PARCELS IN CBP DISTRICT

TM PARCEL ID	PARCEL ADDRESS
TM 6441/Z1	148-156 N. MAIN ST
TM 6441/Z2	132-146 N. MAIN ST
TM 6441/Z3	122-132 N. MAIN ST
TM 6441/Z4	114-120 N. MAIN ST
TM 6441/Z8	10 PARK ST
TM 6441/Z9	4 PARK ST
TM 6441/Z10	121-125 N. MAIN ST
TM 6441/Z11	CENTER ST
TM 6441/Z15	100 N. MAIN ST
TM 6442/Z1	7 EAGLE SQUARE
TM 6442/Z2	4-14 DIXON AVE
TM 6442/Z3	6 DIXON AVE
TM 6443/Z1	4 STORRS ST
TM 6443/Z4	89 STORRS ST
TM 6443/Z5	93 STORRS ST
TM 6443/Z6	97 STORRS ST
TM 6443/Z7	17 DEPOT ST
TM 6443/Z8	17 DEPOT ST
TM 6443/Z9	STORRS ST
TM 6443/Z10	107 STORRS ST
TM 6443/Z11	STORRS ST
TM 6443/Z12	STORRS ST
TM 6443/Z13	6 EAGLE SQUARE
TM 6443/Z16	2-4 EAGLE SQUARE
TM 6443/Z17	EAGLE SQUARE
TM 6443/Z18/1/1	90 N MAIN ST
TM 6443/Z19	84-88 N MAIN ST
TM 6443/Z20	82 N MAIN ST
TM 6443/Z21	70-74 N MAIN ST
TM 6443/Z22	5 EAGLE SQUARE
TM 6443/Z23	90 LOW AVE
TM 6443/Z24	LOW AVE
TM 6443/Z25	18-22 LOW AVE
TM 6443/Z26	58-68 N MAIN ST
TM 6443/Z27	59 N MAIN ST
TM 6443/Z28	34-42 N MAIN ST
TM 6443/Z29	24-32 N MAIN ST
TM 6443/Z30	1-5 DEPOT ST
TM 6443/Z31	7-7.5 DEPOT ST
TM 6443/Z32	11 DEPOT ST
TM 6443/Z33	8 DEPOT ST
TM 6443/Z34	16-18 N MAIN ST
TM 6443/Z35	12 N MAIN ST
TM 6443/Z36	10 N MAIN ST
TM 6443/Z37	11-19 N MAIN ST
TM 6443/Z38	23 N MAIN ST
TM 6443/Z39	25-35 N MAIN ST
TM 6444/Z17	95-97 N MAIN ST
TM 6444/Z18	7-19 CAPITAL ST
TM 6444/Z20	12-24 SCHOOL ST
TM 6444/Z21	89 N MAIN ST
TM 6444/Z22	57-81 N MAIN ST
TM 6444/Z23	53-55 N MAIN ST

TM PARCEL ID	PARCEL ADDRESS
TM 6444/Z24	17 SCHOOL ST
TM 6444/Z25	29 SCHOOL ST
TM 6444/Z26	31 SCHOOL ST
TM 6444/Z27	20 N STATE ST
TM 6444/Z28	14 N STATE ST
TM 6444/Z29	36 WARREN ST
TM 6444/Z31	26-30 WARREN ST
TM 6444/Z32	24 WARREN ST
TM 6444/Z33	41-51 N MAIN ST
TM 6444/Z34	5 WARREN ST
TM 6444/Z35	8 ODD FELLOW AVE
TM 6444/Z36	1-5 ODD FELLOW AVE
TM 6444/Z37	9-17 WARREN ST
TM 6444/Z38	10 N STATE ST
TM 7411/Z1	8 N STATE ST
TM 7411/Z2	6 N STATE ST
TM 7411/Z3	4 N STATE ST
TM 7411/Z4	36 PLEASANT ST
TM 7411/Z5	26 PLEASANT ST
TM 7411/Z6	18-24 PLEASANT ST
TM 7411/Z7	8 ODD FELLOW AVE
TM 7411/Z8	7 ODD FELLOW AVE
TM 7411/Z9	5 MARKET ST
TM 7411/Z10	15 PLEASANT ST
TM 7411/Z11	19 PLEASANT ST
TM 7411/Z12	5-7 S STATE ST
TM 7411/Z13	9 S STATE ST
TM 7411/Z14	13-15 S STATE ST
TM 7411/Z15	17-19 S STATE ST
TM 7411/Z131	40 PLEASANT ST
TM 7411/Z132	3 N STATE ST
TM 7412/Z3	51 STORRS ST
TM 7412/Z5	12 HILLS AVE
TM 7412/Z6/1/10A	19 HILLS AVE
TM 7412/Z6/1/10B	19 HILLS AVE
TM 7412/Z7	9 HILLS AVE L-1
TM 7412/Z8	9 HILLS AVE L-2
TM 7412/Z9	9 HILLS AVE L-3
TM 7412/Z10	9 HILLS AVE L-4
TM 7412/Z11	9 HILLS AVE
TM 7412/Z12	11 HILLS AVE
TM 7412/Z13	STORRS ST
TM 7412/Z14	75 STORRS ST
TM 7412/Z15	10 PLEASANT ST
TM 7412/Z16/1/414	4 PLEASANT ST
TM 7412/Z17	11 S MAIN ST
TM 7412/Z18/1/U-1	31 S MAIN ST
TM 7412/Z19	35 S MAIN ST
TM 7412/Z20	39 S MAIN ST
TM 7412/Z21	41 S MAIN ST
TM 7412/Z22	45 S MAIN ST
TM 7412/Z23	38 S MAIN ST
TM 7412/Z24	36 S MAIN ST

PARCELS IN CBP DISTRICT

TM PARCEL ID	PARCEL ADDRESS
TM 7412/Z25	32 S MAIN ST
TM 7412/Z34	30 S MAIN ST
TM 7412/Z35	28 S MAIN ST
TM 7412/Z36	24 S MAIN ST
TM 7412/Z37	20-20.5 S MAIN ST
TM 7412/Z38	20 S MAIN ST
TM 7412/Z39	16-18 S MAIN ST
TM 7412/Z40	10-12 S MAIN ST
TM 7412/Z41	2-8 S MAIN ST
TM 7412/Z42	1-3 N MAIN ST
TM 7412/Z43	5-9 N MAIN ST
TM 7412/Z44	6-8 N MAIN ST
TM 7412/Z45	4 N MAIN ST
TM 7412/Z46	2-2.5 N MAIN ST
TM 7412/Z47	5-9 PLEASANT ST
TM 7413/Z1	37 S STATE ST
TM 7413/Z2	41-43 S STATE ST
TM 7413/Z3	45 S STATE ST
TM 7413/Z4	46 S MAIN ST
TM 7413/Z24	44 S MAIN ST
TM 7413/Z25	40 S MAIN ST
TM 7413/Z26	49 S MAIN ST
TM 7413/Z29	51-57 S MAIN ST
TM 7413/Z30	59 S MAIN ST

ABUTTING PARCELS TO CBP DISTRICT (WITHIN 200-FEET)

TM PARCEL ID	PARCEL ADDRESS
TM 743/Z10/1	COMMERCIAL ST
TM 6412/Z1	80 STORRS ST
TM 6412/Z2	50 STORRS ST
TM 6414/Z92	STORRS ST
TM 6442/Z6	STORRS ST
TM 6442/Z7	EAGLE SQUARE
TM 6443/Z1	118 STORRS ST
TM 6441/Z6	18 PARK ST
TM 6441/Z7	21 CENTRAL ST
TM 6441/Z81	14 CENTRAL ST
TM 6441/Z82	10 CENTRAL ST
TM 6441/Z83	8 CENTRAL ST
TM 6441/Z84	143 N MAIN ST
TM 6441/Z91	172 N MAIN ST
TM 6444/Z16	107 N MAIN ST
TM 6444/Z19	25 CAPITOL ST
TM 6444/Z39	44 WARREN ST
TM 6444/Z40	15 N STATE ST
TM 6444/Z41	19 N STATE ST
TM 6444/Z42	21 N STATE ST
TM 6444/Z43	33-39 SCHOOL ST
TM 6444/Z44	25 CAPITOL ST
TM 7411/Z16	16 FAYETTE ST
TM 7411/Z17	14 FAYETTE ST
TM 7411/Z18	18 S STATE ST
TM 7411/Z19	14-16 S STATE ST
TM 7411/Z20	10-12 S STATE ST
TM 7411/Z21	7 WALL ST
TM 7411/Z39	4 WALL ST
TM 7411/Z40	2 WALL ST
TM 7411/Z41/1	6 S STATE ST
TM 7411/Z42	4 S STATE ST
TM 7411/Z43	2 S STATE ST
TM 7411/Z44	7 PLEASANT ST
TM 7411/Z45	37 PLEASANT ST
TM 7411/Z81	25 WARREN ST
TM 7411/Z82	27 WARREN ST
TM 7411/Z83	29 WARREN ST
TM 7411/Z84	31 WARREN ST
TM 7411/Z85	33 WARREN ST
TM 7411/Z123	10 GREEN ST
TM 7411/Z127	46 PLEASANT ST
TM 7411/Z128	44 PLEASANT ST
TM 7411/Z129	PLEASANT ST
TM 7411/Z130	42 PLEASANT ST
TM 7411/Z133	13-15 BLAKE ST
TM 7411/Z134	14 BLAKE ST
TM 7411/Z135	12 BLAKE ST
TM 7411/Z136	8 BLAKE ST

TM PARCEL ID	PARCEL ADDRESS
TM 7411/Z137	6 BLAKE ST
TM 7411/Z138	4 BLAKE ST
TM 7411/Z139	7 N STATE ST
TM 7412/Z27	20 S STATE ST
TM 7412/Z28	21 S STATE ST
TM 7412/Z29	23 S STATE ST
TM 7412/Z30	25 S STATE ST
TM 7412/Z31	27 S STATE ST
TM 7412/Z32	10 FAYETTE ST
TM 7412/Z33	4-6 FAYETTE ST
TM 7413/Z5	48 CONCORD ST
TM 7413/Z6	3-7 CONCORD ST
TM 7413/Z7	9 CONCORD ST
TM 7413/Z8	11-13 CONCORD ST
TM 7413/Z9	47-49 S STATE ST
TM 7413/Z10	STORRS ST
TM 7413/Z23	50 S MAIN ST
TM 7413/Z27	20.5 S STATE ST
TM 7413/Z28	6 THREATER ST
TM 7413/Z31	61 S MAIN ST
TM 7413/Z32	63-65 S MAIN ST
TM 7413/Z33	67 S MAIN ST
TM 7413/Z54	2 MONROE ST
TM 7413/Z55	50 S STATE ST
TM 7413/Z56	48 S STATE ST
TM 7413/Z57	44-46 S STATE ST
TM 7413/Z58	19-21 CONCORD ST
TM 7413/Z59	23-27 CONCORD ST
TM 7413/Z62	20 CONCORD ST
TM 7413/Z63	12 MYRTLE ST
TM 7413/Z64	10 MYRTLE ST
TM 7413/Z65	4-6 MYRTLE ST
TM 7413/Z66 9	THOMPSON ST
TM 7413/Z67	3-5 MYRTLE ST
TM 7413/Z70	40-42 S STATE ST
TM 7413/Z71	36-38 S STATE ST
TM 7413/Z72	32-34 S STATE ST
TM 7413/Z73	30 S STATE ST
TM 7413/Z74	26-28 S STATE ST
TM 7413/Z75	10 THOMPSON ST
TM 7413/Z76	24 S STATE ST
TM 7413/Z77	22-22.5 S STATE ST
TM 7414/Z68	7-11 FAYETTE ST
TM 7414/Z90	14 THOMPSON ST
TM 7414/Z91	11 THOMPSON ST