CITY OF CONCORD
New Hampshire's Main Street™
Zoning Board of Adjustment

April 1, 2026
MEETING MINUTES - DRAFT

Attendees: Chair Christopher Carley, Member Nicholas Wallner, Member James Monahan, Alternate Member Brenda Perkins Alternate Ann Rice and Alternate Member Craig Walker

Absent: Member Laura Spector-Morgan, Member Andrew Winters,

Staff: Stephanie N. Verdile, Assistant City Planner-Zoning
Krista Tremblay, Administrative Technician III

1. Call to order
Chair Carley called the meeting to order at 6:00 p.m.

2. Chairperson's comments
Chair Carley asked Alternate Member Perkins and Alternate Member Walker to sit in on all cases to have a five-member Board. Alternate Member Rice stated she wanted to observe the meeting.

3. Public meetings

4. Public hearings

4.1 Cathryn Franco on behalf of property owner MH Concord LLC, dba Applebee's Restaurant, requests a variance from *Article 28-6, Sign Regulations, Section 28-6-9 Signs Not permitted in Nonresidential Districts (b) Permitted Building Signs (1)* to allow an additional 13 signs where only three (3) are allowed. The property is known as Tax Map 611/Z Lot 41 located at 260 Loudon Rd. in the Gateway Performance (GWP) District. (Case ZBA 0365-2026)

No one was present to represent this application. Chair Carley deferred to the end of the meeting. At the end of the meeting there was still no one present for this application.

On a motion made by Alternate Member Perkins, seconded by Member Monahan, with a vote of 5 (Carley, Wallner, Monahan, Perkins and Walker) in favor to 0 opposed, the Board voted to table ZBA case 0365-2026 due to the applicant not being present at the meeting.

4.2 Cathryn Franco, on behalf of property owner MH Concord LLC, dba Applebee's Restaurant, requests a variance from *Article 28-6, Sign Regulations, Section 28-6-9 Signs Not permitted in Nonresidential Districts (b) Permitted Building Signs (1)b.* to allow for an additional 312' square feet of signage where the maximum allowed in the GWP is 200' square feet. The property is known as Tax Map 611/Z Lot 41 located at 260 Loudon Rd. in the Gateway Performance (GWP) District. (Case ZBA 0366-2026)

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No one was present to represent this application. Chair Carley deferred to the end of the meeting. At the end of the meeting there was still no one present for this application.

On a motion made by Member Monahan, seconded by Alternate Member Walker, with a vote of 5 (Carley, Wallner, Monahan, Perkins and Walker) in favor to 0 opposed, the Board voted to table ZBA case 0366-2026 due to the applicant not being present at the meeting.

4.3 Jeffrey Sandler, on behalf of property owner Concord Capital Properties, LLC, request a variance from *Article 28-2 Zoning Districts and Allowable Uses, Section 28-2-4 Allowable Principal and Accessory Uses in Zoning (h) Multiple Principle Uses on a Single Lot,* to allow one dwelling unit in an existing office building. The property is known as Tax Map 6441Z Lot 83, located at 8 Centre St. in the Civic Performance (CVP) District. (ZBA-0375-2026)

Ms. Verdile stated there was further discussion on the determination of development of regional impact and the way it is presented in the staff report. Staff will say it does not believe it is a development of regional impact and the Board needs to act to make a motion to decide that it does not meet the criteria of a development of regional impact.

Chair Carley asked if there needs to be a separate motion.

Ms. Verdile responded yes and it needs to be done for each case that it is not a development of regional impact.

On a motion made by Member Wallner, seconded by Member Monahan, the Board voted 5-0-0 to determine the application is not a development of regional impact, per RSA 36:55.

Jeffrey Sandler (8 Center St, Concord) is present to represent this application. Mr. Sandler noted this is an ongoing issue. It was first brought to the attention of the planner almost a year ago. At that time the planner advised a variance was not needed. Mr. Sandler stated they worked on one of the suites in that building to convert into a residential unit. They spent a significant amount of money and then there were advised there as a new interpretation of the zoning regulations which require them to obtain a variance. Mr. Sandler stated based upon that they are here this evening.

Chair Carley asked if they have already pulled a permit.

Mr. Sandler stated they have not and that was when they became aware there was a change in the planner and there was a new interpretation of the regulation. Mr. Sandler is asking for the Board to allow them to convert one of units that is an office into a residential use. It is consistent with the area. There are apartments behind it. There are buildings adjacent to it and round it that are mixed use. Mr. Sandler noted it is his understanding of the exact requirement is that he needs a variance because it requires a technical change such that it can have dual principle uses one is a residence and other suites in the building to continue to be office space. Mr. Sandler stated that is why he is here this evening.

Member Walker asked if the office use is a permitted use in that district.

Mr. Sandler responded correct.

Chair Carley asked if there are residential properties in that district.

Mr. Sandler stated there are residential properties in that district.

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Member Walker asked if he is not permitted to convert a commercial building by right to accommodate one or more dwelling units under the table of principle uses. Member Walker asked what a variance is needed for this case.

Ms. Verdile stated the interpretation is that rather than a conversion according to section 28-2-4 that it was two principle uses on one lot.

Chair Carley noted that was not the interpretation before.

Ms. Verdile responded correct.

Member Walker asked if they are both permitted uses on the lot.

Ms. Verdile responded yes.

Member Walker asked under 28-2-4 it does state that multiple principal uses maybe established on a lot to the extend that such uses are authorized under section 28-2-4(j) table of principal uses.

Ms. Verdile stated that is the discussion because a previous interpretation was that it was an allowed use for a conversion of one unit. A new interpretation is that it is two principal uses on a lot therefore you need a variance.

Member Walker stated the interpretation on this is that if they are both permitted uses in the district they are allowed on the same lot.

Ms. Verdile noted they are both saying same thing it is a different interpretation from a previous planner that said it was an allowed use based on the conversion.

Chair Carley stated they are not saying the same thing because in one case the variance is needed and other case not.

Ms. Verdile responded right, the previous interpretation was that a variance was not needed for the use because a conversion was allowed for one dwelling unit.

Member Walker stated one or more.

Ms. Verdile responded correct, allowed in the zone. Ms. Verdile stated a variance is needed because a new interpretation said there are multiple principal uses on one lot.

Chair Carley asked Member Walker if he did not just read us a section.

Member Walker responded yes, and stated 28-2(h) if more than one principal use and both uses are otherwise permitted in the zoning district under the table of principal uses than no variance is necessary. Member Walker quoted “for all non-residential uses and for residential uses including three or more dwelling units’ multiple principal uses may be established on a single lot to the extent that such uses are authorized within section 28-2-4(j) table of principle uses. The conversion of a commercial unit to accommodate one or more dwelling units is permitted under 28-2-4(j).

Chair Carley stated the Board does have the power to decide if a variance is not necessary.

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Ms. Verdile responded correct, that is just the clarification. The old interpretation was that a variance was not needed. The new interpretation is that they determined that a variance from section 28-2-4(h) multiple principal uses on a single lot would be required to allow both a non-residential use and a single-family dwelling unit as principal uses. Ms. Verdile stated that is the interpretation.

Member Walker stated that interpretation would be true under the building code.

Chair Carley stated they can have that discussion amongst themselves. Chair Carley noted what they should do before they go any further is to see how the Board feels if a variance is appropriate.

Alternate Member Perkins asked if they rule it is not appropriate and no needed can the applicant continue to do what he is doing.

Chair Carley stated as far as he knows yes.

Alternate Perkins asked if the applicant will receive the variance application fees back.

Ms. Verdile responded no.

The Board discussed the circumstances of the application and whether a variance is necessary.

On a motion made by Alternate Member Walker, seconded by Alternate Member Perkins, with a vote of 5 (Carley, Perkins, Walker, Wallner and Monahan) in favor to 0 opposed, the Board voted based on the evidence presented by the applicant they are in compliance with the ordinance and should be allowed to move forward with the project without a variance.

4.4 Jason Fredette of Poyant Signs, on behalf of property owner Interchange Development, LLC, requests a variance from *Article 28-6 Signs Regulations, Section 28-6-9 Signs Not permitted in Nonresidential Districts (b) Permitted Building Signs (1)(a)* to allow an additional wall sign at 53' square feet beyond the allowable frontage of 70'. The property is known as Tax Map 06/P Lot 5/6 located at 16 Merchant's Way in the Gateway Performance (GWP) District. (ZBA-0376-2026).

Jason Fredette (125 Samuel Barnet Blvd, New Bedford MA) is present to represent this application.

Chair Carley asked the applicant if he is looking for two signs with a total square footage of 123.

Mr. Fredette stated it will be two wall signs that are 53 square feet each. One was allowed on the face of one side of the building and the other one is the sign they are here to talk about.

Chair Carley noted there is a total of 106 where 70 is allowed and asked if that is correct.

Ms. Verdile responded she believes that is correct.

Chair Carley noted they want two signs on either side of the building.

Member Walker noted it is 36 square feet more than what is otherwise permitted by the frontage of the lot.

Chair Carley noted all of which will happen at 16 Merchant Way.

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Mr. Fredette stated the property is on the corner. On the west elevation over the front door that is where the sign application will be. The applicant is interested in having a second sign on the north elevation. The north elevation is on the left side of the building if you are looking at the front of the building. The front has the same sign over the front door.

Laurie Rauseo (152 Morrill Rd, Canterbury) is present for any questions.

Mr. Fredette stated where the one and six is located on the screen that is the north side.

Chair Carley asked if the sign would face Merchants Way.

Mr. Fredette responded yes.

Chair Carley asked if there will be another sign facing east.

Mr. Fredette stated the other sign will face west towards Whitney Rd. Mr. Fredette noted the sign is a fabricated aluminum painted white background that does not light up that has face lit channel letters that are three-foot-tall and three inches deep. At night it will illuminate the red. The illumination will come out of the face of the letter. There is a thin white outline around the letter shape.

Chair Carley stated the applicant is asking for a variance which has certain criteria and asked the applicant to touch on those.

Mr. Fredette stated this entire area is a commercial-retail development focus and by eliminating the sign just to the one front elevation the visibility would be greatly enhanced with a second sign facing out on Merchants Way. Mr. Fredette noted especially from the parking fields of the adjacent property. Mr. adjacent read criteria submitted with the application materials.

Ms. Rauseo stated it does mirror the New Hampshire Liquor Store signs that face west and south that is similar to what is proposed. There are other locations with multiple signs on multiple fronts.

Alternate Member Perkins noted those had to be approved.

Chair Carley asked if the restaurant is the only thing in the building.
Ms. Roseau stated there is another 2000 square feet in the same building that is vacant.

Chair Carley asked if there are any questions from the Board, anything more the applicant would like the Board to know.

Mr. Fredette stated architectural design review committee felt the signage worked with the character of the neighborhood and it was approved.

Chair Carley asked if there is any member of the audience that would like to speak in favor of this application, in opposition, and Planning Division staff.

Ms. Verdile stated the motion for the development of regional impact should be done at the beginning of the meeting and can do that now as it needs to be done.

Chair Carley stated the Board can address that now and a determination can be made. Chair Carley closed the public hearing.

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Member Wallner stated as far as a hardship this is a building with two different approaches. They are allowed to address that with two signs.

Member Monahan agrees.

Alternate Member Perkins responded same.

Member Walker had nothing to add.

Chair Carley had nothing to add.

On a motion made by Member Monahan, seconded by Alternate Member Perkins, the Board voted 5-0-0 to determine the application is not a development of regional impact, per RSA 36:55.

On a motion made by Member Monahan, seconded by Member Wallner, with a vote of 5 (Carley, Perkins, Walker, Wallner and Monahan) in favor to 0 opposed, the Board voted to ***grant the variance from*** *Article 28-6, Sign Regulations, Section 28-6-9(b)(1)(a) of the ordinance 28-6-9 Signs to allow an additional wall sign at 106' square feet of sign beyond the 70' feet frontage allowed in the GWP because all of the criteria under RSA 674:33 have been met based on the record before us, and adopt the applicant's proposed findings as the Board's findings of fact."*

4.5 Philp Hastings, Esquire, on behalf of property owner Hodges Development Corporation, requests a variance from *Article 28-2 Zoning Districts and Allowable Uses, Section 28-2-4 allowable Principal and Accessory Uses in Zoning Districts (j) Table of Permitted Uses(A)(4) to allow the construction of a multifamily dwelling where they are not allowed.* The property is known as Tax Map 621/Z Lot 18 located at 165-173 Pembroke Rd. in the Office Performance (OFP) District. (ZBA-0377-2026).

On a motion made by Member Wallner, seconded by Alternate Member Perkins, with a vote of 5 (Carley, Perkins, Walker, Wallner and Monahan) in favor to 0 opposed, the Board voted to continue the application to the May 6, 2026 meeting at the request of the applicant.

4.6 Philp Hastings, Esquire, on behalf of property owner Hodges Development Corporation, requests a variance from *Article 28-2 Zoning Districts and Allowable Uses, Section 28-2-4 allowable Principal and Accessory Uses in Zoning Districts (j) Table of Permitted Uses(A)(4) to allow the construction of a multifamily dwelling where they are not allowed.* The property is known as Tax Map 614/Z Lot 61 located at 165-173 Pembroke Rd. in the Office Performance (OFP) District. (ZBA-0378-2026).

On a motion made by Member Wallner, seconded by Alternate Member Perkins, with a vote of 5 (Carley, Perkins, Walker, Wallner and Monahan) in favor to 0 opposed, the Board voted to continue the application to the May 6, 2026 meeting at the request of the applicant.

4.7 Philp Hastings, Esquire, on behalf of property owner Hodges Development Corporation, requests a variance from *Article 28-2 Zoning Districts and Allowable Uses, Section 28-2-4 allowable Principal and Accessory Uses in Zoning Districts (j) Table of Permitted Uses(A)(4) to allow the construction of a multifamily dwelling where they are not allowed.* The property is known as Tax Map 614/Z Lot 62 located at 165-173 Pembroke Rd. in the Office Performance (OFP) District. (ZBA-0379-2026).

On a motion made by Member Wallner, seconded by Alternate Member Perkins, with a vote of 5 (Carley, Perkins, Walker, Wallner and Monahan) in favor to 0 opposed, the Board voted to continue the application to the May 6, 2026 meeting at the request of the applicant.

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4.8 Philp Hastings, Esquire, on behalf of property owner Hodges Development Corporation, requests a variance from *Article 28-2 Zoning Districts and Allowable Uses, Section 28-2-4 allowable Principal and Accessory Uses in Zoning Districts (j) Table of Permitted Uses(A)(4) to allow the construction of a multifamily dwelling where they are not allowed.* The property is known as Tax Map 621/Z Lot 19 located at 165-173 Pembroke Rd. in the Office Performance (OFP) District. (ZBA-0380-2026).

On a motion made by Member Wallner, seconded by Alternate Member Perkins, with a vote of 5 (Carley, Perkins, Walker, Wallner and Monahan) in favor to 0 opposed, the Board voted to continue the application to the May 6, 2026 meeting at the request of the applicant.

4.9 Philp Hastings, Esquire, on behalf of property owner Hodges Development Corporation, requests a variance from *Article 28-2 Zoning Districts and Allowable Uses, Section 28-2-4 allowable Principal and Accessory Uses in Zoning Districts (j) Table of Permitted Uses(A)(4) to allow the construction of a multifamily dwelling where they are not allowed.* The property is known as Tax Map 621/Z Lot 19 located at 165-173 Pembroke Rd. in the Office Performance (OFP) District. (ZBA-0381-2026).

On a motion made by Member Wallner, seconded by Alternate Member Perkins, with a vote of 5 (Carley, Perkins, Walker, Wallner and Monahan) in favor to 0 opposed, the Board voted to continue the application to the May 6, 2026 meeting at the request of the applicant.

4.10 Jordan Willhelm, of Granite Recovery Centers, on behalf of property owner 38 South St. LLC, requests a Special Exception according to *Article 28-2 Zoning Districts and Allowable Uses(j)A(15) and Article 28-9 Administration and Enforcement, Section 28-9-3(b) to allow a Rooming House* on Tax Map 7441/Z Lot 86 located at 38 South Street in the Downtown Residential (RD) District. (ZBA-0382-2026).

No one was present to represent this application. Chair Carley deferred to the end of the meeting. At the end of the meeting there was still no one present for this application.

On a motion made by Alternate Member Perkins, seconded by Member Monahan, with a vote of 5 (Carley, Wallner, Monahan, Perkins and Walker) in favor to 0 opposed, the Board voted to table ZBA case 0382-2026 due to the applicant not being present at the meeting.

4.11 Taylor and Katelyn Goodington, property owners, request a variance from *Article 28-2 Nonconforming Structures, Section 28-8-5(b)(1) and Article 28-4 Dimensional Standards, Section 28-4-1((d)(3) Minimum Yard Requirements Side and Section 28-4-1-(h) Table of Dimensional Regulations to expand a nonconforming garage by approximately eight (8') feet resulting in a setback of approximately five (5') feet where 15' feet is required.* The property is known as Tax Map 8723/Z Lot 26 located at 24 Meadow Street in the Single Family (RS) District, Open Space (RO) Residential, and the Flood Hazard (FH) District (ZBA-0383-2026)

Taylor Goodington (24 Meadow St, Concord) is present to represent this application. This is a preexisting non-conforming structure to make longer in the back and build an apartment for mother in-law.

Chair Carley asked the applicant to read the criteria submitted with the application.

Mr. Goodington read criteria submitted with the application materials.

Alternate Member Perkins asked if they are going further into backyard with something that is already non-conforming.

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Mr. Goodington stated it is slightly further. The closest point to the garage setback is about six feet and by extending to be in line with the edge of the house would be roughly five feet.

Member Walker asked if the house is at an angle.

Mr. Goodington responded yes, where the edge of the garage there is a shed that sits on the south side of the pool deck there is a tall wooden fence. The view from the adjacent properties will be similar as there is already a structure blocking.

Chair Carley asked if the garage with be two stories.

Mr. Goodington responded yes, that is the idea.

Mr. Goodington stated they intend to use it that way for his mother in-law. Mr. Goodington stated they have a friendly relationship with their neighbors and they discussed this with them and they thought this was reasonable.

Chair Carley asked if there are any other questions from the Board or the applicant, with none. Chair Carley asked if there is any member of the audience that would like to speak in favor of this application, in opposition, Planning Division staff and with none. Chair Carley closed the public hearing.

Member Walker stated it is a reasonable use with the neighborhood. Member Walker noted it meets the criteria.

Alternate Member Perkins agrees and he is not bringing the building closer to the edge because of the angle of the house.

Member Monahan has nothing to add.

Member Wallner has nothing to add.

Chair Carley agrees with his colleagues and asked if there is anyone that would like to make a motion.

Ms. Verdile stated there needs to be a determination on a DRI first.

On a motion made by Member Wallner, seconded by Alternate Member Perkins, the Board voted 5-0-0 to determine the application is not a development of regional impact, per RSA 36:55.

On a motion made by Alternate Member Perkins, seconded by Member Monahan, with a vote of 5 (Carley, Wallner, Monahan, Perkins and Walker) in favor to 0 opposed, the Board voted to ***grant the variance from*** *Article 28-2 Nonconforming Structures, Section 28-8-5(b)(1) and Article 28-4 Dimensional Standards, Section 28-4-1((d)(3) Minimum Yard Requirements Side and Section 28-4-1-(h) Table of Dimensional Regulations* to expand a nonconforming garage by approximately eight (8') feet resulting in a setback of approximately five (5') feet where 15' feet is required *because all of the criteria under RSA 674:33 have been met based on the record before us, and to adopt the applicant's proposed findings as the Board's findings of fact."*

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4.12 Michael Lambert, P.E., of Granite Engineering, LLC, on behalf of property owner Bradcore Holdings, LLC, request a variance from *Article 28-5 Supplemental Standards, Section 28-5-37 (a)Outside Storage of Materials and Inventory to allow outdoor storage ten (10') feet from a street where fifty (50') is required, Section 28-5-37(b) to allow outdoor storage without the required screening, and Section 28-5-37(d) to allow 39,600 square feet if outdoor storage where 22,841 square feet is allowed.* The property is known as Tax Map 46/Z Lot 39 located at 0 & 6 Break O' Day Drive in the Gateway Performance (GWP) District. (ZBA-0384-2026).

Chair Carley read agenda items 4.12, 4.13 and 4.14 and 4.15 into the record to be discussed together and will be voted on separately

On a motion made by Member Monahan, seconded by Alternate Member Perkins, the Board voted 5-0-0 to determine the application is not a development of regional impact, per RSA 36:55.

Courtney Herz (98 North Main St, Concord) and Brent Cole (150 Dow St Tower 2, Manchester) are present to represent these applications for Bradcore LLC where Chappell Tractor operates. Ms. Herz stated this Board approved the variances back in March of 2023. The project is still under way and they are back requesting the same variances. Ms. Herz stated nothing has changed in the criteria. Ms. Herz noted there is an intent to merge the two lots. Ms. Herz stated they are seeking four variances. Ms. Herz stated the first one is from section 28-8-4 to allow the continuance and expansion of the non-conforming use for sales, rental and repair of construction equipment on tax map 46z lot 39 and that is where the existing business is operating. The second variance is from 28-2-4 to allow that same use sales, rental and repair of construction equipment where it is not permitted use on the other lot 38 the back lot by 393. The two they are seeking are similar but for each of the lots for part of section 28-5 with regard to both lot 38 and 39 concerning outdoor storage. They are looking for outdoor storage within 10 feet when 50 is required. For both lots they are seeking a variance for outdoor storage without the required screening and the additional square footage of the outdoor storage.

Chair Carley asked if that is the way the agenda reads.

Ms. Herz stated it is not and the reason why she did this and wanted to be clear which lots this applies to.

Chair Carley stated in this particular drawing there is a triangle shape lot that is highlighted and asked if that is where they want to put the storage.

Mr. Cole stated it is not.

Alternate Member Perkins asked if these are all variances that were approved in 2023.

Ms. Herz responded that is correct.

Mr. Cole stated they asked for an exception from this Board in 2025. Mr. Cole stated they way the regulations are in the ordinance variances do not run with Planning Board applications. Mr. Cole noted there is a large expansion to Break O'Day Drive with this project. There has been a lot in the Planning Board process and the final plans have not been approved by the Planning Board. Mr. Cole stated because of this they need to come back to redo those variances as they are not allowed another extension. Mr. Cole stated Chappell Tractor bought this property from EW Sleeper back in 2017. It has always been agriculture new and used equipment facility. They are looking to improve the property. They are trying to formalize a parking lot, expand the existing building with some more service bays to allow to tend to their customers as well as clean the vehicles. They were able to

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acquire the property to the north which has allowed them to reorganize the site to make it safer. Mr. Cole stated the existing use that is out there that has been out there for decades is not allowed in this zoning district. One of the variances is an expansion of a non-conforming use and that applies to the existing facility and the new property that has nothing on it today. The new property will be the outdoor storage area for their product.

Ms. Herz read summary of the five criteria submitted with the application materials.

Chair Carley asked if there are any other questions from the Board.

Member Walker asked if there have been any significant changes to the area since it was first approved.

Ms. Herz responded no.

Chair Carley asked if there is any member of the audience that would like to speak in favor of this application, in opposition, Planning Division staff and with none. Chair Carley closed the public hearing.

On a motion made by Member Monahan, seconded by Alternate Member Perkins, with a vote of 5 (Carley, Wallner, Monahan, Perkins and Walker) in favor to 0 opposed, the Board voted to ***grant the variance from*** *Article 28-5 Supplemental Standards, Section 28-5-37 (a)Outside Storage of Materials and Inventory to allow outdoor storage ten (10') feet from a street where fifty (50') is required, Section 28-5-37(b) to allow outdoor storage without the required screening, and Section 28-5-37(d) to allow 39,600 square feet if outdoor storage where 22,841 square feet is allowed because all of the criteria under RSA 674:33 have been met based on the record before us, and to adopt the applicant's proposed findings as the Board's findings of fact."*

4.13 Michael Lambert, P.E., of Granite Engineering, LLC, on behalf of property owner Bradcore Holdings, LLC, requests a variance from *Article 28-8 Nonconforming Lots, Uses, and Structures, Section 28-8-4(a)(1)(c)(1) Nonconforming Uses of Land to allow an expansion of an existing nonconforming use of the property for Sales, Rental, and Repair of Construction Equipment where the use is not allowed.* The property is known as Tax Map 46/Z Lots 38 & 39 located at 6 Break O' Day Drive and 391 Loudon Rd in the Gateway Performance (GWP) District. (ZBA-0385-2026).

On a motion made by Member Monahan, seconded by Alternate Member Perkins, the Board voted 5-0-0 to determine the application is not a development of regional impact, per RSA 36:55.

On a motion made by Alternate Member Perkins, seconded by Member Monahan, with a vote of 5 (Carley, Wallner, Monahan, Perkins and Walker) in favor to 0 opposed, the Board voted to ***grant the variance from*** *Article 28-8 Nonconforming Lots, Uses, and Structures, Section 28-8-4(a)(1)(c)(1) Nonconforming Uses of Land to allow an expansion of an existing nonconforming use of the property for Sales, Rental, and Repair of Construction Equipment where the use is not allowed because all of the criteria under RSA 674:33 have been met based on the record before us, and to adopt the applicant's proposed findings as the Board's findings of fact."*

4.14 Michael Lambert, P.E., of Granite Engineering, LLC, on behalf of property owner Bradcore Holdings, LLC, requests a variance from *Article 28-2 Zoning Districts and Allowable Uses, Section 28-2-4 Table of Permitted Uses to allow the use of Sales, Rental and Repair of Construction Equipment where the use is not allowed* The property is known as Tax Map 46/Z Lots 38 & 39 located at 6 Break O' Day Drive and 391 Loudon Rd in the Gateway Performance (GWP) District. (ZBA-0386-2026)

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On a motion made by Member Monahan, seconded by Alternate Member Perkins, the Board voted 5-0-0 to determine the application is not a development of regional impact, per RSA 36:55.

On a motion made by Member Wallner, seconded by Member Monahan, with a vote of 5 (Carley, Wallner, Monahan, Perkins and Walker) in favor to 0 opposed, the Board voted to ***grant the variance from*** *Article 28-2 Zoning Districts and Allowable Uses, Section 28-2-4 Table of Permitted Uses to allow the use of Sales, Rental and Repair of Construction Equipment where the use is not allowed because all of the criteria under RSA 674:33 have been met based on the record before us, and to adopt the applicant's proposed findings as the Board's findings of fact."*

4.15 Michael Lambert, P.E., of Granite Engineering, LLC, on behalf of property owner Bradcore Holdings, LLC, requests a variance from *Article 28-2 Zoning Districts and Allowable Uses, Section 28-2-4 Table of Permitted Uses to allow the use of Sales, Rental and Repair of Construction Equipment with no building where the use is not allowed with no building.* The property is known as Tax Map 46/Z Lots 38 & 39 located at 6 Break O' Day Drive in the Gateway Performance (GWP) District. (ZBA-0387-2026)

On a motion made by Member Monahan, seconded by Alternate Member Perkins, the Board voted 5-0-0 to determine the application is not a development of regional impact, per RSA 36:55.

On a motion made by Alternate Member Perkins, seconded by Member Wallner, with a vote of 5 (Carley, Wallner, Monahan, Perkins and Walker) in favor to 0 opposed, the Board voted to ***grant the variance from*** *Article 28-5 Supplemental Standards, Section 28-5-37 (a)Outside Storage of Materials and Inventory to allow outdoor storage ten (10') feet from a street where fifty (50') is required, Section 28-5-37(b) to allow outdoor storage without the required screening, and Section 28-5-37(d) to allow 39,600 square feet if outdoor storage where 22,841 square feet is allowed because all of the criteria under RSA 674:33 have been met based on the record before us, and to adopt the applicant's proposed findings as the Board's findings of fact."*

4.16 Meredith Goldstein, on behalf of property owner William Young Properties, LLC requests a variance from *Article 28-5 Supplemental Standards, Section 28-5-2, Duplex or Two-Family to allow a duplex to be built on a lot with less than the required standards of 1 ½ times the lot frontage for 91.5 feet of frontage where 112.5 feet is required and 1 ½ times lot size of 10,018.0 where 11,250 square feet is required* on Tax Map 7443/Z Lot 88 located at 23 Spruce St in the Downtown Residential (RD)District (ZBA 0390-2026)

On a motion made by Member Wallner, seconded by Member Monahan, with a vote of 5 (Carley, Perkins, Walker, Wallner and Monahan) in favor to 0 opposed, the Board voted to continue the application to the May 6, 2026 meeting at the request of the applicant.

4.17 Meredith Goldstein, on behalf of property owner Johns Trust, requests a variance from *Article 28-4 Development Design Standards, Section 28-4-1(h) Table Dimensional Standards, and Section 28-2-4(j) Table of Principal Uses* to allow to create two new lots for two existing dwelling units on one lot on Tax Map 1413/P Lot 28 located at 19-23 Coral St in the Urban Commercial (CU) District (ZBA 0395-2026)

On a motion made by Member Wallner, seconded by Member Monahan, with a vote of 5 (Carley, Perkins, Walker, Wallner and Monahan) in favor to 0 opposed, the Board voted to continue the application to the May 6, 2026 meeting at the request of the applicant.

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4.18 Nawaz Azam on behalf of Rock Light LLC/Falcon Heights Properties LLC, requests a variance from *Article 28-2 Zoning Districts and Allowable Uses, Section 28-2-4 (j) Allowable Principal and Accessory Uses in Zoning District, Table of Principal Uses* to allow a multifamily dwelling in a district where it is not allowed on Tax Map 473/Z Lot 24 located at 230 Portsmouth St. in the Residential Single Family (RS) District. (ZBA-0396-2026)

No one was present to represent this application. Chair Carley deferred to the end of the meeting.

Chair Carley asked if the people that just walked in the room are here for a case.

Nawaz Azam (230 Portsmouth St, Concord) and John Azam (230 Portsmouth St, Concord) are present at 7:14 p.m. for this application. Nawaz Azam stated they are here to seek a variance because they plan to tear down the single-family house and install multi-family dwelling.

Chair Carly asked for the site plan to be pulled up.

Member Walked asked how many dwelling units are proposed.

Nawaz Azam responded three.

Alternate Member Perkins asked if it is three two-family.

Nawaz Azam responded three single family units that will be attached.

Chair Charley asked the applicant to speak to why they feel they meet the criteria for a variance.

Nawaz Azam responded he thinks there is a shortage in housing and saw this as a great lot. It is allowed for other like senior housing. Nawaz stated they are looking for market rate and being able to provide more housing. Nawaz Azam noted that is his only reason.

Chair Carley asked for questions from the Board.

Member Walker asked if there is water or sewer on Portsmouth St.

Nawaz Azam stated there is city water and private sewer.

Member Walker stated one of the criteria for a variance is that there be something unique that differentiates from other properties in the neighborhood to make the request reasonable and necessary. Member Walker asked if there is anything special or unique about this property that is not shared by the other properties in the neighborhood.

Nawaz Azam stated no, there is not. Nawaz Azam noted he did see in around the area duplexes and stuff like that. Nawaz Azam stated he does not want to do a single-family house with an ADU. Nawaz Azam is looking for small families to live in there and raise their kids.

Member Walker asked if he will reside at the property.

Nawaz Azam stated his son will live there.

Alternate Member Perkins asked if it is zoned for a two-family.

DRAFT

Ms. Verdile stated a two-family is allowed.

Chair Carley asked Nawaz Azam if there is anything else they want the Board to know.

Nawaz Azam responded no.

Chair Caley asked in there is anyone here that wishes to speak in favor of this appeal and there was none. Chair Carley stated that the Board received a letter.

Ms. Verdile stated in the RS District attached dwellings and multi-family dwellings are not allowed.

Chair Carley stated the letter is from Rosmond Cane, an abutter, and is in opposition to the development.

Chair Carley asked if there is any comment from Planning Division.

Ms. Verdile stated for clarification the public notice described this application as an attached dwelling with multi-family and proposed to be a townhouse style.

Chair Carley closed the public hearing.

Ms. Verdile stated there needs to be a motion for the DRI.

On a motion made by Member Wallner, seconded by Alternate Member Perkins, the Board voted 5-0-0 to determine the application is not a development of regional impact, per RSA 36:55.

Alternate Member Perkins does not see the hardship.

Member Walker stated the applicant admitted there is not a hardship and cannot see this as a necessary variance and cannot support.

Member Monahan stated from what is before the Board there is not the ability within the ordinance to approve it.

Member Wallner concurs and did not see any evidence there are any multi-units in their area.

Chair Carley agrees with his colleagues and that a hardship was not demonstrated.

On a motion made by Alternate Member Walker, seconded by Member Monahan, with a vote of 5 (Carley, Wallner, Monahan, Perkins and Walker) in favor to 0 opposed, the Board voted to ***deny the variance from*** *Article 28-2 Zoning Districts and Allowable Uses, Section 28-2-4 (j) Allowable Principal and Accessory Uses in Zoning District, Table of Principal Uses to allow a multifamily dwelling* at Tax Map 473/Z Lot 24, 230 Portsmouth St in the Residential Single Family (RS) District because evidence was not provided showing that all the criteria under RSA 674:33 have been met.

4.19 Property owners Kathryn McCracken and Theresa Danielle Wilson request a variance from *Article 28-4 Development Design Standards, Section 28-4-1(d0(3) Minimum Side Yard Setback and Section 28-4-1(h) Table of Dimensional Requirements* to allow for a 12’ foot side setback where 15 feet is required to build an addition on Tax Map 7942/Z Lot 16 located at 56 Dunklee St in the Medium Density Residential (RM) District. (ZBA-0397-2026)

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Danielle Wilson- McCracken (56 Dunklee St, Concord) and Kathryn McCracken (56 Dunklee St, Concord) are present to represent this application. Ms. Wilson- McCracken stated they are here requesting a side yard setback variance to allow a second story addition to their residential home which is a pre-existing non-conforming structure. Ms. Wilson- McCracken stated they moved into the house in the fall of 2021 and it is a two-bedroom one-bathroom house. Ms. Wilson- McCracken works from home and they need a home office space. They are looking to expand the house to stay in their neighborhood. The house was built in 1950 and met the ten-foot side yard setback requirements of the 1967 zoning ordinance. The proposed project plan will not change the footprint of the house. Ms. Wilson- McCracken noted the vertical continuation of the non-conforming structure for a second story required the variance. Ms. Wilson- McCracken read the criteria submitted with the application materials.

Member Walker asked if they are doing a full second floor.

Ms. Wilson- McCracken stated it is a dormered cape and it will just be the second story.

Chair Carley asked if there is any member of the audience that would like to speak in favor of this application.

Victor Vargas II (54 Dunklee St, Concord) is their neighbor and in favor.

Scott Marcotte (58 Dunklee St, Concord) is in favor of this project.

Chair Carley asked if there is any member of the audience that would like to speak in opposition of this application, Planning Division staff and with none. Chair Carley closed the public hearing.

Member Walker state he appreciates they have lived there quite a while. Member Walker understands they could do a portion of the roof and be in compliance with the setbacks it really does not make any sense. Member Walker stated it is consistent with the neighborhood and has not opposition to this.

Alternate Member Perkins agrees.

Member Monahan has nothing to add.

Member Wallner stated they approved something similar to this a while ago.

Chair Carley agrees with his colleagues and the criteria for a variance is met. Chair Carley stated there needs to be a motion on the development of regional impact.

On a motion made by Member Wallner, seconded by Alternate Member Perkins, the Board voted 5-0-0 to determine the application is not a development of regional impact, per RSA 36:55.

On a motion made by Alternate Member Perkins, seconded by Member Wallner, with a vote of 5 (Carley, Wallner, Monahan, Perkins and Walker) in favor to 0 opposed, the Board voted to ***grant the variance from*** *, Section 28-4-1(d)(3) Minimum Side Yard Setback and Section 28-4-1(h) Table of Dimensional Requirements* to allow for a 12' foot side setback where 15 feet is required to build an addition at Tax Map 7942/Z Lot 16, 56 Dunklee St in the Medium Density Residential (RM) District because all of the criteria under RSA 674:33 have been met, and to adopt the applicant's proposed findings as the Board's findings of fact.*"*

5. **Review and acceptance of minutes from** March 4, 2026

DRAFT

Chair Carley has revisions to be added to the meeting minutes for March 4, 2026. This will be added and attached for the Board's approval at the May 6, 2026 meeting.

6. **Any other business that may legally come before the Zoning Board**

7. **Adjourn**
   On a motion made by Member Wallner seconded by Alternate Member Perkins, the Board voted 6 in favor to 0 opposed to adjourn at 7:41p.m.

Respectfully submitted,
Krista Tremblay
Krista Tremblay
Administrative Technician III

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