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

May 6, 2026
MEETING MINUTES

Attendees: Chair Christopher Carley, Member Nicholas Wallner, Member James Monahan, Member Andrew Winters, and Alternate Member Ann Rice

Absent: Member Laura Spector-Morgan, Alternate Member Brenda Perkins and Alternate Member Craig Walker

Staff: Tim Thompson, Assistant Director of Community Development / Acting City Planner
Kearsten O'Brien, Senior Planner
Krista Tremblay, Administrative Technician III

1. Call to order

Chair Carley called the meeting to order at 6:01 p.m.

2. Chairperson's comments

Chair Carley appointed Alternate Member Rice as a voting member in the place of Member Spector-Morgan.

On a motion made by Member Monahan, seconded by Member Wallner, the Board voted 5-0-0 to accept the staff recommendation to determine all of the applications on the agenda are not a development of regional impact, per RSA 36:55.

3. Public meetings

4. Public hearings

4.1 Lars and Kellie Ljungholm, request a Special Exception according to Section 28-2-4 Allowable Principal and Accessory Uses, Table of Permitted Uses (j)A Residential (15) and Section 28-9-3(b) Decisions by the Zoning Board of Adjustment, Special Exceptions to allow a Rooming House on Tax Map 6414/Z Lot 13 located at 113 N State Street in the Downtown Residential (RD) District. (ZBA 0398-2026)

Lars Ljungholm (113 N State St, Concord) presented the application and gave a summary of the use, stating they have been renting the house the same way for the last decade.

Chair Carley asked for Mr. Ljungholm to cover the special exception criteria.

Mr. Ljungholm read criteria submitted with application. Mr. Ljungholm stated there are neighbors to support the special exception.

The Board discussed the number of total units and common areas with a shared use.

Mr. Ljungholm stated there is no smoking or drug use by tenants and reiterated it has been the same use for a decade and there has not been any issues.

Chair Carley opened the public hearing.

Patrick Kimmett (2 Tahanto St, Concord) is in support, stated he believed the current use is reasonable and asked if the ordinance has a specific limit for the amount of rooms.

Chair Carley responded he believes it does.

Mr. Thompson the Board may attach reasonable conditions to the approval including limiting the total number of rooms, which cannot exceed 10 per the ordinance.

Mark Beauregard and Sarah Beauregard (115 N. State St, Concord) are direct abutting neighbors and lived there for the past 17 years, and stated when the sole owners living there with their family and throughout the tenancy they have not had any issue. Mr. Beauregard has no problems with the request.

Louise Parenteau (2 Beacon St, Concord) directly abuts the property.

Caroline Viani (5 Beacon St, Concord) lives across from Ms. Parenteau.

Ms. Parenteau supports Mr. Ljungholm because he makes sure the tenants are appropriate. Ms. Parenteau stated her only concern is if he sells the property. Ms. Parenteau asked why the property is considered a rooming house.

Member Winters stated it is a broad definition in the code. It includes any non-related people who are sharing living space.

Ms. O'Brien stated they share common facilities such as cooking, bathing and things like that. It is not an individual apartment where you have your owns facility and bathroom they all share as one. The rent the room as one as it is not divided up into multiple apartments.

Mr. Thompson stated the key between a rooming house and an apartment is the individual cooking and bathing facilities per unit. In this case because the home is set up in such a way that there are shared facilities for cooking and for bathing which is what classifies as a rooming house verse an apartment. If each individual person was renting a space with their own individual kitchen and bathroom that would be considered an apartment instead of a rooming house. He also noted there is a requirement under the rooming house definition that there needs to be a resident caretaker in the unit. In this case Mr. Ljungholm is the resident caretaker.

Chair Carley asked if there were any Planning Division comments.

Mr. Thompson stated if the Board determines a limit of four individuals for this application is appropriate, the Board will need to adjust the condition of approval to match the presentation tonight.

Chair Carley closed the public hearing.

The consensus of the Board was that the applicant satisfied the requirements for the special exception.

The Board voted 5-0-0 to grant the **special exception** under ***Section 28-2-4***, because all of the criteria under Section 28-9-3(b)(2) *Requisite Findings* of the Zoning Ordinance were met based on the record before the Board, the Board adopted the applicant's findings as the Board's findings of fact and conditioned the approval upon a limit of four individuals to rent rooms on a motion made by Member Wallner, seconded by Alternate Member Rice

The adopted Findings of Fact are on file with the Planning Division of the Community Development Department.

4.2 Boyd Smith, for Boyd P. Smith Revocable Trust 2008 & Annette Zamarchi Revocable Trust 2008, request a variance from Section 28-4-1 Dimensional Standards (d) (1) (h) Table of Dimensional Regulations, Minimum Yard Requirements to allow the construction of a garage to be located within the required 25' foot front setback and approximately two feet (2') from the front property line where 25' feet is required on Tax Map 6531/Z Lot 22 located at 139 Liberty Street in the Single-Family Residential (RS) District. (ZBA-0399-2026)

A letter was received from Roger Wellington that is on file with the Planning Division.

Boyd Smith (139 Liberty St, Concord) presented the application. Mr. Smith noted his driveway is off of Watkins Way and it is a dead-end road. The garage they have is at least 100 years old. They want to have a new garage for two cars and space for storage. The garage will be 20-foot-deep by 32-foot-wide and it would bring a little closer to the property line. Mr. Smith read the criteria submitted with the application materials.

Chair Carley opened the public hearing. With no public testimony, he asked if there were any Planning Division comments.

Mr. Thompson stated there may be some work at staff level in terms of the driveway and encroachment in the road right-of-way for parked vehicles and they can work with applicant.

Chair Carley closed the public hearing.

The consensus of the Board was that the applicant had met the variance criteria.

The Board voted 5-0-0 to grant the requested **variance from Section 28-4-1(d)(1)** to permit a front setback of 2 feet where 25 feet is otherwise required for the construction of a garage, because all of the criteria under RSA 674:33 were met based on the record before the Board, and the Board adopted the applicant's findings as the Board's findings of fact on a motion made by Member Monahan, seconded by Alternate Member Rice.

The adopted Findings of Fact are on file with the Planning Division of the Community Development Department.

4.3 Riverbend Community Health request a Special Exception according to Section 28-2-4 Allowable Principal and Accessory Uses, Table of Permitted Uses (j)A Residential (15) and Section 28-9-3(b) Decisions by the Zoning Board of Adjustment, Special Exceptions to allow a Rooming House on Tax Map 7412/Z Lot 33 located at 4-6 Fayette St. in the Urban Commercial (CU) District. (ZBA-0400-2026)

Will Shepard (27 Monroe St, Concord) presented the application. The property was used as a group home by Riverbend. There will be many different tenants renting room with common living space. There is a bit of a difference with respect to a rooming house would not have hired people to help with disabilities. There will be people living with people on their own. There will not be much change to the points because it will be the same structure. Mr. Shepard read criteria submitted with application materials.

Chair Carley opened the public hearing. With no public testimony, he asked if there were any Planning Division comments.

Mr. Thompson stated this was a facility that Riverbend had received Community Development Block Grant funds through the City. With the conversion and sale of the property there is a lien for the funds on the property that will need to be repaid to the Community Development Finance Authority. The applicant is aware of that.

Chair Carley closed the public hearing.

The consensus of the Board was that the applicant had met all nine requirements of the special exception.

The Board voted 5-0-0 to grant the requested **special exception under *Section 28-2-4***, because all of the criteria under Section 28-9-3(b)(2) *Requisite Findings* of the Zoning Ordinance were met based on the record before the Board, and the Board adopted the applicant's findings as the Board's findings of fact on a motion made by Alternate Member Rice, seconded by Member Monahan.

The adopted Findings of Fact are on file with the Planning Division of the Community Development Department.

4.4 Michael L. Nadeau, for Gilberto Reyes and Nancy Sanchez request variances from Sections 28-4-1(h) Table of Dimensional Regulations and 28-4-1(d)(3) Dimensional Standards to allow for an eight (8) foot side setback and five (5) foot side setback where 15 feet side setback is required on Tax Map 193/P Lot 71 located at 20 Emily Way in the Medium Residential (RM) District (ZBA-406-2026)

Michael Nadeau (20 Emily Way, Concord) presented the application on behalf of the property owners. Mr. Nadeau is asking for a variance for the setback. Mr. Nadeau stated it will be a pergola with asphalt shingled roof. Mr. Nadeau stated it is not opposing any common land.

The Board and Mr. Nadeau discussed the sequence of construction, the size of the pergola and patio, and the location on the property.

Mr. Thompson stated this is correcting an existing violation. Mr. Thompson noted there is a drainage easement that runs on the property, and the City Council has granted permission for the minor encroachment into the easement area, pending the decision of the ZBA.

Ms. O'Brien stated this started when the building permit was requested. They are rectifying that violation plus the drainage easement that was approved. She added that going forward any other alterations to that portion of the lot will require a building permit and City Council approval to be within the drainage easement area.

Chair Carley opened the public hearing.

Kelly Anderson (19 Amy Way, Concord) stated she lives across street and is in support of this variance.

Kristine Duffy (48 Taylor Lane, Concord) and William Duffy (48 Taylor Lane, Concord) stated they live at the end of the block. Ms. Duffy is in support of the variance. Mr. Duffy has no objection to the structure.

Alicia Boynton (22 Ty Lane, Concord) noted the patio will be two feet from her boundary and she will lose privacy. Ms. Boynton stated it is a place that will be used for parties and could create noise. Ms. Boynton is also concerned about water run-off.

The Board and Planning staff discussed in the specific proposed location of the pergola in relation to the existing patio, and asked the applicant for clarifying comments.

Mr. Nadeau shared several photos (see end of minutes) of drainage and run off. Mr. Nadeau showed the swale and drainage location in the pictures.

Member Monahan asked for the size of the proposed pergola, asked if a different size was possible, and if alternative locations on the site were possible.

Mr. Nadeau stated 38 wide against house and comes out 26 feet, that they could move the pergola back more, and that the property owners wanted it in the proposed location over the existing patio.

Chair Carley closed the public hearing.

Board members discussed struggling to find out the hardship and that while the easement does impact the property that there appear to be locations available that would comply with regulatory requirements.

Chair Carley asked to show the location of the drainage easement.

Member Winters asked why the applicant would need to go back to City Council.

Mr. Thompson stated if there is any change to the impact within the City's easement it would need to go back to the Council.

Chair Carley noted the footprint is near the same size of the main house and that is a large gazebo. Chair Carley is in support a motion to deny.

The Board voted to 5-0-0 to **deny the variance under Section 28-4-1(h) to allow for an eight (8) foot side setback and five (5) foot side setback where 15 feet side setback is required** on a motion made by Member Winters, seconded by Member Monahan.

The Board found that the applicant was unable to demonstrate under the requirements of RSA 674:33 that an unnecessary hardship existed at the property and no evidence was presented to show the special conditions that the property possesses that distinguish it from other properties in the area given the ability to construct the improvements at other locations on the property that would comply with the required setbacks.

4.5 James Robinson, for Smokestack Realty, LLC requests variances from Sections 28-2-4 Allowable Principal and Accessory Uses in Zoning Districts (j) Table of Permitted Uses I (2) and M (8) to allow a Restaurant with no drive-through service with or without entertainment and a Commercial Kennel

where the uses are prohibited on Tax Map 582/Z Lot 1 located at 254 North State Street in the Institutional (IS) District. (ZBA-0407-2026)

James Robinson (583 Chester Turnpike, Candia) presented the application. Mr. Robinson is requesting a variance to allow a commercial kennel with restaurant with or without entertainment. It is classified as a commercial kennel because that is the closest use classification that the ordinance has. They do not have daycare, overnight boarding, sales of pet or anything along those lines. They want to operate an indoor and partially outdoor dog park with attached restaurant and tap room. A social space where people can hang out with their dogs. Mr. Robinson noted there have been similar uses in the past. The space they are going into was formerly No Monkey Business Dog Training. In the same building in another unit there was Area 23 which was a pub that offered drinks and live music. There are a wide variety of uses in this building. Mr. Robinson read from the criteria submitted with the application.

The Board discussed serving food or serving food and drinks, supervision of dogs, and capacity of the facility.

Mr. Robinson stated they are serving food in the bar area. There is a small kitchen. They will serve nachos, tater tots and bar food. He stated there are no dogs allowed in the bar area. Someone will supervise the dogs. They will have video surveillance in the entire space and that you will have to have the dog's vaccinations before you can enter. Capacity will be based the number of dogs entered on their website/mobile app before dogs are allowed into the facility.

Mr. Thompson stated both uses commercial kennel and restaurant both require a variance in the institutional district as they are not permitted uses. Mr. Thompson noted this will require site plan review by the Planning Board because of the size of the facility.

Chair Carley opened the public hearing.

Cheryl Gochez is an owner of smoke stack center. She is in favor of this application.

Chair Carley closed the public hearing.

The Board discussed the application, particularly the hardship criterion in preparation of making a decision.

Chair Carley stated the building itself creates a hardship on where it is. The building was designed to be a cutting shed for granite block. Since then it has been redeveloped and they do what they can to make it work. Anything that goes in there will have difficulties in one way or another. Chair Carley noted the building and combined with the imprecision of the definition of the use in the ordinance which lends him to give some sympathy on the subject of reasonableness as well as hardship. Chair Carley stated a variance is justified.

The Board generally agreed with the Chair's assessment, and determined ab approval would need some limitation on the kennel issue.

The Board voted 5-0-0 to grant the requested **variance from *Sections 28-2-4*** because all of the criteria under RSA 674:33 were met based on the record before the Board, and the Board adopted the applicant's findings as the Board's findings of fact and attached the following conditions to the granted variance:

1. The variance is limited to allowing operations consistent with the submission materials provided by the applicant and their testimony at the public hearing (indoor/outdoor dog park and restaurant); and

2. There shall be no boarding, training, or daycare of dogs at the facility.

on a motion made by Member Monahan, seconded by Member Winters.

The adopted Findings of Fact are on file with the Planning Division of the Community Development Department.

4.6 Robert Baskerville of Bedford Design Consultants for Robert J Baskerville Family Trust requests variances from Sections 28-4-1(h) Table of Dimensional Regulations and 28-4-1(d)(2) and (3) Dimensional Standards to allow for a side setback of six (6') feet where 40 feet is required and allow for a rear setback of 42 feet where 50 feet is required on Tax Map 183/Z Lot 1 located at 99 Peaceful Lane in the Open Space Residential(RO) District and Shoreland Protection (SP) Overlay District (ZBA-409-2026)

Robert Baskerville (99 Peaceful Lane, Concord) presented the application. Mr. Baskerville is looking to tear down the existing garage and install a new garage 24' by 28' in the same location. Mr. Baskerville wants to be 6 feet away from the side line and 42 feet away from the rear. There is no road frontage on the lot, Peaceful lane is a private road.

The Board and applicant discussed access to the site and garage, and the slight increase of the size of the garage from the existing structure.

Chair Carley opened the public hearing.

There being no public testimony, Chair Carley closed the public hearing.

The Board's consensus was that this is a unique piece of property with lots of constraints.

The Board voted 5-0-0 to **grant the variance from Sections 28-4-1(d)(1)** to allow for a side setback of six (6') feet where 40 feet is required and allow for a rear setback of 42 feet where 50 feet is required, because all of the criteria under RSA 674:33 have been met based on the record before the Board, and the Board adopted the applicant's findings as the Board's findings of fact on a motion made by Alternate Member Rice, seconded by Member Monahan.

The adopted Findings of Fact are on file with the Planning Division of the Community Development Department.

4.7 Meredith Goldstein, Esquire, for William Young Properties, LLC requests a variance from 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 an unnumbered-vacant lot on Spruce St. in the Downtown Residential (RD)District (ZBA 0390-2026) Continued from the April 1, 2026 meeting.

Meredith Goldstein (45 South Main St, Concord) presented the application. Ms. Goldstein is requesting two variances for minimum lot size and frontage required for a duplex. Ms. Goldstein stated they are aware of the proposed zoning amendments that would no longer require this variance. Ms. Goldstein

noted her client had experienced some delays that are unforeseen due to some notice issues. Ms. Goldstein stated they were supposed to be heard at the last meeting. Ms. Goldstein stated there are several duplexes on smaller lots with less frontage in the neighborhood.

Mr. Thompson summarized the proposed zoning amendments on the City Council's May 11th agenda. As it relates to this case, the proposed amendments would eliminate the current requirement for a duplex to have one and a half times required minimum frontage and one-and-a-half-time required minimum lot size. The proposed amendments would eliminate the extra requirement and allow duplexes on lots with frontage for a duplex mirroring those for a single-family dwelling.

Member Monahan asked if they might want to table this to a date certain. So, if the ordinance is changed they would not need the variance or need to burden the property with explaining in the future why it was granted.

Ms. Goldstein stated her client wants to move forward because concern about any further delay. Ms. Goldstein read criteria submitted with the application materials.

Chair Carley opened the public hearing.

Heather Shank (19 Spruce St, Concord) provided written testimony for the record (see materials at the end of these minutes). Ms. Shank is in opposition to this application as it is not consistent with the character of the neighborhood and does not meet the criteria.

Cindy Tubbs (22 Spruce St, Concord) is opposed to this requested variance and does not believe it meets the criteria requirements for a variance.

Christopher Carr (18-20 Spruce St, Concord) agrees with Ms. Tubbs on all of the qualifications for whether or not they need a variance.

Craig Tufts (23 Spruce St, Concord) stated his house abuts this open lot. Mr. Tufts agrees with pictures presented by Ms. Shank and they will affect their property value. They have solar panels on the house and garage and are concerned that a duplex on the adjacent lot would impact them.

Eric Feldbaum (14 Badger St, Concord) the back his property abuts this lot. Mr. Feldbaum stated it would be a detriment to the value of the homes in the neighborhood.

Dennis Thivierge (30-30 1/2 Spruce St, Concord) stated he is opposed and it does not fit in the neighborhood.

Kenneth Cox (17 Spruce St, Concord) stated they do not have a problem with the duplex but this one does not look like anything in the entire neighborhood.

Ruth Nadeau (16 Spruce St, Concord) made comment received the notice for the April meeting eight days after the meeting happened and she is happy to be here tonight to observe the process.

Rachel Tufts (23 Spruce St, Concord) stated she lives directly to the north for the property and they have the solar panels. They will be in the shade of that property.

Katie Collier (49 West St, Concord) lives on the corner of Spruce and West. Ms. Collier agrees with her neighbors and everything they have said. A building of this size will create emergency vehicle access problems seasonally.

Chair Carley asked if there are any comments from the Planning Division.

Mr. Thompson stated the request of the Board tonight is the allowing of the use on the property, the specifics on the design are not part of the application. He also stated, in response to the testimony regarding the determination of a duplex vs. an attached dwelling, the reason this has been classified as a duplex is because they believe there is a statutory problem with the current definition of attached dwelling unit including two units. He continued that, regarding the specific design of the proposed duplex, under RSA 674:43 the Planning Board does not have the authority they require site plan review for anything less than three units on a single property. With ADR being a subcommittee of the Planning Board staff does not believe they have any statutory authority for a duplex to go through the architecture design review process.

Member Winters asked if they did not go for a duplex and they wanted to build a single family that would be allowed outright.

Mr. Thompson responded correct, as long as they meet the setback requirements.

Chair Carley closed the public hearing.

The Board discussed that in similar situations the Board has approved these kinds of variances for substandard lots for duplexes throughout the city over the years.

Chair Carley stated the size of the house is not something they can control and the Board is narrowly constrained on what they can consider.

Following further discussion on the impact of the proposed ordinance changes and the request as presented, the Board voted 4-1-0 (Winters opposed) to continue the application to the date certain of June 3, 2026 at 6:00 pm in the City Council Chambers on a motion made by Member Monahan, seconded by Alternate Member Rice.

4.8 Meredith Goldstein, Esquire, for Johns Trust, requests variances from Section 28-4-1(h) Table of Dimensional Regulations, for relief from requirements for frontage, side, and front setbacks and Section 28-2-4(j) Table of Principal Uses to maintain two existing single-family dwelling units where single-family homes are prohibited on Tax Map 1413/P Lot 28 at 19-23 Coral St in the Urban Commercial (CU) District (ZBA 0395-2026) Continued from the April 1, 2026 meeting

Meredith Goldstein (45 South Main St, Concord) presented the application. Ms. Goldstein stated there are two single family homes on the property. They are looking subdivide so that each home is on its own parcel. Nothing on the property is changing and the structures are staying the same. They requesting frontage, setbacks and minimum lot size variances. Ms. Goldstein stated single-family homes are not permitted in this district as well, and the homes pre-date the zoning district. Ms. Goldstein read the criteria submitted with the application materials.

Chair Carley opened the public hearing.

Tim Bernier (118 Broad Cove, Penacook) is the surveyor of record on the plan. Mr. Bernier is here as a resident. Mr. Bernier is in favor of this. These are two existing homes on the same lot that were built before zoning. Mr. Bernier noted it is rare to have two single family homes on one lot and this fixes that problem.

Christopher Spinney (8 Coral St, Concord) sees no issue with this as long as it does not create any additional traffic.

Roy Schweiker (12 Chapel St, Concord) is not in favor of this. Having the homes on two separate lots sounds like a good idea but they could have a lot more of this because of the ADU people can build a second home on the lot and what if they want to subdivide the lot.

Chair Carley closed the public hearing.

The consensus of the Board was that it is a non-conforming lot already. Having two single family homes on a single lot makes no sense, and can make future property transactions very difficult and complicated.

The Board voted 5-0-0 to **grant the variances from *Section 28-4-1(h) and Section 28-2-4(j)***, because all of the criteria under RSA 674:33 have been met based on the record before the Board, and the Board adopted the applicant's findings as the Board's findings of fact on a motion made by Member Winters, seconded by Member Monahan.

The adopted Findings of Fact are on file with the Planning Division of the Community Development Department.

4.9 Philip M. Hastings, Esquire, for Hodges Development Corporation, requests a variance from Section 28-2-4 allowable Principal and Accessory Uses in Zoning Districts (j) Table of Permitted Uses(A)(4) to allow the construction of four (4) multifamily dwellings where they are not allowed on Tax Map 614/Z, Lot 61; Tax Map 614/Z, Lot 62; Tax Map 621/Z, Lot 18; and Tax Map 621/Z, Lot 19 located at 165-173 Pembroke Rd. in the Office Performance (OFP) District. (ZBA-0377-2026) Continued from the April 1, 2026 meeting

Mr. Thompson stated that, regarding agenda item 4.9, effective July 1 of this year there is a new state law that will require the city to permit residential use in this district. Mr. Thompson also noted the buffer variance requested would become a conditional use permit if proposed ordinance amendments are adopted by the City Council on May 11.

Philip Hastings (Two Capital Plaza, 5th Floor Concord) presented the application. Mr. Hastings stated they are here out of an abundance of caution. They do not know what the City Council will do with the perimeter buffer requirement. Mr. Hastings stated the statutory change is scheduled to go into effect July 1st and there have been legislation pending now to amend that statue. Mr. Hastings would like to go forward with the variance request out of an abundance of caution not knowing what the politicians will do.

Mr. Thompson read NH 674:78 "Notwithstanding any provision to the contrary, municipalities shall allow multi-family residential development on commercially zoned land provided adequate infrastructure including roads, water and sewage are available to support the development."

The Board and applicant discussed the applicability of the statutory changes, and the timing of the City Council and legislative amendments.

The Board voted 5-0-0 to continue the application to date certain of July 1, 2026 at 6:00 pm in the City Council Chambers on a motion made by Member Winters, seconded by Member Wallner.

4.10 Philip M. Hastings, Esquire, for Hodges Development Corporation, requests a variance from Section

28-4-5(d)(5) Development of Attached and Multifamily Dwellings, Development Standards in Districts Other Than Performance Districts, Perimeter Buffer Required to permit multifamily dwellings and parking facilities within 25 feet of the property line where a 75-foot perimeter buffer is required on Tax Map 614/Z, Lot 61; Tax Map 614/Z, Lot 62; Tax Map 621/Z, Lot 18; and Tax Map 621/Z, Lot 19 located at 165-173 Pembroke Rd. in the Office Performance (OFP) District. (ZBA-0378-2026)

The Board voted 5-0-0 to continue the application to date certain of July 1, 2026 at 6:00 pm in the City Council Chambers on a motion made by Member Winters, seconded by Member Wallner.

4.11 Philip M. Hastings, Esquire, for Hodges Development Corporation, requests a variance from Section 28-7-12 Performance District Standards (c)(2) Standards for Performance Districts Other Than the CBP and CVP Districts to permit driveway separations of 28 feet, 169 feet, and 226 feet where 250 feet is required on Tax Map 614/Z, Lot 61; Tax Map 614/Z, Lot 62; Tax Map 621/Z, Lot 18; and Tax Map 621/Z, Lot 19 located at 165-173 Pembroke Rd. in the Office Performance (OFP) District. (ZBA-0379-2026)

Mr. Thompson stated this agenda item was pulled as the Zoning Board of Adjustment was not a proper forum for relief as a conditional use permit can be obtained through the Planning Board.

4.12 Philip M. Hastings, Esquire, for Hodges Development Corporation, requests variances from Section 28-7-13 Off-Street Loading Requirements(a)Table of Off-Street Loading Requirements and Section 28-7-14(a) and (b) Requirements for Refuse Container Siting and Loading and Location of Refuse Container Loading Areas to allow a total of two (2) loading areas for refuse containers and other loading purposes where at least one(1) loading area for refuse containers and three(3) additional loading areas are required on Tax Map 614/Z, Lot 61; Tax Map 614/Z, Lot 62; Tax Map 621/Z, Lot 18; and Tax Map 621/Z, Lot 19 located at 165-173 Pembroke Rd. in the Office Performance (OFP) District. (ZBA-0380-2026).

The Board voted 5-0-0 to continue the application to date certain of July 1, 2026 at 6:00 pm in the City Council Chambers on a motion made by Member Winters, seconded by Member Wallner.

4.13 Philip M. Hastings, Esquire, for CATCH Neighborhood Housing and property owners Kevin F. Seigel and George J. Seigel, Jr. request a variance from Section 28-4-5(d)(2) to permit density of approximately 18.4 multi-family dwelling units per acre where a maximum density of 12 dwelling units per acre is permitted on Tax Map 303/Z Lot 68 located at 43 Fisherville Rd in the General Commercial (CG) District. (ZBA-0401-2026)

Chair Carley read agenda item 4.13, 4.14, 4.15, 4.16 and 4.17 to be heard as one case and each variance will be voted on separately.

Philip Hastings (Two Capital Plaza, 5th Floor Concord) Tom Fratado (105 Loudon Rd Unit 1, Concord) Julie Palmerie (105 Loudon Rd Unit 1, Concord) and Chris Nadeau (18 Chenell Dr, Concord) presented the applications. Mr. Fratado stated CATCH housing is a 501C3 non-profit they build market rate and affordable throughout Merrimack County. They will partner with the Concord Housing Authority to develop 34 affordable housing units. It will provide needed housing. Mr. Fratado stated they will pay taxes.

Mr. Hastings stated the parcel is just shy of two acres located in the general commercial district. It is near the residential district to the north. Last summer they received three specific variances for locating the building, parking in the 75-foot perimeter buffer, parking in the front of the building. The proposal was for a 22-unit multi-family is compliant in terms of density. The project has not gone forward

because it did not pencil out with construction costs for 22 units. Mr. Hastings, stated they need 34 units to be economic viable. The building is larger and needs to be reoriented so it is a little closer to the property lines. The parking field needs to be expanded because there is a two space per unit parking requirement. The previous plan provided 47 parking spaces and they are required to provide 68.

Mr. Thompson stated they are only required to have 34 spaces. One parking space per unit is the current state law.

Mr. Hastings stated they moved the building along the westerly side to 30 feet from the rear property line. Mr. Hastings noted they asked for a variance to permit a building of 186 feet in length the ordinance presently requires 160 feet.

Mr. Thompson noted the building length of 186 feet that requirement that requirement could be eliminated under the proposed zoning ordinance and the multi-family setbacks in the buffers to 24 and 34 that would be a conditional use permit application with the Planning Board. Mr. Thompson stated that the density, parking and loading space items would still require variances.

Mr. Hastings stated they have changed the parking designs and still need a variance for density. Mr. Hastings noted regardless of what City Council does on Monday and state law is on parking they need the variance for the density. Mr. Hastings asked the Board act on all of the variance requests tonight. Mr. Hastings read the criteria submitted with the application materials.

The Board and applicant discussed affordability requirements and how they are managed.

Chair Carley opened the public hearing.

Cheryl York (7 Skyline Dr, Concord) lives in an over 55 community across the fence. Ms. York stated no one in her neighborhood is a fan of this.

Mr. Schweiker (12 Chapel St, Concord) is against this and make sure they pay taxes.

Mr. Fratado stated the proposed development will pay real estate taxes. Mr. Fratado stated CATCH manages around 1000 apartments around the state. There will be a mix of younger people with children and seniors it will be a healthy mix.

Mr. Hastings stated this will have to go through site plan review. It will meet the landscaping requirement.

Chair Carley closed the public hearing.

The Board discussed the buffering between the two properties, the density, prior approvals for this property, economic conditions relevant to hardship, lot configuration, the concerns of the neighbors and noting the Planning Board process still to come if approved by the Zoning Board.

Member Monahan and Wallner stated that they are not convinced there is a hardship.

The Board voted 3-2-0 (Monahan and Wallner opposed) to grant the variance from ***Section 28-4-5(d)(2),*** because all of the criteria under RSA 674:33 have been met based on the record before the Board, and the Board adopted the applicant's findings as the Board's findings of fact on a motion made by Member Winters, seconded by Alternate Member Rice.

The adopted Findings of Fact are on file with the Planning Division of the Community Development Department.

4.14 Philip M. Hastings, Esquire, for CATCH Neighborhood Housing and property owners Kevin F. Seigel and George J. Seigel, Jr. request a variance from Section 28-4-5(d)(3) to permit a building of up to 186 feet in length where a maximum of 160 feet is permitted on Tax Map 303/Z Lot 68 located at 43 Fisherville Rd in the General Commercial (CG) District. (ZBA-0402-2026)

Mr. Thompson noted there are pending zoning ordinance amendments associated with items 4.14 and 4.15.

The Board voted 5-0-0 to grant the variance from ***Section 28-4-5(d)(3),*** because all of the criteria under RSA 674:33 have been met based on the record before the Board, and the Board adopted the applicant's findings as the Board's findings of fact on a motion made by Member Winters, seconded by Alternate Member Rice.

The adopted Findings of Fact are on file with the Planning Division of the Community Development Department.

4.15 Philip M. Hastings, Esquire, for CATCH Neighborhood Housing and property owners Kevin F. Seigel and George J. Seigel, Jr. request a variance from Section 28-4-5(d)(5) to permit multi-family buildings within 30 feet and 39 feet of the property lines and parking facilities to within eight(8) feet, 24 feet and 34 feet of the property line where a 75-foot perimeter buffer is required on Tax Map 303/Z Lot 68 located at 43 Fisherville Rd in the General Commercial (CG) District. (ZBA-0403-2026)

The Board voted 5-0-0 to grant the variance from ***Section 28-4-5(d)(5),*** because all of the criteria under RSA 674:33 have been met based on the record before the Board, and the Board adopted the applicant's findings as the Board's findings of fact on a motion made by Member Winters, seconded by Alternate Member Rice.

The adopted Findings of Fact are on file with the Planning Division of the Community Development Department.

4.16 Philip M. Hastings, Esquire, for CATCH Neighborhood Housing and property owners Kevin F. Seigel and George J. Seigel, Jr. request a variance from Section 28-7-7(g)(3) Parking Area and Design Standards, Setbacks and Restrictions, Parking to be located to the side or rear of a building to permit off-street parking to be located in front of the building where it is otherwise not allowed on Tax Map 303/Z Lot 68 located at 43 Fisherville Rd in the General Commercial (CG) District. (ZBA-0404-2026)

The Board voted 5-0-0 to grant the variance from ***Section 28-7-7(g)(3),*** because all of the criteria under RSA 674:33 have been met based on the record before the Board, and the Board adopted the applicant's findings as the Board's findings of fact on a motion made by Member Winters, seconded by Alternate Member Rice.

The adopted Findings of Fact are on file with the Planning Division of the Community Development Department.

4.17 Philip M. Hastings, Esquire, for CATCH Neighborhood Housing and property owners Kevin F. Seigel and George J. Seigel, Jr. request a variance from Section 28-7-13(a) Table of Off- Street Loading Requirements to allow no off-street loading spaces where one space is required on Tax Map 303/Z Lot 68 located at 43 Fisherville Rd in the General Commercial (CG) District. (ZBA-0405-2026)

The Board voted 5-0-0 to grant the variance from ***Section 28-7-13(a),*** because all of the criteria under RSA 674:33 have been met based on the record before the Board, and the Board adopted the applicant's findings as the Board's findings of fact on a motion made by Member Winters, seconded by Alternate Member Rice.

The adopted Findings of Fact are on file with the Planning Division of the Community Development Department.

5. **Review and acceptance of minutes from** March 4, 2026 and April 1, 2026

   approve the meeting minutes from March 4, 2026 and April 1, 2026, as written on a motion made by Member Wallner, seconded by Member Winters.

6. **Any other business that may legally come before the Zoning Board**
   None.

7. **Adjourn**
   The Board voted 5-0-0 to adjourn at 10:06 p.m. on a motion made by Member Wallner, seconded by Alternate Member Rice.

Respectfully submitted,
Krista Tremblay
Krista Tremblay
Administrative Technician III

add end minutes
agenda 4.7

Testimony for ZBA application: 27 Spruce Street * Heather Shank, 19 Spruce Street

1. Concord Zoning Ordinance regulations that pertain to the property

Glossary Definition in the Concord Zoning Ordinance (ZO)

Attached Dwelling. A building containing two (2) or more dwelling units, each unit having direct access to the ground outside, and arranged such that units are separated on one or more sides by vertical party walls, and such that no unit is located over another unit.

The proposed structure is consistent with the definition of an attached dwelling unit; therefore Section 28-4-5 (ZO) would apply.

28-4-5. Development of Attached and Multifamily Dwellings

(d) Development Standards in Districts other than Performance Districts

(1) Minimum Tract Requirements. A tract of land proposed for development of attached or multifamily dwellings shall be of a minimum size of twenty-five thousand (25,000) square feet.

The property appears to be less than the required tract size. A variance would be required from this section.

(5) Perimeter *Buffer Required.* The minimum width of the buffer shall be thirty (30) feet for one-story residential structures, fifty (50) feet for two-story residential structures, and seventy-five (75) feet for residential structures of three (3) stories or more.

The proposal indicates approximately 15-foot setbacks from the proposed building. A variance would be required from this section.

(j) *Architectural design.* Architectural elevations of all buildings proposed within a development of attached or multifamily dwellings shall be submitted for review and approval by the Planning Board pursuant to Section 28-9-4(f), Architectural Design Review, of this ordinance. The architectural design of buildings within a development of attached or multifamily dwellings shall recognize and respect the architectural character of existing adjacent structures in terms of scale and proportion. The review by the Planning Board shall be conducted with attention to proposed architectural features, details, massing, materials, and colors of structures within a development of attached or multifamily dwellings, and the Board may require modification of designs and may impose conditions in granting approval.

The proposal would be subject to design review. A variance from this section should not be granted to ensure consistency with neighborhood character.

2. Neighborhood Considerations

Spruce Street is very distinct and is characterized by several lot layout, building design, and architectural features.

a. Building massing – According to City GIS, the structures on Spruce Street range from less than 20 feet in width to 40 feet in width. The largest structures on the block, the existing duplexes, are 40 feet in width or less.

Based on the applicant's building footprint, the proposed structure is 60 feet in width, triple the size of the single-family homes on this street, and the recently renovated smallest duplex, twice as large as the next smallest duplex, and 50% larger than the largest duplexes. It would be the widest structure on the block for and would not be consistent with the rhythm or character of the street.

b. Garage and driveway location – No house on Spruce Street has a garage fronting on the street. All houses are minimally set back from the street with landscaping, porches, and yards along the frontage. According to GIS, most driveways are 9-12 feet in width. A few are as wide as 15-18 feet in width. Driveways and parking are located to the side or rear of homes with some detached garages located behind the primary structure.

The applicant's submission indicates two 20-foot wide driveways with double loaded garages facing the street. The garages are also set back 40 feet from the road, effectively creating large, paved areas adjacent to both neighbors, an approximate total of 1600 sf of paved area. Nothing like this is found anywhere in the more urban south end neighborhoods. This would not be consistent with the character of the neighborhood and would be visually quite jarring and unattractive. I would be concerned for property values if this were constructed. It would completely degrade the fabric of the neighborhood.

c. Building setback – Most houses on the street are set back 10 feet from the property line. A few are closer to 30, those have landscaping in their front yards.

The applicant is proposing a 40-ft mostly paved front yard, which is not consistent with the aesthetic, rhythm, or character of this street. Also, the setbacks are not correctly shown on the plan. The plan shows a 20-ft front setback and 10- ft rear. This is flipped, which misrepresents the requirements for the neighborhood.

All duplexes on Spruce Street (with narrow driveways, buildings along the street, and parking/garages behind)



20-foot wide duplex



40-foot wide (largest on block)



40-foot wide (with porches)



35-foot wide duplex

Rhythm and scale of neighborhood

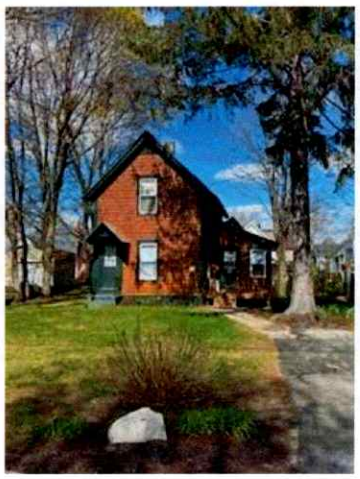


Newest SF home in neighborhood

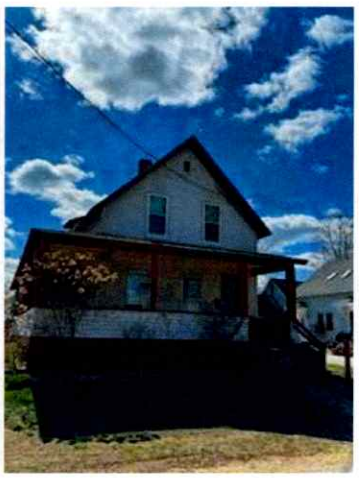
46 Allison St, 2019



Single-family homes on Spruce Street (all 24 feet or less in width, with narrow driveways and parking/garages behind)











West St
Spruce St
Badger St
Morton St
Harrison St
Oakin St
Glen St
40
24
30
40
21
21
21
35
1:1,200
0
50
100
200 Feet
0
0.0125
0.025
0.05 Mil

23, 2026

William Young duplex projects – garages on the street





Duplexes more consistent with Spruce Street – house on the street







PLAN #699-00433

Starting at
$1,695

BUILDING SPECS

UNITS	SQFT	WIDTH	DEPTH
2	1,994	32'	39' 4"

UNIT SPECS

BEDS	BATHS	1/2 BATHS	CARS
2	1	0	0







