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

June 3, 2026
MEETING MINUTES

Attendees: Chair Christopher Carley, Member Laura Spector-Morgan, Member Andrew Winters Member Nicholas Wallner, Alternate Member Brenda Perkins and Alternate Ann Rice

Absent: Member James Monahan and Alternate Member Craig Walker

Staff: Tim Thompson, Assistant Director of Community Development / Acting City Planner
Krista Tremblay, Administrative Technician III

1. Call to order
Chair Carley called the meeting to order at 6:04 p.m.

2. Chairperson's comments
Chair Carley stated the applicant for case 421-2026 (agenda item 4.7) has requested the hearing be continued to the July 1, 2026 meeting.

Chair Carley appointed Alternate Member Rice as a voting member in the place of Member Monahan.

On a motion made by Member Wallner, seconded by Member Spector-Morgan, the Board voted 5-0-0 to continue the application to the July 1, 2026 meeting.

3. Public meetings

- **Determinations of Regional Impact**
  On a motion made by Member Spector-Morgan, seconded by Member Winters, 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.

- **Request for Rehearing**: Shaheen & Gordon, P.A. requests a rehearing for the denial of ZBA 0406-2026 (on May 6, 2026), the request for Gilberto Reyes and Nancy Sanchez, which had requested variances from Sections 28-4-1(h) and 28-4-1(d)(3) 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.

  Chair Carley stated the request for the rehearing is for a case that was heard last month and the Board has received a written submission from the applicant's attorney. In order for the Board to grant a rehearing is the Board must find, per RSA 677:3, that there is new evidence that was not available at the time of the original hearing or the Board made an error in procedure or law.

The consensus of the Board members was that there were not any errors or any new information, that they are aware of the uniqueness of the property in terms of the configuration and the drainage easement issues, that this particular use was not reasonable, and concluded that there wasn't any basis for granting a rehearing.

On a motion made by Member Spector-Morgan, seconded by Member Winters, the Board 5-0-0 voted to **deny the request for a rehearing because the Board does not find any error in the original decision nor any new evidence presented that would alter their decision.**

4. Public hearings

4.1 Cathryn Franco for MH Concord LLC, dba Applebee's Restaurant, requests variances 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 (ZBA 0365-2026) *Tabled from April 1, 2026;*

Chair Carley appointed Alternate Member Perkins as a voting member in the place of Member Monahan.

Cathryn Franco (83 Michigan Ave, Manchester) presented the application. Applebees is proposing to have white vinyl apple stickers on their awnings. The awnings currently are red. They are proposing one apple across two awnings for a total of 13 awnings with seven full apples. They are not illuminated and they are removable.

Member Spector-Morgan asked if these are signs.

Mr. Thompson stated a determination was made because it is the company's logo being transposed it is considered signage under the ordinance, and noted that the Architectural Design Review Committee has reviewed and they are in support of moving forward to the Planning Board for final Architectural Design Review Committee pending receipt of the variances.

The Board discussed the definition of signage.

On a motion made by Member Spector-Morgan, seconded by Member Winters, with a vote of 3-2-0 (Perkins and Carley opposed), the Board upheld the staff determination that the awnings as designed are considered signs.

Ms. Franco stated across all of their restaurants they have been cosmetically fixing the out dated facades and designs. It sits on the parking lot across from the mall that has been abandoned for some time. It will not have impact on surrounding businesses. Ms. Franco stated they are willing to compromise if the Board prefers.

Chair Carley opened the public hearing. With no public testimony, he closed the public hearing.

The Board discussed the variance criteria and hardship of the area.

On a motion made by Alternate Member Perkins, seconded by Member Winters, the Board voted 4-1-0 (Spector-Morgan opposed) to ***grant the variance*** *to allow a total of 13 signs where only three (3) are allowed because all of the criteria under RSA 674:33 were met with the condition there are no additional copy placed on the signs and the variance is limited to the sign as recommended by the Architectural Design Review Committee, and adopted the applicant's proposed findings as the Board's findings of fact."*

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

4.1.1 *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 (ZBA 0366-2026) *Tabled from April 1, 2026*.

On a motion made by Alternate Member Perkins, seconded by Member Winters, with a vote of 4 (Perkins, Carley, Wallner and Winters) in favor to 1, the Board voted 4-1-0 (Spector-Morgan opposed) to ***grant the variance*** *to allow for an additional 312' square feet of signage where the maximum allowed in the GWP is 200' square feet because all of the criteria under RSA 674:33 were met and adopted the applicant's proposed findings as the Board's findings of fact."*

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

4.2 Jordan Willhelm, of Granite Recovery Centers, for 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). *Tabled from April 1, 2026*

Chair Carley appointed Alternate Member Rice as a voting member in the place of Member Monahan.

Curt Luksza (38 South St, Concord) and Colleen Tremblay (38 South St, Concord) presented the application. Mr. Luksza stated the property currently is classified as a rooming house. They would like to switch to sober living. It is not much different than what it is currently.

Mr. Thompson noted it is a rooming house that was never formally approved as a rooming house, and because of state licensure requirements, the sober living type of rooming house needs local approval.

Mr. Luksza noted with sober living it gives a safe place to live with their peers. Mr. Luksza stated these are all women over the age of 18 and the building has been operating as a rooming house for many years. There are ten people total. All of the residents have to follow rules and guidelines.

Ms. Tremblay stated there is a house manager on site to help with following the rules.

Mr. Luksza stated some of them have cars and there is a van for them to use.

The Board discussed parking and police activity at the property.

Chair Carley opened the public hearing.

Scott Shorey (60 Concord St, Concord) appreciates what they are doing over there.

Louis Manias (37 South Spring St, Concord) summarized the information in his submitted a letter.

Chair Carley stated the Board has received his letter.

Mr. Manias stated the comment about not having police there is untrue and the police have been there a

couple of times per year.

Mr. Shorey noted there are people living there and they have cars.

Chair Carley asked for any staff comments.

Mr. Thompson noted the ordinance does not make a specific designation about the different types of rooming houses. The fact that it is sober living or any other type of rooming house is irrelevant from a zoning standpoint.

In response to public comment, Ms. Tremblay stated she is the operator of the facility and she can eliminate the use of vehicles so that the only vehicles are the van and one staff member vehicle on-site. Ms. Tremblay noted there are three different times in the past year was because staff called for an ambulance for a client that had to be taken to the hospital.

Chair Carley closed the public hearing.

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

On a motion made by Member Spector-Morgan, seconded by Member Wallner, the Board voted 5-0-0 to ***grant the special exception*** *to allow a Rooming House because the applicant has demonstrated compliance with the special exception criteria and adopt the applicant's proposed findings as the Board's findings of fact."* The Board conditioned the approval such that rooming house residents shall not park vehicles at the property, and that only staff and the facility's transport van are to be parked at the site.

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

4.3 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 1st and May 6th, 2026 meetings.*

Chair Carley stated this application was continued from the April and May meetings. Chair Carley noted it was heard at the May meeting and the public hearing was closed. Chair Carley stated the Board has received communications from a couple of different parties on the subject of this application which considers additional public testimony. Chair Carley asked the Board if they want to reopen the public hearing or not.

Chair Carley appointed Alternate Member Rice as a voting member in the place of Member Monahan.

Member Spector-Morgan recused due to not being present at the May meeting.

Mr. Thompson noted the reason this was continued to this date following the closure of the public hearing was to allow City Council to have their public hearing about the proposed zoning amendment. At the City Council on the 11th of May they deferred taking action on this particular part of the zoning ordinance amendment. The requirements for 1.5 times frontage and 1.5 times lot area are still required. The variance is necessary in order for a duplex to take place.

The Board did not reopen the public hearing.

Chair Carley noted there is a four-member Board and the applicant has a right to a five-member Board. Chair Carley asked Ms. Goldstein if she wishes to have a five-member Board.

Ms. Goldstein asked if there is an opportunity to have a five-member Board.

Mr. Thompson stated if she wishes to have a five-member Board would need to continue the application to the July meeting.

Ms. Goldstein is comfortable being heard by a four-member Board.

The Board discussed the application to see if it met the variance criteria and was split.

On a motion made by Alternate Member Rice, seconded by Member Winters, the Board voted 3-1-0 (Carley opposed) to ***grant the variance*** *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 where 11,250 square feet is required because all of the criteria under RSA 674:33 were met and adopted the applicant's proposed findings as the Board's findings of fact.*

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

4.4 Jeffrey W. Lewis, P.E, of Northpoint Engineering, LLC for ZV Investments, LLC request variances from:

Chair Carley stated agenda items 4.4.1-4.4.6 would be heard all at once but each request would be voted on separately.

Chair Carley appointed Alternate Member Perkins as a voting member in the place of Member Monahan.

Jeff Lewis (119 Storrs St, Concord) presented the application. Mr. Lewis noted the lot is about ¾ of an acre with existing three family house with a large detached garage. He stated the applicant will maintain the existing three family in its current condition and proposes to subdivide off a single-family lot. The existing garage will be torn down. He noted there are a lot of existing non-conformities which necessitates the requested variances. There is plenty of parking and the multi-family building only requires one parking space per unit per current state law.

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

Mr. Thompson noted there are several variances that are no longer applicable because of the recently adopted zoning ordinance amendments. The reason for the requested variances is that when you change a lot with a non-conforming structure or use the lot is no longer the same as when it was granted non-conforming status and therefore loses those protections.

Chair Carley closed the public hearing.

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

4.4.1 *Article 28-4 Development Design Standards, Section 28-4-5 Development of Attached and Multifamily Dwellings (d)(1) Minimum Tract Requirements* to allow an existing lot to have 22,733 sf where 25,000 sf is required for a multifamily dwelling (ZBA 408-2026)

On a motion made by Alternate Member Perkins, seconded by Member Winters, the Board voted 4-1-0 (Spector-Morgan opposed) to ***grant the variance*** *to allow an existing lot to have 22,733 sf where 25,000 sf is required for a multifamily dwelling because all of the criteria under RSA 674:33 were met and adopted the applicant's proposed findings as the Board's findings of fact.*

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

4.4.2 *Article 28-7 Access, Circulation, Parking and Loading, Section 28-7-1 General Provisions (c) Demarcation Required* to allow the existing parent parcel to remain in its current condition without any painted striping to demarcate the existing parking spaces (ZBA 414-2026);

On a motion made by Alternate Member Perkins, seconded by Member Spector-Morgan, the Board voted 5-0-0 to ***grant the variance*** *to allow the existing parent parcel to remain in its current condition without any painted striping to demarcate the existing parking spaces dwelling because all of the criteria under RSA 674:33 were met and adopted the applicant's proposed findings as the Board's findings of fact.*

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

4.4.3 *Article 28-7 Access, Circulation, Parking and Loading, Section 28-7-5 Requirements for Handicapped Accessible Parking Spaces* to allow the existing parent parcel to remain in its current condition without any designated accessible parking spaces (ZBA 415-2026);

On a motion made by Alternate Member Perkins, seconded by Member Spector-Morgan, the Board voted 5-0-0 to ***grant the variance*** *to allow the existing parent parcel to remain in its current condition without any designated accessible parking spaces because all of the criteria under RSA 674:33 were met and adopted the applicant's proposed findings as the Board's findings of fact.*

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

4.4.4 *Article 28-7 Access, Circulation, Parking and Loading, Section 28-7-7 Minimum Driveway Width* to allow the existing southerly driveway to remain in its current condition with a minimum width of 9.3-feet (ZBA 416-2026);

On a motion made by Alternate Member Perkins, seconded by Member Spector-Morgan, the Board voted 5-0-0 to ***grant the variance*** *to allow the existing southerly driveway to remain in its current condition with a minimum width of 9.3-feet because all of the criteria under RSA 674:33 were met and adopted the applicant's proposed findings as the Board's findings of fact.*

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

4.4.5 *Article 28-7 Access, Circulation, Parking and Loading, Section 28-7-7(g)(1) Parking Restrictions in the Required Front Yard* to allow the existing parking spaces to remain within the front yard setback (ZBA 417-2026); and

On a motion made by Alternate Member Perkins, seconded by Member Spector-Morgan, the Board 5-0-0 voted to ***grant the variance*** *to allow the existing parking spaces to remain within the front yard setback because all of the criteria under RSA 674:33 were met and adopted the applicant's proposed findings as the Board's findings of fact.*

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

4.4.6 *Article 28-7 Access, Circulation, Parking and Loading, Section 28-7-8(a) Restrictions on Backing into a Street* to allow the existing parking spaces to be allowed to continue to back out on to Thomas Street (ZBA 418-2026).

On a motion made by Alternate Member Perkins, seconded by Member Spector-Morgan, the Board voted 5-0-0 to ***grant the variance*** *to allow the existing parking spaces to be allowed to continue to back out on to Thomas Street because all of the criteria under RSA 674:33 were met and adopted the applicant's proposed findings as the Board's findings of fact.*

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

4.5 Spring Corner Condominium, and Nonna's Place, LLC request a variance from *Article 28-4 Development Design Standards, Section 28-4-1(h) Table of Dimensional Regulations* to allow a structure (pergola) with a zero-foot front setback where 15 feet is required on Tax Map 7411Z Lot 100 located 60 Pleasant Street in the Civic Performance (CVP) District (ZBA 419-2026).

Chair Carley appointed Alternate Member Rice as a voting member in the place of Member Monahan.

Remii Hinxhia (136 N Main St, Concord) presented the application.

Mr. Hinxhia stated he has been at this location for 26 years. Mr. Hinxhia is looking to enhance the property. When you are outside at the lights you can barely see the location. Mr. Hinxhia stated people drive by and cannot locate the restaurant. Mr. Hinxhia is trying to hide the ugly bricks. The sign of Nonna's will be on the building.

The Board asked if people will be eating in the pergola area and if the seating is year-round.

Mr. Hinxhia stated patrons already eat there now, but outdoor seating will be from May until November. The rafters will be permanent. The sidewalk will not be touched. Mr. Hinxhia stated that part of the building is set back eight feet from the Asian Kitchen.

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

Mr. Thompson stated this was in front of the Architectural Design Review Committee yesterday and they recommended the Planning Board approve as submitted.

Member Spector-Morgan asked if there is a concern about snow removal in the winter. Mr. Thompson did not believe there are any concerns because it is off the public sidewalk.

Chair Carley closed the public hearing.

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

On a motion made by Member Wallner, seconded by Member Spector-Morgan, the Board voted 5-0-0 to ***grant the variance*** *to allow a structure (pergola) to have a zero-foot (0') front setback where 15' is required because all of the criteria under RSA 674:33 were met and adopted the applicant's proposed findings as the Board's findings of fact.*

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

4.6 Ari B. Pollack, Esquire, of Gallagher, Callahan, & Gartrell, P.C. Partners Ltd, on behalf of Carrier Place, LLC request a variance from *Article 28-7 Access, Circulation, Parking and Loading, Section 28-7-2(e) Table of Off-Street Parking Requirements* to allow 167 spaces to serve a retail plaza where 192 spaces are otherwise required on Tax Map 611Z Lot 36 located 265-273 Loudon Road in the Gateway Performance (GWP) District (ZBA 420-2026).

Chair Carley appointed Alternate Member Perkins as a voting member in the place of Member Monahan.

Christian Plante (265-273 Loudon Rd, Concord), Matt Peterson (5 Commerce Park north Suite 201, Bedford) and Ari Pollack (214 N Main St, Concord) presented the application. Mr. Pollack stated the applicant seeks a variance to allow certain multi-tenant uses of an existing shopping plaza containing 167 parking spaces. The applicant leases multiple store fronts with a variety and mixture of tenants that are all non-residential. The plaza has nine tenants under lease with two additional leasable areas ready to be signed up for tenancy. With the exception of four spaces that are utilized by a singular tenant for take-out service. The application includes a ZBA exhibit that shows the existing parking. The variance is sought from the table of off-street parking that 167 of the existing spaces adequately serves the plaza. The calculation of 192 spaces was measured conservatively and they did a round up per the leased area. If a tenant needed 10.2 parking spaces they rounded up to 11 spaces. Mr. Pollack stated the 167 existing spaces offers more than 85% of the required parking. Mr. Pollack noted there is no area on-site where additional spaces can be constructed. Mr. Pollack noted the hardship is asking the applicant to build more parking than is able to be located on the property. Mr. Pollack read from the criteria submitted with the application.

Member Spector-Morgan asked if Nothing But Bundt Cake counts as a restaurant or retail.

Mr. Plante stated it counts as a restaurant and they require 20 spots.

Mr. Thompson stated this is a section of the ordinance that staff had been working on interim amendments to create a relief valve that would be through the Planning Board with a conditional use permit process instead of the Zoning Board.

Mr. Pollack stated the parking requirement consider a blend of staff and customer.

Chair Carley opened the public hearing.

Roy Schweiker (12 Chapel St, Concord) is not opposed to this and finds it to be an interesting situation.

Chair Carley closed the public hearing.

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

On a motion made by Member Spector-Morgan, seconded by Alternate Member Perkins, the Board voted 5-0-0 to ***grant the variance*** *to allow 167 spaces where 192 are required because all of the criteria under RSA 674:33 were met and adopted the applicant's proposed findings as the Board's findings of fact.*

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

4.7 Laryssa J. and Robert L. Cagle request a variance from *Article 28-5 Supplemental Standards, Section 28-5-40 Fences, Walls and Hedges* to allow a 6-foot-tall fence at a corner lot to remain where no fence is permitted to be erected on a corner lot so as to materially impede vision between a height of 2½ and 8 feet above curb grades on Tax Map 634Z Lot 28 located 42 Airport Road in the Medium Density Residential (RM) District (ZBA 421-2026).

Continued to July 1, 2026 by previous motion.

4.8 Jeffrey W. Lewis, P.E, of Northpoint Engineering, LLC for Granite Municipal Manufacturing and Sales LLC request a special exception from *Article 28-2 Zoning Districts and Allowable Uses, Section 28-2-4, Allowable Principle and Accessory Uses in Zoning Districts, of the Ordinance* to allow a caretaker apartment as an accessory use on Tax Map 40Z Lot 6 located 52 Locke Road in the Industrial (IN) District (ZBA 422-2026).

Chair Carley appointed Alternate Member Rice as a voting member in the place of Member Monahan.

Jeff Lewis (119 Storrs St, Concord) presented the application. This project is on Locke Rd off exit 16 and this parcel is at the end of a cul-de-sac. It is an undeveloped parcel that has been clear cut. There are wetlands on both sides. There is an existing cell tower to north. It is surrounded by conservation property on the north and west. The Planning Board a site plan application has been filed. They are looking for a special exception for care taker apartment. The proposed development is a combination of flex industrial with four separate buildings. They are four story buildings with the second, third and fourth floor will be indoor climate control storage. There is an out building on the west side that is a small office on the first floor with a care taker apartment on the second floor. They need a special exception for the use.

Chair Carley opened the public hearing. With no public testimony, he closed the public hearing.

The consensus of the Board was that the applicant had met the criteria for special exception.

On a motion made by Member Spector-Morgan, seconded by Alternate Member Rice, the Board voted 5-0-0 to ***grant the Special Exception*** *to allow a caretaker apartment as an Accessory Use to a self-storage facility because the applicant has demonstrated compliance with the special exception criteria and adopted the applicant's proposed findings as the Board's findings of fact.*

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

4.9 Marah Mackenzie, of Colliers Engineering & Design, on behalf of Wal-Mart Real Estate Business Trust requests variances from *Article 28-7 Access, Circulation, Parking and Loading, Section 28-7-2 Off-Street Parking Requirements and Section 28-7-7 Parking Area and Design Standards* to allow the provision of 903 parking spaces where 991 are required, to allow nonconforming parking space dimensions of x18' length where 19' is required to remain and to allow proposed parking stalls with a length of 18' where 19' is required on Tax Map 46/Z Lot 56 located at 344 Loudon Rd in the Gateway Performance (GWP) District (ZBA-0423-2026).

Chair Carley appointed Alternate Member Perkins as a voting member in the place of Member Monahan.

Justin Lattierre (280 E Broad St Suite 200, Rochester NY) presented the application. Mr. Lattierre stated these are two existing non-conforming conditions on the site, which need to be addressed as part of a minor expansion of the online pick-up portion of the building. The existing site has 930 parking spots and going down to 903 for the proposed on-line pick-up expansion. The spots are 18 feet in length. Mr. Lattierre noted in order to add 97 parking spaces and restripe the lot there is not enough space on site to accommodate that.

Chair Carley opened the public hearing. With no public testimony, he closed the public hearing.

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

On a motion made by Member Spector-Morgan, seconded by Alternate Member Perkins, the Board voted 5-0-0 to ***grant the variance*** *to allow the provision of 903 parking spaces where 991 are required, to allow nonconforming parking space dimensions of x18' length where 19' is required to remain and to allow proposed parking stalls with a length of 18' where 19' is required because all of the criteria under RSA 674:33 were met based and adopted the applicant's proposed findings as the Board's findings of fact.*

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

4.10 Philip Hastings, Esquire, of Cleveland, Waters, and Bass P.A. on behalf of Dartmouth Hitchcock Clinic requests variances from:

Chair Carley appointed Alternate Member Rice as a voting member in the place of Member Monahan. Chair Carley stated agenda items 4.10.1-4.10.7 to be heard all at once but each request would be voted on separately.

Philip Hastings (Two Capital Plaza 5th Floor, Concord), Chris Nadeau (18 Chenell Dr, Concord) & Tim Bishop (253 Pleasant St, Concord) presented the application. Mr. Hastings stated they are here for a number of interrelated variances for parking for a proposed addition to the building. Mr. Hastings noted several aspects of the existing parking lot are not in compliance with the current ordinance. Mr. Hastings stated the current ordinance requires whenever a building is being enlarged the existing parking design needs to come into compliance with the parking lot standards. They are looking to keep the parking the way it exists.

Mr. Bishop stated this is for increased demand for outpatient care for the community. It has been 36 years since they have done any major construction on the site. They are looking to have

expanded diagnostic imaging capabilities and a mobile imaging trailer. The north side is the main entrance and the south side was the best option and the grade pitches down.

Chair Carley asked how many parking spaces does the addition displace.

Mr. Nadeau stated that the new addition replaces a portion of the existing parking lot and could be approximately 40 spaces. Mr. Nadeau noted for the existing parking they are asking for the 30-foot buffer relief and the 10-foot landscape relief. If they do not get that they will lose all of the striped spaces in the front and on the side. It could be as many as 80 spaces. The main property is nine and a half acres.

Mr. Hastings noted this property has been here for over 30 years and the property is unique. The topography is unique as it is sloping down. The building needs to be incorporated with the existing building. Mr. Hastings read from the criteria submitted with the application materials.

Chair Carley opened the public hearing. With no public testimony, he closed the public hearing.

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

4.10.1 Article 28-7 Access, Circulation, Parking and Loading, Section 28-7-7(g)(1) Parking Area Design Standards, Parking restrictions in the required front yard to continue to allow existing parking located within the required 30' front setback (ZBA-0425-2026);

On a motion made by Member Spector-Morgan, seconded by Alternate Member Rice, the Board voted 5-0-0 to ***grant the variance*** *to continue to allow existing parking located within the required 30' front setback because all of the criteria under RSA 674:33 were met and adopted the applicant's proposed findings as the Board's findings of fact.*

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

4.10.2 Article 28-7 Access, Circulation, Parking and Loading, Section 28-7-7(g)(1) Parking Area Design Standards, Parking restrictions in the required front yard to allow proposed parking located within the required 30' front setback (ZBA-0426-2026);

On a motion made by Member Spector-Morgan, seconded by Alternate Member Rice, the Board voted 5-0-0 to ***grant the variance*** *to allow proposed parking located within the required 30' front setback because all of the criteria under RSA 674:33 were met and adopted the applicant's proposed findings as the Board's findings of fact*.

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

4.10.3 Article 28-7 Access, Circulation, Parking and Loading, Section 28-7-7(g)(2) Parking Area Design Standards, Setbacks and Restrictions, Setbacks from lot lines to continue to allow parking located within ten (10) feet of the edge of right-of-way (ZBA-0427-2026);

On a motion made by Member Spector-Morgan, seconded by Alternate Member Rice, the Board voted 5-0-0 to ***grant the variance*** *to continue to allow parking located within ten (10) feet of the edge of right-of-way because all of the criteria under RSA 674:33 were met and adopted the applicant's proposed findings as the Board's findings of fact.*

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

4.10.4 Article 28-7 Access, Circulation, Parking and Loading, Section 28-7-10(a) Parking Area Landscaping Standards, Parking lot perimeter Landscaping Required to continue to allow off-street parking to be located within ten (10-foot-wide perimeter landscaped buffer (ZBA-0428-2026);

On a motion made by Member Spector-Morgan, seconded by Alternate Member Rice, the Board voted 5-0-0 to ***grant the variance*** *to continue to allow off-street parking to be located within ten (10-foot-wide) perimeter landscaped buffer because all of the criteria under RSA 674:33 were met and adopted the applicant's proposed findings as the Board's findings of fact*.

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

4.10.5 Article 28-7 Access, Circulation, Parking and Loading, Section 28-7-10(b) Parking Area Landscaping Standards, Parking Lot Interior Landscaping Required to continue to allow nonconforming landscaped open space within parking lot interior to have horizontal dimensions of less than nine (9) feet (ZBA-0429-2026);

On a motion made by Member Spector-Morgan, seconded by Alternate Member Rice, the Board voted 5-0-0 to ***grant the variance*** *to continue to allow nonconforming landscaped open space within parking lot interior to have horizontal dimensions of less than nine (9) feet because all of the criteria under RSA 674:33 were met and adopted the applicant's proposed findings as the Board's findings of fact*.

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

4.10.6 Article 28-7 Access, Circulation, Parking and Loading, Section 28-7-10(b) Parking Area Landscaping Standards, Parking Lot Interior Landscaping Required to continue to allow nonconforming parking spaces to continue to be located more than 120 feet from landscaped open areas within the parking lot (ZBA-0430-2026); and

On a motion made by Member Spector-Morgan, seconded by Alternate Member Rice, the Board voted 5-0-0 to ***grant the variance*** *to continue to allow nonconforming parking spaces to continue to be located more than 120 feet from landscaped open areas within the parking lot because all of the criteria under RSA 674:33 were met and adopted the applicant's proposed findings as the Board's findings of fact*.

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

4.10.7 Article 28-7 Access, Circulation, Parking and Loading, Section 28-7-1(a) General Provisions, Applicability to continue to allow nonconforming conditions to exist with respect to the parking lot (ZBA-0431-2026)

On a motion made by Member Spector-Morgan, seconded by Alternate Member Rice, the Board voted 5-0-0 to ***grant the variance*** *to continue to allow nonconforming conditions to exist with*

respect to the parking lot because all of the criteria under RSA 674:33 were met and adopted the applicant's proposed findings as the Board's findings of fact.

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

5. **Review and acceptance of minutes from** May 6, 2026

Alternate Member Rice moved, seconded by Alternate Member Perkins, the Board unanimously approved the meeting minutes from May 6, 2026, as written.

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

7. **Adjourn**
On a motion made by Member Spector-Morgan, seconded by Alternate Member Rice, the Board unanimously voted to adjourn at 8:47p.m.

Respectfully submitted,
Krista Tremblay
Krista Tremblay
Administrative Technician III

May 28, 2026

Mr. Chris Carley, Chairman
Concord Zoning Board of Adjustment
Concord City Hall
41 Green Street
Concord, NH 03301

Re: ZBA 0382-2026 38 South St, Special Exception to allow a Rooming House

To the Concord NH Zoning Board:

My name is Louis Manias, and I own and live at the property located at 37 South Spring Street, Concord, NH in direct view of the property being considered for a variance. I was hoping to attend the meeting but am unavailable due to another commitment. I offer the following observations and commentary regarding the application put forward and urge the Board to consider all the issues prior to making a decision in favor of or rejecting the application.

In the section labeled - *Special Exceptions*.

(1)

Consideration Where Authorized. The ZBA shall hear and decide applications for special exceptions that are specifically authorized in Section 28-2-4, Allowable Principal and Accessory Uses in Zoning Districts, of this ordinance, or otherwise in this ordinance.

Comment: In this case, the ZBA shall hear and decide on applications for **special exceptions that are specifically authorized under Section 28-2-4** which is the table of principal and allowable uses.

Rooming houses are allowed by special exception only in the RD Downtown District, the CU Urban District and the UT Urban Transitional District.

The following table lists rooming and boarding houses found in Concord through the city web site and the Assessing database

	Rooming Houses on city web site						
		Beds		Assessing Classification		Zoning	Building Style
1	56 S. Main Street	22		Boarding HS MDL-94		CU	Boarding House
2	83 South Main Street	11		Boarding HS MDL-94		CU	Boarding House
3	56 & 66 Warren Street	7		Boarding HS MDL-94		RD	Boarding House
4	32 N. Spring Street	15		Boarding HS MDL-94		RD	Boarding House
5	86.5 Pleasant Street	11		Boarding HS MDL-94		RN	Boarding House
	Rooming houses not on city web site		Found on City of Concord VISION database				
1	23 Rundlett Street	9		Boarding HS MDL-94		RS	Boarding House
2	38 South Street	10		Boarding HS MDL-94		RD	Boarding House
3	32 South Street	8		Boarding HS MDL-94		RD	Boarding House
4	21-23 Fayette Street	10		Boarding HS MDL-94		RD	Boarding House
5	3 N. State Street	12		CHARITABLE MDL-94		CBP	Boarding House
6	5 Rollins Street	9		Boarding HS MDL-94		RD	Boarding House

According to the NH Community Profiles compiled by New Hampshire Employment security, there are 19,259 total housing units that include single family, multifamily and manufactured homes. Of that total, there are 9,182 multifamily homes. 11 rooming houses represents a total of 0.1198% of the total multifamily homes and 0.0571% of the total residential properties, indicating it is not a prevalent use in Concord.

According to the Memorandum from the Ms. Verdile, the Asst. City Planner, there is a table illustrating the zoning requirements for a legal lot in the RD District.

The existing lot does not conform to zoning as it does not meet the minimum lot size requirements, nor does it meet the minimum setback requirements from the front, sides and rear in several different areas due to the shape of the lot and orientation of the building.

I bring this up as the application is for a special exception allowing for conversion of a boarding house to a rooming house.

Would it not be a requirement, even if the use were allowed by special exception, that the nonconforming characteristics such as these require a variance according to the zoning ordinance and its rules?

Further, one of the major requirements, in addition to the physical characteristics identified by the assistant city planner, is under Section 28-5-6 of the ordinance which states, “A rooming house shall have facilities to accommodate no more than ten (10) individuals inclusive of a

resident manager or family. This would indicate they could not have more than 9 occupants other than the resident manager.

According to Section 28-7-2, Off Street Parking, the requirements for rooming house are two (2) spaces plus 1 per room. Assuming they have a resident manager and nine (9) rooms, there must be off street parking available for 11 vehicles.

It appears there is only space for 2 vehicles and sometimes just one with the existing van in place.

Parking is a significant issue on Concord Street where the property is located. There are more vehicles parked on the street than legal spaces as vehicles are supposed to be at least 5 feet from the edges of driveways and street corners. The existing business at 38 South Street uses at least three to four every day. A few other spaces are used by people who live on the street and they are finding it more and more difficult every day to park. In fact, over the past winter, cars that were owned by occupants/clients of 38 South Street were left in the same parking spot for more than 3 weeks without being moved. This created a plowing issue as the they had no place to park their vehicles and the plows had to go around them. This was on Concord Street just outside my side door. Once they finally left the program, they scraped the snow off their car and left the piles of snow and built up ice from the plows in the street. I ended up cleaning the built up ice and snow from where the vehicle was parked because it created a hazard for other vehicles driving on Concord Street.

We also have people working outside of our neighborhood that park here and then walk several blocks towards Pleasant Street or even the downtown area for work. This makes our small residential section very crowded with vehicles on a daily basis. Where will the rooming house population park if they need more spaces? This is a fairly big concern that the applicant fails to address assuming they are changing the population of the facility now or in the future. (Photographs attached)

I did not see anywhere on the Memorandum that variances regarding parking would be required nor was it mentioned or described in the application for a special exception. I think that this would be a significant issue that the applicant must address and present some type of solution to the Board as part of the application.

I am not an attorney, but I do understand that the application is for a change in use. Would it not be reasonable that the change in use, even if allowed by special exception, conform to zoning requirements, or if not, seek variances for those areas that are nonconforming?

After reading the application for special exception, I offer the following questions and observations:

General questions:

Why the change from a boarding house to a rooming house?

Is the business going to change in the future?

Is the population in that building going to change from the current clientele to a different type of clientele?

Are they going to change the model to be more like a halfway house similar to the population at 32 South Street?

Section 2.

The applicant states this is a shared residential home with structured transportation arrangements. Residents are transported to and from treatment and do not generate significant individual vehicle traffic. If that is truly the case, then why are the occupants bringing their vehicles to the property and parking them on the street for extended periods of time. Additionally, with the latest unauthorized change in the building to include the manager's apartment, a new second apartment, and 6 individual rooms for clients, the observation now is that there will be a manager's personal vehicle, a second staff person's vehicle that is there every day, one or two vehicles for the other apartment depending on the occupancy, the transportation van and vehicles owned by the clients. Where will all these vehicles park? There is insufficient room on site for more than 2 vehicles, and the street parking is already congested. This does create undue congestion on the street and can easily impair pedestrian safety. This is not addressed appropriately in the application.

Section 3.

According to the assessment card, the occupancy level in this building is 7. In this section of the application they state, "The occupancy level of ten residents is consistent with normal residential use…." Does this mean they are increasing the number of occupants from what is already indicated on the assessment records? If so, then why is this not addressed in the application or by variance since it is not only a change in use but a change in occupancy?

Section 4.

If the population is to change to be more similar to a halfway house, do they have a report to indicate the number of police calls to that type of facility as compared to the existing facility that the applicant operates? If not, would a study like this be necessary in order for the board to get the required information in order to make a reasonable determination as to whether or not there is an increased need for police or fire protection?

Section 7 & 8.

A rooming house is not consistent with the neighborhood make up. They offer no information supporting their statements in either section. The neighborhood make up is primarily owner occupied single and multifamily homes. A few light commercial uses like a neighborhood market, a barbershop and some personal services uses are found nearby. Their statement alone does not prove that the rooming house use is consistent with the neighborhood character.

Section 9.

This section deals with the intent and purpose of the zoning ordinance. The subject does not comply with zoning requirements as they state in this section, which includes the lot, setbacks, parking, etc.

The spirit and intent of the zoning ordinance is also summarized in the Zoning Variance Application under their Section 2 which states in the Note:

Note – Condition Explained: The New Hampshire Supreme Court has said that a variance should not be granted when it is contrary to the purpose of the ordinance (for example, protecting against congestion, overcrowding, adequate buffers between incompatible uses). It is also appropriate for the Board to consider the cumulative impacts of a variance if it was granted to everyone in a similar situation.

By way of example, the proposed factual findings could include statements to show that the variance will not undermine the goals of the zoning ordinance, and to the extent applicable, the applicant may provide facts to explain why the requested variance: (1) fits within the essential character of the neighborhood; (2) ***will not negatively impact abutters or the public****; (3) the proposal will provide a public benefit and will not create any harm; and/or (4) the proposal will be an improvement to current conditions.*

A negative impact to abutters could be considered a value impact due to the use that is proposed. No study regarding real estate values was provided to indicate there would be no harm to abutters, which would also include value. It is easy to make a statement that no impact to value is created by granting the request for the variance. It is also easy to make a statement that there is an impact to value as the result of granting the variance. Each statement, on the surface, appears reasonable. However, neither statement has any proof included. In this case, the burden of proof is on the applicant, and they have not provided any.

If variances are considered necessary, which in my opinion they are, then a study should be provided that includes an analysis of sales of properties in close proximity to a rooming house, to see if there is any impact that may or may not exist. This study should be provided with a new or revised variance application so that it could be available for

review by both the Zoning Board and the neighborhood occupants that could potentially be affected, prior to the Board making a decision.

As a real estate appraiser who has appeared and testified before many different zoning boards across the state, the question of impact to property values is one that requires the applicant to hire an expert to provide a report with statistical and factual data proving, by a paired sales analysis, whether an impact does or does not exist. I would be interested to see and analyze information the applicant can provide in order to address this factor that is a requirement of the application for special exception and potentially a variance prior to the Board making a decision.

Finally, it was disclosed to one of my neighbors that there are now two apartments and 6 rooms for patients. As I understand, this is a change in use from what was originally started as a building that houses people in a voluntary treatment program with a house staff member living there. Did they get an approval to add a second apartment? Has code administration been informed about this and was an inspection of the property made to ensure that all city requirements were met? I think not, based on the reactions by the Board at the meeting where this was originally planned on April 1, 2026. This is another concern that unauthorized changes are being made to the building without following proper procedures.

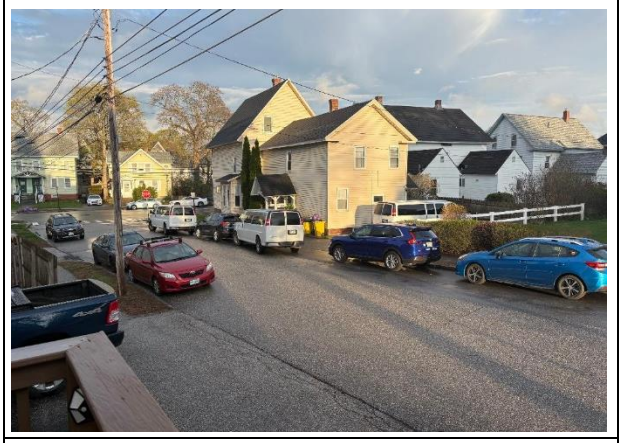
It is my opinion that the request for special exception application is incomplete as it does not address any of the potential issues regarding use, occupancy, site characteristics, parking or potential impact to property values. I would ask that the board consider all factors mentioned in the application as well as the concerns by the neighbors and the information I have referenced in this letter and consider whether variances would also be necessary before making a decision to grant or deny the request for special exception.

Respectfully,



Louis Manias

SUBJECT PHOTOGRAPHS



Concord Street view towards Subject



Concord Street view towards Subject



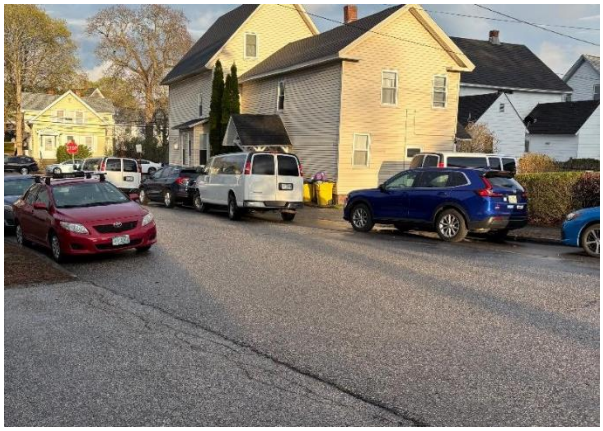
Concord Street view towards Subject



View from 37 South Spring on Concord St.



View from South Spring Street



View of Subject and parking issue