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

July 1, 2026
MEETING MINUTES

Attendees: Chair Christopher Carley, Member Nicholas Wallner, Member James Monahan, Member Laura Spector-Morgan, Alternate Member Brenda Perkins and Alternate Member Craig Walker

Absent: Member Andrew Winters and Alternate Member Ann Rice

Staff: Kearsten O'Brien, Senior Planner and Kellie Caron, City Planner

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

2. Chairperson's comments
Chair Carley noted agenda item 4.1, 4.2 and 4.3 and agenda 4.10 are not going to be heard tonight as they were withdrawn from the agenda this evening. Chair Carley noted at least three of them will not reappear because the law changed and they are not necessary.

3. Public meetings
- **Determinations of Regional Impact**

On a motion made by Member Monahan, seconded by Member Spector-Morgan the Board voted 4-0-0 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.

4. Public hearings

4.1 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 buildings containing 120 residential units 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 April 1st and May 6th 2026 meetings.* ***(No longer necessary due new State Law taking effect July 1, 2026 allowing multi-family residential in commercial zoning districts)***

4.2 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) *Continued from April 1st and May 6th 2026 meetings.* ***(No longer necessary due Zoning Ordinance amendments adopted by the City Council on May 11, 2026)***

4.3 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). *Continued from April 1st and May 6th 2026 meetings.* ***(Withdrawn by Applicant)***

4.4 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 from the June 3, 2026 meeting)***

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

Laryssa and Robert Cagle (42 Airport Rd, Concord) are present to represent this application. Mr. Cagle stated the fence was installed by Lowe's and they have a third-party contractor that was assured us that they can move it out of the right of way on the 24th of this month.

Chair Carley noted the plan submitted does not show the fence anywhere with the materials submitted with the application materials.

Member Spector-Morgan noted it is in the staff memo.

Chair Carley noted that does not show where they are proposing to put it.

Mr. Cagle stated on the other side of the line.

Chair Carley has a concern where the positioning of the fence is extremely important relative to whether or not they grant the variance. Chair Carley stated they need good information about where it is going to be and what the impact will be and he does not think they have that yet.

Mr. Cagle stated the fence was installed by Lowe's and they did not intend on being in the right of way or being higher than necessary. Lowe's was under the impression that a side lot you could put a fence there. Lowe's has assured then they can get the fence where it needs to be within the right of way and within code. Mr. Cagle noted the fence is well inside the neighborhood because the house is setback.

Ms. Cagle stated the fence has been there for three years and has not caused any disturbances with traffic. Ms. Cagle noted they do have two neighbors that has signed to agree. Mr. Cagle stated the surveyor mentioned the height of the fence at the corner does not necessarily impede any visual line of sight for that road or airport. Mr. Cagle noted it does not have any safety impact for traffic.

Mr. Cagle appreciates the code for safety however, does not feel it applies to this.

Member Spector-Morgan asked the applicant to speak to the hardship criteria.

Mr. Cagle stated the dog and how they bark with our neighbors.

Member Spector-Morgan realizes that however, unnecessary hardship has to arise from the land not the people. What is it about your property that makes it need a six-foot fence instead of a four-foot fence.

Chair Carley stated the configuration of the property and its position relative to other properties and other things. Things about it you cannot change. Those would be things that might create a hardship.

Ms. Cagle stated this is on a corner lot and did not expect to have two front yards.

Mr. Cagle noted being on a corner lot means there are concerns for safety but safety is not an issue. Their hardship is that they are on a corner lot.

Member Spector-Morgan asked staff would it matter if it wasn't a corner lot is there a four-foot limit on fences period or is it just in their front yard.

Ms. O'Brien responded no, it is just in the front yard. The side and rear can be a six-foot fence. Once you become a corner lot then you do have two fronts.

Chair Carley asked if there is any member of the audience that wishes to speak in favor or opposition of this appeal, with none, asked for Planning comments.

Ms. O'Brien noted if the Board is considering to grant the variance to consider putting a condition that the fence be removed from the right of way to make it clear for the notice of decision.

Chair Carley asked the Board how comfortable they feel acting on this case. Chair Carley stated the reason why he has not closed the public hearing is if we do choose to postpone the case they can also reopen the public hearing. How comfortable do you feel making a ruling on this when we don't really know where the fence will go. Chari Carley does not feel he has a good idea of what is the Board being asked to approve.

Alternate Member Perkins stated she is pretty confident because the question is not even that it is in the right of way and they are willing to fix that. The hardship is that they have two front yards because they are on a corner lot.

Member Spector-Morgan stated she does not need a plan because the issue is not the location of the fence it is the height.

Chair Carley closed the public hearing and discussed with the Board about the merits of the application.

On a motion made by Alternate Member Perkins, seconded by Member Wallner, with a vote of 4 (Carley, Monahan, Perkins and Wallner) in favor to 1 (Spector-Morgan) opposed, the Board voted to grant the requested **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***, 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.

The Board attached the following conditions to the granted variance:

1. The fence be removed out of the City's Right-of-Way.

Member Monahan noted there is a hardship with having the National Guard across the street.

The Board was agreeable to add that statement.

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

4.5 Clendenning Family Revocable Trust, requests a variance from *Section 28-4-1 (3) Side Yard Setback and 28-4-1(h) Table of Dimensional Requirements* to allow for a five (5) foot setback where ten (10) feet is the maximum allowed for the construction of a garage on Tax Map 7443/Z Lot 58 located at 6 Morton St the Downtown Residential (RD) District. (ZBA-0434-2026)

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

Ryan Francoeur (5 Alpine Rd, Sanbornton) is present to represent this application. Mr. Francoeur stated they applied for this in 2023 and it was approved. They did not build it in time before it expired. Mr. Francoeur is just looking to renew what was already approved.

Chair Carley asked if there is anything that has changed.

Mr. Francoeur responded nothing has changed.

Alternate Member Perkins asked if the driveway is on the left side of the house.

Mr. Francoeur responded yes.

Chair Carley asked if there is any member of the audience that wishes to speak in favor or opposition to this application, with none, asked for comment from Planning and with none closed the public hearing.

The consensus of the Board was that this application was approved in 2023 and expired in 2025 with nothing being changed from the previous application. Given that nothing has changed the Board agreed to grant the variance.

On a motion made by Member Wallner, seconded by Member Spector-Morgan, with a vote of 5 (Carley, Monahan, Perkins Spector-Morgan and Wallner) in favor to 0 opposed, the Board voted to ***grant the variance from*** *, Section 28-4-1(d)(3) and Section 28-4-1(h)* to allow for a 5' foot side setback where 10 feet is the maximum side setback allowed at Tax Map 7443/Z Lot 58, 6 Morton St in the Downtown Residential (RD) District because all of the criteria under RSA 674:33 have been met based on the record before us, which would include the representation that it had been approved previously and I move to adopt 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 Pollack with Gallagher Callahan &Gartrell on behalf of Bow Mills United Methodist Church, Inc. requests a variance from *Section 28-4-1(3) Side Yard Setback and 28-4-1(h) Table of Dimensional Requirements* to allow existing improvements to remain in applicable side setback on Tax Map 8814/Z

Lot 3 located at 271 South St in the Single-Family (RS) District) (ZBA-0435-2026)

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

Ari Pollack (214 N Main St, Concord) and Eric Jackson (20 Cotton Rd, Nashua) are present to represent this application. Mr. Pollack noted the applicant is proposing a residential subdivision in the south end on lot 4 of map 8814z. The subdivision parcels are under agreement with the landowner. The applicant approached the church as the adjacent land owner about a lot boundary adjustment to better align their proposed entry road with the existing intersection of Morland Avenue. Mr. Pollack noted realigning the intersection is in response to comments from city staff that were received during the initial development discussions and design review. The applicant anticipates filing a lot line adjustment between tax lots three and four. As well as a subdivision plan relative to lot four. Mr. Pollack noted tonight zoning relief is a precursor to those applications to the Planning Board. Mr. Pollack noted the lot line adjustment process requires either conformity with the zoning ordinance or variances to excuse non-conformity and that is why they are here. They are only asking for relief for the side setback. Mr. Pollack noted the five criteria for hardship is in the application materials.

Chair Carley asked if there are any questions from the Board and with none, asked if there is anyone who wishes to be heard in favor or opposition of this appeal or Planning comments, with none, 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, with a vote of 5 (Carley, Monahan, Perkins Spector-Morgan and Wallner) in favor to 0 opposed, the Board voted to ***grant the variance from*** *, Section 28-4-1(3) and 28-4-1(h)* to allow existing improvements to remain in applicable side setback on Tax Map 8814/Z Lot 3 located at 271 South St in the Single-Family (RS) District) because all of the criteria under RSA 674:33 have been met based on the record before us, and I move to adopt 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 Boyd Smith P Revocable Trust 2008 request variance from *Section 28-7-7(f) Driveway Widths* to allow for a driveway 58 feet in width where 28 feet is the maximum allowed on Tax Map 6531/Z Lot 22 located at 139 Liberty St in the Single-Family Residential (RS) District. (ZBA-0436-2026)

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

Boyd Smith (139 Liberty St, Concord) is present to represent this application. Mr. Smith is looking to building on the application that was approved for a new garage on the Watkins Way part of their lot. When it was before the Board no one thought about making the driveway wider if they pave to the new garage. Mr. Smith noted Watkins Way is a dead-end road with three houses on it and they are one of them. It has a 50 foot right of way and 20 feet of asphalt on it. There is limited use and just the people that live there. There has been a dirt parking area since they moved in in 1999. They are asking for is to add asphalt in the green box area so they can go the full width of the new garage of 32 feet and then carry asphalt out to the existing edge of pavement on Watkins Way. They need a variance because the maximum is 28 feet at the property line.

Alternate Member Perkins noted there is 5 feet of walkway, 19 feet of existing pavement for parking and looking for an additional 14 feet.

Mr. Smith responded correct and they will leave the existing dirt as is.

Member Monahan asked how much frontage do they have on Walkins Way.

Ms. Smith was unsure and suggested 200 feet. Mr. Smith stated they want to add 14 feet of pavement to access a new garage and continue parking on a city right of way.

Ms. O'Brien noted the driveway is already in the city right of way. From the edge of the gravel to the end of the driveway is about 58 feet.

Alternate Member Perkins asked if he planted grass there then it would not be considered impervious surface.

Ms. O'Brien responded correct.

Member Monahan asked if he wants to pave on city property.

Member Spector-Morgan stated driveways are allowed to be in the right of way.

Chair Carley asked if there are any questions from the Board and with none, asked if there is anyone who wishes to be heard in favor or opposition of this appeal or Planning comments.

Ms. O'Brien noted it is 58 feet wide if the Board were to grant the variance in paving and if not would recommend the Board put a condition that he removes the additional impervious surface area and have the width of the 38 feet of which he is requesting.

Chair Carley closed the public hearing.

Alternate Member Perkins asked how the edge of the road that is considered the right of way.

Ms. Caron stated it is less about just solely focusing on parking. when we look at the definition of driveways it's access parking and they take into consideration the impervious as well. So, it is an accumulation of factors and not just one siloed focus.

The Board discussed adding a condition to the variance.

On a motion made by Member Spector-Morgan, seconded by Member Wallner, with a vote of 5 (Carley, Monahan, Perkins Spector-Morgan and Wallner) in favor to 0 opposed, the Board voted to grant the requested **variance from *Section 28-7-7(f) Driveway Widths to allow for a driveway 38 feet in width where 28 feet is the maximum allowed on Tax Map 6531/Z Lot 22 located at 139 Liberty St***, 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.

The Board attached the following conditions to the granted variance:

1. The remaining impervious surface shall be removed and restored to a pervious surface. The driveway shall be limited to a maximum impervious width of 38 feet.

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

4.8 Brian Beach on behalf of Cynthia L Christie Revocable Trust requests a variance from *Section 28-4-1(d)(3) Side Yard Setback and 28-4-1(h) Table of Dimensional Requirements* to allow for a 10.5-foot side setback where 15 feet is required on Tax Map 437/Z Lot 57 located at 16 Broken Ground Dr in the Single-Family (RS) District. (ZBA-0437-2026)

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

Brian Beach (630 River Rd, Bow) is present to represent this application. They are proposing a 20 by 24-foot garage off the left side of the current structure. They believe the proposed garage is conforming in style and nature to the aesthetics of the neighborhood. The homeowners are desiring additional space to complete vintage vehicle restoration, additional storage and parking spaces. Mr. Beach noted Broken Ground Drive is a busy street as it is a cut through from Portsmouth St to Route 132 to access the city or Route 202. This would alleviate some on street parking and any risks associated thereof. The proposed garage does not change the character of the home, aesthetics of the neighborhood and adds to the tax base while requiring no additional draw on services. Mr. Beach read from the criteria submitted with the application materials.

Alternate Member Perkins ask for the width of the current garage.

Mr. Beach stated the current garage is approximately 22 by 22. Mr. Beach noted they will add a third garage on the side and will add an entrance so you can seamlessly move from the existing two car to the third car. The 20-foot front would allow for a 16-foot door.

Member Wallner asked if they will increase the driveway width.

Mr. Beach noted there is an offshoot and they have not set it in stone as far as having it paved verses hard pack and gravel that has not been determined yet. Mr. Beach will look at the distance and whether it applies to this far back in the driveway or more towards the apron.

Chair Carley asked why the width of 20 feet.

Mr. Beach stated 20 foot would give a 16-foot door you need two sides on the left and right. The 20 feet is the outside dimensions.

Chair Carley asked why a 16-foot door.

Mr. Beach noted 9 feet side is a traditional single stall door and 16 feet is what was requested for the desired space. He is looking to put a small lift in the garage and that would require more room than a single stall.

Member Spector-Morgan asked if they can make the garage narrower and longer and still have room for two cars. Then have the lift in the back.

Mr. Beach noted there is a pool in the backyard and a lift in a single stall garage would be tight to operate and work.

Member Wallner noted in the part that says paved path in the aerial image submitted with the application materials there are cars parked in the paved path.

Mr. O'Brien noted staff noted the paved path as a second driveway and that is why in the staff report because they would make note of it in the building permit process if the variance was granted.

Member Monahan asked for the hardship on why they need a bigger garage.

Mr. Beach noted the hardship is this subdivision was developed in 1978 and when the property was built single car homes and things of that nature. Mr. Beach stated in today's society they are more about their toys and space. Mr. Beach noted the age of the development creates a hardship and today someone would say they need more space.

Chair Carley asked if there are any questions from the Board and with none, asked if there is anyone who wishes to be heard in favor or opposition.

Cynthia Christie (16 Broken Ground Dr, Concord) stated the existing garage is quite small. Ms. Christie noted the garage is tall in the front and short in the back. Ms. Christie noted it is limited with storage space. Ms. Christie stated the reason for the larger garage is for her husband to be able to work with a lift on vehicles.

Chair Carley ask if there are questions from the Board, with none, asked for any Planning comments and with none closed the public hearing.

The Board discussed the request for a variance and the consensus was this could be completed without the variance.

On a motion made by Member Spector-Morgan, seconded by Member Monahan with a vote of 0 in favor to 5 (Carley, Monahan, Perkins Spector-Morgan and Wallner) opposed, the Board voted to **deny the variance request from *Section 28-4-1(d)(3) Side Yard Setback and 28-4-1(h) Table of Dimensional Requirements* to allow for a 10.5-foot side setback where 15 feet is required on Tax Map 437/Z Lot 57 located at 16 Broken Ground Dr is required**.

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.

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

4.9 Rolling Group LLC requests a variance from *Section 28-7-7(f) Parking Area Design Standards* to permit an 11.5-foot driveway width where a minimum of 24 feet is required for two-way traffic flow on Tax Map 7414/Z Lot 73 located at 21-23 Fayette St in the Downtown Residential (RD) District. (ZBA-0438-2026)

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

Michael Malinowski (400 Harvey Rd Suite D, Manchester) is present to represent this application. Mr. Malinowski stated there is an existing property at 21 Fayette St and its current use is a boarding house with approximately 12 bedrooms. Mr. Malinowski noted per discuss with the building inspector it is classified as a five-family unit. The proposal is t o convert it to a four family and make it rentals. There is an existing garage at the back of the property and an existing gravel driveway that is eleven and a half feet wide that accesses the existing garage in the back. They are proposing four parking spaces that meets the requirement for the proposed density. It is similar to all of the adjacent properties. It was constructed in the 1890's which predates all of the zoning. They have not proposed exterior changes. The variance is for

driveway width and the requirement is for a 24-foot-wide two directional pathway. The current is eleven and a half feet. They are proposing some additional safety measures to help the residence to know they need to look to make sure other residents are not coming through the back.

Chair Carley asked for any questions from the Board, with none, asked if there is anyone that wishes to speak in favor or opposition to this appeal, with none, asked for comment from Planning.

Ms. O'Brien noted this might be a familiar case that has come before the Board because they have substantially downsized. Originally, they were proposing thirteen units last year. They have now scaled to four units. It is classified as a rooming and boarding house but it has not been in operation for a couple of years. Their parking requirement they are allowed to keep their non-conforming as long as they are not expanding the exterior of the building. This will be interior renovations and converting to the four units. Per the zoning ordinance they would need to come into compliance with today's parking standards which would need that they would need to have the 24 feet in width.

Chair Carley closed the public hearing.

The Board discussed the request for a variance and the consensus was variance can be granted based on the hardship presented this evening.

On a motion made by Member Monahan, seconded by Alternate Member Perkins, with a vote of 5 (Carley, Monahan, Perkins Spector-Morgan and Wallner) in favor to 0 opposed, the Board voted to ***grant the variance from*** *, Section 28-7-7(f) to permit an 11.5-foot driveway width where a minimum of 24 feet is required for two-way traffic flow on Tax Map 7414/Z Lot 73 located at 21-23 Fayette St in the Downtown Residential (RD) District* because all of the criteria under RSA 674:33 have been met based on the record before us, and I move to adopt 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 Brianna Groleau on behalf of NH Motor Transport Association requests a variance from *Section 28-2-4 (j)(E)(3) Table of Principal Uses* to allow for a Physical Therapy Office where the use is prohibited on Tax Map 76/Z Lot 6 located at 19 Henniker St in the Industrial (IN) District. (ZBA-0439-2026) ***(Withdrawn by Property Owner)***

4.11 Tom Heck on behalf of Cilley Veterinary Clinic requests an amendment a variance previously approved in 2002 by modifying the condition of approval to allow the maximum number of employees to be increased from 11 to up to 20 employees, (2002 variances were from *Section 28-8-4(a)(3) and 28-8-4(c)(1), Non-Conforming Uses, to permit expansion of a building housing an existing non-conforming veterinary clinic (use M.9); together with variances to Article 28-7-7(e), Table of Off-street Parking Requirements, to permit the provision of only 12 parking spaces where 13 are required, and to Article 28-7-7(g), Parking Setbacks & Restrictions, to permit Parking within the required front yard*), all on Tax Map 8722/Z Lot 16 located at 37 Iron Works Road in the Single Family Residential (RS) District. This application will also correct the scrivener's error identifying Section 28-7-7(e) to the correct citations of Section 28-7-2(e)(m). (ZBA-0440-2026)

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

Ari Pollack (214 N Main St, Concord) and Tom Heck (37 Iron Works Rd, Concord) are present to represent this application. The application seeks a modification of a prior granted variance by this Board

in 2002. The initial establishment of the veterinary practice dates back to 1969. The prior variances allowed for the establishment and the expansion of the clinic which resulted in the structure and facility that is there today. The 2002 variance included a condition of approval that there be no more than eleven employees working at the clinic. They are asking for the condition to be modified to allow for up to 20 employees be working at the clinic for the busier day shift. Mr. Pollack noted the practice is busy and growing. They need more staff to meet patient needs. Mr. Pollack noted the additional employees could only impact things like parking. The clinic has the ability to park 15 staff and customer vehicles on premises at any given time. There is also on street parking on Iron Works Road. The clinic is across from Russell Martin Park. Mr. Pollack noted Mr. Heck has had a discussion with an abutter to lease some space on their property for an additional six cars. The talked to staff about the best way for a modification of a condition and thought the best way was to go through a variance. They are talking about modifying a variance that was already granted. Mr. Pollack read from the criteria submitted with the application.

Member Monahan asked if they are asking for the variance to be conditioned on leasing of the six additional spaces.

Mr. Pollack noted no, he does not think they would have an issue with that because they have signed the lease. They think they can manage 20 employees with or without the condition.

Chair Carley asked for any questions from the Board, with none, asked if there is anyone that wishes to speak in favor or opposition to this appeal, with none, asked for comment from Planning.

Ms. O'Brien noted when the Board previous in 2002 and she went back to the ordinance of 200 to look at parking requirements and nothing has changed since 2002.

Chair Carley closed the public hearing.

The Board discussed the request for a variance and the consensus was variance can be granted based on the testimony this evening.

On a motion made by Member Spector-Morgan, seconded by Member Monahan, with a vote of 5 (Carley, Monahan, Perkins Spector-Morgan and Wallner) in favor to 0 opposed, the Board voted to ***grant the amendment to the variance*** *previously approved in 2002 by modifying the condition of approval to allow the maximum number of employees to be increased from 11 to up to 20 employees, (2002 variances were from Section 28-8-4(a)(3) and 28-8-4(c)(1), Non-Conforming Uses, to permit expansion of a building housing an existing non-conforming veterinary clinic (use M.9); together with variances to Article 28-7-7(e), Table of Off-street Parking Requirements, to permit the provision of only 12 parking spaces where 13 are required, and to Article 28-7-7(g), Parking Setbacks & Restrictions, to permit Parking within the required front yard), all on Tax Map 8722/Z Lot 16 located at 37 Iron Works Road in the Single Family Residential (RS) District* because all of the criteria under RSA 674:33 have been met based on the record before us, and I move to adopt 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.

4.12 Brian Perry on behalf of the Perry Family Joint Revocable Trust requests a variance from *Section 28-4-1(d)(3) Side Yard Setback and 28-4-1(h) Table of Dimensional Requirements* to allow for a 25-foot side yard setback where 40 required to permit the reconstruction of a barn in its current nonconforming location on Tax Map 23/Z Lot 9 located at 207 Oak Hill Rd in the Open Space (RO) District. (ZBA-0441-2026)

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

Brian Perry (207 Oak Hill Rd, Concord) and Sean Peters (66 Walker Brook Rd, Mason) are present to represent this application. Mr. Perry noted the application for the variance is to replace an existing barn on the property. They are on a 53-acre parcel on the east side of Concord. The barn is about 300 feet back from Oak Hill Rd. Mr. Perry noted the hardship would be he cannot physically move the barn to the right 15 feet further away from the property line because of the topography of how the land falls. It is up against a gully that goes down into that area. He has several pieces of equipment that he uses to maintain the property. The existing barn needs to be replaced due to rot and looking to replace where is exists today.

Chair Carley noted his understanding is that if the barn were to burn down rather than being torn down that they could simply rebuild it.

Ms. O'Brien stated if there is an act of God.

Chair Carley asked for any questions from the Board, with none, asked if there is anyone that wishes to speak in favor or opposition to this appeal, with none, asked for comment from Planning.

Ms. O'Brien noted per section 28-8-6(a) a non-conforming structure shall not be reconstructed except in conformity with provisions of the ordinance. The destruction of a non-conforming structure shall be deemed to have occurred where any of the following are met. The cost of repair of damage is more than 75% replacement cost of the structure or the non-conforming structure has been found unsafe and unlawful by reason of physical condition due to the lack of repairs and maintenance and has been declared by any duly authorized public official. Ms. O'Brien stated they are not aware that it has been deemed that by any public official.

Chair Carley closed the public hearing.

The Board discussed the request for a variance and the consensus was variance can be granted based on the testimony this evening.

On a motion made by Member Spector-Morgan, seconded by Member Monahan, with a vote of 5 (Carley, Monahan, Perkins Spector-Morgan and Wallner) in favor to 0 opposed, the Board voted to ***grant the variance from*** *, Section 28-4-1(d)(3) and 28-4-1(h) to allow for a 25-foot side yard setback where 40 required to permit the reconstruction of a barn in its current nonconforming location on Tax Map 23/Z Lot 9 located at 207 Oak Hill Rd in the Open Space (RO) District* because all of the criteria under RSA 674:33 have been met based on the record before us, and I move to adopt 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.

4.13 Associated Enterprise, Inc requests a variance from *Section 28-7-7(f) Driveway Width* to allow for a 20-foot driveway width where 24 feet is required for two-way traffic flow on Tax Map 6414/Z Lot 1 located at 103 N State St in the Civic Performance (CVP) District. (ZBA-0442-2026)

Craig Jones (46 Pleasant St, Concord)and Josh Kline (120 Washington St Ste 120, Salem MA) are present to represent this application. They are seeking relief for driveway width for 20 feet. This project is an adaptive reuse application to incorporate housing. Part of the project the building shown

in the upper left-hand corner is the existing building to remain. It has an existing access point to North State Street. They want to ensure there is ADA accessibility for the parking spaces and the public road. The building previously operated as a commercial use. There is not another way to access the parking in the rear of the property. They are seeking relief for a 20-foot two-way driveway where 24 feet is required. They feel 20 feet is safe for vehicles to enter two-ways to enter in both and exit in both directions. By having the 20-foot driveway it ensures that they can provide an accessible path from the public right of way to the entrance on the side. They have to maintain the five-foot edge clearance from the corner as a requirement. Mr. Kline read the five criteria submitted with the application materials.

Alternate Member Walker asked when considering this application did you take a good look at article 28-8-4 the non-conforming uses of land and continuation of non-conforming use or non-conforming characteristics of a use.

Mr. Kline stated they worked closely with staff and they felt this is the best way to ensure the relief is properly documented. They are changing the use from commercial to a residential use.

Alternate Member Walker stated he does not believe they need a variance because of section 28-7 access circulation parking loaded are reduced to the greatest extend possible.

Member Spector-Morgan asked if someone on staff told them you need a variance and rather than appeal that administrative position you just applied for it.

Mr. Kline responded yes.

Chair Carley appointed Alternate Member Walker as a voting member in the place of Member Winters.

Member Monahan asked the size of the sidewalk that is being added.

Mr. Kline stated it will be four feet wide.

Alternate Member Perkins asked with sidewalk and driveway you technically have 24 feet of path of width but four feet is designated to the pathway.

Mr. Kline responded correct.

Chair Carley asked if there is any member of the audience that wishes to speak in favor or opposition to this application, with none, asked if there are any Planning comments.

Ms. O'Brien stated there was a recent change to the zoning for conversions in the key district. Ms. O'Brien noted the minimum driveway for two-way traffic for apartments or anything like that is the minimum requirement in our parking standards. So, when we refer to that and it says it has to adhere to that.

Chair Carley noted there are exceptions that have to do with existing conditions. Chair Carley closed the public hearing and invited discussion of the Board.

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

On a motion made by Member Wallner, seconded by Member Spector-Morgan, with a vote of 5 (Carley, Monahan, Spector-Morgan, Wallner and Walker) in favor to 0 opposed, the Board voted to ***grant the variance from,*** *Section 28-7-7(f) at Tax Map 6414/Z Lot 1 located at 103 N State St in the Civic Performance (CVP) District.* because all of the criteria under RSA 674:33 have been met based on the record before us, and I move to adopt 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.

Alternate Member Walker asked staff to look to see if they needed a variance and if they do not need a variance then this would be null and void. If you do not need a variance in the first place you can't get a variance for something that doesn't exist.

Ms. Caron stated the action taken this evening will remain and if there is a change in the determination they would need to have a separate discussion on that.

Member Monahan suggested to leave it for the applicant to decide.

Ms. Caron stated it is a legal proceeding at the point. Ms. Caron noted the variance carries with the land regardless.

Chair Carley called for a vote and it was unanimous.

Alternate Member Walker left the meeting at 7:17 p.m. (This was the first case that was heard before the Board)

4.14 Christopher James requests a variance from *Section 28-2-4(j)(J)(1) Allowable Principal and Accessory Uses in Zoning Districts* to permit the sale or rental of motor vehicles, other than construction equipment where the use is prohibited on Tax Map 634/Z Lot 12 located at 131 Old Turnpike Rd in the Industrial (IN) District. (ZBA-0443-2026)

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

Michael Christopher (17 Federal St, Hudson) is present to represent this application. Mr. Christopher is looking for a variance to sell motor vehicles at 131 Old Turnpike Rd. Mr. Christopher stated there are other similar businesses and auto body repair shops. Mr. Christopher applied for a dealer license and they informed him to reach out to the city to make sure it is ok to sell vehicles in that spot. There will be no physical changes to the property or building other than a sign. It will be a one-man operation.

Member Spector-Morgan asked the applicant to share the hardship for the property as this is not an allowed use in the district.

Mr. Christopher stated he did not know of any hardship and there are auto repair shops nearby.

Ms. O'Brien noted this is in the industrial zone and automotive sales is only allowed in the commercial highway district.

Member Monahan noted it is not zoned for that type of retail activity and without a hardship it is outside of their bounds to get to a yes on this application.

Chair Carley asked if there is any member of the audience that wishes to speak in favor or opposition to this application, with none, asked if there are any Planning comments, with none, closed the public hearing.

The Board discussed the request for a variance and the consensus was variance is denied based on the testimony this evening and there is no hardship.

On a motion made by Member Spector-Morgan, seconded by Alternate Member Perkins, with a vote of 0 in favor to 5 (Carley, Monahan, Perkins Spector-Morgan and Wallner) opposed, the Board voted to **deny the variance request from *Section 28-2-4(j)(J)(1) Allowable Principal and Accessory Uses in Zoning Districts to permit the sale or rental of motor vehicles, other than construction equipment where the use is prohibited on Tax Map 634/Z Lot 12 located at 131 Old Turnpike Rd.***

The Board found that the applicant was unable to demonstrate under the requirements of RSA 674:33 that an unnecessary hardship existed and no evidence was provided regarding how it is not contrary to the public interest.

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

4.15 James Robinson on behalf of Concord Center LLC requests variances from *Sections 28-2-4 Allowable Principal and Accessory Uses in Zoning Districts (j)(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 88/Z Lot 5 located at 134 Hall Street Unit H in the Industrial (IN) District. (ZBA-0444-2026)

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

James Robinson (588 Chester Tpke, Candia) is present to represent this application. Mr. Robinson stated he came before the Board for a different address and things did not work out at that location. Mr. Robinson is here for a different address and based on his classification of commercial kennel he needs either a variance or special exception for any property. Mr. Robinson is looking to open a dog bar. Mr. Robinson noted there is a place called Park 9 in Everett Massachusetts. It is a social space for you to hang out with your dog and other people who have dogs. This will be an indoor off leash dog park. Mr. Robinson noted Lithermans Brewery, Granite State Candy are located in this area. Mr. Robinson noted it is approximately 5000 square feet. They will use 650 square feet for the tap room and the rest is for the dog park. There will be beer, wine and light food.

Alternate Member Perkins questioned the word kennel and thinks overnight.

Mr. Robinson stated that is not his intention. This classification is the only classification that it would fit in. They do not intend to do boarding.

Alternate Member Perkins asked if they need the classification in order to allow the animals into the building with people to have a drink.

Mr. Robinson responded yes, they are looking at potential daycare.

Alternate Member Perkins asked if that falls under commercial kennel.

Mr. Robinson responded yes.

Ms. Caron stated staff is suggesting as one of the conditions to stipulate that restriction. The materials that are presented right now is not enough information to make a full assessment on what may or may not be additionally required like a site plan or parking. Staff is suggesting to add that condition if you are to grant the variance that there shall be no boarding, training or daycare at this facility.

Chair Carley asked if there is any member of the audience that wishes to speak in favor or opposition to this application, with none, asked if there are any Planning comments, with none, closed the public hearing.

The Board discussed the request for a variance and the consensus was variance can be granted based on the testimony this evening.

On a motion made by Member Spector-Morgan, seconded by Alternate Member Perkins, with a vote of 5 (Carley, Monahan, Perkins Spector-Morgan and Wallner) in favor to 0 opposed, the Board voted to grant the requested **variance 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*, addressed as 134 Hall Street, Unit H (Tax Map 88/Z Lot 5), 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.

The Board 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.

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

4.16 Christopher and Alicia Roy request a variance from *Section 28-4-1 (d)(2) and (3) Dimensional Standards, Minimum Yard Requirements* to allow for a rear setback of 25-feet where 50-feet is the required and a 25-foot side setback where 40-feet is required allowed on Tax Map 51/Z Lot 18 located at 17 Villanova Drive in the Open Space (RO) District. (ZBA-0445-2026)

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

Alicia Roy (17 Villanova Drive, Concord) and Jim Griffin (no address provided) are present to represent this application. Ms. Roy is seeking a variance to encroach on the 40-foot setback on the side of the property. Ms. Roy stated this sits on a private road, Villanova Drive, that comes in off of Carter Hill Road. This is on the west end of Concord. The topography is a constant incline. Ms. Roy noted most of the 2.5 acres is wetlands. Ms. Roy stated on the other side of Carter Hill Road is the watershed and the Penacook Lake which is the water supply for Concord. They have taken into consideration water run off and how it will affect the wetlands. Ms. Roy handed out photos, these will be at the end of the minutes, of the location of the garage. Ms. Roy had a plot plan completed by a land surveyor. Ms. Roy noted if they were to push the garage back and not align with the house they are still in the setback. Ms. Roy noted the driveway only goes so far and then it drops off completely.

Mr. Griffin noted there will be no impact to the driveway and it is one foot less than the existing house dimensions. The garage will be 26 by 28.

Member Spector-Morgan asked why does the garage need to be so big.

Ms. Roy noted the 28 feet length they considered going down to 26 but even then, at that point they are still within the setback.

Mr. Griffin noted you would have a 15-foot garage.

Ms. Roy stated the would need 13 foot to be completely out of the setback that would require them to move the driveway. Ms. Roy noted the topography by her house is flat and everything 20 feet all around. Everything else just drops off or goes up.

Chair Carley asked if there is a house that they cross with their driveway.

Ms. Roy responded yes. Ms. Roy noted the septic takes up the entire side of her property. Ms. Roy stated they are blocked when it comes to space and there are rivers that run through the property that drain into the Penacook Lake. Ms. Roy noted they cannot have a garage even if it was a single stall 13 feet wide it would have to come down and hit the well. They cannot move the well because if they move it anywhere else it will encroach on either the wetlands or the septic. Mr. Roy noted on the back of the property it drops off. Ms. Roy read from the criteria submitted with the application materials.

Chair Carley asked if there is any member of the audience that wishes to speak in favor or opposition to this application, with none, asked if there are any Planning comments, with none, closed the public hearing.

The Board discussed the request for a variance and the consensus was variance can be granted based on the testimony this evening.

On a motion made by Alternate Member Perkins, seconded by Member Spector-Morgan, with a vote of 5 (Carley, Monahan, Perkins, Spector-Morgan and Wallner) in favor to 0 opposed, the Board voted to grant the requested **variance from *Section 28-4-1 (d) (3) Dimensional Standards, Minimum Yard Requirements to allow for 25-foot side setback where 40-feet is required*** (Tax Map 6414/Z Lot 1), 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.

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

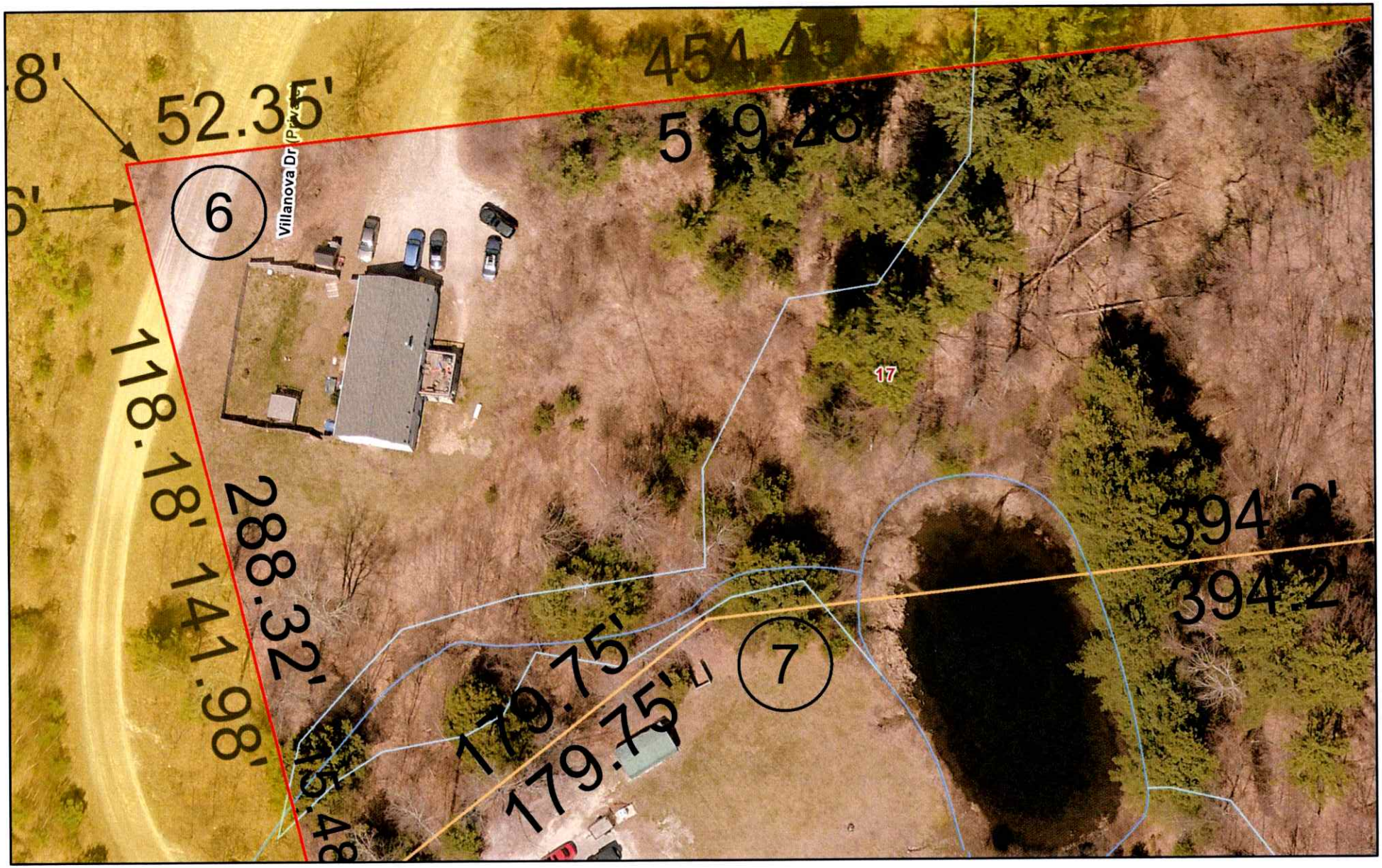
5. **Review and acceptance of minutes from June 3, 2026**
   Member Wallner moved, seconded by Member Spector-Morgan, to approve the meeting minutes from June 3, 2026, as written. The Board voted 4 in favor (Monahan, Spector-Morgan, Carley and Wallner) to 0 opposed. The motion passed unanimously.

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

7. **Adjourn**
   On a motion made by Member Wallner, seconded by Member Spector-Morgan, the Board voted 4 in

favor to 0 opposed to adjourn at 8:41p.m.

Respectfully submitted,
Krista Tremblay
Krista Tremblay
Administrative Technician III
(Absent from meeting and minutes are from the recoding of the meeting)



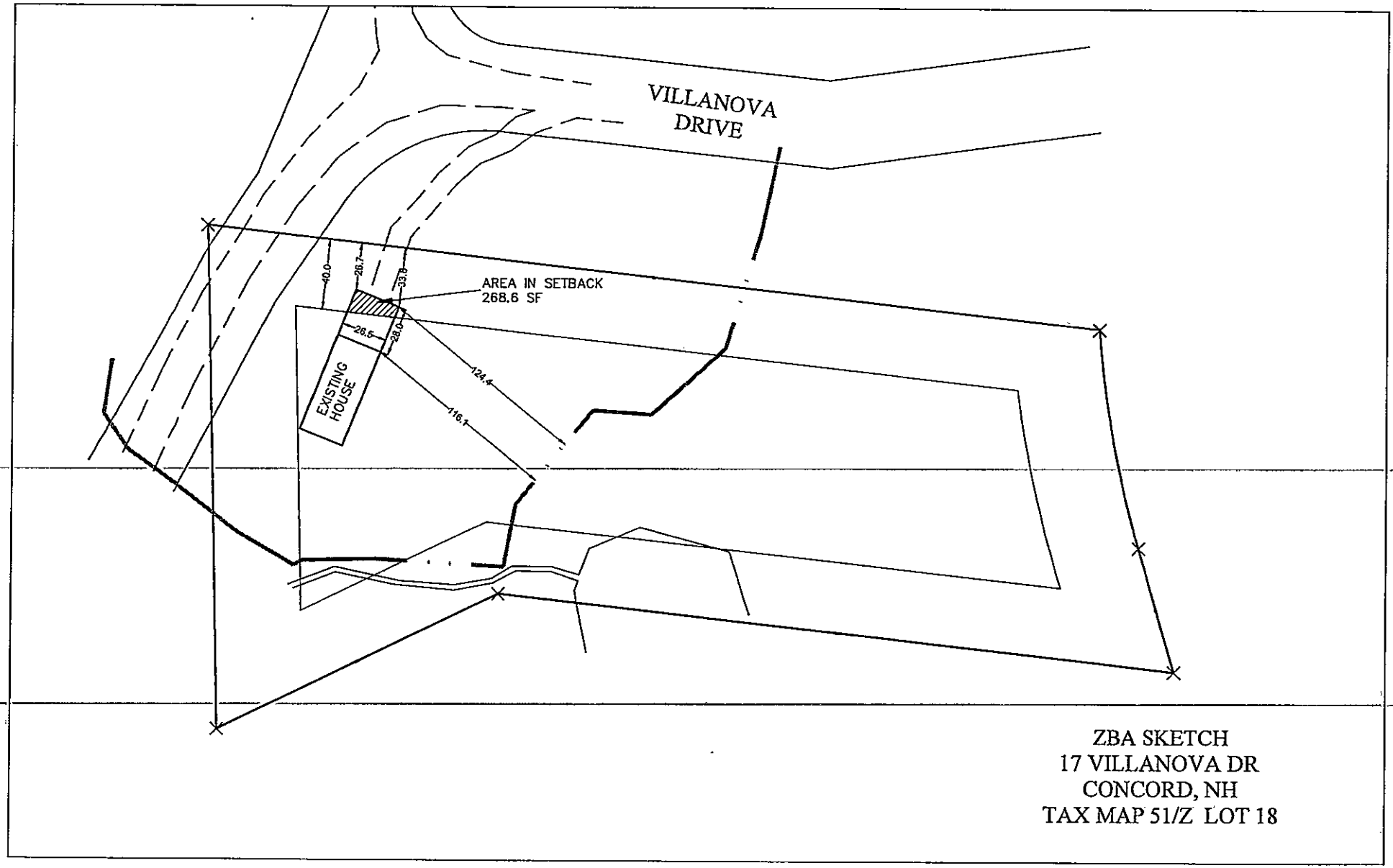
July 1, 2026

1:600

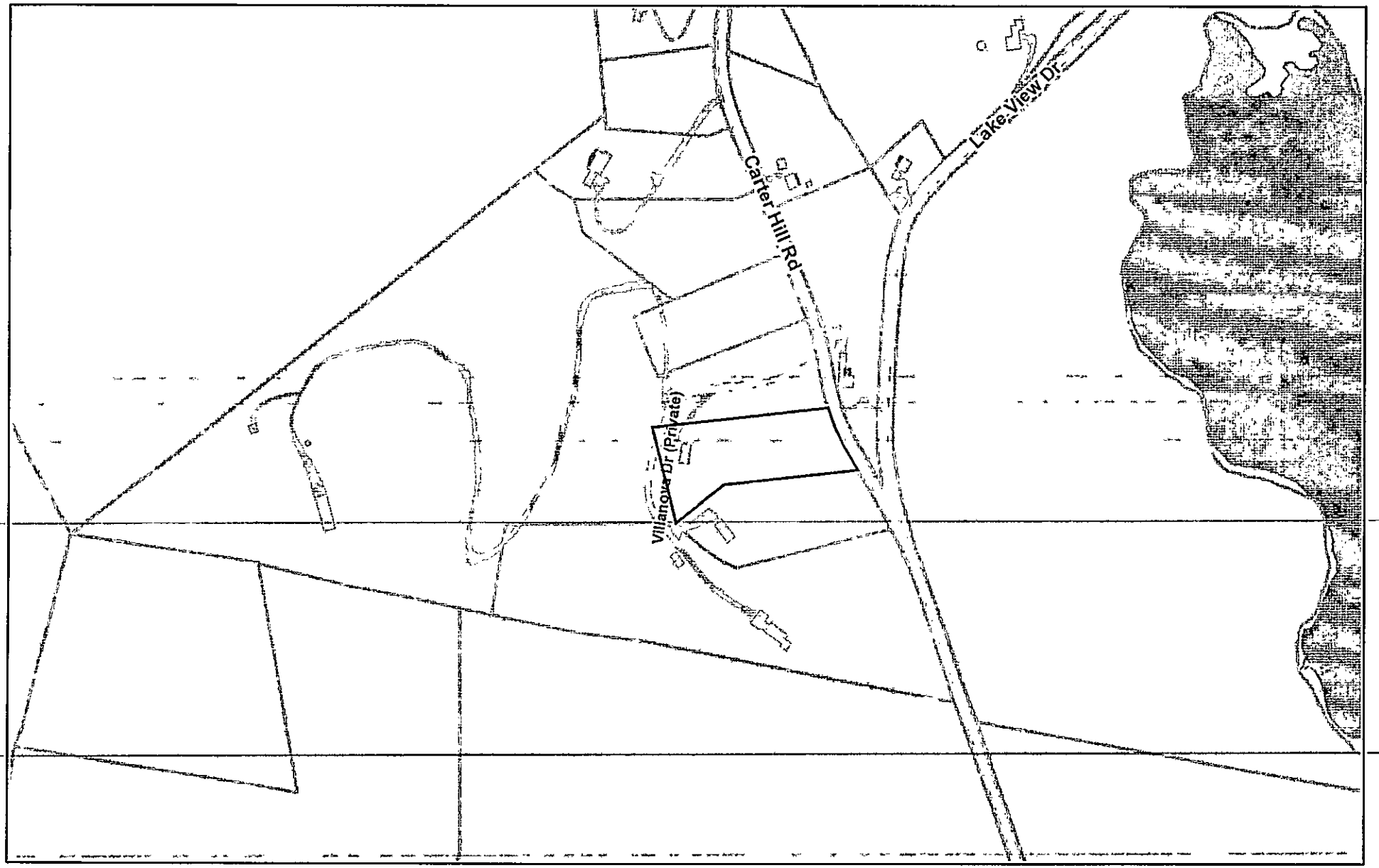
0 20 40 80 Feet

0 0.005 0.01 0.02 Miles

City of Concord, New Hampshire



ZBA SKETCH
17 VILLANOVA DR
CONCORD, NH
TAX MAP 51/Z LOT 18



July 1, 2026

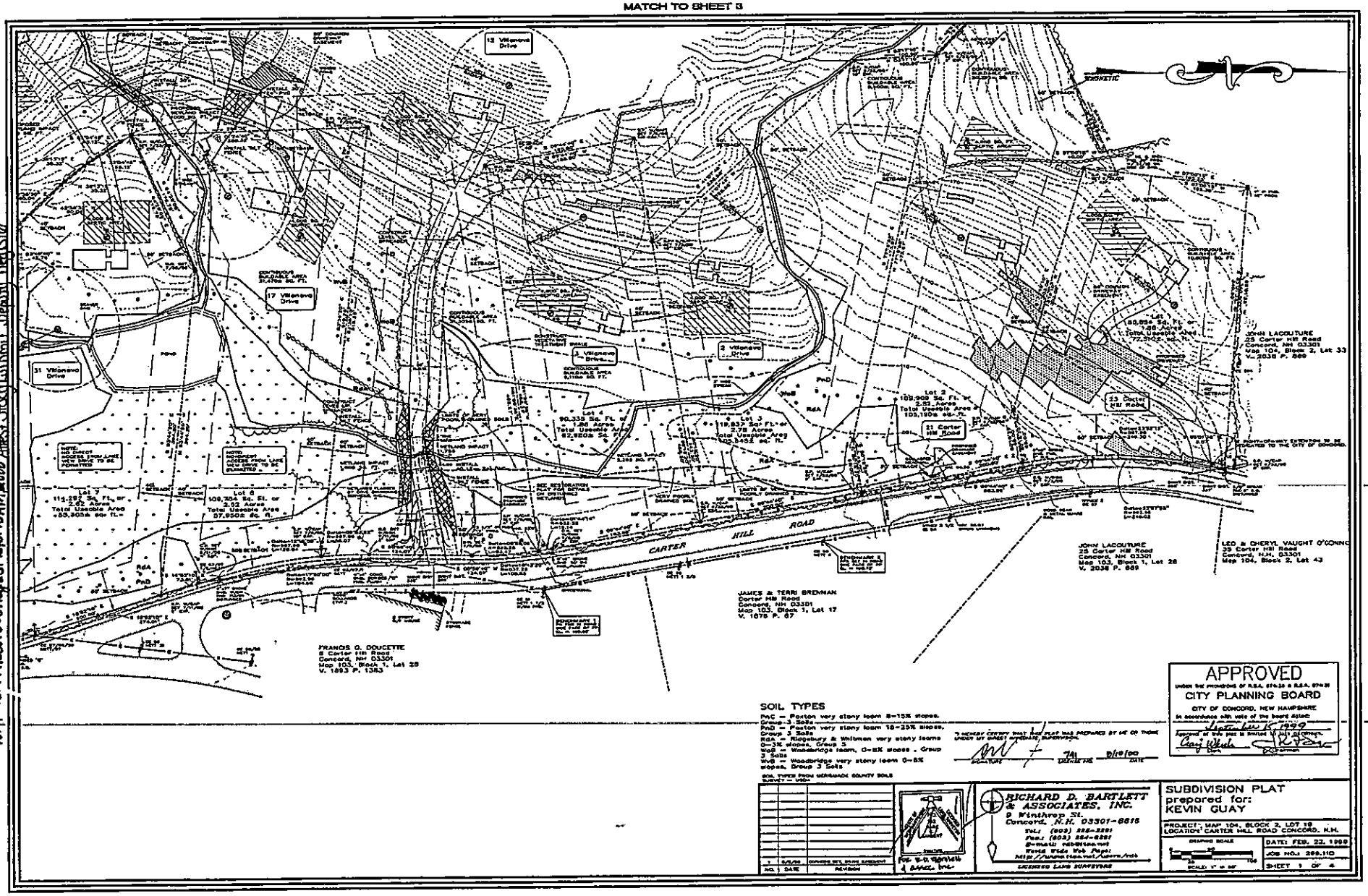
1:4,800

0 200 400 800 Feet

0 0.05 0.1 0.2 Miles

City of Concord, New Hampshire

MATCH TO SHEET 3



SOIL TYPES

PnC — Paxton very stony loam 8–15% slopes. Group 3 Soils
PnD — Paxton very stony loam 15–25% slopes. Group 3 Soils
RdA — Ridgebury & Whitman very stony loams 0–3% slopes. Group 3
WoB — Woodbridge loam, 0–8% slopes . Group 3 Soils
WvB — Woodbridge very stony loam 0–8% slopes. Group 3 Soils

SOIL TYPES FROM MERRIMACK COUNTY SOILS SURVEY — USDA

I HEREBY CERTIFY THAT THIS PLAT WAS PREPARED BY ME OR THOSE UNDER MY DIRECT SUPERVISE, SUPERVISION.

SIGNATURE — DATE: 8/16/00

APPROVED
UNDER THE PROVISIONS OF R.S.A. 674:35 & R.S.A. 674:36
CITY PLANNING BOARD
CITY OF CONCORD, NEW HAMPSHIRE
In accordance with vote of the board dated: September 15, 1999
Approval of this plat is limited to lots as shown.
Clerk — Chairman

NO.	DATE	REVISION
1	8/16/00	BOUNDARY SETS, DRAIN REVISIONS

RICHARD D. BARTLETT & ASSOCIATES, INC.
9 Winthrop St.
Concord, N.H. 03301-6615
TEL: (603) 226-2281
Fax: (603) 224-6251
E-mail: rdb@tds.net
World Wide Web Page: http://www.tds.net/~rdb/rdb.htm
LICENSED LAND SURVEYORS

SUBDIVISION PLAT
prepared for:
KEVIN GUAY

PROJECT: MAP 104, BLOCK 2, LOT 18
LOCATION: CARTER HILL ROAD CONCORD, N.H.

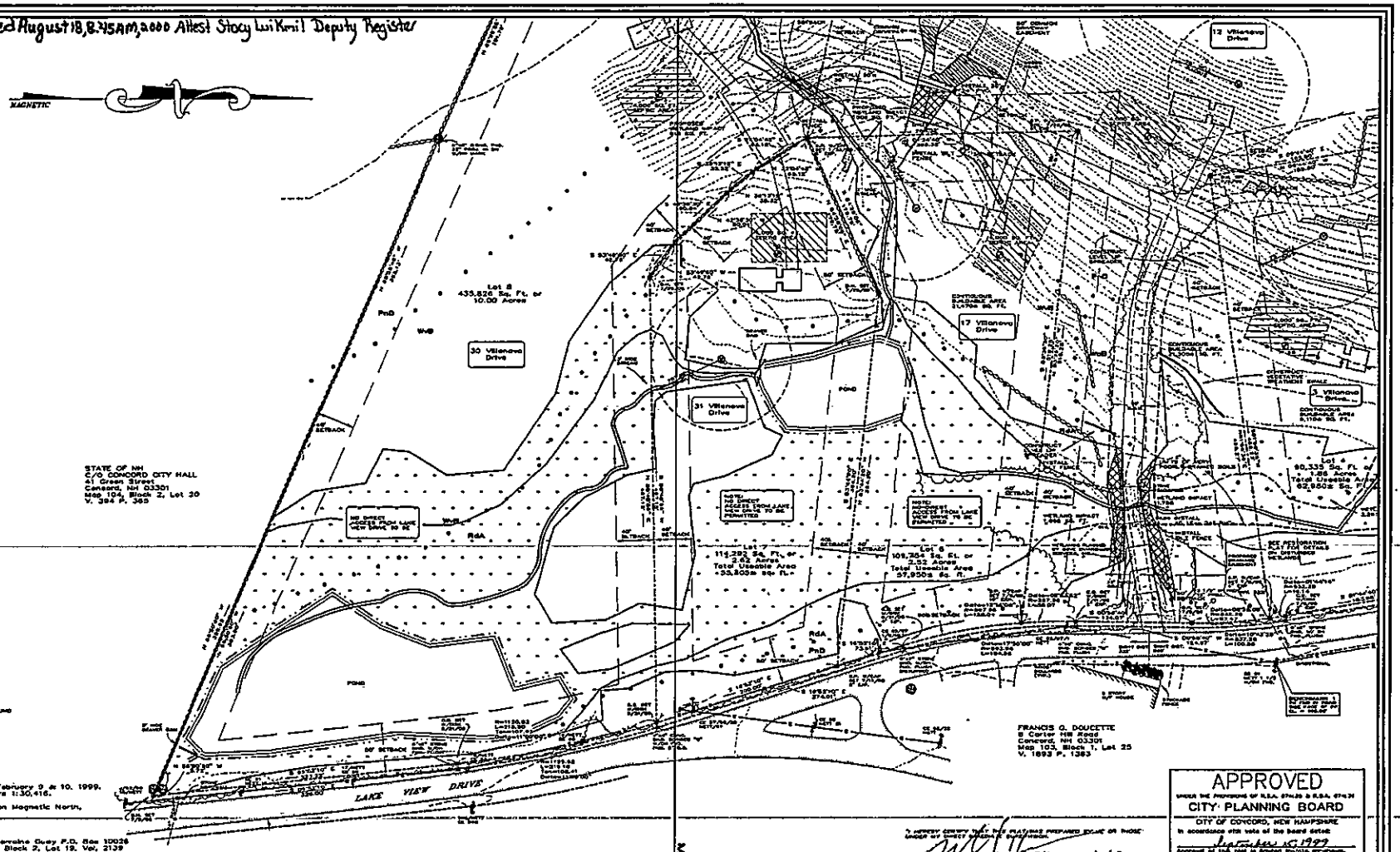
GRAPHIC SCALE: 0 50 100 — SCALE: 1" = 50'
DATE: FEB. 22, 1999
JOB NO.: 269.110
SHEET 1 OF 4

Book 3194 Page 0141 Recorded August 28, 2000 11:48AM Attest: Stacy Wilkinson Deputy Register

MATCH TO SHEET 2

MATCH TO SHEET 3

2 of 4 #15144 Recorded August 18, 8:45AM, 2000 Attest Stacy Lui Kmil Deputy Register



LEGEND

- EDGE OF PAVEMENT
- TRAVELED WAY
- EDGE OF WOODS
- DRAINAGE LINE
- STONE WALL
- IRON PIPE OR REBAR
- GRANITE or CONCRETE BOUND
- UTILITY POLE
- MARSH AREA
- SOIL BOUNDARY
- BUILDING SETBACK

NOTES

1. Survey by total station on February 9 & 10, 1999. Control traverse error of closure 1:30,416.
2. Horizontal datum is based on Magnetic North, observed February, 1999.
3. Vertical datum is assumed.
4. Owner of Record: Kevin & Lorraine Guay P.O. Box 10026 Concord, N.H. 03301, Map 104, Block 2, Lot 19, Vol. 2139 Page 382 Total Area: 53.38 Acres.
5. Reference plat entitled "Resubdivision for Charles P. & Dorothy King", by Richard D. Bartlett, R.L.S., dated 7/28/80 and recorded at the Merrimack County Registry of Deeds as plan no. 6417.
6. The subject premises are within the WB-Watershed District. Building setbacks: front = 50'; rear = 20'; side = 40'. Minimum lot area = 80,000 sq. ft. and Minimum frontage = 200'.
7. The intent of this subdivision plat is to divide the existing parcel into 7 residential lots.
8. All utilities from road to houses shall be underground.
9. Wetland delineation by Cove Environmental Services, Inc.
10. All work performed in the City of Concord, N.H. shall conform to the requirements of the latest edition of th City of Concord Construction Standards.

I HEREBY CERTIFY THAT THIS PLAN WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION.

741 — LICENSE NO.

8/10/00 — DATE

APPROVED
UNDER THE PROVISIONS OF R.S.A. 674:35 & R.S.A. 674:36
CITY PLANNING BOARD
CITY OF CONCORD, NEW HAMPSHIRE
In accordance with vote of the board dated:
September 16 1999
Approval of this plat is effective for a period of two years from date of approval.
Chairman

NO.	DATE	REVISION
1	8/8/00	CHANGE SET BACK STATEMENT

Prepared by R.D. Bartlett & Assoc., Inc.

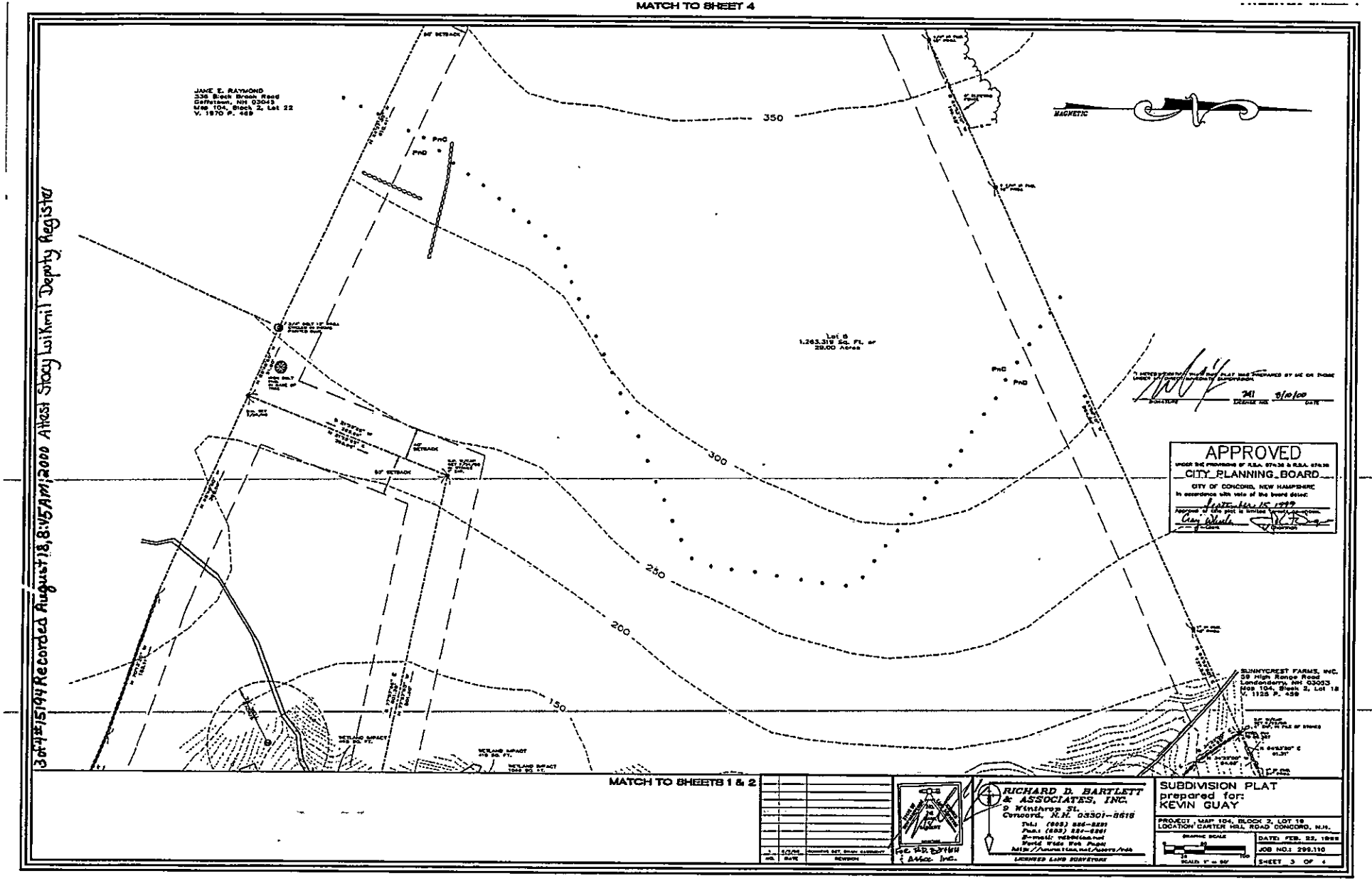
RICHARD D. BARTLETT & ASSOCIATES, INC.
9 Winthrop St.
Concord, N.H. 03301-8816
Tel.: (603) 225-2201
Fax: (603) 224-6281
E-mail: rdbassoc@aol.com
World Wide Web Page:
http://www.starnet.com/users/rdb
LICENSED LAND SURVEYORS

SUBDIVISION PLAT
prepared for:
KEVIN GUAY

PROJECT MAP 104, BLOCK 2, LOT 19
LOCATION CARTER HILL ROAD CONCORD, N.H.

DRAWING SCALE: 1" = 50'
DATE: FEB. 22, 1999
JOB NO.: 298.110
SHEET 2 OF 4

MATCH TO SHEET 4



3 of 4 Recorded August 18, 8:45 AM, 2000 Attest Stacy Laikmil Deputy Register

MATCH TO SHEETS 1 & 2

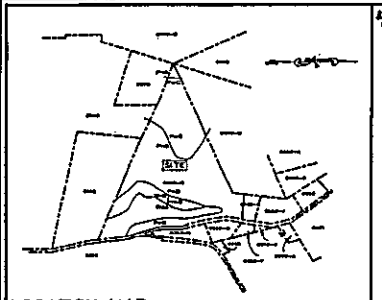
RICHARD D. BARTLETT & ASSOCIATES, INC.
9 Hinthrop St.
Concord, N.H. 03301-8618

SUBDIVISION PLAT
prepared for:
KEVIN GUAY

PROJECT: MAP 104, BLOCK 2, LOT 18
LOCATION: CARTER HILL ROAD CONCORD, N.H.

DRAWING SCALE: 1" = 50'
DATE: FEB. 22, 1999
JOB NO.: 299.110
SHEET 3 OF 4

4 of 4 #15194 Recorded August 18, 8:45AM, 2000 Attest: Stacy Lui Kmil Deputy Register

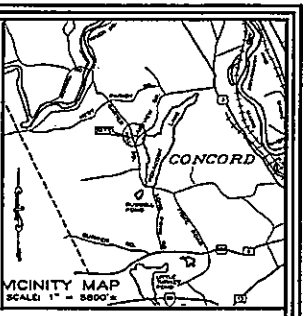


LOCATION MAP
SCALE: 1" = 800'±

SOIL TYPES FROM MERRIMACK COUNTY SOILS SURVEY - USDA

KENNETH & JACQUELINE HEPWORTH
UND 1/2 INT
518 Fairway Drive
Palmdale, CA 93551
BRADFORD & NANCY EK
UND 1/2 INT
2 Mount Pleasant Street
Derry, NH 03038
Map 104, Block 2, Lot 14
V. 1387 P. 885

MAGNETIC



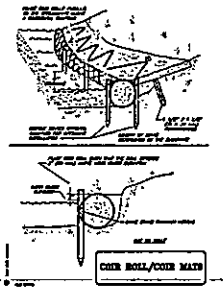
VICINITY MAP
SCALE: 1" = 5600'±

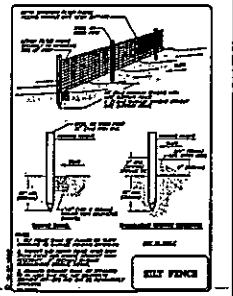
TEST PIT 1 | TEST PIT 2 | TEST PIT 3 | TEST PIT 4

TEST PIT 5 | TEST PIT 6 | TEST PIT 7 | TEST PIT 8

JANE E. RAYMOND
336 Black Brook Road
Candia, NH 03043
Map 104, Block 2, Lot 46
V. 2037 P. 975

SUNNYCREST FARMS, INC.
89 High Range Road
Londonderry, NH 03053
Map 104, Block 2, Lot 18
V. 1125 P. 459





50' SETBACK

APPROVED
UNDER THE PROVISIONS OF R.S.A. 674:36 & R.S.A. 674:39
CITY PLANNING BOARD
CITY OF CONCORD, NEW HAMPSHIRE
In accordance with vote of the board dated
8 September, 15, 1999
Secretary of the Board to whom certification is made
Craig Walsh
Chairman

MATCH TO SHEET 3

NO.	DATE	REVISION
1	8/10/00	APPROVED BY CITY PLANNING BOARD

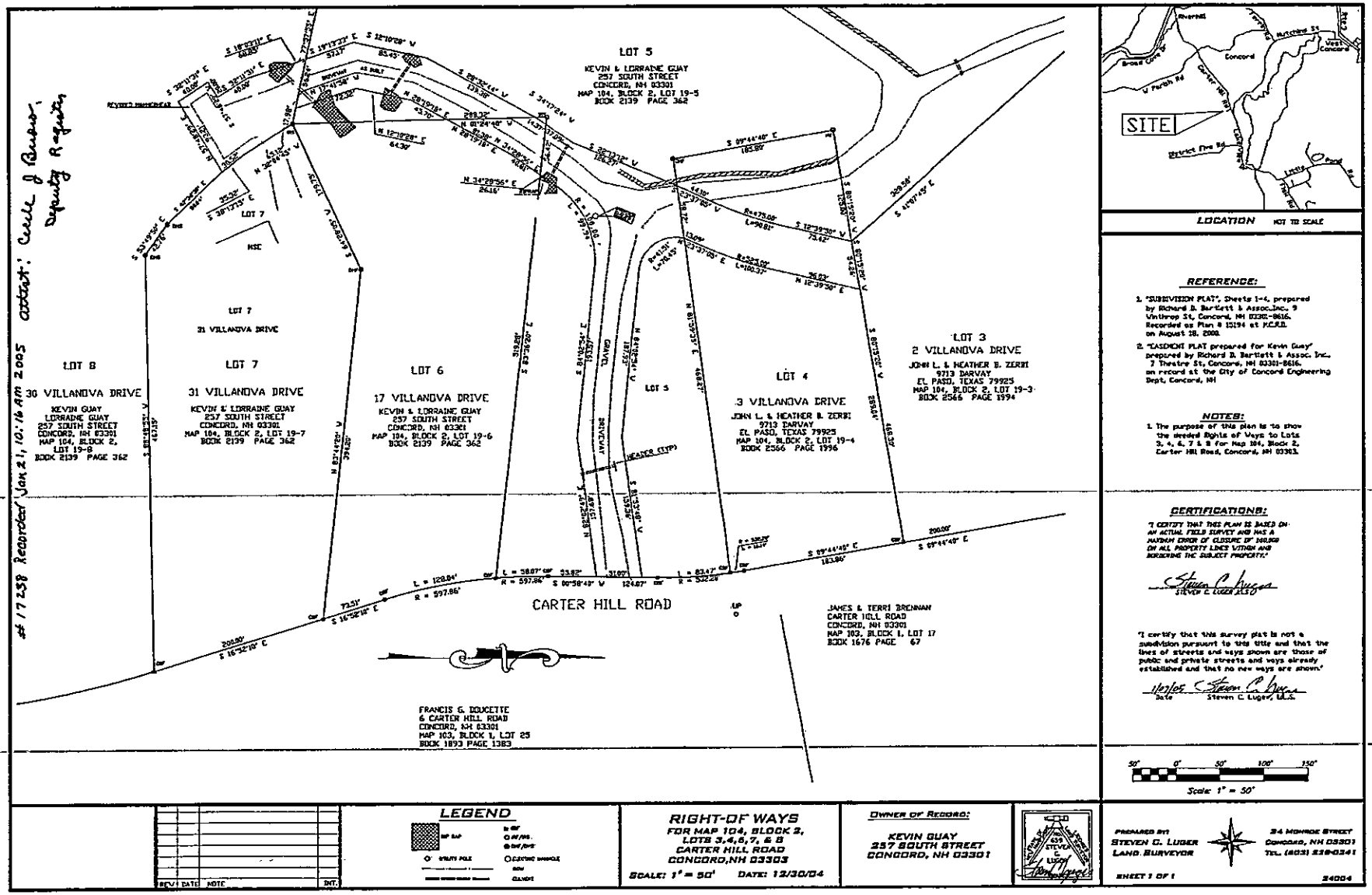
Ref. P.D. Bartlett & Assoc. Inc.

RICHARD D. BARTLETT & ASSOCIATES, INC.
2 Winthrop St.
Concord, N.H. 03301-8818
Tel: (603) 225-2201
Fax: (603) 224-8281
E-mail: rdb@tds.net
David Wide Web Page:
http://homepage.tds.net/~bartlett/rdb
LICENSED LAND SURVEYORS

SUBDIVISION PLAT
prepared for:
KEVIN GUAY

PROJECT: MAP 104, BLOCK 2, LOT 18
LOCATION: CARTER HILL ROAD CONCORD, N.H.
DRAWING SCALE
SCALE: 1" = 50'
DATE: FEB. 22, 1999
JOB NO.: 299.110
SHEET 4 OF 4

15191



#17258 Recorded Jan 21, 10:16 AM 2005 attest: Cecile J Bussey, Deputy Register

LOCATION NOT TO SCALE

REFERENCE:

1. "SUBDIVISION PLAT", Sheets 1-4, prepared by Richard D. Bartlett & Associates, 9 Vintrop St, Concord, NH 03301-8616. Recorded as Plan # 15194 at M.C.R.D. on August 28, 2000.
2. "EASEMENT PLAT prepared for Kevin Guay" prepared by Richard D. Bartlett & Assoc. Inc., 7 Theatre St, Concord, NH 03301-8616. on record at the City of Concord Engineering Dept, Concord, NH

NOTES:

1. The purpose of this plan is to show the revised Rights of Ways to Lots 3, 4, 6, 7 & 8 for Map 104, Block 2, Carter Hill Road, Concord, NH 03303.

CERTIFICATIONS:

"I CERTIFY THAT THIS PLAN IS BASED ON AN ACTUAL FIELD SURVEY AND HAS A MAXIMUM ERROR OF CLOSURE OF 1:10,000 ON ALL PROPERTY LINES WITHIN AND BORDERING THE SUBJECT PROPERTY."

Steven C. Luger
STEVEN C. LUGER (LLS)

"I certify that this survey plat is not a subdivision pursuant to title and that the lines of streets and ways shown are those of public and private streets and ways already established and that no new ways are shown."

11/7/05 Steven C. Luger
Date Steven C. Luger, LLS

50' 0' 50' 100' 150'
Scale: 1" = 50'

LEGEND

RIGHT-OF WAYS
FOR MAP 104, BLOCK 2,
LOTS 3,4,6,7, & 8
CARTER HILL ROAD
CONCORD,NH 03303
SCALE: 1" = 50' DATE: 12/30/04

OWNER OF RECORD:
KEVIN GUAY
257 SOUTH STREET
CONCORD, NH 03301

PREPARED BY
STEVEN C. LUGER
LAND SURVEYOR
34 MONROE STREET
CONCORD, NH 03301
TEL. (603) 224-0241

SHEET 1 OF 1 24004

172-38

17 VILLANOVA DR

Location	17 VILLANOVA DR	**Mblu**	51/Z 18/ / /
Owner	ROY CHRISTOPHER & ALICIA	**Total Market Value**	$343,500
Appraisal	$343,500	**PID**	100617
Building Count	1	**Tract #**	6083-K-5
Tract #		**Tract #**	
Tract #		**Tract #**	
Tract #			

Current Value

Appraisal					
Valuation Year	**Building**	**Extra Features**	**Outbuildings**	**Land**	**Total**
2025	$216,000	$3,900	$0	$123,600	$343,500

Assessment					
Valuation Year	**Building**	**Extra Features**	**Outbuildings**	**Land**	**Total**
2025	$216,000	$3,900	$0	$123,600	$343,500

Owner of Record

Owner	ROY CHRISTOPHER & ALICIA	**Sale Price**	$220,000
Co-Owner		**Certificate**	
Address	17 VILLANOVA DR CONCORD, NH 03303-4007	**Book & Page**	3542/2066
		Sale Date	12/29/2016
		Instrument	33

Ownership History

Ownership History					
Owner	**Sale Price**	**Certificate**	**Book & Page**	**Instrument**	**Sale Date**
ROY CHRISTOPHER & ALICIA	$220,000		3542/2066	33	12/29/2016
GATO PROPERTIES LLC	$0		3542/0561	31	12/23/2016
GATO PROPERTIES LLC	$100,100		3435/2374	51	04/09/2014
WELLS FARGO BANK NA	$0		3420/0517	51	11/15/2013
WELLS FARGO BANK NA	$153,000		3310/1937	51	04/25/2012

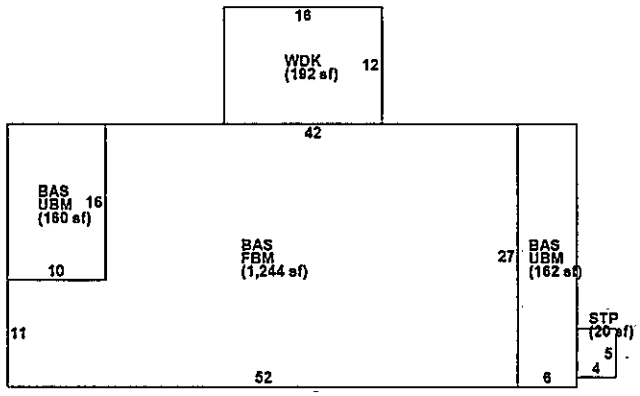
Building Information

Building 1 : Section 1

Year Built: 2004
Living Area: 1,566
Replacement Cost: $239,459
Replacement Cost Less Depreciation: $216,000

Building Attributes	
Field	**Description**
Style:	Ranch
Model	Residential
Grade:	Average +10
Stories:	1
Occupancy	1
Exterior Wall 1	Vinyl Siding
Exterior Wall 2	
Roof Structure:	Gable/Hip
Roof Cover	Asph/F Gls/Cmp
Interior Wall 1	Drywall/Sheet
Interior Wall 2	
Interior Flr 1	Carpet
Interior Flr 2	
Heat Fuel	Oil
Heat Type:	Hot Water
AC Type:	None
Total Bedrooms:	3 Bedrooms
Total Bthrms:	3
Total Half Baths:	0
Total Xtra Fixtrs:	1
Total Rooms:	6
Trend	

Building Layout



(ParcelSketch.ashx?pid=100617&bid=100334)

Building Sub-Areas (sq ft)			Legend
Code	**Description**	**Gross Area**	**Living Area**
BAS	First Floor	1,566	1,566
FBM	Basement, Finished	1,244	0
STP	Stoop	20	0
UBM	Basement, Unfinished	322	0
WDK	Deck, Wood	192	0
		3,344	1,566

Extra Features

Extra Features							Legend
Code	**Description**	**Size**	**Value**	**Assessed Value**	**Bldg #**	**Comment**
FPL1	FIREPL 1 STORY	1.00 UNITS	$2,900	$2,900	1	
W-PB	W-BATH	1.00 UNITS	$1,000	$1,000	1	

Land

Land Use

Use Code	1010
Description	SINGLE FAM MDL-01
Zone	RO
Neighborhood	0108
Category	

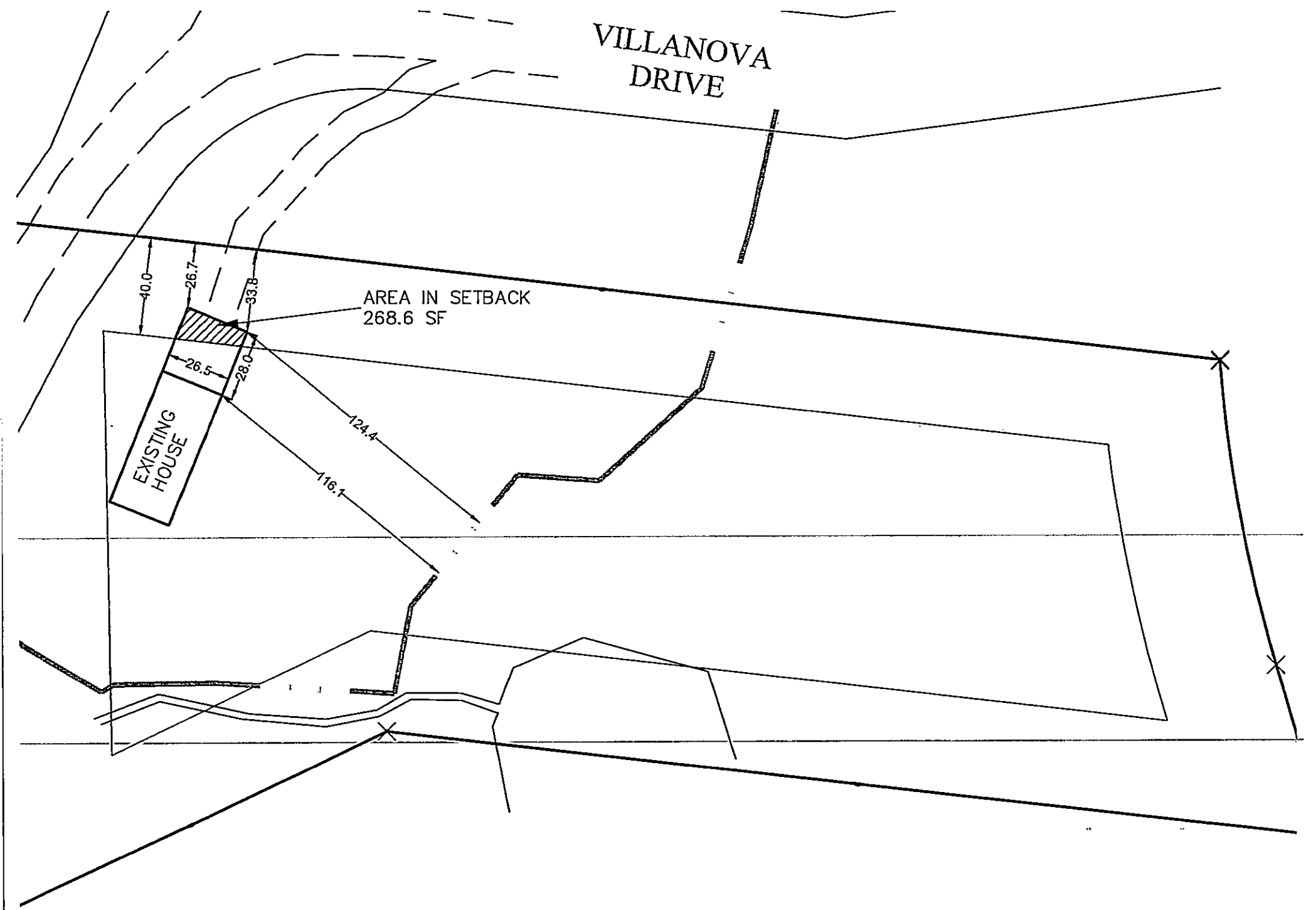
Land Line Valuation

Size (Acres)	2.52
Total Market Land	$123,600
Appraised Value	$123,600

Outbuildings

Outbuildings	Legend
No Data for Outbuildings	

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ZBA S
17 VILLA
CONC

Plan # 201600023998 Recorded in Merrimack County, NH In the Records of Kathi L. Guay,CPO, Register
1 OF 1 Date: 12/23/2016 1:11 PM L.CHIP $25.00

MERRIMACK COUNTY RECORDS Kathi L. Guay CPO, Register

PURSUANT TO RSA 676:18,III AND RSA 672:14

"I CERTIFY THAT THIS SURVEY PLAT IS NOT A SUBDIVISION PURSUANT TO THIS TITLE AND THAT THE LINES OF STREETS AND WAYS SHOWN ARE THOSE OF PUBLIC OR PRIVATE STREETS OR WAYS ALREADY ESTABLISHED AND THAT NO NEW WAYS ARE SHOWN."

DATE: 8/4/15

Donald E Duval

LICENSED LAND SURVEYOR

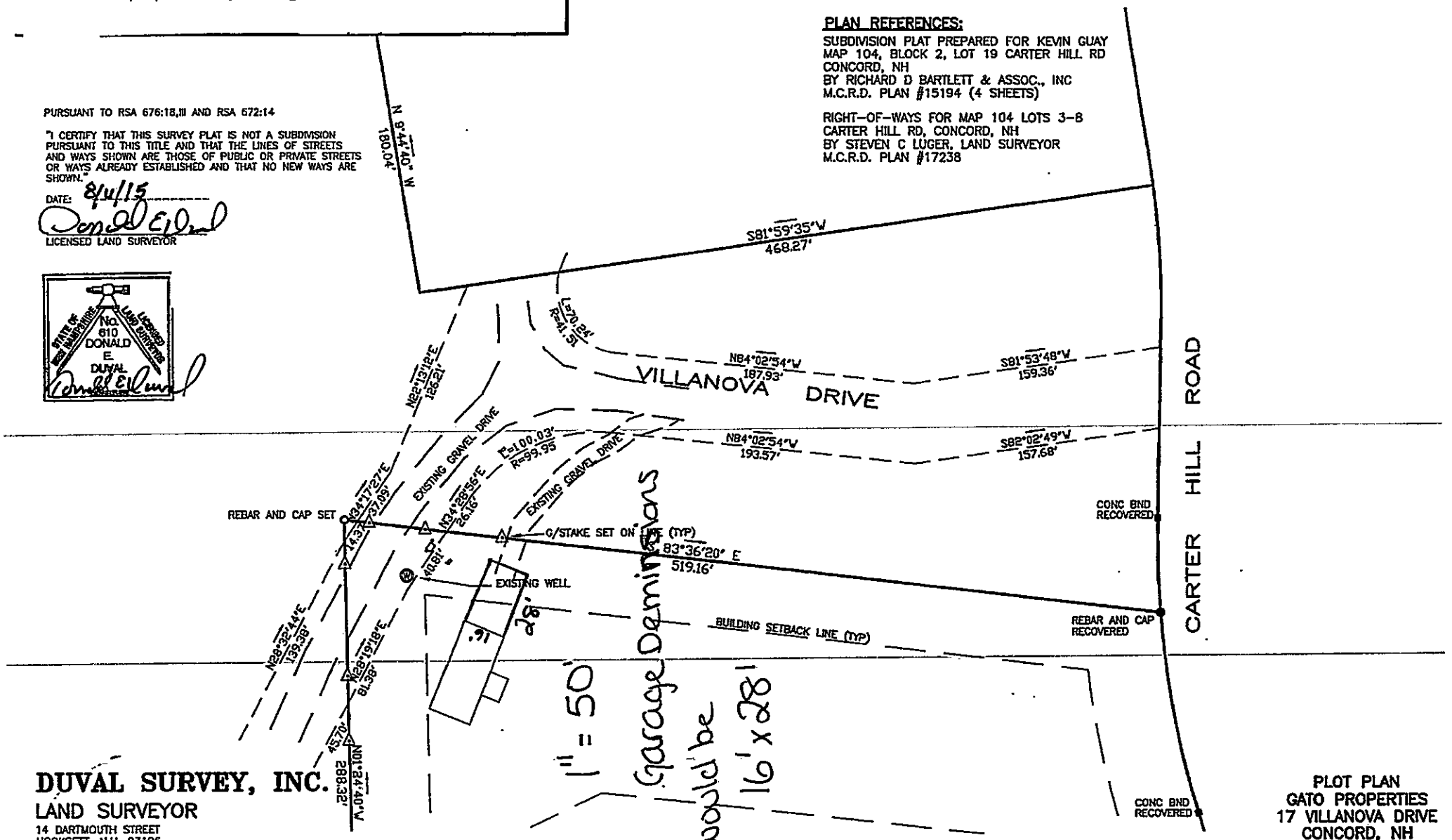
STATE OF NEW HAMPSHIRE LICENSED LAND SURVEYOR No. 610 DONALD E. DUVAL

Donald E Duval

PLAN REFERENCES:

SUBDIVISION PLAT PREPARED FOR KEVIN GUAY
MAP 104, BLOCK 2, LOT 19 CARTER HILL RD
CONCORD, NH
BY RICHARD D BARTLETT & ASSOC., INC
M.C.R.D. PLAN #15194 (4 SHEETS)

RIGHT-OF-WAYS FOR MAP 104 LOTS 3-8
CARTER HILL RD, CONCORD, NH
BY STEVEN C LUGER, LAND SURVEYOR
M.C.R.D. PLAN #17238



DUVAL SURVEY, INC.
LAND SURVEYOR
14 DARTMOUTH STREET
HOOKSETT, N.H. 03106
(603) 668-2125

PLOT PLAN
GATO PROPERTIES
17 VILLANOVA DRIVE
CONCORD, NH
1"=50' 08/04/2015
JN 5279

CITY OF CONCORD

New Hampshire's Main Street™

Zoning Board of Adjustment

Proposed Findings of Fact – Variance

For all variance applications to the Zoning Board, provide all proposed findings of fact upon which you would like the Board to base the decision. Findings of fact can be brief points, but proposed findings must be submitted for each of the 5 items below.

Variance Requested: Construction of Garage

Property Address: 17 Villanova Drive, Concord, NH

1. Granting the variance would not be contrary to the public interest because:

The requested relief does not harm public interests protected by the ordinance and does not injure public or private rights; addinga garage is consistenet with the characteristics of the neighborhood. The main concern would be the wetlands and by allowing the garage in the now designated place for cars would limit any undo or unforeseen repercussions to the wetlands or surrounding environment

Note – Condition Explained: This condition requires the Board to find that the granting of the variance will cause no harm (such as altering the essential character of the locality and/or threatening the health, safety, or general welfare of the public). To be contrary to the public interest, the variance "must unduly and to a marked degree" violate the basic zoning objective of the zoning ordinance.

By way of example, the proposed factual findings could include statements to show that the variance will cause no harm, and to the extent applicable, the applicant may provide facts to explain why the requested variance: (1) is consistent with the character of the existing neighborhood; (2) will not create traffic congestion or interfere with traffic safety; (3) will not create public safety concerns; and/or (4) provides a type of development that is needed or desired by the community, such as housing or redevelopment of an underperforming site.

2. If the variance were granted, the spirit of the ordinance would be observed because:

the neighborhood property values will not diminish with the construction of a garage in the required setback. Not only will the proposal be an improvement to the current condition, it not impede or cause concern for any abbutters.

It can not be seen from the main road, Carter Hill Road, that which the private road,Villanova Drive, turns off from.

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.

3. Granting the variance would do substantial justice because:

By granting relief and allowing us to construct a garage, will grant substantial justice because it is our right to request this variance. allowed to us and further explained in NH RSA 674:33. By granting relief, no undo harm or impediment to the abutters.

Note – Condition Explained: This condition is to balance the rights of the lot owner with the rights of the public. The granting of a variance is justified when it provides relief to a reasonable request by an applicant that outweighs the impact to the general public.

There are no rules that specifically measure justice, and the Board must determine each case individually. However, by way of example, the proposed facinal findings could include statements to show that the variance would do substantial justice, and to the extent applicable, the applicant may provide facts to explain why the requested variance: (1) is consistent with the area's present use; and (2) would be beneficial for the applicant, and how that benefit will outweigh the impact to the general public.

4. If the variance were granted, the values of the surrounding properties would not be diminished because:

There are adequate buffers between our house and my neighbors (abutters). On the private road: Villanova Drive, the houses are more than an estimated 400+ feet apart from eachother.

As mentioned, my house, nor the proposed Garage would be seen by the nearest public way Carter Hill Road.

Note – Condition Explained: This condition is to ensure that the project does not decrease values to surrounding properties. In considering whether an application will diminish surrounding property values, it is appropriate for the Board to consider not only expert testimony from realtors and/or appraisers, but also from residents of the affected neighborhood and/or their own experience and knowledge of the area. It will be the Board's role to weigh competing evidence.

By way of example, the proposed factual findings could include statements to show that the variance would not decrease the value and/or have an impact on surrounding properties, and to the extent applicable, the applicant may provide facts to explain that: (1) there are adequate buffers between the applicant's lot and abutters; (2) the use will be consistent with abutting uses; (3) the proposal will be an improvement to site; and/or (4) the proposal will not interfere with the use of surrounding properties.

5. Unnecessary Hardship

A. Owing to special conditions of the property that distinguish it from other properties in the area, denial of the variance would result in unnecessary hardship because:

i. No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property; and

ii. The proposed use is reasonable.

What it comes down to is that we will not construct a garage if this variance does not succeed due to the special conditions of the property that make strict compliance impracticable and no reasonably feasible alternative exists to achieve the benefit without the variance.

The wetlands are further down from my house and the area around my house is relatively flat. However, 40 feet in all but in the westerly direction the landscape drops off and descends into a forested area that leads into the wetland areas.

OR ALTERNATIVELY

B. Explain how, if the criteria in subparagraph (A) above are not established, an unnecessary hardship will be deemed to exist, if and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it.

Note – Conditions Explained:

A. In the first instance, the proposed factual findings need to show that there are special conditions of the property that make it distinguishable from other properties in the area, and to the extent applicable, the applicant may provide facts to explain why the property is special such as its unique lot size, shape, topography, location/layout of existing buildings, or previous uses.

The proposed factual findings also need to show that the proposed variance will not impact the general purposes of the ordinance and it is also reasonable, and, to the extent applicable the applicant may provide facts to explain why the proposal would not affect the neighboring properties and municipality's zoning goals, would be beneficial over the current conditions on the site, will provide needed housing, and/or will not overburden the property and/or cause other negative impacts that are sought to be prevented by the ordinance.

*B. In the alternative, if the criteria in paragraph A cannot be established, an unnecessary hardship will be deemed to exist if and only if, owing to special conditions that distinguish it from other properties in the area, the property cannot be used in strict conformance of the ordinance, and a variance is therefore necessary to enable a reasonable use of it. **If there is any reasonable use (including an existing use) of the property that is permitted under the ordinance, this alternative is not available.***

Last case
on agenda