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

October 7, 2026
MEETING MINUTES - DRAFT

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

Absent: Member James Monahan and Member Laura Spector-Morgan

Staff: Kearsten O'Brien, Senior Planner and Krista Tremblay, Administrative Technician III

1. **Call to order**
   Chair Carley called the meeting to order at 6:03 p.m.
2. **Chairperson's comments**
   Chair Carley stated the request for a rehearing is treated a little differently because the Board does not take testimony. The Board will consider the written submission of the appellant and act accordingly. The criteria that the Board needs to find they have committed an error in procedure or in law or there are new facts that were not previously available in our germane have come to light since the hearing.

   Chair Carley asked for the rehearing to have Alternate Member Walker and Alternate Perkins weigh in on the request for the rehearing.

3. **Request for Rehearing**
   - Request by Michael Judd for a rehearing regarding cases ZBA-0459-2026 & ZBA-0460-2026 where the Board denied both a Variance from *Section 28-7-15* and a Special Exception under *Section 28-2-4-(a)(9)* to allow temporary storage of an RV to be parked in the driveway of the property located at Tax Map 6523/Z Lot 27, 23 Lyndon St in the Neighborhood Residential (RN) District.

     Chair Carley noted the request for the variance was not denied in this case the application fee had not been paid and the Board denied the variance without prejudice as opposed to a regular denial. Chair Carley asked the Board if there is any reason to believe that the Board committed an error in procedure, law or new evidence is available that the Board should consider.

     The consensus of the Board was this case was denied due to the fee not being paid and the Board proceeded appropriate as the applicant can apply again for a variance.

     On a motion made by Member Winters seconded by Member Wallner, with a vote of 5 (Walker, Perkins, Winters, Carley and Wallner) in favor to 0 opposed, the Board voted to **deny**

the Request for Rehearing regarding the denial of ZBA 0459 & 0460-2026 (on September 2, 2026), the both the rehearing requests for a Variance from Section 28-7-15 and a Special Exception under Section 28-2-4-(a)(9) to allow temporary storage of an RV to be parked in the driveway of the property located at Tax Map 6523/Z Lot 27, 23 Lyndon St in the Neighborhood Residential (RN) District. The Board found their decision was neither unreasonable or unlawful under RSA 677:3, and that the applicant had not presented any new information that was not available at the time the variance or special exception were denied on September 2, 2026.

4. Administrative Appeals

- Mohamed Reda Daouiri, tenant of 71 S. Spring St (located in the RD District), and the property owner David Trovato hereby request an appeal of administrative decision, specifically the Planning and Zoning Inspector's interpretation that the operation of a rental car business is occurring on the premises in violation of *Section 28-2-4(J)*, Sale and rental of motor vehicles.

  The applicant has written in a request to withdraw the administrative appeal.

5. Public meetings

- **Determinations of Regional Impact**
  On a motion made by Alternate Member Perkins, seconded by Alternate Member Walker, the Board voted 5-0-0 to determine all of the applications on the agenda are not a development of regional impact, per RSA 36:55.

6. Public hearings

6.1 Sarah Guinther on behalf of Harold Ekstrom requests a variance from Section 28-2-4(I)(1) *Allowable Principal and Accessory Uses in Zoning Districts* to allow a restaurant occupying up to 5,000 square feet of gross floor area with no drive through entertainment where is otherwise prohibited in the Civic Performance (CVP) District at. 15 Green Street, Tax Map and Lot 7411/z 79. (ZBA-0463-2026)
(Continued from 09/02/2026)

Chair Carley asked for Alternate Member Walker and Alternate Member Perkins weigh in on this application. Chair Carley stated the fee on this application has not been paid ZBA case 0463-2026. Chair Carley noted the Board does not have the authority to hear the case given the applicant has not paid the fee for the variance application.

On a motion made by Member Wallner seconded by Alternate Member Perkins, with a vote of 5 (Walker, Perkins, Winters, Carley and Wallner) in favor to 0 opposed, the Board voted to **deny the Variance request from Section 28-2-4(I)(1) *Allowable Principal and Accessory Uses in Zoning Districts* to allow a restaurant occupying up to 5,000 square feet of gross floor area with no drive through entertainment where is otherwise prohibited in the Civic Performance (CVP) District at. 15 Green Street, Tax Map and Lot 7411/z 79.**

The Board denied the requests, without prejudice (which would allow the same applications to be submitted for consideration in the future where otherwise such repeat requests would be prohibited under NH case law), because the applications were determine to be incomplete due to the application fees not being paid as required by the Zoning Ordinance, and after allowing an additional month for completion of the applications. The applicant was notified about following the October 7, 2026 meeting of the Zoning Board.

6.2 Ari Pollack with Gallagher Callahan & Gartrell PC requests a variance on behalf of Steven McAuliffe Trustee of the Caroline C McAuliffe Trust from *Section 28-4-1(h)(d)(3) Dimensional Standards* to

allow a 3-foot side yard setback where 15 feet is required in the Single-Family Residential (RS) District, at 21 Valley St., Tax Map and Lot 6531/Z 14. (ZBA-0468-2026) **(Continued from 09/02/2026)**

Chair Carley noted Board recessed this case in September and asked for a vote to open the public hearing.

On a motion made by Member Wallner, seconded by Alternate Member Rice, the Board voted to open the public hearing.

Emily Goering (214 N Main St, Concord) and Paul Gibbons (452 N Shore Rd, Hebron) are present to represent this application. Ms. Goering noted this was application that was continued from the September hearing as the Board asked for a plan for the retaining wall. One member asked for renderings of the retaining wall. Those materials have been submitted. The abutter settled with the applicant and withdrew their concerns submitted with the application materials. Ms. Goering noted at the September meeting Mr. Pollack stated the criteria submitted with the application materials.

Alternate Member Perkins stated she was not present at the September meeting.

Ms. Goering stated they are seeking a variance as there is a 15-foot required setback. The addition will be a garage and breezeway. It will need a retaining wall that is approximately four feet. Ms. Goering read variance 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 for comment from Planning and with none closed the public hearing.

The consensus of the Board was that granting the variance for side yard setback is reasonable given the topography of the land.

On a motion made by Member Wallner, seconded by Alternate Member Rice, with a vote of 5 (Rice, Perkins, Winters, Carley and Wallner) in favor to 0 opposed, the Board voted to ***grant the variance from*** *Section 28-4-1(h)(d)(3) to allow a 3-foot side yard setback whereas 15 feet is required in the Single-Family Residential (RS) District,* at Tax Map and Lot 6531/Z 14, 21 Valley St 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.

6.3 Laura Spector-Morgan and Julia Morgan request a variance from *Section 28-4-1(d)(3) Side Yard setbacks* and *Section 28-4-1(h) Table of Dimensional Requirements* to allow for a 1-foot side setback and 8-foot side setback for the construction of a garage at 175 Hoit Road, Tax Map and Lot 02/z 2, located in the Open Space Residential (RO) District. (ZBA 0477-2026)

Julia Morgan (175 Hoit Rd, Concord) is present to represent this application. Ms. Morgan is requesting a variance on the required 40-foot setback. Ms. Morgan read criteria submitted with the application materials.

Member Wallner asked if they do not have a garage.

DRAFT

Ms. Morgan replied they have a two-car attached garage.

Chair Carley asked if that will be removed.

Ms. Morgan noted there is a garage that goes into the side of the driveway.

Alternate Member Rice asked about the new garage location and if will be where there is an existing structure.

Ms. Morgan will tear down shed and install garage.

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 granting the variances for setbacks is a reasonable use based on the angle of the house and lot.

On a motion made by Alternate Member Rice, seconded by Alternate Member Perkins, with a vote of 5 (Rice, Perkins, Winters, Carley and Wallner) in favor to 0 opposed, the Board voted to ***grant the variance from*** *Sections 28-4-1(d)(3) and 28-4-1(h) to allow for a 1-foot side setback and 8-foot side setback for the construction of a garage at 175 Hoit Road, Tax Map and Lot 02/Z 2, located in the Open Space Residential (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.

6.4 Tyler Sullivan with Good News Garage on behalf of Hodges Development Corporation requests a variance from *Section 28-2-4(j) Table of Permitted Uses* to allow for the Sale or rental of motor vehicles, other than construction vehicles in the Gateway Performance (GWP) District where the use is prohibited, at 261 Sheep Davis Road, Tax Map and Lot 61/z 2/U-A. (ZBA 0478-2026)

Tyler Sullivan (261 Sheep Davis Rd, Concord) and Brenna Snyder are present to represent this application. Mr. Sullivan is requesting a variance to allow for the sale or rental of motor vehicles other than construction vehicles in the Gateway Performance District where the use is prohibited. They are a social service organization that takes in donated cars from across New England and work with state agencies and non-profits to award those vehicles to those in need. They need permission for the variance to relocate their dealers license.

Member Winters asked the vehicles are donated and asked how they convert into cash.

Mr. Sullivan stated they send the cars to an auction. Mr. Sullivan noted they received a hundred donations a month and they might not be inspectable or safe so they go through a wholesale auction. The other vehicles are sent directly to a body shop or auto shop. At most they would have maybe three to four cars parked in the parking lot at 261 Sheep Davis Rd.

Alternate Member Rice asked how long will the cars be parked.

DRAFT

Mr. Sullivan stated two weeks is a long period of time for them to be sitting there. They get them assigned to families pretty quick. The variance is so they can relocate their dealer license as require by the state. They deal with automobile titles and in order to transfer the titles they are a licensed used car dealership. There will be no repairs on site.

Chair Carley asked if they are willing to accept conditions on an approval that the organization that the use of the place be what they have described as opposed to a more conventional auto dealership.

Mr. Sullivan replied 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.

Ms. O'Brien stated there is a State document that needs to be signed off by the Zoning Office that verifies it is a permitted use. Ms. O'Brien stated she was unable to sign off on the paper because the variance is required.

Chair Carley closed hearing.

The consensus of the Board was that granting the variance was reasonable.

On a motion made by Alternate Member Perkins, seconded by Member Wallner, with a vote of 5 (Rice, Perkins, Winters, Carley and Wallner) in favor to 0 opposed, the Board voted to ***grant variance from Section 28-2-4(j) Table of Permitted Uses to allow for the Sale or rental of motor vehicles, other than construction vehicles in the Gateway Performance (GWP) District where the use is prohibited, at 261 Sheep Davis Road, Tax Map and Lot 61/z 2/U-A-1,*** because all of the criteria under RSA 674:33 were met based on the record before the Board with the following conditions;

1. No more than six(6) vehicles be stored at the site at a time and;
2. No public sales of vehicles.

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.

6.5 Brian Beach, on behalf of Gary Sobelson requests the following variances to build a garage at 113 Centre St, Tax Map and Lot 7321/z 30, located in the Single-Family Residential (RS) District. (ZBA 0481-2026):

a. *Section 28-4-1(h)Table of Dimensional Requirements and 28-4-1(d)(2)* to allow for a rear setback of 2.7 feet where 25 is required;
b. *Section 28-4-1(h) Table of Dimensional Requirements and 28-4-1(d)(3)* to allow for a side setback of 3.1 feet where 15 feet is required.

Brian Beach (630 River Rd, Bow) is present to represent this application. Mr. Beach stated the property owners have lived in residence for over 41 years. This property dates back to 1902. They are requesting the variance because there is an existing structure, carriage house, that needs to be replaced due to deterioration. They are looking to remove and rebuild. The new structure will be a little bigger. Mr. Beach read criteria submitted with the application materials.

Chair Carley asked if there is any one that wishes to speak in favor or opposition to this application,

DRAFT

with none, Chair Carley noted a letter was submitted from Paul Makris at 106 and 110 School St with concerns about the maintenance.

Mr. Beach has not read the letter and Chair Carley handed letter for Mr. Beach to read.

Chair Carley noted Mr. Makris stated in his letter concerns for maintenance of the new building because of how close it is to the property line. Chair Carley will ask the applicant for clarification.

Gary Vobelson (113 Center St, Concord) is the home owner. Mr. Vobelson noted the fence in the letter is not the line Mr. Makris is talking about. Mr. Makris is separated by shrubs. It is the same line the garage is on now. Mr. Vobelson stated the structure is 2.7 feet from Mr. Makris's property line and they are building in the same spot. They are asking to extend the garage a little further out.

Chair Carley noted in the letter it was suggested to relocate the garage and asked why that is not desirable.

Mr. Vobelson noted the garage is a tight fit from Center Street into the driveway. They currently get two cars into the garage now.

Chair Carley asked Mr. Beach for his comments on the letter.

Mr. Beach read the letter and understands the concerns about the garage being so close to the boundary. The existing garage is in the same location. There were concerns over a root system and Mr. Beach said that could be possible but would be on Mr. Vobelson's property.

Mr. Makris stated he went through the same process Mr. and Mrs. Vobelson are going through. Mr. Makris is not opposed to the garage. The issue is that with the 2.7-foot setback as well as a larger garage that will push the peak taller. Mr. Makris stated the OSHA recommended safety standard for a ladder is a foot horizontal pitch for every four feet in vertical height. The wider it is with the same roof pitch the higher the building will be would require greater access than it has in the past. Mr. Makris noted when he went through this process he had to make concessions. They had to move away from the rear common boundary. Mr. Makris asked if the applicant would consider a 22-foot-wide garage.

Mr. Beach stated from a build stand point the pitch issues Mr. Makris is not wrong depending on the width of the structure. The pitch can increase or decrease. They can alter the pitch. For the ladder painters use ladders and pump jacks to alleviate the concern for safety.

Chair Carley closed the public hearing.

The consensus of the Board was that granting the variance was reasonable.

On a motion made by Alternate Member Rice, seconded by Member Winters, with a vote of 5 (Rice, Perkins, Winters, Carley and Wallner) in favor to 0 opposed, the Board voted to grant the **variances to build a garage at 113 Centre St Tax Map and Lot 7321/z 30, located in the Single-Family Residential (RS) District:**

- ***Section 28-4-1(h)Table of Dimensional Requirements and 28-4-1(d)(2) to allow for a rear setback of 2.7 feet where 25 is required;***
- ***Section 28-4-1(h) Table of Dimensional Requirements and 28-4-1(d)(3) to allow for a side setback of 3.1 feet where 15 feet is required.***

because all of the criteria under RSA 674:33 were met based on the record before the Board.

DRAFT

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

6.6 Rachel Teague on behalf of Care Women's Center FKA Care Net Pregnancy Center of Greater Concord requests a variance from *Sections 28-4-1(h) Table of Dimensional Requirements* and *28-4-1(d)(1) Front yard setback* to allow a setback of 11 feet where 15 feet is required within the Urban Transitional (UT) District for the construction of an ADA accessible Ramp at 13 West St., Tax Map and Lot 7442/z 43. (ZBA 0482-2023)

Rachel Teague (46 Hilliard Rd, Chichester) is present to represent this application. Ms. Teague is trying to make a handicap accessible ramp to the building. It would change the setback to nine feet instead of fifteen. With the grade of the ramp it has to go around the front of the building. Ms. Teague 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 for comment from Planning.

Ms. O'Brien noted in the staff report states "because the requested variance is for "reasonable accommodations … necessary to allow a person or persons with a recognized physical disability to reside in or ***regularly use*** the premises," the Board **may** grant the variance without finding a hardship, in accordance with RSA 674:33(V), which reads:

V. Notwithstanding subparagraph I(a)(2), any zoning board of adjustment may grant a variance from the terms of a zoning ordinance without finding a hardship arising from the condition of a premises subject to the ordinance, when reasonable accommodations are necessary to allow a person or persons with a recognized physical disability to reside in or regularly use the premises, provided that:

(a) Any variance granted under this paragraph shall be in harmony with the general purpose and intent of the zoning ordinance.

(b) In granting any variance pursuant to this paragraph, the zoning board of adjustment may provide, in a finding included in the variance, that the variance shall survive only so long as the particular person has a continuing need to use the premises."

Chair Carley closed the public hearing.

The consensus of the Board was that granting the variance was reasonable.

On a motion made by Member Wallner, seconded by Alternate Member Rice, with a vote of 5 (Rice, Perkins, Winters, Carley and Wallner) in favor to 0 opposed, the Board voted to ***grant the variance from*** *Sections 28-4-1(h) and 28-4-1(d)(1) to allow a setback of 11 feet where 15 feet is required within the Urban Transitional (UT) District for the construction of an ADA accessible ramp at 13 West St., Tax Map and Lot 7442/Z 43 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.

DRAFT

6.7 Nick DiBartholomeo on behalf of 32 Federal Street Concord LLC requests the following variances to construct a single-family home at 32 Federal St, Tax Map and Lot 7411/z 112 within the Civic Performance (CVP) District. (ZBA 0483-2026):

a. *Sections 28-4-1(h) Table of Dimensional Requirements* and *28-4-1(d)(1)* to allow for a 5-foot front setback where 15 feet is required;
b. *Sections 28-4-1(h) Table of Dimensional Requirements* and *28-4-1(d)(2)* to allow for a 4-foot rear setback where 15 feet is required;
c. *Sections 28-4-1(h) Table of Dimensional Requirements* and *28-4-1(d)(3*) to allow for a 4-foot side setback where 15 feet is required;
d. *Section 28-8-3(c) (2)(b)* to construct a single-family dwelling on a nonconforming lot that can not meet all yard requirements.

Robert Previn (6028 Riverway Place, Bedford), Ben Stebbins (350 Harvard St, Portsmouth), and Nick DiBartholomeo (100 Griffin Rd Unit C, Portsmouth) are present to represent this application. Mr. Previn stated there are 15-foot setbacks for the front, rear and sides. The lot is approximately 2600 square feet. Mr. Previn stated if they were to follow the setbacks the lot is not buildable. Mr. Previn noted there are other buildings that are not meeting the setbacks. Mr. Previn is asking for set back of six feet in the front and five feet on the sides and rear. Mr. Previn read the criteria submitted with the application materials.

Alternate Member Perkins asked where is the parking.

Mr. Stebbins stated there is a garage underneath.

Chair Carley asked for the square footage of the footprint.

Mr. Stebbins stated about 1550 square feet.

Chair Carley asked if it will be a two story or three-story building.

Mr. Stebbins stated it is proposed to be two and a half stories within the 45-foot elevation. Mr. Stebbins noted currently the lot is 79% impervious and they are shrinking the impervious. Mr. Stebbins noted there are water issues on Federal Street that slopes down and goes into the back between Federal Street and Spring Street.

Mr. DiBartholomeo stated the dimensions on the plan show four feet but that is to the eaves and to his knowledge the setbacks are to the building face.

Alternate Member Perkins asked for the dimensions of the house they are looking to build.

Mr. Stebbins noted the images in the application are from the past design and they do not have a new design for the single family.

Alternate Member Rice asked if they considered something smaller.

Mr. Previn stated some is driven by trying to get the garage under the house.

Alternate Member Perkins noted there is 1500 square feet of finished space and looking at 750 per floor.

DRAFT

Mr. Stebbins replied yes, they are not doing a basement and all mechanical has to be on the garage floor. It is a 1500-foot footprint.

Chair Carley noted they could make this 24 or 28-foot-wide and still have a two-car garage and take up a lot less space. Chair Carley noted they will have a 3000 square foot house with a 1500 square foot basement and no exterior space for a yard. Chair Carley asked the applicant why they are not building a smaller house since it is a single-family home.

Mr. Stebbins noted they would be comfortable going down about four feet. Mr. Stebbins noted the big thing is getting all of the utility equipment within the first floor and have access to the back yard.

Chair Carley asked if there is anyone that wishes to be heard in favor, with none, anyone that wishes to speak in opposition.

Andrea Garneau (19 Federal St, Concord) is a neighbor and has concerns about the proposal. Ms. Garneau stated that Federal Street is one of the narrowest streets in the city. In the winter it gets narrow.

Member Winters asked if it is a two way or one way.

Ms. Garneau stated it is a one way and there is no parking on the street. The lot is being used for parking right now. The former property owner owned properties on Spring Street and Federal Street. The area in front of the garage is used for parking for the residents of the multi-family apartment buildings. The Ms. Garneau stated the houses in the neighborhood are old. There is a fire safety concern because it is so dense with so many houses.

Chair Carley asked if Ms. Garneau objects to have any house on the lot.

Ms. Garneau replied yes, it is important to have the parking for the multi-family houses. The placement on the bend of the road is unsafe if there was a structure it could block visibility.

Jason Belanger (36 Federal Street, Concord) objects to have any housing unit on that lot. Mr. Belanger thinks it is important to have plans when you are building. Mr. Belanger stated his house was built in 1890. Mr. Belanger noted the building would take away four parking spaces. This would be built on a curve in the road. Mr. Belanger does not understand the hardship.

Shawn McDuffy (36 Federal St, Concord) is in opposition to a home being built on 32 Federal Street. That lot has never had a home on it. If a car is in the middle of the street it is impossible to get around it. Tenants are using the land for parking and they will be displaced for parking where they are now. Not every piece of land should have a home.

Chair Carley asked if there is anyone else that wishes to speak on this application, with none, asked for comment from Planning.

Ms. O'Brien stated a variance is required per section 28-8-3(c, 2,b) because they cannot meet all of the yard requirements. They are not requesting any frontage variances because they have at least 22 feet of frontage. Ms. O'Brien if the Board wants to see the actual drawing they can continue the application to a date certain of November 3rd.

DRAFT

Member Winters asked about a, b and c are all with regard to setbacks on different sides of the property but what are the yard requirements.

Ms. O'Brien stated it is conditions of development of a non-conforming lot and this is a non-conforming lot.

Chair Carley asked the applicant if they would like to respond for clarification on any testimony heard tonight.

Mr. Previn stated they are meeting the parking requirements for the parcel.

Mr. Stebbins addressed the concern about turning in and there are already cars turning into the lot. Chair Carley closed the public hearing.

The consensus of the Board was that there is not an issue with building a home on the lot, however, the size of the home does not need to be as large a presented based on the size of the neighborhood and the encroachment in the setbacks.

On a motion made by Alternate Member Perkins, seconded by Alternate Member Rice, with a vote of 5 (Rice, Perkins, Carley and Wallner) in favor to 1 (Winters) opposed, the Board voted to **deny the variances to construct a single-family home at 32 Federal St, Tax Map and Lot 7411/z 112** within the Civic Performance (CVP) District. (ZBA 0483-2026):

a) *Sections 28-4-1(h) Table of Dimensional Requirements* and *28-4-1(d)(1)* to allow for a 5-foot front setback where 15 feet is required;
b) *Sections 28-4-1(h) Table of Dimensional Requirements* and *28-4-1(d)(2)* to allow for a 4-foot rear setback where 15 feet is required;
c) *Sections 28-4-1(h) Table of Dimensional Requirements* and *28-4-1(d)(3*) to allow for a 4-foot side setback where 15 feet is required;
d) *Section 28-8-3(c) (2)(b)* to construct a single-family dwelling on a nonconforming lot that can not meet all yard requirements.

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

6.8 Jean Beniste requests a variance from *Sections 28-4-1(h) Table of Dimensional Requirements* and *28-4-1(d)(1)* to allow 6-foot front yard setback where 10 feet is required for the construction of a porch in the Downtown Residential (RD) District, at 7 Perry St., Tax Map and Lot 6533/z 68. (ZBA_0485-2026)

Jean Beniste (7 Perry St, Concord) is present to represent this application. Mr. Beniste bought the house two years ago and there is a stair on the front of the house that is difficult in the winter. Mr. Beniste stated if there was a six deep and fifteen porch it would be more stable for people to enter the house.

Alternate Member Perkins noted that even with the porch his house is still further back the house next door.

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 granting the variance for the front yard setback is reasonable.

On a motion made by Member Wallner, seconded by Alternate Member Perkins, with a vote of 5 (Rice, Perkins, Winters, Carley and Wallner) in favor to 0 opposed, the Board voted to ***grant the variance from*** *Sections 28-4-1(h) and 28-4-1(d)(1) to allow 6-foot front yard setback where 10 feet is required for the construction of a porch in the Downtown Residential (RD) District, at 7 Perry St., Tax Map and Lot 6533/Z 68 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.

6.9 David and Cynthia Caron request the following variances for the properties located at 110 and 114 Peaceful Lane, Tax Map and Lot 183/P 24 and 183/P 23 located within the Open Space (RO) District:

a. *Sections 28-4-1(h)Table of Dimensional Requirements and 28-4-1(c) Minimum Lot Frontage* to allow for zero feet of frontage where 200 feet is required. (ZBA 0487-2026) and;

b. *Sections 28-4-1(h) Table of Dimensional Requirements and 28-4-1(c) Minimum Lot Frontage* to allow for zero feet of frontage where 200 feet is required (ZBA 0488-2026*)* and*;*

c. *Sections 28-4-1(b) Minimum Lot Size and 28-4-1(h) Table of Dimensional Requirements* to allow a lot size of 1.47 acres where 2 acres is required (ZBA 0489-2026)

David Caron (110 Peaceful Lane, Concord) is present to represent this application. Mr. Caron stated he wants to do a lot line adjustment with the Planning Board to clean up the line between the two properties he owns. The town does not recognize the road. It is a private road and nobody has road frontage. Mr. Caron noted there are fourteen homes on the road and there is zero frontage.

Alternate Member Perkins asked if responsible for maintaining the road.

Mr. Caron replied yes.

Chair Carley asked if he is creating a new lot.

Mr. Caron stated between the two properties and one property line bumps the corner of the house.

Alternate Member Perkins asked how much of the property line they are moving over.

Mr. Caron stated he is looking to move 0.4 of an acre over to balance the properties.

Ms. O'Brien noted the larger lot is 2.39 acres and he would move down to 2.0 acres to meet the requirements for the RO district. It would bring the other lot closer to be in compliance as the current lot is 1.07.

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.

DRAFT

Ms. O'Brien stated this property is on a private road. In order to do the lot line adjustment, he needs frontage.

Chair Carley closed the public hearing.

The consensus of the Board was that granting the variance is reasonable.

On a motion made by Alternate Member Rice, seconded by Alternate Member Perkins, with a vote of 5 (Rice, Perkins, Winters, Carley and Wallner) in favor to 0 opposed, the Board voted to grant the requested **variances for the properties located at 110 and 114 Peaceful Lane, Tax Map and Lot 183/P 24 and 183/P 23 located within the Open Space (RO) District:**

a) *Sections 28-4-1(h)Table of Dimensional Requirements and 28-4-1(c) Minimum Lot Frontage* to allow for zero feet of frontage where 200 feet is required and;

b) *Sections 28-4-1(h) Table of Dimensional Requirements and 28-4-1(c) Minimum Lot Frontage* to allow for zero feet of frontage where 200 feet is required and*;*

c) *Sections 28-4-1(b) Minimum Lot Size and 28-4-1(h) Table of Dimensional Requirements* to allow a lot size of 1.47 acres where 2 acres is required.

because all of the criteria under RSA 674:33 were met based on the record before the Board.

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

6.10 Alice Kinsler on behalf of SKAJ Revocable Trust requests a variance from *Sections 28-4-1(h) Table of Dimensional Requirements and 28-4-1(c) Minimum Lot Frontage* to allow the creation of a lot with 63 feet of frontage where 100 feet is required in the Single-Family Residential (RS) District, at 92 Mountain Rd., Tax Map and Lot 411/z 27. (ZBA 0490-2026).

Norman and Alice Kinsler (92 Mountain Rd, Concord) has lived at the property for 34 years. The plot stretches from Mountain Rd to the back end of Shaker Rd. Ms. Kinsler stated the ordinance based on the zone requires 100 feet of frontage. The home was built in 1980's the property of 2.48 acres had only 53 feet of frontage on Mountain Rd and there is an additional 10 feet on the northern end. The legal address for the home is on Shaker Rd with 161 feet of frontage. When they bought the home in 1992 they understood that the builder had hoped to build five houses on the property but his plan never came to fruition. They are applying a variance for the Board to accept as legally compliant the non-conforming 63 feet of frontage on Mountain Rd. If granted they hope to sell up to an acre of the land fronting Shaker Rd to a buyer seeking to build on single family residence. They have informed abutters. Ms. Kinsler read the criteria submitted with the application materials.

Member Wallner asked if the lot they are creating will be on Shaker Rd.

Ms. Kinsler replied correct, where the black line is that is the approximate lot size.

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

David Yonchak (90 Mountain Rd, Concord) is in favor of this application and they have been great neighbors.

Chair Carley asked if there is any other 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.

DRAFT

The consensus of the Board was that granting the variance for lot frontage is reasonable.

On a motion made by Member Winters, seconded by Alternate Member Rice, with a vote of 5 (Rice, Perkins, Winters, Carley and Wallner) in favor to 0 opposed, the Board voted to grant the requested **variances for the properties located at 110 and 114 Peaceful Lane, Tax Map and Lot 183/P 24 and 183/P 23 located within the Open Space (RO) District:**

a) *Sections 28-4-1(h)Table of Dimensional Requirements and 28-4-1(c) Minimum Lot Frontage* to allow for zero feet of frontage where 200 feet is required and;

b) *Sections 28-4-1(h) Table of Dimensional Requirements and 28-4-1(c) Minimum Lot Frontage* to allow for zero feet of frontage where 200 feet is required and*;*

c) *Sections 28-4-1(b) Minimum Lot Size and 28-4-1(h) Table of Dimensional Requirements* to allow a lot size of 1.47 acres where 2 acres is required.

because all of the criteria under RSA 674:33 were met based on the record before the Board.

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

6.11 John Arnold, Attorney with Orr and Reno on behalf of Brad Pernaw requests the following variances for 30 Manchester St, Tax Map and Lot 781/z 29 in the Gateway Performance (GWP) District. (ZBA 0491-2026):

a. *Section 28-6-9(b)(1)* to permit 11 building signs where a maximum of 3 are allowed;
b. *Section 28-6-9(b)(1)* to permit a total building sign area of 633.7 square feet, where a maximum of 105 square feet is allowed; and
c. *Section 28-6-7(r)* to allow electronic gas price display where electronic message center signs are prohibited.

John Arnold (45 South Main St, Concord) and Brad Pernau are present to represent this application. Mr. Arnold noted the construction is almost complete. They are asking for a signage variance to wrap up the project. The rectangle is the fuel canopy and the main building with store and food service. The monument sign has been approved and permitted. However, the electronic messaging is not permitted and part of the variance request. Mr. Arnold stated B4 and B5 will be eliminated. This will change the amount of signs to from eleven to nine. This will bring the square feet to 618 square feet instead of 634 square feet. Mr. Arnold noted the canopy for the Irving gas station has three Irving logo's facing Manchester Street. Mr. Arnold stated they are asking for three variances to allow nine wall signs, to allow 618 square feet of wall signage and electronic price display on the monument sign.

Mr. Pernau stated this will be their ninth store and they are all the same style. They do not paper windows with advertising. The logo sign is in two separate pieces due to construction and how install on the building. The price change sign does not change automatically it is changed remotely rather than changing it manually.

Mr. Arnold noted there are three separate business on the location a gas station, convenience store and quick food service. Mr. Arnold read from criteria submitted with the application materials.

Member Winters asked about the electronic price sign and are there other gas stations that have electronic pricing.

DRAFT

Mr. Arnold stated it is true of gas stations and have not dealt with any in Concord but has dealt with it in other municipalities.

Member Winters asked if there is something about the topography of the land and setting it back that far.

Mr. Pernau stated from a safety perspective on the fuel islands they require 40 feet between the curb and the gas island. Then the gas island itself is another 40 to 50 feet and then another 40 feet for car movement. Then there are the parking spaces. They are 150 feet back.

Mr. Arnold noted the frontage along Manchester Street is short.

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 granting the variances is reasonable.

Member Winters asked for a split motion to separate between the signs and the electronic message sign.

On a motion made by Alternate Member Rice, seconded by Member Wallner, with a vote of 4 (Rice, Perkins, Carley and Wallner) in favor to 1 (Winters) opposed, the Board voted to ***grant the variances from*** *Section 28-6-9(b)(1) to permit 9 building signs where a maximum of 3 are allowed at 30 Manchester St, Tax Map and Lot 781/Z 29 and Section 28-6-9(b)(1) to permit a total building sign area of 618 square feet, where a maximum of 105 square feet is allowed at 30 Manchester St, Tax Map and Lot 781/Z 29 in the Gateway Performance (GWP) 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.

On a motion made by Alternate Member Rice, seconded by Member Wallner, with a vote of 5 (Rice, Perkins, Winters, Carley and Wallner) in favor to 0 opposed, the Board voted to ***grant the variance from*** *Section 28-6-7(r) to allow electronic gas price display where electronic message center signs are prohibited at 30 Manchester St, Tax Map and Lot 781/Z 29 in the Gateway Performance (GWP) 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.

6.12 Mark Sargent on behalf of Paul Makris requests the following variances for a Lot Line Adjustment between 106 School St, Tax Map and Lot 7321/z 24, and 110 School St, Tax Map and Lot 7321/z 23, in the Single-Family Residential (RS) District. (ZBA 0493 & 0494-2026)

a. *Sections 28-4-1(h) Table of Dimensional Requirements* and *28-4-1(c) Minimum Frontage* to allow for a frontage of 93.42' feet of frontage where 100 feet is required at 110 School St; and
b. *Sections 28-4-1(h) Table of Dimensional Requirements* and *28-4-1(b) Lot Size* to allow for a 11,709 square foot lot where 12,500 square feet is required at 110 School St.

DRAFT

Chair Carly moved this case to be heard first and recused and asked for Alternate Members Rice, Walker and Perkins to sit on this case and Member Wallner to be acting Chair.

Acting Chair Wallner read in for the record

Paul Makris (110 School St, Concord) stated he would like to adjust the property line for the adjacent property of 106 School St and 110 School St to meet zoning setback of 15 feet. Right now, the setback is four feet from the property line at 106 School St and about 45 feet from 110 School St. By moving the property line eleven feet they will be compliant with the zoning setbacks.

Mark Sargent (18 Chenell Dr, Concord) stated 106 School St has an area of 13,220 square feet, just over 105 feet of frontage with an existing single-family home. 110 School St has an area of 13,120 square feet with 105 feet of frontage with an existing single-family home. The home on 106 School only has three and a half feet from the lot line. Where as 110 School St has over forty feet for a side yard. They are looking to do a lot line adjustment between the two properties. They would annex 1400 square feet from 110 School St to 106 School St. That will include eleven and a half feet of frontage. That will increase the area of 106 School St to 14,600 square feet and the frontage to 117.38 square feet. It will increase from three and a half feet to fifteen feet there by brining into compliance. It reduces the lot area of 110 School St to 11,709 square feet, the frontage to 93.42 square feet and a side yard of over thirty feet. They are seeking a variance for frontage requirement from 100 to 93.42 and the area which 12,500 is required to 11,709.

Member Winters asked if there is any maintenance or improvement or work being done now or is it to get better access.

Mr. Makris stated there is nothing pending now. It will be for periodic maintenance of painting or roofing. The slope on the east side of the house has a stone wall and they cannot get any equipment from the driveway to the front yard because it is too tight.

Alternate Member Perkins asked if Mr. Makris owns both properties.

Mr. Makris replied yes.

Acting Chair Wallner 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 granting the variances for frontage and lot size is reasonable.

On a motion made by Alternate Member Perkins, seconded by Alternate Member Walker, with a vote of 5 (Rice, Walker, Perkins, Winters and Wallner) in favor to 0 opposed, the Board voted to ***grant the variance from*** *Sections 28-4-1(h) and 28-4-1(c) to allow for a frontage of 93.42' feet of frontage where 100 feet is required at 110 School St at Tax Map and Lot 7321/Z 23 located 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.

DRAFT

On a motion made by Alternate Member Perkins, seconded by Alternate Member Rice, with a vote of 5 (Rice, Walker, Perkins, Winters and Wallner) in favor to 0 opposed, the Board voted to ***grant the variance from*** *Sections 28-4-1(h) and 28-4-1(b) to allow for a 11,709 square foot lot where 12,500 square feet is required at 110 School St* at *Tax Map and Lot 7321/Z 23 located 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.

Member Walker left the meeting at 6:25 p.m. Chair Carley came back to the table. Chair Carley asked Alternate Member Rice, along with Alternate Member Perkins, to sit as a voting member for the rest of the meeting due to Alternate Member Walker leaving.

6.13 Ari Pollack, Attorney with Gallagher Callahan and Gartrell PC on behalf of Capital Region Health Care Corporation requests a variance from *Section 28-4-2(h)* to permit no rooftop mechanical screening adjacent to a residential parcel, at 279 Pleasant St., Tax Map and Lot 723/z 2 in the Institutional (IS) District. (ZBA 0495-2026)

Emily Goering (214 N Main St, Concord), Chris Nadeau (18 Chenell Dr, Concord) and Tim Paris are present to represent this application. Ms. Goering stated they are seeking a variance from section 28-4-2(h) that non-residential lots that abut residential lots need to have screening for the mechanical equipment. They are seeking relief for the roof top mechanical as there are five vents that have not been screened. This is the last phase of the renovation for medical offices that included new rooftop mechanicals. The building is over 50 years old. There are structural limitations to the structural integrity of the roof that prevents them from adding additional weigh on the roof. The screens themselves have weigh and then the force of wind hitting those screens creates additional strain onto the structure of the roof. There can be snow drift accumulate against the mechanicals and the screens that could add more weight to the roof. To the west of the parcel is 281 Pleasant Street which has been residentially developed. There is already a vegetative screen between these two properties. There is a significant distance between the residents and the mechanical systems. Ms. Goering passed out a report not submitted with the application materials to the Board. They have worked with an engineering company to look at alternatives for screening and the consensus it was going to put too much strain on the beams holding up the structure.

Alternate Member Perkins asked if the buffer of trees is on the abutter or hospital property.

Ms. Goering stated she believes it is on the abutter property based on the fence location.

Acting Chair Wallner 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 granting the variance is reasonable based on the structural issue.

On a motion made by Alternate Member Rice, seconded by Alternate Member Perkins, with a vote of 5 (Rice, Perkins, Winters, Carley and Wallner) in favor to 0 opposed, the Board voted to ***grant the variance from*** *Section 28-4-2(h) to permit no screening of rooftop mechanical equipment adjacent to a residential parcel, at 279 Pleasant St., Tax Map and Lot 723/Z 2 in the Institutional*

DRAFT

(IS) District because all of the criteria under RSA 674:33 have been met based on the record before us, conditioned upon obtaining any applicable permitting, 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.

7. **Review and acceptance of minutes from September 2, 2026**
   Member Wallner moved, seconded by Alternate Member Rice, to approve the meeting minutes from September 2, 2026, as written. The Board voted 5 in favor (Rice, Perkins, Winters, Carley and Wallner) to 0 opposed. The motion passed unanimously.

8. **Any other business that may legally come before the Zoning Board**
9. **Adjourn**
   On a motion made by Member Wallner, seconded by Alternate Member Perkins, the Board voted 5 (Rice, Perkins, Winters, Carley and Wallner) in favor to 0 opposed to adjourn at 9:34 p.m.

Respectfully submitted,
Krista Tremblay
Krista Tremblay
Administrative Technician III

DRAFT