



# CITY OF CONCORD

*New Hampshire's Main Street™*  
**Zoning Board of Adjustment**

**In accordance with CDC and Department of Health and Human Services guidance, this meeting will be held telephonically and via an internet-based option. Interested parties are encouraged to submit testimony via mail or email prior to the meeting via the contact information listed below. Access information for the meeting will be available on the City of Concord Code Administration website at:**

**[www.concordnh.gov/322/Code-Administration](http://www.concordnh.gov/322/Code-Administration)**

April 22, 2021

The Zoning Board of Adjustment will meet on **Wednesday, May 5, 2021 at 7:00 PM** using telephonic and internet-based options. Instructions for accessing and participating in the meeting can be found at the link above.

### **Wednesday, May 5, 2021 ZBA Public Hearing Agenda**

- 1) Call meeting to order
- 2) Review and acceptance of Minutes
- 3) Chairperson's comments
- 4) Public Meetings:
- 5) Public Hearings:
- 6) Any other business that may legally come before the Board.

The Zoning Board of Adjustment will hold a public hearing on the following appeals:

### **PUBLIC HEARINGS**

**57-20 Shampney and Sons Four Season Landscaping for Marie Blais:** Applicant wishes to establish a Contractors Trade Shop (Principal Use L-8) and accessory outdoor storage of materials, vehicles and equipment (Accessory Use business and requests the following:

- 1) Variance to Article 28-2-4(j), Table of Principal Uses, to allow a construction trades shop (Principal use L-8) where such use is not permitted,
- 2) Variance to Article 28-2-4(K), Table of (uses) Accessory to a Principal Non-Residential Use, to allow the outside storage of vehicles, equipment and materials (Accessory Use B-7), in conjunction with the operation of a construction business where such a use is not allowed, and
- 3) Variance to Article 28-5-37, Outside Storage of Materials and Inventory, Section (a), Required Setbacks, to allow the storage of materials, construction vehicles and equipment within the 50' required buffer along the southerly (side) property line, adjacent to Black Hill Road, and
- 4) Variance to Article 28-5-37, Outside Storage of Materials and Inventory, Section (b), Screening Requirements, to waive the requirements for installing solid or opaque fences, walls or enclosures to screen the outside storage areas from view along the northerly (front) property line, the southerly (side) property line and the westerly (rear) property lines,

for property located at 36 Manchester Street in a GWP Gateway Performance District.

*All City of Concord public meetings are accessible for persons with disabilities. Any person who feels that he or she may be unable to participate in a City of Concord public meeting due to a disability should, to the extent possible, call (603) 225-8580 at least 48 hours prior to the meeting so that a reasonable accommodation can be arranged.*

**17-21 Greg and Donna Lessard:** Applicants requests the following:

- A) Equitable Waiver of Dimensional Regulations in accordance with RSA 674:33a, to grant legal status to a front setback for an addition approved and issued a Building Permit for constructed in 2007 with zero foot front setback where a 50 foot setback is required,
- B) Variances to construct a detached shed as follows:
  - 1) to Article 28-4-1(h), Table of Dimensional Regulations, to permit a structure to be located 10 feet +/- from the front property line where a 50 foot setback is required
  - 2) Variance to Article 28-4-1(h), Table of Dimensional Regulations, to permit a structure to be located 25 feet +/- from a rear property line where a 50 foot rear setback is required,
  - 3) Variance to Article 28-3-3, Shoreland Protection (SP) District, Section (g)(2), to permit a structure (shed) to be located 25 feet from the reference line of Hot Hole Pond where structures must be located no less than 75 feet from the edge of the pond,

for property located at 74 Hot Hole Pond Road in a RO Residential Open Space District.

**18-21 Laura Hartz, Esq. for 3G Eagle, LLC.:** (Recessed from April 7, 2021) Applicant wishes to renovate an existing industrial building into 3 industrial flex tenant units with an automotive repair facility (Principal Uses J-4&5) as a tenant and requests a Variance to Article 28-3-6, Aquifer Protection District, Section (d)(3), Uses Prohibited, Item (m), ...automotive repair, servicing or automotive body work, to permit such automotive repair, service and, body work where such use is not allowed, for property located at 25 Henniker Street in an IN industrial District with an Aquifer Protection District (APD) overly on a portion of the property.

**20-21 Ne-Op-Co Signs for Duprey Companies:** Applicant wishes to install a 25 square foot wall sign on the eastern façade of the building above the sills of the second-floor windows and requests a Variance to Article 28-6-7, Signs Prohibited, Section (i), to allow a wall sign to be placed on a wall above the sills of the second-floor windows, for property located at 81 Hall Street in an OCP Opportunity Corridor Performance District.

**Note:** The proposed sign is in addition to an existing 125 square foot sign allowed at the same height by variance under Case # 16-10.

**21-21 Lisa Manning (Prospert):** Applicant wishes to remove and replace a dilapidated 11'W x 24'L detached garage with an existing zero foot side setback and an existing 17 foot rear setback and requests the following:

- 1) A Variance to Article 28-4-1(h), Table of Dimensional Regulations, to permit a 14'W x 22'L replacement structure with a zero foot setback from the easterly side property line where a 10 foot side setback is required, and
- 2) Variance to Article 28-4-1(h), Table of Dimensional Regulations, to permit a 14W'x22'L replacement structure with an 18'6" setback (+/-) from the southern rear property line where a 25 foot rear setback is required, for property located at 11-13 Carter Street in an RN Neighborhood Residential District.

**22-21 Donald Jewell for Woodpro Inc.:** Applicant wishes to develop an industrial zoned property for outdoor warehousing and storage of storage trailers and commercial vehicles, and requests a variance to Article 28-5-37(d), Maximum Area of Lot to be Used or Designated for Outside Storage, to permit the warehousing of storage trailers and commercial vehicles, (Principal use K-7), on a lot with no building "housing the principal use", and to waive the restriction that outside storage is allowed only as a ratio of land area to building area of 1.3 to 1 which is the ratio of the area of outside storage to the gross floor area of the buildings on the lot which houses the principal use for property located at 39 Locke Road in an IN Industrial District.

**Note I:** Prior to hearing this case the Board must determine whether this request is materially different in substance or content than the requests contained in Case #027-19.

**Note II:** The request is to allow only warehousing and storage on the property. The property is not proposed to be used for on-site retail sales or other customer based activities.

**23-21 John Radley:** Applicant wishes to convert a portion of an existing single-family detached dwelling to 1 accessory dwelling unit (ADU), (Accessory Use A-13), and requests a Special Exception from Article 28-2-4(k), Table of Accessory Uses, and in accordance with the Supplemental Standards contained in Article 28-5-52, Single-Family

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Detached Dwellings with One (1) Accessory Dwelling Unit (ADU), for property located at 10 Abbott Road in an RS Residential Single Family Residential District.

- 24-21 Peter J. Miner, Jr. and Sarah A. Miner:** Applicants wish to use an accessory building (garage) in conjunction with an "off-premises occupation", to service and repair mechanical equipment, and requests the following:
- 1) a Special Exception from Article 28-2-4(k), Table of Accessory Uses, and in accordance with Supplemental Standards, Article 28-5-31, Use of a portion of a dwelling or accessory building in conjunction with an off-premises occupation (Accessory Use A-4),
  - 2) a Special Exception from Article 28-2-4(k), Table of Accessory Uses, and in accordance with Supplemental Standards, Article 28-7-17, Parking of Commercial Vehicles, to allow the use and storage of a commercial vehicle as an accessory to a principal residential dwelling for use in conjunction with an off-site occupation, for property located at 87 Shaker Road in an RM Residential Medium Density District.
- 25-21 Shaw's Supermarket for NSM Investments LP:** Applicant wishes to install an additional building sign on the north facing façade and requests a variance to Article 28-6-9(a), Table of Maximum Sign Dimensions for Non-residential Districts, to allow the addition of a 19 square foot sign to the northerly building frontage where a non-conforming 274 square foot sign exists, resulting in total building signage on the northerly building front of 293 square feet, when the maximum building signage allowed is 200 square feet, for property located at 20 D'Amante Drive in a GWP Gateway Performance District.
- 26-21 Barlo Signs for Northway Bank:** Applicant wishes to install a 27.12 square foot freestanding tenant sign and requests a Variance to Article 28-6-9(c)(2), to allow a setback from the front property line of zero feet where a minimum setback of 5 feet is required from any lot line, for property located at 190 North Main Street in a CU Urban Commercial District.
- 27-21 Pope Memorial SPCA:** Applicant wishes to merge and develop the subject lots for a stand-alone "kennel" use (Principal Use M-8), in conjunction with the Pope Memorial SPCA located at 94 Silk Farm Road and requests the following:
- 1) A Special Exception from Article 28-2-4(j), Table of Principal Uses, for a "kennel" use and in compliance with Supplemental Standards, Article 28-5-29, Commercial Kennels and Veterinary Hospitals,
  - 2) A Variance to Article 28-4-1(h), Table of Dimensional Regulations, to permit a total lot coverage of up to 26 percent where a 10 percent maximum lot coverage is permitted;
- for property located at 93 & 95 Silk Farm Road in a RO Residential Open Space District.
- 28-21 Thomas G. Eaton:** Applicant wishes to construct a 24 foot by 30 foot addition (+/-) onto an existing non-conforming two-family dwelling and requests the following:
- 1) A Variance to Article 28-4-1(h), Table of Dimensional Regulations, to permit a front setback of 25 feet +/- where a 50 foot setback is required, and
  - 2) A Variance to Article 28-8-4(c)(1), Expansion of a Non-conforming Use, to allow the continuation and expansion of an existing non-conforming two-family use,
- for property located at 97 Hopkinton Road in a RO Residential Open-space District.

Rose M. Fife, Clerk  
Zoning Board of Adjustment

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*Craig Walker*  
Zoning Administrator

# CITY OF CONCORD

*New Hampshire's Main Street™*  
*Community Development Department*

## **ATTENTION: REMOTE (ZOOM) MEETING ACCESS INSTRUCTIONS FOR ALL ZBA MEETINGS**

Due to the Covid-19/Corona Virus crisis and in accordance with Governor Sununu's Emergency Order #12 pursuant to Executive Order 2020-04, the **Zoning Board of Adjustment** is authorized to meet electronically. The City of Concord will be utilizing the Zoom platform for this electronic meeting.

Please note that there is no physical location to observe and listen contemporaneously to the meeting, which was authorized pursuant to Governor Sununu's Emergency Order #12 pursuant to Executive Order 2020-04.

All members of the Board have the ability to communicate contemporaneously during this meeting through the Zoom platform, and the public has access to contemporaneously listen and, if necessary, participate in this meeting by following this link: <https://us02web.zoom.us/j/610919318> or dialing the following number and entering the following ID number at the prompt:

Telephone Dial: US: +1 929 205 6099 – Webinar ID#: 610 919 318

**Please enter full name when logging in so attendance and minutes can be properly recorded.**

Note that telephone participation will be enabled at the end of each public hearing. All participants please keep your phones and computers on **mute** unless speaking.

Members of the public can also email questions or other public testimony to [code@concordnh.gov](mailto:code@concordnh.gov), and staff will read the testimony or question into the record during the meeting. Any member of the public can also call the Code (Zoning) Administrative office during the meeting at 603-230-3646 if they are unable to access the meeting and if assistance with connecting is needed.

Materials can be requested from the Code (Zoning) Administration Division via email, or by calling and leaving a message at (603) 225-8580 or,

**Meeting Agendas and links to the cases can be accessed at:**

<https://www.concordnh.gov/280/Zoning-Board-of-Adjustment>

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