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

March 5, 2025
MEETING MINUTES

Attendees: Chair Christopher Carley, Alternate Mark Davie, Member James Monahan, Alternate Brenda Perkins, Member Laura Spector-Morgan, Member Nicholas Wallner, and Member Andrew Winters

Absent: None

Staff: AnneMarie Skinner, AICP, City Planner
Krista Tremblay, Administrative Technician III

1. Call to order

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

2. Chairperson's comments

3. Public meetings

- 3.1 Northpoint Engineering, LLC, on behalf of Manchester Street Concord Auto, LLC and Manchester Street Concord Auto TIC, LLC, requests approval for a one-year extension of the variance (ZBA 0056-2023) approval to allow a 10-foot-wide planted buffer in lieu of the required 6-foot-tall perimeter fence; a storage setback of 10 feet where 50 feet is required; and the expansion of the existing use into the Aquifer Protection District overlay, at 150 Manchester St, in the Highway Commercial (CH) District and Industrial (IN) District. (ZBA 0244-2025)

Chair Carley stated this is a request for a one-year extension and asked if there is any change.

Ms. Skinner stated no, there is no change. The applicant was unable to accomplish the requested use within the two-year timeframe.

Chair Carley noted that the application stated the permitting process as well as adjustments being made to the design precluded them from getting started.

Ms. Skinner stated yes, noting that the need this use variance to move forward with the site plan application pending with the Planning Board.

Member Winters asked if the extension requests are public hearings.

Ms. Skinner stated that extension requests are not public hearings.

Member Winters clarified, then, that the Board decides based upon what the applicant wrote in the

application.

Ms. Skinner stated yes, as they do not typically open an extension request for testimony since it's not a public hearing.

Alternate Perkins stated they are deciding on something that was previously approved.

Ms. Skinner stated yes, they are requesting an extension on an approval that does not expire until July 2025. However, they have the Planning Board application going forward on March 19th for a determination of completeness. Ms. Skinner stated by the time they get through that process they will not have had time to construct. Since they were applying for the use variance that has already expired, they wanted to do the extension request at the same time.

Member Winters stated a criterion is circumstances beyond the applicant's control. Member Winters stated it is a high standard and not sure how they enforce that.

Chair Carley stated he does not know if they have ever made a fetish of it. Chair Carley stated in this case they did testify that the rest of the approval process is still under way.

Member Monahan read the application a few times and did not see where they listed what was beyond their control, although it appears to be the next step in the process. Member Monahan noted he is drawing that as the conclusion even though the applicant did not say it.

Member Wallner made a motion to adopt the applicant's finding of fact as the Board's findings of fact and to grant the one-year extension for ZBA 0056-2023 to extend the approval to July 5, 2026. Member Spector-Morgan seconded.

Discussion

Member Winters stated he is now prepared to accept Chair Carley's statement about being beyond their control even though they did not explicitly say that.

All in favor 5 (Carley, Monahan, Spector-Morgan, Wallner, Winters) to 0 opposed. The motion passed unanimously.

Findings of Fact

Explain the good faith effort that was made to commence the use or construction which was authorized by the variance.

"The Site has undergone full engineering and architectural design of the envisioned improvements which the Variance aimed to approve. A Major Site Plan has been submitted for review and approval by the Planning Board, and construction is planned to commence shortly after the receipt of approval."

Explain why the delay in commencement was beyond the applicant's control.

"The Site has undergone full engineering and architectural design of the envisioned improvements which the Variance aimed to approve. A Major Site Plan has been submitted for review and approval by the Planning Board, and construction is planned to commence shortly after the receipt of approval."

Explain why the circumstances relating to the property and the surrounding neighborhood have not changed substantially since the date of the original decision.

"The Site is neighbored by the same use(s) as the time of the Variance application. No substantial redevelopment has occurred abutting or near the Site. The largest project within a 0.5-mile radius of the Site is the construction of an additional car dealership, which mimics the use of the subject parcel."

3.2 Granite Engineering, LLC, on behalf of Bradcore Holdings, LLC, requests approval for a one-year

extension of the variance (ZBA 0029-2023, 0030-2023, 0031-2023, and 0032-2023) approvals to allow the construction of an 8,250-square-foot addition (88.5%) and expansion of the outdoor storage area in support of the existing nonconforming *sales, rental, and repair of construction equipment* use; to allow outdoor storage 10 feet from a street, where 50 feet is required; to allow outdoor storage without screening from view from adjacent streets and properties; and to allow a storage ratio of 2.25:1, where 1.3:1 is allowed, at 391 Loudon Rd, in the Gateway Performance (GWP) District. (ZBA 0245- 2025)

Chair Carley stated this was previously approved in 2023.

Brent Cole (6150 Dow St, Manchester, NH) is present to represent the applicant. Mr. Cole stated he was the applicant that presented to the Zoning Board of Adjustment two years ago. Mr. Cole stated Chappell Tractor received multiple variances for the site at the intersection of Break O'Day Dr and Loudon Rd. Most of the variances are related to non-conforming and pre-existing situations at the property. Mr. Cole noted Chappell Tractor has expanded and are looking to do a face lift. Mr. Cole stated they submitted to the Planning Board within a year after receiving their variances. Mr. Cole stated it came back that the City wanted Break O'Day Dr significantly upgraded and they have been working with the City Engineer and City Planner to get a better understanding of what upgrades they need and what design goes into the upgrades. Mr. Cole stated they do have plans in front of the staff at this point and are meeting with the Planning Board in a few weeks. Mr. Cole stated they have made significant progress and need another year to get construction going.

Chair Carley asked if there are any questions from the Board and no one responded. Chair Carley asked if there are any questions from Code.

Ms. Skinner stated no.

Member Wallner stated if you look at the application they have listed numerous reasons as to why they were not able to proceed in a timely fashion.

Member Wallner made a motion to move to adopt the applicant's proposed findings of fact as the Board's findings and to grant the one-year extension request for ZBA 0029-2023, 0030-2023, 0031-2023, and 0032-2023, thereby extending approval to March 1, 2026. Member Spector-Morgan seconded. All in favor 5 (Carley, Monahan, Spector-Morgan, Wallner, Winters) to 0 opposed. The motion passed unanimously.

Findings of Fact

Explain the good faith effort that was made to commence the use or construction which was authorized by the variance.

"Due to the length of the permitting process with the City and the State, work has not been able to commence. Site plan approval has not yet been granted by the City of Concord Planning Board, so commencing site work would be unlawful. The client has worked through a series of redesigns including a large off-site improvement on Break O'Day Drive. The extra work and correlating design efforts has caused a delay in site plan approval. Planning Board attendance is currently on schedule for March 19 with construction to follow."

Explain why the delay in commencement was beyond the applicant's control.

"Due to the length of the permitting process with the City and the State, work has not been able to commence. Site plan approval has not yet been granted by the City of Concord Planning Board, so commencing site work would be unlawful. The client has worked through a series of redesigns including a large off-site improvement on Break O'Day Drive. The extra work and correlating design efforts has caused a delay in site plan approval. Planning Board attendance is currently on schedule for March 19 with construction to follow."

Explain why the circumstances relating to the property and the surrounding neighborhood have not changed substantially since the date of the original decision.

“No changes to the use of the property have taken place since the variances were granted. No development or change of use has taken place on the abutting lots since the time these variances were granted. The property remains in the Gateway Performance zoning district and the proposed project has not changed significantly since the variances were granted.”

- 3.3 Cronin, Bisson & Zalinsky, P.C. requests a rehearing for the denial of ZBA 0238-2024 (on January 8, 2025, the request by Cronin, Bisson & Zalinsky, P.C., on behalf of North 40, LLC, for a variance from Section 28-2-4(a) *Uses Permitted by Right*, to permit by right residential use where residential use is not permitted at Tax Map Lot 06P 8, unaddressed Whitney Rd, in the Industrial (IN) District was denied). (ZBA 0254-2025)

Member Spector-Morgan stated given the allegations in the request she is recusing herself from this agenda item.

Chair Carley asked for Alternate Perkins to join in on this agenda item.

Chair Carley stated that in order to grant the request for a rehearing there needs to be an error in law, procedure or that there is new information that is germane that was not available at the time of the original hearing. Chair Carley asked the Board Members if they detected anything of that sort in the memorandum that was presented?

Member Wallner stated he did not feel any new information had been presented.

Member Monahan did not sit on the case originally, but had reviewed it and did not see any new information presented in the request for a rehearing.

Member Winters stated he was in the minority on the vote and has not changed his mind, but he does not see anything new in the material. If the members that were in the majority would reconsider he would not be opposed to rehearing the case. Member Winters did not see anything that was clearly a change. Member Winter also stated there were specific comments about Member Spector-Morgan's statement that she is usually a no on use. Member Winters noted in her defense he did not take it that way. Member Winters stated Member Spector-Morgan takes the standards very seriously and the burden of proof of is on the applicant who wants a use variance. Member Winters stated if you looked at the history of use variances he does not believe she is always a no. Member Winters noted there was not any bias on Member Spector-Morgan's part.

Alternate Perkins agreed with Member Winters if they wanted a rehearing. Alternate Perkins did not vote and did not see anything that was not done properly.

Chair Carley agreed with his colleges and did not find anything in the memorandum that would cause him to vote in favor of a rehearing.

Member Wallner stated he too was in the minority with Member Winter and does not see evidence to suggest a mistake was made.

Member Winter made a motion to deny the request for a rehearing. Member Wallner seconded. All in favor 5 (Carley, Monahan, Perkins, Wallner, Winters) to 0 opposed. The motion passed unanimously.

4. Public hearings

- 4.1 (continued from February 5, 2025) Andrew J. Tine, on behalf of 11-15 Pierce St LLC, requests approval for a special exception for a rooming house, per Section 28-2-4(j)(B) *Table of Principal Uses – Residential*, at Tax Map Lot 7441Z 51, addressed as 11-15 Pierce St, in the Downtown Residential (RD) District. (ZBA 0236-2024)

Chair Carley stated this public hearing was continued and had closed public testimony on this case prior to continuing the application. Chair Carley noted they will not take any public testimony. Chair Carley stated the reason they had recessed the case was that the Board had requested further information from the police department and fire department regarding the service calls for 2023 and 2024.

Ms. Skinner noted they only received the requested call logs from the fire department.

Chair Carley asked if the Board had reviewed the file.

Member Wallner stated if you look at the original request for the number of emergency services calls there were 3 fire calls in 2023 and 10 fire calls in 2024. Member Wallner noted he went back and looked at each one and only counted 12. Member Wallner counted 6 involving EMTs and 6 false alarms.

Chair Carley stated he also reviewed the fire call logs and asked if any other member of the Board had comments.

Member Spector-Morgan stated she reviewed and half were due to the alarm system malfunctioning. No calls seemed to be related to drug use or drug overdose.

Chair Carley asked if the Board received the call logs for the police calls.

Ms. Skinner stated only received the call logs from fire, noting that the request was made a couple of times for the police call logs but the information was never received.

Member Winters thought the applicant provided the police information.

Member Wallner stated the applicant gave a count of 8 and 6 for a total of 14 police calls in a two-year period.

Member Monahan stated what they were trying to find out is if they the calls diminished over time.

Chair Carley asked the Board to discuss the special exception request.

Member Monahan stated the issue seemed to be because the structure is a duplex should the Board count it as two homes or one home. Member Monahan noted if there are two kitchens it should be counted as two homes.

Member Winters stated the way he is looking at the issue if it is only allowed 10. If the opposite view prevailed then they would be disqualified as one of the criteria is that they meet all of the regulations. Member Winters noted it is a little ambiguous. Member Winters stated it is not that big of a total size and 20 people in the square footage does overburden the municipal services.

Member Spector-Morgan stated her understanding is that the question is whether or not it satisfies the definition of a rooming house because it is attached dwelling units as opposed to a detached dwelling unit or whether is it two rooming houses.

Chair Carley stated that was a part of the discussion.

Member Spector-Morgan stated she was not present at the meeting last month.

Member Winters stated if it is one rooming house then by definition they do not meet criteria. Member Winters noted they are allowed 10 people in a rooming house. However, if it is two then they still need to look at all of the criteria.

Chair Carley asked if that is correct?

Ms. Skinner stated a rooming house allows a maximum of 10 people.

Chair Carley asked if they want to have 16 people?

Member Spector-Morgan stated they want to have up to 16 people. Member Spector-Morgan thought they had discussed conditional approval that they could have no more than 10 people for the entire property several meetings ago.

Chair Carley stated he remembered it being discussed, but they never did draw any conclusions.

Member Winters stated that was brought up. Member Winters noted looking at the requirements of the supplemental standards. Member Winters stated if it is only one rooming house, then only 10 people are allowed. Member Winters stated he does think they previously discussed that and cannot remember what the applicant said and wondered if it would be economically viable for them.

Chair Carley stated they can take public testimony if the Board wants to ask the applicant a question.

Member Winters stated he thinks he has all the information here.

Member Monahan stated if they treated it as two separate homes and if applicant came forward with two applications one for Street address A and another for Street address B they might be looked at differently as opposed to being treated as a single structure.

Chair Carley another thing that was discussed at length was the occupants of the building and if that is relevant. Chair Carley stated he does not think the occupants of the building is relevant.

Member Monahan, Member Spector-Morgan, and Member Winters agreed with Chair Carley.

Member Winters noted the impact of this particular use regardless of “who” could be relevant back to the original neighbor’s testimony.

Member Monahan does not think there is anything in the application or ordinance that they are approving a sober living facility. They are being asked to approve a rooming house.

Ms. Skinner stated that is correct, the inhabitants do not matter.

Chair Carley noted the two houses versus one house did not disqualify them.

Member Monahan asked if Chair Carley is saying that it is limited to 10 people because he sees it as one structure?

Chair Carley stated he sees it as two units even though they are connected.

Member Wallner stated they are not connected by a common doorway. They are just connected by a wall.

Ms. Skinner stated if that is the Board’s inclination then the motion language needs to break up the 11-15 Pierce St into a motion for 11 Pierce St and one for 15 Pierce St so that way it is clear whatever their decision is for a rooming house at 11 Pierce St and a rooming house at 15 Pierce because each unit has a separate address.

Member Monahan asked if that is what the applicant has asked for?

Ms. Skinner answered yes.

Member Monahan stated what is in front of him is the application to treat as one structure but two units. Member Monahan is a little reluctant to make a motion to approve something that is not in front of him.

Ms. Skinner stated if they are going to have it as two separate they cannot approve it as one rooming house. If it is two then each one is allowed 10 people. If they approve it as one, the applicant is asking for a total of 16 people. Ms. Skinner stated then they need to approve it as two rooming houses with each having 8 people.

Member Monahan stated he does not have two applications in front of him - one for 11 Pierce St and other for 15 Pierce Street.

Alternate Perkins asked if it isn't part of what they are asking approval for is to have 16 people where normally only 10 are allowed.

Ms. Skinner stated the applicant is claiming they each are individual units.

Chair Carley asked if there is a copy of the original agenda?

Ms. Skinner noted original agenda item reads exactly the same as the agenda item on tonight's agenda.

Member Winters stated if it is one town lot does it really require two applications or one special exception twice?

Alternate Perkins stated the application does say it is a special exception requested for a rooming house in each of the duplex units.

Member Winters stated it is like if you asked for a variance on a setback with two different side yards you would not need two applications, so it is more like adding a special exception to the same application.

Member Spector-Morgan stated that would be two variance requests.

Ms. Skinner stated for purposes of clarity how it has been done in the past, in her opinion, was incorrect. There has only been one application and 10 variances. Ms. Skinner stated they each need to be their own case with their own case number and own application. Ms. Skinner stated this is how it will handled moving forward.

Alternate Perkins asked if there was a side variance and back variance would there be two applications?

Ms. Skinner stated yes, it is two separate requests.

Member Wallner stated it is a rooming house for two separate addresses for 16 people.

Member Spector-Morgan stated a rooming house for 16 people does not meet the definition of a rooming house and it needs a variance.

Member Monahan stated they are arguing because the structure is two homes.

Member Winters stated it is two rooming houses.

Member Spector-Morgan made a motion to grant a special exception for a rooming house at 11 Pierce St and 15 Pierce St each limited to 8 occupants at each rooming house on the basis that the applicant has met the special exception criteria as such forth in their application. Member Monahan seconded.

Discussion

Member Spector-Morgan stated she does not feel either rooming house will create undue traffic congestion and/or impair pedestrian safety. If the duplex units had a father, mother, and six children it would be an appropriate use. They would be entitled to have as many cars as they wanted to. It is on public water and sewer. It will not overload the system. They are not making any changes to the property, so it will not increase any stormwater run-off on the adjacent properties. There is no excessive demand from fire. If there had been an excessive demand from municipal police they would have heard about it as they asked 2-3 times. Each unit will have less than 10 people. Therefore, the supplemental standards are met. This is not a non-conforming use for structure so item 6 does not apply. The use is still residential and will not create hazards to health, safety, or general welfare. It is in a residential neighborhood and this is a residential use. It is consistent with the master plan and the use is allowed by special exception. A special exception use is a use that is permitted if the special exception criteria are met and she believes they are met. Member Spector-Morgan noted she appreciates the neighbor's objections but those relate to the people that are using it not the use itself.

Member Winters noted for the neighbor's objections he does not know the exact year of the complaints and it seems like it has subsided. Member Winters stated whatever the issues were at the time, the applicant spoke about trying to make it right and records corroborate that. Member Winters stated as far as the issue of one versus two houses, if they are wrong about that they will need a variance. Member Winters stated they are not the final decider. Member Winters stated if the City disagreed they can say you have the special exception.

Chair Carley stated that is an interesting question. Chair Carley noted he did not think it would be an error on their part because they acted on what they were given. It would have to be an allegation that the City did err.

Member Winters stated it is a close call by the interpretation as it is not exactly clear on what they mean by quote "a house."

Member Monahan noted if this was an apartment building with 10 units and they came in and deemed it a rooming house with 80 people living there.

Chair Carley stated that is not what they are doing here.

Member Monahan stated his view is if they want to put an application for 11 Pierce St and 15 Pierce St.

Chair Carley stated they can make a case for that.

Member Winters stated under that hypothetical he feels they would deny it because that would burden municipal services.

Chair Carley called for a vote on the motion to approve the special exception based on all of the reasons Member Spector-Morgan mentioned. All in favor 4 (Carley, Spector-Morgan, Wallner, Winters) to 1 opposed (Monahan). The motion passed.

Findings of Fact

The requested use is specifically authorized in this ordinance.

"Rooming house."

The requested use will not create undue traffic congestion or unduly impair pedestrian safety.
“The occupancy of 2 individuals per bedroom will have the same impact as any comparable use.”

The requested use will not overload any public or private water, drainage, or sewer system or any other municipal system, nor will there be any significant increase in storm water runoff onto adjacent property or streets.

“occupancy of 2 individuals per bedroom will have the same impact as any comparable use”

The requested use will not create excessive demand for municipal police, fire protection, schools, or solid waste disposal services.

“occupancy of 2 individuals per bedroom will have the same impact as any comparable use”

Any requirements and standards for the use as set forth in Article 28-5, Supplemental Standards, of this ordinance are fulfilled.

“This is two homes/units and will have 10 or less individuals per home.”

Where the special exception is related to a nonconforming use or structure, the requirements and standards as set forth in Section 28-8-4(b), Change from One Nonconforming Use to Another by Special Exception, or Section 28-8-5(c), Replacement of Nonconforming Structures That Have Been Destroyed, or Section 28-8-5(d), Removal and Replacement of Certain Nonconforming Residential Structures, of this ordinance, are fulfilled.

“Not applicable”

The required use will not create hazards to the health, safety, or general welfare of the public, nor be detrimental to the use of or out of character with the adjacent neighborhood.

“This use is allowed by special permit. The individuals are disabled and live like a family.”

The proposed location is appropriate for the requested use.

“The individuals are disabled and live like a family.”

The requested use is consistent with the spirit and intent of this ordinance and the Master Plan.

“The individuals are disabled and live like a family.”

- 4.2 Thomas Cimikoski requests approval for variances from Section 28-4-1(d) *Minimum Yard Requirements* (1) *Front Yard*, (3) *Side Yard*, and Section 28-4-1(h) *Table of Dimensional Regulations*, to allow a 25-foot front yard where 50 feet is required and to allow a 25-foot side yard where 40 feet is required, at Tax Map Lot 183Z 13, addressed as 67 River Rd, in the Open Space Residential (RO) District. This is not a development of regional impact. (ZBA 0246-2025)

Thomas Cimikoski (67 River Rd, Concord) is present to represent this application. Mr. Cimikoski stated he had an entryway that was in disrepair and it was taken down as it was unsafe. Mr. Cimikoski wants to rebuild it slightly larger to enclose the entryway. The original one had a roof. Mr. Cimikoski wants to go out a couple more feet further than the original one toward the neighbor’s property line. Mr. Cimikoski stated he will be 25 feet in a 40-foot setback. Mr. Cimikoski noted all those homes were built in the 1920s and there is not much space for closets or storage. Mr. Cimikoski stated it would not create any nuisance with any of the neighbors and there would be no negative impact. Mr. Cimikoski noted it will blend in better than the original entryway. Mr. Cimikoski noted the footprint will be slightly larger than it was before. Mr. Cimikoski stated all these homes were built on small lots. Mr. Cimikoski noted he is trying to deal with what he has.

Chair Carley asked if there is anything they can do without the violating the setback?

Mr. Cimikoski stated there is not.

Member Spector-Morgan asked how much will it bump out from the side of the house?

Mr. Cimikoski stated 6 feet.

Member Wallner asked about the original.

Mr. Cimikoski stated the original landing was about 4 to 5 feet.

Member Wallner asked if he is adding one more foot.

Mr. Cimikoski stated one maybe two feet tops. Mr. Cimikoski stated he will come out 6 feet and along the side of the house 10 feet as shown in the drawings.

Member Winters asked if the existing entry was already demolished?

Mr. Cimikoski answer yes, it was dangerous.

Member Winters asked when it was demolished?

Mr. Cimikoski stated it has been a couple years.

Member Winters asked if Mr. Cimikoski did it?

Mr. Cimikoski answered yes.

Chair Carley noted looking at the sketch and the drawing of the addition is not to scale. Chair Carley stated if it is 10 feet up and down then it is not 6 feet left to right in the drawing. Chair Carley asked if he is correct that when he is done he will have 25 feet of width in the driveway?

Mr. Cimikoski stated yes, that is correct. It will be 25 feet from the entryway to the property line.

Chair Carley stated part of the drawing is not to scale.

Mr. Cimikoski stated that is correct. Mr. Cimikoski stated he is coming out 6 feet from the home.

Member Wallner asked if the garage is on the property line?

Mr. Cimikoski answered yes, his garage is right on the property line. Mr. Cimikoski stated his neighbor has no issue. Mr. Cimikoski noted this will blend with the house.

Member Spector-Morgan asked about the front setback.

Mr. Cimikoski stated this is the side setback.

Chair Carley stated the front setback is a part of the application.

Mr. Cimikoski noted he considered it the side of the house.

Chair Carley stated it is but the house itself is in the front yard setback as well as the side yard setback. Chair Carley noted anything that you extend on it in that neighborhood of the house would be a violation of both.

Member Monahan asked if there is ice buildup on the front entrance?

Mr. Cimikoski answered no, he will have an asphalt roof and the steps would be in the opposite direction of the pitch of the roof.

Chair Carley asked if it will keep ice off the stairs?

Mr. Cimikoski answered yes.

Chair Carley asked for additional testimony. No member of the public came forward to speak on this agenda item. Chair Carley asked Code if they had any comments. Ms. Skinner answer no. Chair Carley closed the public testimony. Chair Carley asked for feedback from the Board.

Member Wallner stated it looks good.

Member Monahan stated this is the easiest River Rd application they have had.

Member Winters stated it is reasonable to have an entryway and this is the only place to put it.

Member Spector-Morgan agreed.

Chair Carley agreed.

Member Monahan move to grant the variance from Section 28-4-1(d) *Minimum Yard Requirements* to allow a side setback of 25-foot side yard where 40 feet is required and a front setback of 25-foot front yard where 50 feet is required at Tax Map Lot 183Z 13, addressed as 67 River Rd because all of the criteria under RSA 674:33 have been met based on the record before us, and moved to adopt the applicant's proposed findings as the Board's findings of fact. Member Spector-Morgan seconded. All in favor 5 (Carley, Monahan, Spector-Morgan, Wallner, Winters) to 0 opposed. The motion passed unanimously.

Findings of Fact

The variance will not be contrary to the public interest.

"This would have no negative impact to the public or neighboring properties. The foot print will only be slightly larger than the original entry and will blend in with the house better than what was there before."

The spirit of the ordinance is observed by granting the variance.

"Most of the homes on River Rd were built on small lots and by granting a small deviation of a couple feet to achieve a more useful entry which is an important part and decisive exit to this home. I believe this is a reasonable request giving the gize of lot I have to work with."

Substantial justice will be done by granting the variance.

"Giving my unique conditions of having a small lot this would have no impact on neighborhood homes and would achieve a fair outcome given my circumstances. Also this entry would serve as a place for guest to and myself to place coats, shoes and other items as there is no closets that were ever built to hold such items."

The values of surrounding properties will not be diminished.

"This small addition to the original foot print would most likely go unnoticed and will blend in with the house using the same siding."

Denial of the variance would result in unnecessary hardship because:

"This entrance was always part of the home from when it was original built and feel that it will have no impact on any of it's neighbors. the propose plan is to go out 2 more feet from the original foot print towards the property line which will be twenty five feet away from my neighbors driveway. I believe this is a reasonable request for this small project."

- 4.3 Richard D. Bartlett & Associates, LLC, on behalf of Helen B. Murray Revocable Trust 1991 c/o Grady R. Crews and Ernest P. Sharp, co-trustees, requests approval for a variance from Section 28-7-7(g)(2) *Setbacks from lot lines*, to allow off-street parking within five feet of any lot line, where off-street parking is not otherwise allowed, at Tax Map Lot 32Z 58, addressed as 119 River Rd, in the Open Space Residential (RO) District. This is not a development of regional impact. (ZBA 0247-2025)

Chair Carley stated the next three cases constitutes one hearing and requested to hear the three cases all at once - Tax Map Lot 32Z 58, addressed as 119 River Rd (ZBA 0247-2025), Tax Map Lot 32Z 56, addressed as 115 River Rd (ZBA 0248-2025) and Tax Map Lot 32Z 56, addressed as 115 River Rd (ZBA 0249-2025).

Dan Mullen (214 N State Street, Concord) and Grady Crews (61 Broad Cove Dr, Concord) are present to represent this application. Mr. Mullen stated they are requesting relief. Mr. Mullen stated the residential lot at 119 River Rd has been in place for 80 years or better. They are trying to settle the estate. There is a lot line running through the greenhouses. Mr. Mullen noted they have worked on a lot line adjustment so both lots will be on their own. There are a few issues they need relief on. The applicant was there last June for an 8-foot setback variance for the residential house and a 15-foot setback in front of the greenhouses which was the side lot line. They had presented a sketch depicting the proposed lot line as being 8 feet off the greenhouses on the southern side, but the way the variance was presented it did not include the 8-foot variance for the 115 River Rd greenhouses. That is a part of what they are asking for. Mr. Mullen stated part of the reason why they are asking for that is if they were to honor the 40-foot setback it would leave the residence with no backyard and it would encroach on the existing septic system. The two pavement-setback relief variances they are requesting involve a large swath of pavement that has been there for 70 years or so. It used to serve a hatchery building at one time that burned down years ago. It also serves as a partial semi-circular driveway for the residential house. That pavement was entirely on the residential lot at that time. It has never been changed or altered. The applicant wants to leave it there. Mr. Mullen stated River Rd is narrow and windy. They need a place for trucks to pull off to give supplies for the greenhouse. It is hard to navigate in the rear part of the greenhouse lot. They want to leave the semi-circular driveway because if the pavement is gone the only option they have is to back straight out of the garage. The grade in the front of the house it is almost a blind driveway when driving north. If it stays there they can pull out head first and there is better visibility, so they why want to leave the pavement. Mr. Mullen noted the only people that will be affected will be the Murrays themselves. Mr. Mullen stated they need relief for that reason.

Chair Carley asked if that question has to do with all three of the variances?

Mr. Mullen answered yes.

Chair Carley asked if configuration is exactly the same that the Board granted variances before?

Mr. Mullen answered yes, they are trying to present the same sketch that was presented before.

Chair Carley asked if the Board has any questions.

Member Spector-Morgan asked if these are variances they did not know they needed before?

Mr. Mullen answered right.

Chair Carley asked if the map they saw before is the same map?

Mr. Mullen answered yes.

Member Winters asked if all the structures are remaining the same?

Mr. Mullen stated nothing is being changed only the lot line.

Member Winters asked if these will be sold as part of the estate?

Mr. Mullen noted he is trying to settle the estate. Mr. Mullens stated the greenhouses are now on the residential lot and they need to shift the lot line to go around it.

Mr. Crews stated they are trying to convey the residence. Right now, there is no way to do that. If the adjustment and proposal is allowed it will separate the farm from the residence and give the ability for a family member to buy the residence.

Chair Carley opened the hearing for public testimony and no member of the public asked to speak on this agenda item. Chair Carley asked Code if they had any comments. Ms. Skinner answer no. Chair Carley closed the public testimony. Chair Carley asked for feedback from the Board about the three variances.

Member Spector-Morgan stated she has no issues with any of these variances. They are lines on a map and nothing is being changed on the ground. It will not alter the character of the neighborhood. It will not impact property values. It would be a hardship if they did not grant the variances.

Member Winters agreed.

Member Monahan stated he had nothing to add.

Member Wallner answered ditto.

Chair Carley answered ditto, if there ever was a hardship this is it.

Member Spector-Morgan made motion to grant the variance from Section 28-7-7(g)(2) *Setbacks from lot lines*, to allow for no parking setback from a lot line for the existing paved driveway at 119 River Rd where 5 feet is required, because all of the criteria under RSA 674:33 have been met based on the record before us, and moved to adopt the applicant's proposed findings as the Board's findings of fact. Member Wallner seconded. All in favor 5 (Carley, Monahan, Spector-Morgan, Wallner, Winters) to 0 opposed. The motion passed unanimously.

Findings of Fact

The variance will not be contrary to the public interest.

"The public is not affected in any way. The conditions have existed for many decades and only affect contiguous properties owned by trusts of the Murray family. There will be no impact to the environment or neighborhood."

The spirit of the ordinance is observed by granting the variance.

"It will have no effect on surrounding properties, and does not change the character of the neighborhood or environment and will allow the applicant to provide more safety adjacent to River Road."

Substantial justice will be done by granting the variance.

"It will allow the trustees to reconfigure lot lines to separate the residential property from the commercial property without compromising the safety aspects of the existing pavement which has been a long-standing use."

The values of surrounding properties will not be diminished.

"There would be no material changes to conditions that have existed for decades and would have no effect on surrounding property values, nor impact the neighborhood at all."

Denial of the variance would result in unnecessary hardship because:

"The pavement configuration has existed since at least the 1950's and has served two purposes. It was formerly a means of access to a hatchery building that has since burned down. It currently serves as a safe pull off spot for trucks servicing the greenhouse business, whereas River Rd is very narrow. A

portion of the existing pavement serves as a secondary access to the residence. The secondary access is important to maintain because if it were to be extinguished, vehicles exiting the property would be forced to back down the primary driveway into the street. Due to the topography, it is a blind driveway creating a potentially hazardous condition. The secondary access is further away from the curved portion of the road and is at grade. It would allow a vehicle to exit the residential property without backing into the street and have better visibility for exiting the property and for oncoming traffic. If the variance were to be denied, the applicant would be forced to cut back the pavement and diminish the safety aspects of the existing pavement for both purposes.”

- 4.4 Richard D. Bartlett & Associates, LLC, on behalf of Jesse E. Murray Revocable Trust 1991 c/o Grady R. Crews and Ernest P. Sharp, co-trustees, requests approval for a variance from Section 28-7-7(g)(2) *Setbacks from lot lines*, to allow off-street parking within five feet of any lot line, where off-street parking is not otherwise allowed, at Tax Map Lot 32Z 56, addressed as 115 River Rd, in the Open Space Residential (RO) District. This is not a development of regional impact. (ZBA 0248-2025)

The discussion for this agenda item is above in agenda item 4.3.

Member Wallner made a motion to grant the variance from Section 28-7-7(g)(2) *Setbacks from lot lines*, to allow for no parking setback from a lot line for the existing paved driveway at 115 River Rd where 5 feet is required, because all of the criteria under RSA 674:33 have been met based on the record before us, and moved to adopt the applicant’s proposed findings as the Board’s findings of fact. Member Spector-Morgan seconded. All in favor 5 (Carley, Monahan, Spector-Morgan, Wallner, Winters) to 0 opposed. The motion passed unanimously.

Findings of Fact

The variance will not be contrary to the public interest.

“The public is not affected in any way. The conditions have existed for many decades and only affect contiguous properties owned by trusts of the Murray family. There will be no impact to the environment or neighborhood.”

The spirit of the ordinance is observed by granting the variance.

“It will have no effect on surrounding properties, and does not change the character of the neighborhood or environment and will allow the applicant to provide more safety adjacent to River Road.”

Substantial justice will be done by granting the variance.

“It will allow the trustees to reconfigure lot lines to separate the residential property from the commercial property without compromising the safety aspects of the existing pavement which has been a long-standing use.”

The values of surrounding properties will not be diminished.

“There would be no material changes to conditions that have existed for decades and would have no effect on surrounding property values, nor impact the neighborhood at all.”

Denial of the variance would result in unnecessary hardship because:

“The pavement configuration has existed since at least the 1950’s and has served two purposes. It was formerly a means of access to a hatchery building that has since burned down. It currently serves as a safe pull off spot for trucks servicing the greenhouse business, whereas River Rd is very narrow. A portion of the existing pavement serves as a secondary access to the residence. The secondary access is important to maintain because if it were to be extinguished, vehicles exiting the property would be forced to back down the primary driveway into the street. Due to the topography, it is a blind driveway creating a potentially hazardous condition. The secondary access is further away from the curved portion of the road and is at grade. It would allow a vehicle to exit the residential property without backing into the street and have better visibility for exiting the property and for oncoming traffic. If the variance were to be denied, the applicant would be forced to cut back the pavement and diminish the

safety aspects of the existing pavement for both purposes.”

- 4.5 Richard D. Bartlett & Associates, LLC, on behalf of Jesse E. Murray Revocable Trust 1991 c/o Grady R. Crews and Ernest P. Sharp, co-trustees, requests approval for a variance from Section 28-4-1(h) *Table of Dimensional Regulations*, to allow an eight-foot yard where a 40-foot yard is otherwise required, at Tax Map Lot 32Z 56, addressed as 115 River Rd, in the Open Space Residential (RO) District. This is not a development of regional impact. (ZBA 0249-2025)

The discussion for this agenda item is above in agenda item 4.3.

Member Monahan made a motion to grant the variance from Section 28-4-1(h) *Table of Dimensional Regulations*, to allow for a side yard setback of 8 feet at 115 River Rd where 40 feet is required, because all of the criteria under RSA 674:33 have been met based on the record before us, and moved to adopt the applicant’s proposed findings as the Board’s findings of fact. Member Spector-Morgan seconded. All in favor 5 (Carley, Monahan, Spector-Morgan, Wallner, Winters) to 0 opposed. The motion passed unanimously.

Findings of Fact

The variance will not be contrary to the public interest.

“The public is not affected in any way. The conditions have existed for many decades and only affect contiguous properties owned by trusts of the Murray family. There will be no impact to the environment or neighborhood.”

The spirit of the ordinance is observed by granting the variance. “It will have no affect on surrounding properties, and does not change the character of the neighborhood or environment and will allow the applicant to reasonably separate the commercial property from the residential property.”

Substantial justice will be done by granting the variance.

“The two properties affected have long been non-compliant due to lot lines running through the greenhouses. The proposed 8’ setback is due to the buildings being very close together. If a 40’ setback were to be enforced it would be impossible for the residential lot at 119 River Rd to maintain the required rear yard setback and would result in having multiple jogs in the property line and essentially have no backyard for enjoyment and is in the proximity of the existing leach field. If granted, the Murray family trustees would have a reasonable means to separate the properties and settle the estates without the encumbrance of lot lines running through buildings.”

The values of surrounding properties will not be diminished.

“The conditions creating the need for a variance have existed for decades and granting the variance would have no affect on surrounding property values, nor impact the neighborhood at all.”

Denial of the variance would result in unnecessary hardship because:

“If a 40’ setback were to be enforced, the residential lot would have virtually no rear yard, a portion of the property for #115 would encroach in the area of the existing leach field for the residence and there would be multiple jogs in the property line which is undesirable. In addition, it would be detrimental to a previous variance granted to allow for a reduced lot size for #191. Whereas, it would be impossible to maintain that criteria and would not infringe on the commercial property. (See Zoning Case 0173-2024) granting an 8’ setback would allow both lots to enjoy reasonable use of their properties and not create a complicated lot line and other encroachments.”

- 4.6 Northpoint Engineering, LLC, on behalf of Manchester Street Concord Auto, LLC, and Manchester Street Concord Auto TIC, LLC, requests approval for a variance from Section 28-2-4(j) *Table of Principal Uses* J1 *Sale or rental of motor vehicles, other than construction equipment*, to allow the sale and display of motor vehicles where such sale and display is not otherwise allowed, at Tax Map Lot 783Z 16, addressed as 150 Manchester St, in the Industrial (IN) District and Highway Commercial (CH) District. This is a development of regional impact. (ZBA 0250-2025)

Member Spector-Morgan disclosed to Chair Carley that she represents the Town of Pembroke and does not believe she has a conflict. Member Spector-Morgan contacted the Town of Pembroke and they did not have any issue with her sitting on this application. Member Spector-Morgan noted she would recuse if anyone felt it to be necessary.

Chair Carley did not have an issue with Member Spector-Morgan sitting on this case.

Aaron Thibeault (98 Broad Cove Rd, Northwood) and Dennis Wilson (3 Bear Run Dr) are present to represent this application. They are seeking a use variance from Section 28-2-4(j) *Table of Principal Uses* J1 *Sale or rental of motor vehicles, other than construction equipment*, to allow the sale and display of motor vehicles where such sale and display is not otherwise allowed. The variance will allow the legal extension of the existing use. There is an existing dealership with a 9,500-square-foot steel frame building with access through Manchester St with a 30-foot-wide paved driveway. Mr. Thibeault stated the site ends with the paved parking and a stormwater basin. The plan shows the overall development plan which shows the extension for the dealership as well as the inventory storage and parking area. The subject parcel used to be two lots of record. The Integra Dr parcel is bisected with the Manchester St parcel.

Chair Carley asked how does this differ from the granted variance two years ago?

Mr. Thibeault answered zero.

Chair Carley asked why are they discussing it?

Ms. Skinner stated it expired.

Member Winters asked if they agreed to extend it?

Mr. Thibeault stated that was the one that was extended earlier tonight to make sure the same thing did not happen. After two years since they did not construct it, the variance expired and they have to come back for the same variance.

Chair Carley stated they are seeing the same case over again.

Mr. Thibeault answered you are.

Member Winters asked if this was approved more than two years ago?

Ms. Skinner stated yes, it was approved in 2022 and expired in 2024.

Mr. Thibeault stated with the 2022 variance the lot merger was a condition of approval. They went through with the lot merger. The variance expired due to project development delays. There was an issue with the car manufacturer licensing. They are very particular with how the building looks regarding colors, interior, exterior, and layout. They are hoping to get the project moving. They have a site plan application that will be heard in April. They are going for approval for the rear portion of the lot in April. They are waiting to finalize a couple items with the architectural side of things. The way they are planning to build it will be for two separate approvals. The idea is to build the back to give room for when they expand the front. Part of the improvements will be a stormwater management system that will be located out back with some underground retention. They will get that constructed under phase one. The subject parcel is 3.5 acres. There is land in both the Industrial District and Commercial Highway District. They are in the AP District as well due to Pembroke's wells. That makes it a development of regional impact. There will be unmarked pavement for a display area. There is a proposed 15,000-square-foot addition to the 9,500-square-foot building. They will add an access point to Integra Dr. It will be a through access. Mr. Thibeault then read out loud for the record the submitted findings of fact.

Chair Carley stated they do have a letter dating back to the original case from the Town of Pembroke and the regional impact. Chair Carley noted at the time meeting all of those requests as part of the conditions of approval and asked if that is still the case.

Mr. Thibeault noted in the affirmative.

Chair Carley opened for any questions from the Board.

Member Winters asked if the Integra Dr side of the lot will be used to store vehicles?

Mr. Wilson said the storage and employee parking will be in the back.

Mr. Thibeault noted they are planting trees as part of the landscaping requirement.

Chair Carley opened the hearing for public testimony, and no member of the public asked to speak on this agenda item. Chair Carley asked Code if they had any comments. Ms. Skinner answer no. Chair Carley closed the public testimony. Chair Carley asked for feedback from the Board.

Member Winters stated they cannot rubber stamp what they did before. They are making good use of a previously undeveloped lot. As far as the public is concerned there will be minimal impact. They are using the Integra Dr side to store vehicles. The commercial operations will still be on Manchester St which is in character with that neighborhood.

Member Monahan agrees that it is a proper use of the site. Member Monahan agrees with Member Winters that the location to store vehicles is appropriate.

Member Spector-Morgan stated this is an appropriate use variance.

Member Wallner agreed.

Chair Carley agrees.

Member Winters made a motion to grant the variance from Section 28-4-1(j) *Table of Principle Uses, (J)(1) to allow for the sale of or rental of motor vehicles, other than construction equipment*, at Tax Map Lot 783Z 16, addressed as 150 Manchester St, because all of the criteria under RSA 674:33 have been met based on the record before us, and moved to adopt the applicant's proposed findings as the Board's findings of fact. Member Spector-Morgan seconded. All in favor 5 (Carley, Monahan, Spector-Morgan, Wallner, Winters) to 0 opposed. The motion passed unanimously.

Findings of Fact

The variance will not be contrary to the public interest. "The applicant's proposed use does not unduly, or in a marked degree, conflict with the ordinance. Allowing auto inventory to be parked immediately adjacent to where auto sales are permitted does not violate the ordinance's basic zoning objectives, nor would it alter the essential character of the locality. Traditionally such requirements are meant to minimize unsightly storage of vehicles that no longer operate, as in a junkyard. This use variance is requested in an area where automobile sales is the primary use of many properties, including two of the four properties sharing a boundary line. The remaining two abutting properties include automobile service with incidental vehicle storage, and an office type use. The office type use will be screened by a 10-ft vegetated buffer as a condition of another approved set of Variances for the Site.

The lot merger of historic 10 Integra Drive was completed based on feedback of the Zoning Board during a previous variance application for the same purpose (expired). This merger took an underperforming lot which has been vacant for over 30 years, and split it between abutters, all with plans for improvement. This can be viewed as a benefit to public interest by taking an underutilized parcel and making meaningful improvements.

With respect to public health, safety, and welfare, the proposed use within the AP Overlay District carries numerous regulatory protections that are put in place to ensure the aquifer is protected. As stated, the proposed use is similar to surrounding uses, and the expansion of the use will require updates to the existing facility and their standard operating practices. These updates will ensure the facility is up to current standards, promoting the safeguarding of the aquifer.

Not only would granting the Variance not alter the essential character of this area, or threaten public health, safety, or welfare, granting the Variance would allow one of Concord's existing and successful businesses to expand, which brings expanded employment opportunities and other benefits these businesses create."

The spirit of the ordinance is observed by granting the variance. "One major purpose of the ordinance is to encourage the most appropriate use of the land, and to dissuade development which may contradict this purpose in various ways. Surrounding uses include other auto dealerships, automotive repair facilities, automotive supply, and an office building. Granting the variances would not alter the essential character of this area instead promote the expansion of an existing permitted use within an area that fits the use. The provisions of the AP Overlay District will be honored as part of the local and state permitting process, ensuring public safety and welfare is not impacted by the proposed project. The proposed project will also improve upon the current condition of the Site, by bringing the entire subject parcel into compliance with current regulatory requirements, both aesthetically and functionally."

Substantial justice will be done by granting the variance. "The loss to the applicant if the variances are not granted is very high. Without the variances, the dealerships may not be able to continue in this location, given the demands from dealership licensing agreements with car manufacturers. On the other hand, the public stands to gain nothing if the variances are denied. Without these variances the current vacant condition of the previous 10 Integra Drive parcel is likely to continue, which is a disservice to the public. As noted, the proposed use is consistent with the area's present uses, and the expansion of the existing use would improve the current lot aesthetic and functional value."

The values of surrounding properties will not be diminished. "Aside from a large lot at the end of Integra Drive, the former 10 Integra Drive parcel is the last undeveloped lot on Integra Drive. It stands to reason that once developed with the proposed use, the 150 Manchester Street lot's fair market value and assessed values will increase, which in turn enhances, not diminishes, the values of surrounding properties, which are all commercial and industrial in nature. The proposed use is consistent with the abutting uses and fits exceedingly well in the existing vicinity."

Denial of the variance would result in unnecessary hardship because: "The special conditions of this property that distinguish it from other properties in the area are that it was once a stand alone parcel adjacent to the applicant's existing auto dealership, which was across the CH Zoning District boundary. Due to the acquisition and merger of the historic 10 Integra Drive parcel, the dealership was able to expand its land areas based on a Variance obtained in 2022 from the Concord Zoning Board of Adjustment, allowing the sale of motor vehicles to extend to within the IN District. The Variance has since expired, and the applicant would like to regain approval to expand the existing dealership use over the zoning district boundary.

As noted, the general public purposes of the provision at issue are to prevent unsightly storage of unregistered vehicles and to protect the aquifer. These general public purposes are fully satisfied with this proposed use. Orderly and sightly storage of automobile inventory will occur immediately adjacent to existing auto sales and inventory storage. Auto service and repair will be regulated to protect groundwater based on regulatory requirements. Overall, the expansion and redevelopment of the site would not affect the neighboring properties, nor the zoning goals sought to be regulated by the ordinance. This makes the proposed use a reasonable one. For the reasons stated with respect to other variance standards, and those expressed in this section, the proposed use satisfies the legal requirements of this standard."

- 4.7 Theresa Canejo, on behalf of Theresa Canejo and Fred G. Loder, Jr., requests approval for a variance from Section 28-5-2 *Duplex or Two-Family Dwelling*, to allow the conversion of an existing house and finished basement into a duplex on a lot with 8,712 square feet where 15,000 square feet is required for a duplex, and 95.3 feet of frontage where 120 feet is required for a duplex, at Tax Map Lot 583Z 66,

addressed as 200 Rumford St, in the Urban Transitional (UT) District. This is not a development of regional impact. (ZBA 0253-2025)

Theresa Canejo (200 Rumford St, Concord) is present to represent this application. Ms. Canejo stated for two years she aggressively was looking to buy a house. Finally, she found this house. It already had an in-law apartment and thought it would be great to get some extra income. Ms. Canejo is seeking a variance for a two-family to make it a legal apartment. Ms. Canejo stated looking at the house you cannot see the apartment from street. Ms. Canejo noted she is not sure how many of the neighbors know there is an apartment there. Ms. Canejo does not feel there is an impact to neighborhood. Ms. Canejo stated she has the room for the driveway.

Member Winters asked about going for an accessory dwelling unit as opposed to the two family?

Ms. Canejo stated that was the first choice but it does not qualify.

Ms. Skinner stated to qualify for any special exception you have to meet all of the requirements of the special exception. There is a requirement of the special exception that this site does not meet.

Member Spector-Morgan asked which one?

Ms. Skinner stated the size. There is a minimum and a maximum requirement for an accessory dwelling unit, and Ms. Canejo is below the minimum square footage required for an accessory dwelling unit.

Member Winters asked for the minimum and maximum requirements.

Ms. Skinner answered the maximum square footage allows for an accessory dwelling unit is 750, and the minimum required is 600 square feet. The unit is below 600 square feet.

Member Winters stated that is a minimal difference between the minimum and the maximum and asked for the square footage of the unit.

Ms. Canejo stated about 500 square feet. Ms. Canejo noted there is one bedroom with a walk-in closet, a huge kitchen, bathroom, and shower.

Member Winters asked if she would need to do minimal construction?

Ms. Canejo stated exactly.

Member Winters asked if it has its own entrance?

Ms. Canejo answered yes.

Member Winters asked about parking

Ms. Canejo stated there is plenty of parking for at least six cars.

Member Monahan asked how the house was used before Ms. Canejo purchased the property?

Ms. Canejo answered as an in-law.

Member Winters noted they were just using it and no one asked any questions.

Ms. Canejo answered right, she believes the prior owner's sister lived there.

Chair Carley asked if in the building code or housing code it has the size for minimum of a dwelling

unit?

Ms. Skinner states she does not think there is.

Chair Carley asked for Ms. Canejo to discuss hardship, the property, the house, and configuration. Chair Carley stated they needed the information in order to consider the variance.

Ms. Canejo stated she is alone and has one income. Ms. Canejo noted it is hard to make it these days on one income. Ms. Canejo needs the extra income.

Member Spector-Morgan stated from a property point of view it might be unique as the apartment already exists.

Member Winters noted if she was going to build from scratch she could meet the requirement.

Chair Carley asked when the house was built?

Ms. Canejo stated it is about 60 years old.

Chair Carley stated that lot must have been subdivided before that.

Member Wallner asked if there are other houses on Rumford St that are duplexes?

Ms. Canejo noted she thinks there is a two-family a couple houses up from hers.

Alternate Perkins noted there is a spattering through that whole neighborhood.

Member Monahan asked if there would be a hardship for her to reconstruct the house?

Ms. Canejo does not know how she could.

Chair Carley asked if any member of the public would like to be heard in favor of this appeal?

Roy Schweiker (12 Chapel St, Concord) thinks this is a valuable thing. Mr. Schweiker stated he has twice rented a 400-square-foot apartment, which was ideal for his circumstances at the time. Mr. Schweiker noted if there is a requirement in the housing code that requires it to be bigger than that it is unfairly increasing the size of a unit, which would then increase the rent. Mr. Schweiker noted there are two applications – one for an accessory dwelling unit and one for a duplex.

Chair Carley stated he did not see anything about an accessory dwelling unit.

Chair Carley asked if there is any member of the public who would like to be heard in favor of the appeal and with no response asked if anyone would like to be heard in opposition to the appeal.

Heidi Pauer (202 Rumford St, Concord) lives next door to the property. Ms. Pauer received a certified mailing about 200 Rumford St. Ms. Pauer noted she has lived there for 22 years and knows what happens on the street. Ms. Pauer's major concern for safety is parking and sight lines. Ms. Pauer stated on that part of the street people drive by too fast. Ms. Pauer was aware of the in-law apartment as she has been in that house before with the prior owners. Ms. Pauer does appreciate the need for extra income. Ms. Pauer does appreciate the need for more housing in Concord. Ms. Pauer does not know if that is the place for the particular type of thing. Ms. Pauer stated the driveway she has is a little bit larger. If she stacks a couple cars the sight line is really tough for everyone on the same side of the road to back out of their driveways. Ms. Pauer noted some people park on the street closer to 196 Rumford St and that is a part of the sight line problem. Ms. Pauer is thinking long term if it becomes a duplex

will it stay a duplex? There is one duplex in that area and that has created parking issues.

Chair Carley stated there was testimony that she has enough parking on the property.

Ms. Pauer answered correct, it depends on how many people and how many cars. Ms. Pauer noted she has six spaces for both above and below. Ms. Pauer felt three is pushing the limit.

Chair Carley stated under the ordinance she would not be required to have more than four parking spaces and if she has six then she is covered.

Ms. Pauer asked when you create a variance if it was 15,000 square feet that is needed for a duplex and what is the reason behind that.

Chair Carley stated when the original master plan was drawn up and the ordinance was drawn up they wanted to have a certain level of density in that neighborhood.

Chair Carley asked Ms. Canejo if she would like to offer clarification in response.

Ms. Canejo stated she has lived there since November. Ms. Canejo has had no issue getting in and out of the driveway. Ms. Canejo does not feel there is any impact in the neighborhood for a one-bedroom apartment.

Chair Carley asked Code if they had any comments. Ms. Skinner answer no. Chair Carley closed the public testimony. Chair Carley asked for feedback from the Board.

Member Monahan agreed with the applicant and there is no burden on neighborhood with the property based on the size of the unit. Member Monahan is not concerned with parking issues. Member Monahan stated the proposal will comply with the housing components of the City's master plan.

Member Wallner stated it is a reasonable use. Member Wallner noted duplexes are allowed in the neighborhood where lot sizes tend to be smaller and will meet the criteria. Member Wallner stated denying it would be denying the applicant reasonable use of the property.

Member Spector-Morgan agrees.

Member Winters noted almost the entirety of Rumford St is close together where you cannot go fast and has a lot of stop signs. Member Winters stated in this one stretch there is no cross street. Member Winters can see the neighbor's point about the speed and street parking. Member Winters does not think the applicant should not take responsibility for the fact that people drive too fast and do not park well. Member Winters stated this is an enforcement issue. Member Winters noted all of the neighbors should talk to the City to ticket or tow people.

Chair Carley agreed.

Member Winters made a motion to grant the variance from Section 28-5-2 *Duplex or Two-Family Dwelling*, to allow the minimum frontage to be less than one and one-half times the minimum frontage specified in Section 28-4-1(h) and to allow the minimum lot size to be less than one and one-half times the minimum lot size specified in Section 28-4-1(h), at Tax Map Lot 583Z 66, addressed as 200 Rumford St, because all of the criteria under RSA 674:33 have been met based on the record before us, and moved to adopt the applicant's proposed findings as the Board's findings of fact. Member Wallner seconded. All in favor 5 (Carley, Monahan, Spector-Morgan, Wallner, Winters) to 0 opposed. The motion passed unanimously.

Findings of Fact

The variance will not be contrary to the public interest. “The building is pre-existing and I do not believe the neighbors are aware of the finished basement that is existing. There is no change to the exterior of the house. There will be no traffic or safety interference.”

The spirit of the ordinance is observed by granting the variance. “The duplex will have no impact on the character of the neighborhood. I do not think the abutters would even realize the change it is not visual from the street.”

Substantial justice will be done by granting the variance. “The duplex is import to me as a widow trying to survive in the new world we live in. Life is so much more expensive and harder on my own. The duplex will be for Section- Eight housing to benefit another who is struggling, while providing me the means to support myself. I truly do not believe the public would be affected.”

The values of surrounding properties will not be diminished. “The existing house has adequate space between abutters and will not affect the neighbors at all. I do not think they will even know the duplex is there.”

Denial of the variance would result in unnecessary hardship because: “I am a widow who is struggling in the harder more expensive world we live in. Everything is going up and the duplex will help me financially and I plan to seek Section-Eight housing to provide a safe place for another citizen.”

5. Review and acceptance of Minutes from January 29, 2025, and February 5, 2025

Member Wallner moved, seconded by Member Winters, to approve the meeting minutes from January 29, 2025, as written. The Board voted 5 in favor (Carley, Monahan, Spector-Morgan, Wallner, Winters) to 0 opposed. The motion passed unanimously.

Member Wallner moved, seconded by Member Winters, to approve the meeting minutes from February 5, 2025, as written. The Board voted 5 in favor (Carley, Monahan, Spector-Morgan, Wallner, Winters) to 0 opposed. The motion passed unanimously.

6. Any other business that may legally come before the Board

6.1 Updated 2025 Rules and Procedures from 2023 Rules and Procedures

Ms. Skinner stated the proposed revision updates the 2023 Rules and Procedures.

Chair Carley asked if there is anything that she would like to call to the Board’s attention.

Ms. Skinner noted that the language referencing “code administrator” has been removed because it is no longer valid. Ms. Skinner noted that references to “chairman” were changed to “chair.” There was a section for special exceptions and variances that was removed because it is all stated in the zoning ordinance, and the zoning ordinance holds. The information in the rules conflicted with the ordinance. Ms. Skinner stated she cleaned it up.

Chair Carley noted it was housekeeping.

Member Wallner made a motion to approve the updated 2025 Rules and Procedures. Member Spector-Morgan seconded. The Board voted 5 in favor (Carley, Monahan, Spector-Morgan, Wallner and Winters) to 0 opposed. The motion passed unanimously.

7. Adjourn

On a motion made by Member Spector-Morgan, seconded by Member Monahan, the Board unanimously voted 5 in favor (Carley, Monahan, Spector-Morgan, Wallner and Winters) to 0 opposed to adjourn at 7:50 p.m.

Respectfully submitted,

Krista Tremblay

Krista Tremblay

Administrative Technician III