



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

August 6, 2025
MEETING MINUTES

Attendees: Chair Christopher Carley, Member Nicholas Wallner, Alternate Member Mark Davie, Member Andrew Winters, and Alternate Member Brenda Perkins

Absent: Member Laura Spector-Morgan and Member James Monahan

Staff: AnneMarie Skinner, AICP, City Planner
Stephanie N. Verdile, Assistant City Planner
Kearsten O'Brien, Senior Planner

1. Call to order

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

2. Chairperson's comments

3. Public meetings

4. Public hearings

(4.1 & 4.2) Joseph Hughes and Jeffrey Martin request approval for a variance from Section 28-4-1(c) *Minimum Lot Frontage/(h) Table of Dimensional Regulations*, to permit 86 feet of frontage where 100 feet is otherwise required and Section 28-4-1(b) *Minimum Lot Size/(h) Table of Dimensional Regulations*, to permit lot area of 10,455 square feet where 12,500 square feet is otherwise required at Tax Map Lot 753Z 30, unaddressed Mulberry St, in the Single-Family Residential (RS) District. Not a development of regional impact. **(ZBA 0294-2025) & (ZBA 0295-2025)**

There was no appellant to testify.

Alternate Member Perkins verified that the proposal is to build a single-family dwelling on the vacant lot.

Ms. Skinner said that is correct.

Mrs. O'Brien stated that the lots have been sold together since 1945. They were once separate lots until the purchase in 1945, and have been sold together ever since.

Alternate Member Perkins said that she has no objections because the size reductions they are looking for are not dramatic. Alternate Member Davie stated he had no further comment.

Chair Carley opened the public hearing for members of the public in favor and opposition.

Mary Maguire stated she is the owner of lot 108 on the abutters map. Ms. Maguire stated that her rear property line runs along the piece of property. Ms. Maguire stated her concern is with privacy. Ms. Maguire said that the owner could build a house but would like to see the board put a condition on the property to have a screen or fence for that side of the property.

Alternate Member Perkins asked what the setbacks were for the zoning district.

Ms. Skinner stated that the setbacks for the RS zone are 25 feet from the rear and 15 feet from the sides.

Member Winters asked if there was a restriction on clearing of the property.

Ms. Skinner stated no.

Member Winters asked the abutter if her lot was completely wooded.

Ms. Maguire said there might be about five feet of wooded area between the lots.

Alternate Member Perkins asked if Ms. Maguire already had a fence on her property.

Ms. Maguire said only on the sides of her property not the rear.

Chair Carley stated that if the applicant is building within the setbacks then they do not have grounds to require a screening. If they were seeking relief from a setback requirement, then the board could put that condition on the applicant.

With no further comments, Chair Carley closed the public hearing.

Member Winters said that without the variances for this lot they would need variances to build on the lot and that is a hardship. They are asking for 86 feet of frontage and 10, 455 square feet for lot size and that is reasonable. Member Winters said that the concerns brought forth by the abutter are all valid. Alternate Member Davie said he does not have an issue with how the variance was presented. Given the abutters comments Alternate Member Davie was open to a motion for continuance. Alternate Member Perkins stated she had no issues with the proposal that it is a nonconforming lot and if it had not been bought and purchased with the lot next door it would not have needed the variance. Member Wallner said that he agrees with his colleagues and that the lot size is within the characteristic of the neighborhood. Member Wallner stated the abutter's concerns would come up with a variance request for setbacks if ever needed.

*Alternate Member Perkins moved to **grant the variance from Section 28-4-1(c) Minimum Lot Frontage/(h) Table of Dimensional Regulations**, to permit 86 feet of frontage where 100 feet is otherwise required at tax map lot 753Z 30, unaddressed Mulberry St, because all of the criteria under RSA 674:33 have been met based on the record before us, and to adopt the applicant's proposed findings as the Board's findings of fact. Seconded by Member Wallner. **Motion passed 5-0.***

Adopted Findings of Fact:

1. *The variance will not be contrary to the public interest.* "Granting the variance would not be contrary to the public interest Mulberry is now a class A city street the had new homes built since I bought the land. By granting variance it is consistent with the character of the existing neighborhood."
2. *The spirit of the ordinance is observed by granting the variance.* "The proposal will be an improvement to the current conditions. It fits within the essential character of the neighborhood."
3. *Substantial justice will be done by granting the variance.* "Is consistent with the area's present use"

4. *The values of surrounding properties will not be diminished.* “There are adequate buffers between the lot and abutters and would be consistent with the neighborhood.”
5. *Denial of the variance would result in unnecessary hardship because:* “By not allowing the variance the land would be useless to the public. It would be beneficial over the current conditions on site and will provide needed housing.

*Alternate Member Perkins moved to **grant the variance from Section 28-4-1(b) Minimum Lot Size/(h) Table of Dimensional Regulations**, to permit lot area of 10,455 square feet where 12,500 square feet is otherwise required at tax map lot 753Z 30, unaddressed Mulberry St, because all of the criteria under RSA 674:33 have been met based on the record before us, and to adopt the applicant’s proposed findings as the Board’s findings of fact. Seconded by Member Wallner. **Motion passed 5-0.***

Adopted Findings of Fact:

1. *The variance will not be contrary to the public interest.* “Granting the variance would not be contrary to the public interest, Mulberry St is a class A city street that had new homes built since I bought the land. By granting the variance it is consistent with the character of the existing neighborhood.”
2. *The spirit of the ordinance is observed by granting the variance.* “The proposal will be an improvement to current conditions. It fits within the essential character of the neighborhood.”
3. *Substantial justice will be done by granting the variance.* “It is consistent with the area’s present use.”
4. *The values of surrounding properties will not be diminished.* “There are adequate buffers between the lot and abutters and would be consistent with the neighborhood.”
5. *Denial of the variance would result in unnecessary hardship because:* “By not allowing the variance it would make the land useless to the public. It would be beneficial over the current conditions on the site and will provide the needed housing.”

(4.3-4.5) Walter Dratner requests approval for a variance from Section 28-4-1(d)(1) *Minimum Front Yard Requirements/(h) Table of Dimensional Regulations*, to permit zero setback where a 10-foot front setback is otherwise required along the front property lines (Village St and Lilac St) for the addition of decks on an existing building, a request for variance approval from Section 28-4-1(b) *Minimum Lot Size/(h) Table of Dimensional Regulations*, to permit lot area of 6,534 square feet where 7,500 square feet is otherwise required for the conversion of an existing building to a triplex and requests approval for a variance from Section 28-7-2(e) *Table of Off-Street Parking Requirements*, to permit zero parking spaces where six spaces are otherwise required for the conversion of an existing building to a triplex at Tax Map Lot 1431P 58, addressed as 181 Village St, in the Downtown Residential (RD) District. Not a development of regional impact. **(ZBA 0296-2025), (ZBA 0297-2025) and (ZBA 0298-2025)**

No appellant present to present the case.

Alternate Member Perkins stated that this property is the old warehouse for the furniture store.

Mrs. O’Brien stated that the property is the old warehouse for Cheney Apple Furniture, and there is a building permit to repair the exterior fire damage.

Chair Carley said that he is reluctant to decide the case without hearing from the appellant. Alternate Member Perkins agreed with Chair Carley. Chair Carley opened the public hearing to members of the public in favor and opposition.

Chris Stephen and Stacy Ballard resides at 1 St Catherine St across from the parcel seeking the variance. Mr. Stephen said reading through the applicant’s proposal he stated the properties in the area are similar in lot size and such. Mr. Stephen said they may be the case but all the properties have parking whether it is common area or driveways. Mr. Stephen said his main concern is accessibility for people that reside at 22,

20, and 24. They park on Lilac St and the people that live at 175 Village St park on the road thereby reducing the road to a single lane. When the fire took place at the warehouse, the fire department had to move vehicles to access the property to extinguish the fire. Mr. Stephen said if parking is allowed on the street it will make getting in and out of his driveway hard. Mr. Stephen said that he understands the need for housing but does not feel it is efficient use of the property. Mr. Stephen stated that Mr. Dratner stated in the application that without the variance for the setbacks he will have no access other than through the basement. Mr. Stephen said that Mr. Dratner is choosing to do these things and that it is not beneficial. Mr. Stephen stated his main concerns are parking, common areas, and where the residents would put their trash.

Member Winters asked what the parking was like when the warehouse was in business.

Ms. Ballard said the furniture store was next door so people would park and walk over. Mr. Stephen said they do have a small gravel area on Lilac Street to pull in and out of.

Member Winters asked if there were many trucks that accessed the warehouse.

Mr. Stephen said that he does not remember there being that many and they would not stay for any length of time and would sometimes turn around in his driveway, which raised another concern for Mr. Stephen.

Ms. Skinner stated that if there is no variance granted for the parking, the property will be undevelopable.

Mr. Stephen stated that when the property went on the market they had looked into that, and the deed said that there were six parking spots deeded to it.

Ms. Skinner said those spots are not on the property. The way that the parking requirements are spelled out in the zoning ordinance doesn't allow for parking on the site.

Discussion ensued regarding parking on the street.

*Motion made by Alternate Member Perkins to continue the hearing to a date certain of September 3, 2025. Seconded by Member Winters. **Motion passed 5-0.***

Ms. Skinner added that a warehouse is not a permitted use in the zone, and a triplex is allowed. If a variance is not granted for the parking, the lot would not be developable. As of September 13th the new State Law will only require one parking space per dwelling unit.

(4.6) Robin L. Raycraft requests approval for a variance from Section 28-4-1(d)(3) *Minimum Side Yard Requirements*/(h) *Table of Dimensional Regulations*, to permit a side setback of 8 feet where a 15-foot side setback is otherwise required for the addition of a porch/deck on an existing house, at Tax Map Lot 053P 40, addressed as 92 Merrimack St, in the Medium Density Residential (RM) District. Not a development of regional impact. **(ZBA 0299-2025)**

Alternate Member Perkins asked Ms. Raycraft if the driveway was on her lot.

Ms. Raycraft stated it is not and she has a deeded right to the driveway. The porch is not going to go farther than the house. The house is already out of compliance with the regulations.

Chair Carley asked about the depth of the porch.

Ms. Raycraft stated that it will be eight feet.

Alternate Member Perkins asked if the porch would be 90 feet back from the road.

Ms. Raycraft said yes.

Member Winters asked if Ms. Raycraft would be replacing the existing porch.

Ms. Raycraft stated that she does not have a porch currently and would be adding it to the house.

Chair Carley opened the public hearing to members of the public in favor and opposition. No members of the public present. Chair Carley closed the public hearing.

Alternate Member said that she does not see a reason to object to the project. The owner has a side setback that does not meet the needs of the property for the current standards. Alternate Member Davie stated that he sees the hardship because if the applicant's driveway was on her own property they would not be meeting on the case. Member Winters, Member Wallner, and Chair Carley concurred with the other board members.

*Member Winters moved to **grant the variance from Section 28-4-1(d)(3) Minimum Side Yard Requirements/(h) Table of Dimensional Regulations**, to permit a side setback of 8 feet where a 15-foot side setback is otherwise required for the addition of a porch/deck on an existing single-family detached dwelling at 92 Merrimack St Penacook, because all of the criteria under RSA 674:33 have been met based on the record before us, and to adopt the applicant's proposed findings as the Board's findings of fact. Seconded by Member Mr. Wallner. **Motion passed 5-0.***

Adopted Findings of Fact:

1. *The variance will not be contrary to the public interest.* "Granting this variance would allow the aesthetics of my home to improve. This variance does not change or add any threatening health or safety concerns to the public. The deck will be attached to my home and is not going to be any longer than the home currently. There is no evidence of safety, traffic or health concerns."
2. *The spirit of the ordinance is observed by granting the variance.* "If this variance is granted, it would still align with the home and not change the property that abuts the thoroughway, that I am permitted to use via my deed. The proposed plan aligns with the aesthetics of the neighborhood as well as the home."
3. *Substantial justice will be done by granting the variance.* "Granting the variance will allow the improvement of the home and neighborhood. The proposed plan is no larger than the current home which is sitting within 8' of the property line already."
4. *The values of surrounding properties will not be diminished.* "No abutting properties will be affected by the deck being added to the front of the home. It is far enough from the front property line that it is only cosmetically adding to the neighborhood. Several homes in the area also have porches and decks and all of them add to the beautification of the properties."
5. *Denial of the variance would result in unnecessary hardship because:* "The current home has been on the property since 1900. I cannot move the home in order to add the deck and be within the guidelines that are now in place. It is in keeping with the neighborhood."

(4.7 & 4.8) Ashutosh Rana and Valentine Realty LLC request approval for a variance from Section 28-4-1(b) *Minimum Lot Size/(h) Table of Dimensional Regulations*, to permit lot area of 8,712 square feet where 12,500 square feet is otherwise required for the construction of a new house and Section 28-4-1(c) *Minimum Lot Frontage/(h) Table of Dimensional Regulations*, to less than 100 feet of frontage where 100 feet is otherwise required, at Tax Map Lot 632Z 19, unaddressed Canterbury Rd, in the Single-Family Residential (RS) District. Not a development of regional impact. **(ZBA 0300-2025) & (ZBA 0301-2025)**

Mr. Rana stated he purchased the property of 17 Canterbury and within the deed it included the parcel next to 17 Canterbury Rd. Mr. Rana stated he would like to fix up 17 Canterbury Rd and rent the property out and then build a single-family dwelling on the vacant lot. Mr. Rana stated they were able to see on the City's GIS system that there are some lots that are smaller in size and less frontage than the lot he is looking to build upon. Mr. Rana stated that he believes that what he is proposing will increase the property values.

Chair Carley asked Mr. Rana if the lot was an existing lot.

Mr. Rana said yes.

Chair Carley asked when the lot was created.

Mr. Rana said it was not subdivided.

Ms. Skinner said that it predates the existing ordinance and the only reason why it cannot be counted as nonconforming is because the Zoning Ordinance does not allow for the nonconforming lots being contiguously owned.

Ms. O'Brien stated that in the staff report it explains that the properties have been sold together since 1976 and prior to that they were sold separately.

Chair Carley asked if the applicant planned to build the house in keeping with the minimum setbacks.

Mr. Rana stated yes.

Member Wallner said in the application materials it shows a diagram of the driveway that goes through the back of the lot. He asked if the driveway is coming in off of Dudley.

Mr. Rana said that it was the original plan, and he submitted a new plan showing the driveway coming off of Canterbury Rd.

Member Winters clarified that the variances were needed to be able to build on the property.

Mr. Rana said that is correct. He stated that he has spoken to abutters and at least two of them are in favor of the proposed project.

Chair Carley opened the public hearing for members of the public in favor to speak. No abutters in favor.

Chair Carley opened the public hearing for member of the public in opposition to speak.

Linda Meader of 19 Canterbury Street spoke in opposition of the proposal of a single-family dwelling. Ms. Meader is concerned with the proposed driveway. The second concern Ms. Meader had was that there has been a lot of building on the Heights and within the area of her property and the water pressure is very poor.

Ms. Skinner presented the new plan to the board and stated the driveway proposal is not germane to the variance.

Ms. Meader said the third item is that she would not like to change her address because she has been addressed as 19 Canterbury Rd for years and it would not be ideal to have to change her address for everything. Chair Carley closed the public hearing.

Member Wallner stated that seeing there are numerous lots with dimensional similarities, he believes that denying the request would deny the owner reasonable use of the property. Member Winters agreed with Member Wallner and stated that the plans are bare bones and the applicant might have considered waiting on a more concrete plan because he may need more variances. Member Winters said it seems more than fair that he should be able to build on the property. Alternate Member Davie stated that he had nothing to add. Chair Carley and Alternate Member Perkins both concurred.

*Alternate Member Perkins moved to **grant the variance Section 28-4-1(b) Minimum Lot Size/(h) Table of***

Dimensional Regulations, to permit lot area of 8,712 square feet where 12,500 square feet is otherwise required for the construction of a new single-family detached dwelling at tax map lot 632Z 19, unaddressed Canterbury Rd, because all of the criteria under RSA 674:33 have been met based on the record before us, and to adopt the applicant's proposed findings as the Board's findings of fact." Seconded by Member Wallner. **Motion passed 5-0.**

Adopted Findings of Fact:

1. *The variance will not be contrary to the public interest.* "Requesting a variance to allow 8,712 square feet of lot area where 12,500 square feet is required Article 28-4 Section 28-4-1 (b) The lot located at 6 Dudley Dr is 0.17 acres. This lot is 0.2 acres. The ability to build on this lot will allow a significant improvement in the use and market value of the block. Additionally, it is my intention to. make improvements to make improvements to the landscaping of the lot, if the variance was granted. I also believe that if one were to grant access to Dudley (for the driveway) it would not affect the numbering on the street either. Lastly, the home I plan to build will be within the maximum height & size requirements of the area. It is my plan to be a good neighbor and improve the neighborhood and increase taxes on the lot. Also, 29 Chase Street is 0.18 acres."
2. *The spirit of the ordinance is observed by granting the variance.* "The lot is currently vacant and unkempt. Allowing the build would be in accordance with the spirit of the ordinance, as the build will be within the size limits of the neighborhood, and provide additional housing to the area, while increasing taxes. Also, being a good neighbor, I have been communicating my thoughts with all the neighbors, so that they are not surprised. Everyone seems very receptive to the idea of a mid-sized house being build there and clearing the lot. As mentioned above, if the driveway is allowed to be on Dudley, then there will not no issue with the numbering, and it will be very easy to maintain the current levels of privacy of the abutting neighbors."
3. *Substantial justice will be done by granting the variance.* "Increase housing in the area without adding any significant level of congestion. Currently, the lot is vacant and in terrible shape, with overgrowth and unkept vegetation. Neighbors have complained about rats and other animals being previously in the area. This ability to build a home there will change all this and substantially improve the area. Additionally, it will help fund the rehab of the adjacent property (17 Canterbury Rd). As mentioned, I strive to be a good neighbor. Therefore, I am also willing to redraw the lines of the lot so that the current encroachment pointed out by the city is resolved. By granting the build ability, and helping me redraw the lot lines you will also help protect the current resident whose pool and fence encroach on the current lot lines."
4. *The values of surrounding properties will not be diminished.* "The current lot is in bad shape, and this would improve the area along with the overall values of surrounding properties. In fact, most neighbors that I speak to seem very welcoming to the idea. Adding a mid-sized home there would fit the current neighborhood and ensure that the property is maintained in a manner that enhances the surrounding properties. As a part of the build process, the site will need to be cleaned up, thereby immediately improving the values of the surrounding properties."
5. *Denial of the variance would result in unnecessary hardship because:* "The proposed use for a new house in a residential district is reasonable. The proposed use for a new house is permitted outright in the RS District and will provide a much-needed house in the City available for rent or purchase. The block bordered by Canterbury Rd, Dudley Dr, Branch Tpke, and Pembroke Rd contains 24 lots. All 24 lots contain a house, with the exception of the subject lot and one other lot. The 24 lots vary in size with the smallest being 7,405 square feet and the largest being 30,928 square feet. Of the 24 lots in the block, 6 of them are smaller than the 12,500-square-foot minimum lot size, yet they each contain a house with the exception of the subject lot. This new house will not overburden the property or negatively impact a block that already contains houses. The ordinance provision is meant to provide enough room for a house and still provide reasonable distance between neighboring houses and provide

a yard for the new house. There is room on the subject lot to meet setbacks, thus providing enough room between the neighboring houses, and still have a yard.”

*Alternate Member Davie moved to **grant the variance Section 28-4-1(c) Minimum Lot Frontage/(h) Table of Dimensional Regulations**, to permit less than 100 feet of frontage where 100 feet is otherwise required, at tax map lot 632Z 19, unaddressed Canterbury Rd, because all of the criteria under RSA 674:33 have been met based on the record before us, and to adopt the applicant's proposed findings as the Board's findings of fact. Seconded by Member Wallner. **Motion passed 5-0.***

Adopted Findings of Fact:

1. *The variance will not be contrary to the public interest.* “Requesting a variance to allow 60.5 feet of frontage where 150 feet is required. Article 28-4 Section 28-4-1(c) The frontage on Canterbury Road is 60.5ft, which is more than required for a driveway. There are numerous lots in the surrounding residential subdivision that have less than 100 feet of frontage. Chase St has 61.9 ft of frontage, Dudley has several neighboring homes with 75ft of frontage. If the concern is frontage versus driveway, I am happy to have the driveway come out on Dudley, with an easement on my other property (17 Canterbury). This would put the driveway to the rear of the property, leaving the frontage undisturbed from its current condition.”
2. *The spirit of the ordinance is observed by granting the variance.* “The spirit of the ordinance is maintained, as there are numerous neighboring lots in the immediate area that are below the 100 feet requirement. This would therefore conform with the area. Being able to build a home would add to the area. Also, I am open to having the driveway on Dudley, if needed.”
3. *Substantial justice will be done by granting the variance.* “Granting the variance will allow the lot to be used in accordance with the zoning of the rest of the subdivision/area. The lot is within a residential zone, and allowing this lot to be built upon would be putting it to use for the same purpose. The Lot frontage, while lesser than the frontage requirements within the ordinance, is still more than needed for a single-family home and driveway. And, as pointed out, many lots in the surrounding area do not conform to this 100 feet frontage requirement.”
4. *The values of surrounding properties will not be diminished.* “The surrounding property values will increase if this variance is granted. There are many lots with frontage less than 100 feet - so this alone will not diminish values. The lot will be maintained better if it is used, thereby increasing property values in the area.”
5. *Denial of the variance would result in unnecessary hardship because:* “The proposed use is reasonable - there are many lots in the area with frontage less than 100 feet. I am also willing to provide an easement or redraw the property lines to allow the driveway to be on Dudley - this would also resolve any numbering issues for the address.”

(4.9) Joy Potter and Stephen Butler request approval for a variance from Section 28-4-1(d)(3) *Minimum Side Yard Requirements/(h) Table of Dimensional Regulations*, to permit a side setback of less than the minimum 25-foot side setback otherwise required for the addition of a carport, at Tax Map Lot 491Z 4, addressed as 323 N State St, in the Institutional (IS) District. Not a development of regional impact. **(ZBA 0302-2025)**

Joy Potter stated that she would like to build a carport on the property. The house was built in 1911 and does not meet the requirements of today. There is only 50 feet of width and would like to make this improvement as they get older and cover the area where they currently park.

Alternate Member Perkins clarified that the variance being requested was for a side setback.

Ms. Potter stated that was correct, the side setback required in the zone is 25 feet.

Chair Carley asked if the carport is the same width as the house.

Ms. Potter stated that it will be the same width as the house.

Member Winters verified that the carport would be within the front setback.

Ms. Potter stated yes, the carport will be about 60 feet from the road.

Chair Carley opened the public hearing for members in favor or opposition. With none, Chair Carley closed the public hearing.

Alternate Member Perkins said the lot dimensions are the hardship and she did not see why they would not grant the variance because they are far back from the road. Alternate Member Davie said the lot seems to pre-date zoning and the lot is not uncharacteristic of the surrounding lots on that section of Route 3. Member Winters stated they are maintaining their current setback and unless there is something additional that infringes upon the setback, we're usually inclined to approve these. Wallner and Carley agree.

Alternate Member Perkins moved to **grant the variance from Section 28-4-1(d)(3) Minimum Side Yard Requirements/(h) Table of Dimensional Regulations**, to permit a side setback of less than the minimum 25-foot side setback otherwise required for the addition of a carport, at 323 North State St, because all of the criteria under RSA 674:33 have been met based on the record before us, and to adopt the applicant's proposed findings as the Board's findings of fact. Seconded by Member Wallner. **Motion passed 5-0.**

Adopted Findings of Fact:

1. *The variance will not be contrary to the public interest.* "Our planned improvements replace a 108 sq ft porch with a 160 sq. ft porch and a covered area for our autos which is already paved with granite blocks. Our 1911 New Englander sits back Approximately 90 feet and still would be 60 feet back from street. Three of four close neighbors have garages so this would be consistent with our neighborhood. Our driveway entrance from North State Street would remain the same. The addition would have the same side set back as the main home."
2. *The spirit of the ordinance is observed by granting the variance.* "Our lot is of substandard width and the carport would be no wider than the current house. We are trying to "seniorize" our home so that we are able to stay here longer and reduce fall risks by not having to climb icy steps."
3. *Substantial justice will be done by granting the variance.* "As a senior couple making this improvement would increase safety. Solar panels on roof would help us control costs and may even give back to the community. The current parking area needs repair so putting the pavers undercover will help them stay in place better. as well as protect our cars from the elements year-round."
4. *The values of surrounding properties will not be diminished.* "Making an improvement such as improved porch area and covered parking should add value to real estate and not interfere with surrounding properties."
5. *Denial of the variance would result in unnecessary hardship because:* "The literal enforcement of the provision of the ordinance would result in unnecessary hardship. The house was built in 1911 and the porch is in poor shape and to create a solution that replaces the current porch, provides us protection for automobiles, provides us dry access to parking area, and improves the look and usage of the home, a variance is necessary to enable reasonable use as we age in place. The 50 x 200-foot lot is substandard by today's zoning standards and built on a steep slope so trying to put a driveway to a backyard garage would be a hardship and still encounter side yard requirement problems. We believe making this simple porch addition and covered parking area should have a minimal impact on the neighborhood yet increase our ability to stay safely in our home for years to come."

(4.10) The Sign Gallery, on behalf of the New Hampshire Department of Education and Department of

Administrative Services, requests approval for a variance from Section 28-6-9(c)(a) and (1), to permit 184 square feet of freestanding signage where the maximum allowed is 106 square feet, at Tax Map Lot 792Z 18/1, addressed as 25 Hall St, in the Gateway Performance (GWP) District. Not a development of regional impact. **(ZBA 0303-2025)**

The Zoning Board of Adjustment continued the application to a date certain of September 3, 2025, or unless otherwise specified that the sign would be governed by RSA 674:54.

(4.11 & 4.12) Michael W. Goff and Lindsay A. Goff request approval for a variance from Section 28-4-1(d)(2) and (3) *Minimum Rear and Side Yard Requirements*/(h) *Table of Dimensional Regulations*, to permit a rear setback of 5 feet and a side setback of 4 feet where 50 feet and 40 feet, respectively, are otherwise required for the construction of a detached garage and request approval for a variance from Section 28-4-1(e) *Maximum Lot Coverage*/(h) *Table of Dimensional Regulations*, to allow maximum lot coverage of up to 13% rather than the 10% required maximum, for the construction of a detached garage, at Tax Map Lot 86Z 3, addressed as 317 Clinton St, in the Open Space (RO) Residential District. Not a development of regional impact. **(ZBA 0304-2025) & (ZBA 0305-2025)**

Mr. Goff explained to the Zoning Board that he has lived at the property for about 20 years and the garage that is on the property is in a dilapidated condition. The garage currently sits nine feet off of the side property line where 40 feet is required. Mr. Goff stated that he is proposing moving the structure forward and expanding it four feet. The garage if approved would have a four-foot side setback and a five-foot rear setback. With moving the garage forward, it would take away some of the impermeable surface area. Mr. Goff stated that his lot is .47 acres in the RO district where two acres are required. Mr. Goff stated that a majority of his property is septic and he would not be able to put a garage over the septic system. Mr. Goff stated that he came before the zoning board in 2020 to be able to build the addition onto his home. Mr. Goff said that new additions that he does to his property he will need to be seeking zoning board approval because of the lot size and setbacks.

Alternate Member Perkins asked how many feet are between the garage and the house.

Mr. Goff said eight feet.

Member Winters asked what the rationale was for moving the garage closer to the side setback.

Mr. Goff said it is because he is increasing the size of the garage.

Member Winters asked why not attach it to the house.

Mr. Goff said because of the configuration of the house.

Member Winters stated that it looks like the neighbor to the side is not near the house.

Mr. Goff stated that he is roughly 180 feet from the nearest structure on the abutting property.

Alternate Member Davie asked how close the septic is from the west border.

Mr. Goff stated that he was unsure, possibly 20 or 30 feet from the boundary but it is an older stone-style septic system.

Chair Carley opened the public hearings for members of the public in favor and in opposition. No members of the public present to speak. Chair Carley closed the public hearing.

Alternate Member Davie said that he does not have an issue on either front. There is a hardship between the septic system, lot coverage, and setbacks. The applicant will be bringing the property into a little more

conformity than currently. It is not uncharacteristic of the neighborhood. Member Winters stated the explanation of the location of the septic and layout of the lot explains why it is the only location to build the garage. Member Winters stated that it is a reasonable use to go from 20 feet to 24 feet. The lot coverage is 10% and the applicant has a lot that is smaller than what is required in the zone. Member Winters said that going up to 13% lot coverage is a modest increase. Member Wallner stated that he had nothing to further add. Alternate Member Perkins stated that she concurred with her colleagues and that setbacks and lot coverage are based off of a two-acre minimum. Alternate Member Perkins said that the applicant does have a hardship because he only has a half acre lot. Chair Carley concurred with his colleagues.

*Member Winters moved to **grant the variance from Section 28-4-1(d)(2) and (3) Minimum Rear and Side Yard Requirements/(h) Table of Dimensional Regulations,** to permit a rear setback of 5 feet and a side setback of 4 feet where 50 feet and 40 feet, respectively, are otherwise required for the construction of a garage, at 317 Clinton St, because all of the criteria under RSA 674:33 have been met based on the record before us, and to adopt the applicant's proposed findings as the Board's findings of fact. Seconded by Member Wallner. **Motion passed 5-0.***

Adopted Findings of Fact:

1. *The variance will not be contrary to the public interest.* “The authorization of a variance will not be contrary to public interest because: The proposed garage structure is with character of the neighborhood in that it is a of like kind and general size of what would be found on surrounding properties. The use being proposed is consistent with the general area and the intent of the Zoning Ordinance. Our proposal certainly will not have any adverse impact on the neighborhood nor create any safety hazards to the public. In no way, will traffic flow, congestion or safety be affected by the proposed structure. In addition, the removal and replacement of deteriorating structure eliminates a safety issue and adds to the appearance and appeal area.”
2. *The spirit of the ordinance is observed by granting the variance.* “The granting of the variance will not be contrary to the spirit and intent of the ordinance because: The proposed structure is of like kind and use, as would be found on neighboring properties. The lot is located in the RO Zoning District and the use being requested is permitted by right. The area is mostly forest and farmland. Garages and storage buildings are common on local properties. Like many of the surrounding lots, the boundary lines were established many years prior to the zoning ordinances and it doesn't meet the requirements found in 28-4-1(h) Table of Dimensional Regulations for setbacks and lot coverage. The garage was constructed sometime in the 1990's and there has not been any issue with its location within the last 20 years that the applicant has resided there. None of the structures on the abutters' properties are within 180-200 feet of the proposed building site. Despite the proposed new structure being slightly larger in footprint than the existing one, there shall be no negative difference to the property or surrounding area. By moving the structure forward and off of the rear property line, it will sit on part of the existing driveway. Thus, leaving the total lot coverage virtually unchanged. The removal of the broken-down garage and replacement with a new building will be a vast improvement to the property and the neighborhood.”
3. *Substantial justice will be done by granting the variance.* “The granted variance would do substantial justice because: We take enormous pride in our property and do what we can, when we can to make improvements. The replacement of this garage has been in need for many years and we are now able too afford doing it. This is the last major project that needs to be done to make our property complete. Granting this variance will not have any negative impact on the general public at all. We, as well as the surrounding properties will be positively affected by having a safe building and improved appearance. There is justice in a homeowner being able to improve their property and make it something that they can be proud of.”
4. *The values of surrounding properties will not be diminished.* “Authorization of a variance will not diminish the value of surrounding properties because: The current garage structure is listed on the tax

assessor's documents as being in POOR condition. This, obviously affects the valuation of the property and stands as evidence that replacing the structure with a new one would only increase the value. Given that part of property valuation is based on surrounding properties, of like-kind, the improvement of the property would only benefit others. As stated, there are no abutter owned structures within at least 180 feet of the proposed build site. The proposed use of the structure is consistent with abutting uses in that most, if not all, of the properties in the vicinity have similar structures being used for the same purpose.”

5. *Denial of the variance would result in unnecessary hardship because:* “Denial of the variance would result in unnecessary hardship to the owner because: Owing to special conditions of the property that distinguish it from other properties in the area: No fair and substantial relationship exists between the general purposes of the Zoning Ordinance and the specific restrictions on the property because: Like many of the surrounding lots, the boundary lines were established many years prior to the zoning ordinances and it doesn't meet the requirements found in 28-4-l(h) Table of Dimensional Regulations for setbacks and lot coverage. This makes it impossible to make any structure or lot coverage changes on a .47 acres parcel without a variance for setbacks and lot coverage. Additionally, due to the size and configuration of the property, a majority of the land is septic system and not buildable, leaving the East side of the property as the only viable location for the build site. As already stated, the proposed use of the structure is a permitted use in the RO District, but more importantly, will be in keeping with the uses already established on an abutting lot and the neighboring area. Although the property does not have the required area to meet required setbacks, it certainly has a sufficient space for the proposed building. It is also important to note that a number of the homes within this neighborhood do not meet the setback requirements for their single-family homes. Given this, along with the fact that many of the properties located within the neighborhood also fail to meet the size requirements under the Zoning Ordinance, there is no fair justification to deny the ability to construct the garage while maintaining a similar setback to what already exists. Since the proposed addition will be built holding, roughly the same setback that exists today, it shall not adversely impact the neighborhood or surrounding properties, nor will it alter the essential characteristics of the neighborhood or the property itself. Instead, it will allow the Property to be used for and in the same spirit as is expressed in the Zoning Ordinance and as is already established within the neighborhood, with no adverse impact on the environment or the general area. Accordingly, there is no fair and substantial relationship between the general purposes of the Zoning Ordinance and the specific restrictions on the Property. ii. the zoning restriction as applied to the property interferes with the reasonable use of the property and the proposed use is reasonable.

*Member Winters moved to **grant the variance from Section 28-4-1(e) Maximum Lot Coverage/(h) Table of Dimensional Regulations**, to allow a maximum lot coverage of up to 13% rather than the 10% required maximum, for the construction of a garage at 317 Clinton St, because all of the criteria under RSA 674:33 have been met based on the record before us, and to adopt the applicant's proposed findings as the Board's findings of fact. Seconded by Alternate Member Perkins. **Motion passed 5-0.***

Adopted Findings of Fact:

1. *The variance will not be contrary to the public interest.* “The authorization of a variance will not be contrary to public interest because: The proposed garage structure is with character of the neighborhood in that it is a of like kind and general size of what would be found on surrounding properties. The use being proposed is consistent with the general area and the intent of the Zoning Ordinance. Our proposal certainly will not have any adverse impact on the neighborhood nor create any safety hazards to the public. In no way, will traffic flow, congestion or safety be affected by the proposed structure. In addition, the removal and replacement of deteriorating structure eliminates a safety issue and adds to the appearance and appeal area.”
2. *The spirit of the ordinance is observed by granting the variance.* “The granting of the variance will not be contrary to the spirit and intent of the ordinance because: The proposed structure is of like kind and use, as would be found on neighboring properties. The lot is located in the RO Zoning District and the use being requested is permitted by right. The area is mostly forest and farmland. Garages and

storage buildings are common on local properties. Like many of the surrounding lots, the boundary lines were established many years prior to the zoning ordinances and it doesn't meet the requirements found in 28-4-1(h) Table of Dimensional Regulations for setbacks and lot coverage. The garage was constructed sometime in the 1990's and there has not been any issue with its location within the last 20 years that the applicant has resided there. None of the structures on the abutters' properties are within 180-200 feet of the proposed building site. Despite the proposed new structure being slightly larger in footprint than the existing one, there shall be no negative difference to the property or surrounding area. By moving the structure forward and off of the rear property line, it will sit on part of the existing driveway. Thus, leaving the total lot coverage virtually unchanged. The removal of the broken-down garage and replacement with a new building will be a vast improvement to the property and the neighborhood."

3. *Substantial justice will be done by granting the variance.* "The granted variance would do substantial justice because: We take enormous pride in our property and do what we can, when we can to make improvements. The replacement of this garage has been in need for many years and we are now able to afford doing it. This is the last major project that needs to be done to make our property complete. Granting this variance will not have any negative impact on the general public at all. We, as well as the surrounding properties will be positively affected by having a safe building and improved appearance. There is justice in a homeowner being able to improve their property and make it something that they can be proud of."
4. *The values of surrounding properties will not be diminished.* "Authorization of a variance will not diminish the value of surrounding properties because: The current garage structure is listed on the tax assessor's documents as being in POOR condition. This, obviously affects the valuation of the property and stands as evidence that replacing the structure with a new one would only increase the value. Given that part of property valuation is based on surrounding properties, of like-kind, the improvement of the property would only benefit others. As stated, there are no abutter owned structures within at least 180 feet of the proposed build site. The proposed use of the structure is consistent with abutting uses in that most, if not all, of the properties in the vicinity have similar structures being used for the same purpose."
5. *Denial of the variance would result in unnecessary hardship because:* "Denial of the variance would result in unnecessary hardship to the owner because: Owing to special conditions of the property that distinguish it from other properties in the area: No fair and substantial relationship exists between the general purposes of the Zoning Ordinance and the specific restrictions on the property because: Like many of the surrounding lots, the boundary lines were established many years prior to the zoning ordinances and it doesn't meet the requirements found in 28-4-1(h) Table of Dimensional Regulations for setbacks and lot coverage. This makes it impossible to make any structure or lot coverage changes on a .47 acres parcel without a variance for setbacks and lot coverage. Additionally, due to the size and configuration of the property, a majority of the land is septic system and not buildable, leaving the East side of the property as the only viable location for the build site. As already stated, the proposed use of the structure is a permitted use in the RO District, but more importantly, will be in keeping with the uses already established on an abutting lot and the neighboring area. Although the property does not have the required area to meet required setbacks, it certainly has a sufficient space for the proposed building. It is also important to note that a number of the homes within this neighborhood do not meet the setback requirements for their single-family homes. Given this, along with the fact that many of the properties located within the neighborhood also fail to meet the size requirements under the Zoning Ordinance, there is no fair justification to deny the ability to construct the garage while maintaining a similar setback to what already exists. Since the proposed addition will be built holding, roughly the same setback that exists today, it shall not adversely impact the neighborhood or surrounding properties, nor will it alter the essential characteristics of the neighborhood or the property itself. Instead, it will allow the Property to be used for and in the same spirit as is expressed in the Zoning Ordinance and as is already established within the neighborhood, with no adverse impact on the environment or the general area. Accordingly, there is no fair and substantial relationship between the general purposes of the Zoning Ordinance and the specific restrictions on the Property. ii. the zoning restriction as applied to the property interferes with the reasonable use of the property and the proposed use is reasonable.

(4.13) Pradip Karki and 52 Fisherville Road LLC request approval for a variance from Section 28-4-1(b) *Minimum Lot Size/(h) Table of Dimensional Regulations*, to allow two lots of less than 10,000 square feet in area, where 10,000 square feet is otherwise required, at Tax Map Lot 303Z 1, addressed as 52 Fisherville Rd, in the Urban Transitional (UT) District. Not a development of regional impact. **(ZBA 0306-2025)**

Mr. Niraula stated that based on the property size and the neighborhood, the local areas and the size of the other buildings are consistent with the plan proposed. There is a distressed mobile home at the property that needs to be removed. Mr. Niraula stated that the proposal will bring a vibrant look for the neighborhood and the localities. Mr. Niraula stated that they believe that subdividing the property would be appropriate and add value to the neighborhood. It will also help with the need for housing.

Member Winters clarified with the applicant that they would be removing the old manufactured home with the intentions to subdivide and add two full foundation homes on each property.

Mr. Niraula said that is correct.

Alternate Member Perkins asked for the lot dimensions.

Mr. Niraula stated the site is 80 by 200 and when they subdivide, the plan would be to have each lot at 80 by 100.

Member Winters clarified with City Planner AnneMarie Skinner that the applicants would need to receive a variance before getting subdivision approval.

Ms. Skinner stated that is correct.

Alternate Member Perkins asked what road the subdivided lot would be on.

Mr. Niraula said that it would be Elijah.

Discussion ensued regarding the size of the proposed lots.

Mr. Karki said the average size of the house would be about 1,500 square feet with three to four bedrooms.

Chair Carley opened the public hearing to members of the public in favor and opposition of the proposal. No members of the public were present. Chair Carley closed the public hearing.

Member Winters stated that he did have some concerns that they did not receive full plans showing what is being proposed, but the applicants are committing to no less than 8,000 square feet each and that is consistent with the neighborhood. It is a good use of the space and he would be inclined to approve the variance on that condition. Member Wallner stated that he agrees with Member Winters. There are abutters that own 40-foot-wide lots and some that have 80-foot-wide lots. Member Wallner stated the board heard testimony that the applicants would be splitting the lots evenly so he does not believe they would need to put a condition on that. Alternate Member Perkins stated that she agreed and believes it will be an improvement to remove the manufactured home and put two single-family homes on separate lots. Alternate Member Davie stated that there are other properties within the vicinity that are nonconforming and barely meeting the 10,000-square-foot requirement. Chair Carley said that he cannot disagree with anything his colleagues stated about the appropriateness of it but he does not see the hardship. Chair Carley said the lot could be and has been built on.

Alternate Member Davie asked if a two-family or duplex be allowed on the lot.

Ms. Skinner stated no.

Alternate Member Davie said that they would need variances to allow the duplex.

Mrs. O'Brien stated the Zoning Ordinance in its current form requires that a lot have 1 ½ times the amount of frontage and lot size that is permitted within the zone for a duplex.

Alternate Member Davie stated that the property is sandwiched between three different zones.

*Alternate Member Davie moved to **grant the variance from Section 28-4-1(b) Minimum Lot Size/(h) Table of Dimensional Regulations**, to allow two lots of less than 10,000 square feet in area, where 10,000 square feet is otherwise required, at 52 Fishersville Rd, because all of the criteria under RSA 674:33 have been met based on the record before us, and to adopt the applicant's proposed findings as the Board's findings of fact. Seconded by Member Wallner. **Motion passed 5-0.***

Adopted Findings of Fact:

1. *The variance will not be contrary to the public interest.* "Granting the variance for 52 Fishersville Road, Concord, NH 03301, is not contrary to the public interest. This proposal will cause no harm and supports community needs. Specifically: 1. Consistent Neighborhood Character: The two detached homes will blend with the existing residential character. Many lots in the area already have varied sizes and frontages, making this subdivision consistent with the neighborhood. 2. No Traffic or Safety Issues: Adding two homes will not significantly increase traffic or create congestion on Fishersville Road. Vehicle access will be safe and clear. 3. No Public Safety Concerns: All construction will meet building codes. The property has municipal water and sewer, ensuring no public health impacts related to utilities. 4. Addresses Housing Need: This subdivision provides additional housing units, contributing to the community, demand for diverse housing options. It is a responsible use of an existing parcel within an established area. Therefore, this variance supports the public welfare without causing detriment."
2. *The spirit of the ordinance is observed by granting the variance.* "Granting this variance for 52 Fishersville Road would observe the spirit of the City of Concord zoning ordinance, as it will not undermine its core objectives of preventing congestion, overcrowding, or incompatible uses. The ordinance spirit aims to promote orderly, safe, and beneficial community development. Specifically: 1. Fits Essential Character: The proposed two single-family detached homes are consistent with the essential residential character of the Fishersville Road neighborhood. This area, with its blend of existing homes, demonstrates a pattern where lot sizes and configurations vary, and many pre-date current dimensional standards. The new homes will integrate harmoniously, not altering the established aesthetic or density in a detrimental way. 2. No Negative Impact: The subdivision will not create negative impacts on abutters or the public. Traffic generation will be minimal, consistent with residential use, and will not cause congestion or safety issues. Furthermore, the development will connect to existing municipal water and sewer services, ensuring no burden on public infrastructure. 3. Provides Public Benefit: This proposal directly addresses a public benefit by contributing to the City need for additional housing stock. It represents a responsible use of an existing parcel, enhancing the overall housing supply without creating the harms (overcrowding, congestion) the ordinance seeks to prevent. 4. Improvement to Current Conditions: The development will replace a single, potentially underutilized parcel with two well-maintained, modern homes that contribute positively to the neighborhood appearance and tax base. This constitutes an improvement to the current conditions of the property. Considering the cumulative impacts, granting this variance would not set a precedent that leads to widespread, detrimental overcrowding or infrastructure strain. Instead, it supports a measured increase in housing density in an area well-served by public services, in line with the city broader development goals."
3. *Substantial justice will be done by granting the variance.* "Granting this variance for 52 Fishersville Road would do substantial justice by equitably balancing the property owner rights with the interests of the public, ensuring a reasonable and beneficial use of the land. Specifically: 1. Consistency with Area Present Use: The proposed subdivision into two lots for single-family detached dwellings is entirely consistent with the existing residential character and use of the Fishersville Road neighborhood. As previously established, this area, served by municipal water and sewer, already exhibits a pattern of varied lot sizes and frontages, where many existing properties do not strictly conform to current dimensional standards. Developing two single-family homes aligns perfectly with the established residential fabric, ensuring no alteration to the

essential character or function of the locality. 2. Benefit to Applicant Outweighs Public Impact: The primary benefit to the applicant is the ability to maximize the reasonable and productive use of their property by creating two viable residential lots. This allows for the construction of two modern, detached homes, which represents a significant investment in the community and contributes to the local tax base. This benefit to the applicant is substantial and directly aligns with the City broader goal of increasing housing availability. This benefit clearly outweighs any potential impact to the general public, as the proposed development will: i) Cause no harm to public health, safety, or welfare (as detailed in response to Question #1). ii) Fully observe the spirit of the ordinance by preventing congestion and overcrowding (as detailed in response to Question #2), as the density remains appropriate for the area with existing infrastructure. iii) Utilize existing municipal services (water and sewer) that are already in place to support residential development, minimizing any new public burden. Granting this variance ensures equitable treatment for the applicant, allowing for a reasonable and compatible development that is consistent with the neighborhood practical realities. This application of the ordinance, in this specific context, serves to uphold the broader principle of substantial justice by facilitating beneficial use of property without undermining the ordinance core objectives.”

4. *The values of surrounding properties will not be diminished.* “Granting this variance for 52 Fishersville Road will not diminish the values of surrounding properties; instead, the proposed development is expected to maintain or even enhance neighborhood values through responsible and consistent residential development. Specifically: 1. Consistency with Abutting Uses and Neighborhood Character: The proposed two single-family detached homes are entirely consistent with the existing residential uses and character of the Fishersville Road neighborhood. The area is predominantly residential, and the addition of two well-maintained homes aligns with the established fabric of the community. This consistency in use ensures that the proposed development will not introduce any incompatible elements that could negatively impact the desirability or value of adjacent properties. As noted in previous responses, many existing properties in the vicinity already feature varied lot sizes and configurations, indicating that this proposal is not an outlier but rather fits within the practical realities of the area. 2. Improvement to the Site: The development represents a significant improvement to the existing parcel at 52 Fishersville Road. Replacing a single, potentially underutilized lot with two modern, well-designed detached homes will enhance the overall aesthetic appeal of the immediate vicinity. New construction, when thoughtfully designed to blend with the neighborhood, often has a positive ripple effect, contributing to the desirability and value of surrounding properties. The investment in new housing stock typically benefits the local real estate market. 3. No Interference with Use of Surrounding Properties: The proposed two single-family homes will not interfere with the current or intended use of surrounding properties. The residential nature of the development ensures that noise levels, traffic generation, and general activity will remain consistent with a typical residential neighborhood. There will be no adverse impacts on privacy, light, or air quality for abutters, as the homes will adhere to all necessary building codes and setback requirements (to the extent granted by the variance, which will be carefully considered for minimal impact). 4. Adequate Buffers and Design Considerations: While the variance seeks relief from certain dimensional standards, the design of the two proposed homes will incorporate adequate spacing and thoughtful landscaping to ensure appropriate buffers between the new structures and abutting properties. The focus will be on maximizing visual harmony and minimizing any perceived impact on neighboring parcels. Based on these factual considerations, and consistent with the understanding that compatible residential development in areas served by municipal utilities generally supports property values, there is no evidence to suggest that granting this variance would lead to a diminution of surrounding property values. On the contrary, the proposed development is a positive contribution to the community housing stock and overall residential quality.”
5. *Denial of the variance would result in unnecessary hardship because:* “ The property at 52 Fishersville Road possesses special conditions that distinguish it from a strict interpretation of the current zoning ordinance & dimensional standards, and denying this variance would result in unnecessary hardship by preventing a reasonable and beneficial use of the land. The property at 52 Fishersville Road possesses special conditions that distinguish it from a strict interpretation of the current zoning ordinance & dimensional standards, and denying this variance would result in unnecessary hardship by preventing a reasonable and beneficial use of the land. i. No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property - The general public purposes of the zoning ordinance, which aim to prevent congestion, overcrowding, and ensure adequate public services, are not genuinely served by strictly applying the current minimum lot size and frontage requirements to this specific property. This parcel, located at 52 Fishersville Road,

is situated within a well-established residential neighborhood fully serviced by municipal water and sewer. This existing infrastructure can readily accommodate the proposed two detached homes without straining public services. Furthermore, the actual character of the locality, as evidenced by numerous existing lots that pre-date current zoning and exhibit varied sizes and frontages demonstrates that the current dimensional standards, in this specific context, are an anomaly rather than a reflection of the neighborhood and practical density. Denying the variance based on these standards would not prevent any actual harm related to congestion or overcrowding, as the proposed density is compatible with the area & realities and existing infrastructure. ii. The proposed use is reasonable - The proposed use of subdividing the lot to construct two single-family detached homes is eminently reasonable. Single-family dwellings are a permitted use within the Residential Medium Density (RM) District. This proposal represents a logical and efficient development of the parcel, maximizing its utility in a manner that is both compatible with the surrounding neighborhood and directly contributes to the City & pressing housing supply needs. The design of the proposed homes will be harmonious with the existing residential fabric, and all necessary site improvements will be made to ensure safety and aesthetic appeal. Therefore, the proposed use is a rational, appropriate, and much-needed utilization of the property. Should the Board determine that the criteria in subparagraph (A) are not fully established, an unnecessary hardship would alternatively be deemed to exist due to the special conditions of the property at 52 Fishersville Road. While the property could technically be used for a single-family home in strict conformance with the ordinance, such a restriction, given the property & unique attributes, would prevent its most reasonable and beneficial use in line with contemporary planning objectives. The special conditions distinguishing this property include its generous overall size for an urban residential lot, coupled with its full access to robust municipal water and sewer services. These characteristics make it uniquely suited for a subdivision that can yield two compatible residential units. In the context of the City of Concord & current housing demands and the public benefit derived from increasing housing stock, restricting this property to a single dwelling, despite its capacity and the neighborhood & established character, would represent an unreasonable underutilization. Therefore, a variance is necessary to enable the most reasonable and economically viable use of this distinct property, allowing it to contribute optimally to the community & housing needs without undermining the ordinance & intent to prevent actual harm.”

(4.14 & 4.15) Spectrum Signs & Graphics, on behalf of Capital Regional Health Care Corporation, requests approval for a variance from Section 28-6-9(e)(1) *Sign Illumination*, to allow for internally illuminated signage where it is otherwise not allowed and requests approval for a variance from Section 28-6-9(c)(1)(c) *Permitted Freestanding Signs*, to allow for 85.75 square feet of freestanding signage where only 40 square feet is allowed, at Tax Map Lot 734Z 24/8/1, addressed as 250 Pleasant St, in the Institutional (IS) District. Not a development of regional impact. **(ZBA 0307-2025) & (ZBA 0308-2025)**

Alternate Member Davie stated that the notice has the tax map and lot for garage F but that is not where they are not installing the sign. Chair Carley said the submission does show where the sign is going. Alternate Member Davie said that map and lot that was noticed is not the location of the sign.

Nick Jarvis said that they are going through an extensive sign wayfinding package. It is designed to enhance safety, improve emergency response clarity, and elevate the overall appearance. Mr. Jarvis explained maps 001 and 002. 001 is located at the intersection of Langley Parkway and Pleasant St. Mr. Jarvis explained that the four-sided sign on map 001 is an existing sign that is being replaced. Map 002 is located at Pleasant St and East Drive and the sign indicates the main entrance and the emergency room. Mr. Jarvis stated that everything that they are looking for approval for is in kind replacement and they are looking for as minimal impact as possible. They will be using the existing cabinets and foundations. Mr. Jarvis presented the board with the modified plans with the recommendations from the Architectural Design Review Committee.

Alternate Member Perkins stated that the illumination is not allowed which is why they would need the variance and that the signs are not directly in front of houses and would not light up a residence.

Member Winters asked how long the current signs have been illuminated.

Mr. Jarvis stated greater than 10 years.

Member Winters asked if there have been any reports or issues where people have driven past where they needed to go.

Mr. Paris stated that they have not had any reports of people not being able to find the emergency room. The emergency room is a critical service and want to make sure that people are able to find it easily. Their patient base is a lot larger and there are people coming from surrounding towns and cities that may not be familiar with the area.

Mr. Jarvis stated that he does not think that the project is contrary to the public interest because it is existing signage and they are fixing poor visibility of the signs that do not properly match the branding or give the best way finding. The campus is quite large. The spirit of the ordinance is observed because they are limiting the internal illumination. Mr. Jarvis said that opaque backgrounds are something that is recognized. Granting substantial justice would be achieved because patients, visitors and emergency responders can locate key areas. Values will not diminish property values because it is existing.

Chair Carley opened the public hearing to members of the public in favor and in opposition. No members of the public present. Chair Carley closed the public hearing.

Member Wallner said if anyone has driven on a rainy night heading around that curve across the edge you can come up to the hospital quickly. Member Wallner stated that it would improve the directional assistance and it is in the best interest of the public. Member Winters had concurred with Member Wallner. Alternate Member Davie said that he is not against it but it is not the right parcel. City Planner AnneMarie Skinner stated that it is the correct Parcel it is the way assessing separates it in the system. Alternate Member Perkins and Chair Carley concurred with the other members of the Zoning Board.

*Member Wallner move to **grant the variance from Section 28-6-9(e)(1) Sign Illumination**, to permit an internally illuminated sign where internal illumination is not otherwise allowed, at 250 Pleasant St, because all of the criteria under RSA 674:33 have been met based on the record before us, and to adopt the applicant's proposed findings as the Board's findings of fact. Seconded Member Winters. **Motion passed 5-0.***

Adopted Findings of Fact:

1. *The variance will not be contrary to the public interest.* “Granting this variance is not contrary to the public interest because it directly supports public health, safety and welfare by enhancing access to critical emergency and healthcare services. The requested signs—located at key campus entry points—will serve as highly visible, clearly legible wayfinding tools for patients, visitors, and emergency vehicles. Navigating a medical campus can be overwhelming, particularly in times of urgency, stress, or poor visibility. Internally illuminated signage, with a large percentage including an opaque background, ensures that directions to emergency care and medical departments are clear and easy to follow at all hours. Rather than disrupting the visual character of the area, this signage is purposefully designed to reduce confusion, prevent delays, and improve the overall experience and safety of all who rely on Concord Hospital for care. As such, this variance promotes the public interest and fulfills the spirit and intent of the Zoning ordinance.”
2. *The spirit of the ordinance is observed by granting the variance.* “The spirit of the ordinance is to preserve the visual character of the area while ensuring signage is appropriate in scale, lighting, and placement. This variance request aligns with that intent by limiting internal illumination on the two essential roadside wayfinding signs—both of which are designed with opaque backgrounds and internally illuminated text, which minimizes light spill and glare. Concord’s Outdoor Lighting Standards require that all lighting—including parking lot illumination—be shielded and directed away from adjacent residential areas to minimize light pollution and preserve neighborhood character. The proposed sign illumination follows these same principles by using targeted, low-glare lighting contained within the sign cabinet, ensuring that light is directed only where needed. Granting this variance would uphold the ordinance's intent by providing clear, safe, and aesthetically sensitive illumination essential for healthcare wayfinding, while

maintaining compliance with the city's lighting standards and protecting the character of surrounding areas.”

3. *Substantial justice will be done by granting the variance.* “Granting this variance would enable clear, effective wayfinding for emergency and healthcare services, one of the most critical functions of the Concord Hospital campus. Properly illuminated signage at key entry points ensures that patients, visitors, and emergency responders can quickly and safely locate essential services, especially during nighttime or low-visibility conditions. The ability to clearly see and follow wayfinding signs can significantly reduce delays in urgent situations, directly impacting patient outcomes and overall safety. This variance supports the hospital's mission to provide timely care and assistance when it matters most, in moments of need and heightened stress. Approving the request balances community aesthetics with the essential public health and safety needs of the campus, ultimately serving the greater good.”
4. *The values of surrounding properties will not be diminished.* “The internally illuminated signs are tastefully designed with opaque backgrounds and focused lighting, minimizing light pollution and visual impact on neighboring areas. The signage enhances safety and accessibility to a critical healthcare facility, which is a community asset that typically increases nearby property values by providing essential services. The signs comply with the city's outdoor lighting standards, including shielding and directing light away from adjacent residential areas, preventing glare or nuisance lighting. The variance supports a well-maintained, professional appearance for the campus, reinforcing the overall desirability and stability of the neighborhood.”
5. *Denial of the variance would result in unnecessary hardship because:* “The large size and complex layout of the campus require prominent and well-illuminated signage at key entry points to prevent confusion and ensure timely access to emergency and medical services. Unlike typical commercial or residential properties, the urgency and safety considerations associated with healthcare facilities create a distinct necessity for internally illuminated signs that comply with accessibility and visibility standards. Denial would hinder the ability to provide effective emergency wayfinding, potentially causing delays that could impact patient care and safety. The proposed signage has been carefully designed to minimize impact on surrounding properties, meaning the hardship arises primarily from the property's functional requirements rather than aesthetic or neighborhood concerns.”

*Member Wallner moved to **grant the variance from Section 28-6-9(c)(1)(c) Permitted Freestanding Signs**, to allow for 85.75 square feet of freestanding signage where only 40 square feet is allowed at 250 Pleasant St, because all of the criteria under RSA 674:33 have been met based on the record before us, and to adopt the applicant's proposed findings as the Board's findings of fact. Seconded by Member Winters. **Motion passed 5-0.***

Adopted Findings of Fact:

1. *The variance will not be contrary to the public interest.* “Granting this variance is not contrary to the public interest because it directly supports public health, safety and welfare by enhancing access to critical emergency and healthcare services. The requested sign—located at a key campus entry point—will serve as highly visible, clearly legible wayfinding tool for patients, visitors, and emergency vehicles. The signage is an in-kind replacement of existing signage and does not exceed the current dimensions already present on the site. Additionally, the increased square footage allows for ideal text heights, which significantly improves visibility, readability, and navigation, especially for first-time visitors and emergency services. The space allows for clear identification of multiple services located on the property. Rather than disrupting the visual character of the area, this signage is purposefully designed to reduce confusion, prevent delays, and improve the overall experience and safety of all who rely on Concord Hospital for care. As such, this variance promotes the public interest and fulfills the spirit and intent of the Zoning ordinance.”
2. *The spirit of the ordinance is observed by granting the variance.* “The spirit of the ordinance is to ensure signage remains appropriately scaled to its environment, avoids visual clutter, and serves the public by providing clear, safe, and effective communication. In this case, the proposed signage is an in-kind replacement of existing signage and does not exceed the physical dimensions that have long existed on the property. The increased square footage is necessary to accommodate larger text heights and include

multiple service listings, both of which enhance the functionality of the sign without introducing new visual impacts. The design remains professional, consistent with the hospital's branding, and appropriate for a multi-service medical campus that experiences high traffic and first-time visitors. By supporting public safety, clear navigation, and maintaining the existing character and scale of signage on-site, the proposal remains aligned with the intent of the ordinance and therefore observes its spirit."

3. *Substantial justice will be done by granting the variance.* "Granting this variance would enable clear, effective wayfinding for emergency and healthcare services, one of the most critical functions of the Concord Hospital campus. It allows Concord Hospital to maintain signage that is consistent with its current size and functionality, which is necessary for effective wayfinding and identification of multiple services on the property. The proposed signage replacement does not confer any special privilege beyond what currently exists; it merely preserves the status quo while improving legibility and navigation. Balancing the community's interest in orderly signage with the hospital's operational needs, allowing this variance ensures a fair outcome for both the property owner and the public."
4. *The values of surrounding properties will not be diminished.* "The proposed signage is an in-kind replacement that does not exceed the existing size or visual impact of the current signs on the property. Because the signage maintains the current scale and quality, and improves wayfinding for visitors and emergency services, it is unlikely to have any negative effect on the values of neighboring properties. On the contrary, clear and effective signage can contribute positively to the overall perception and accessibility of the campus, supporting community confidence and property values. The signage enhances safety and accessibility to a critical healthcare facility, which is a community asset that typically increases nearby property values by providing essential services. The variance supports a well-maintained, professional appearance for the campus, reinforcing the overall desirability and stability of the neighborhood."
5. *Denial of the variance would result in unnecessary hardship because:* "The large size and complexity of the campus necessitates prominent, easy-to-read signage at key entry points to ensure clear and efficient navigation for patients, visitors, and emergency responders. The existing ordinance's limitation of 40 square feet per sign does not adequately accommodate the need for signage that is sufficiently large to be visible and legible from a distance, especially given the campus scale and traffic flow. Unlike typical commercial or residential properties, the urgency and safety considerations associated with healthcare facilities create a distinct necessity for larger signage and space to list necessary information, mitigating confusion and enhancing safety. Denial would hinder the ability to provide effective emergency wayfinding, potentially causing delays that could impact patient care and safety. The proposed signage has been carefully designed to minimize impact on surrounding properties, meaning the hardship arises primarily from the property's functional requirements rather than aesthetic or neighborhood concerns."
5. **Review and acceptance of minutes from July 2, 2025**
Member Wallner moved, seconded by Alternate Member Perkins, to approve the meeting minutes from July 2, 2025, as amended. The Board voted 3 in favor to 0 opposed and 2 abstentions. The motion passed unanimously.
6. **Any other business that may legally come before the Zoning Board**
7. **Adjourn**
On a motion made by Member Wallner, seconded by Alternate Member Perkins, the Board unanimously voted 5 in favor (Carley, Davie, Winters, Wallner, and Perkins) to 0 opposed to adjourn at 8:04 p.m.

Respectfully submitted,

Kearsten O'Brien

Kearsten O'Brien
Senior Planner