



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

November 5, 2025
MEETING MINUTES
Approved December 3, 2025

Attendees: Member James Monahan, Member Laura Spector-Morgan, Member Nicholas Wallner, Member Andrew Winters, and Alternate Member Mark Davie

Absent: Chair Christopher Carley and Alternate Member Brenda Perkins

Staff: Kearsten O'Brien, Senior Planner
Stephanie N. Verdile, Assistant City Planner-Zoning
Krista Tremblay, Administrative Technician III
David Hall, Code Administrator

1. Call to order

Acting Chair Wallner called the meeting to order at 6:01 p.m.

2. Chairperson's comments

Acting Chair Wallner stated the Board will be hearing variance requests. Acting Chair Wallner noted there is an issue tonight at this time there is a four-member board. A fifth member is expected to show up soon. Acting Chair Wallner stated they can begin with a four-member Board for anyone that wants to be heard by a four-member board. However, you are entitled to be heard by five-member Board. Should the Board deny a case the ground for appeal would not be available to you because there was only a four-member Board. The applicant will need to decide if they want to be heard by a four- or five-member Board. Acting Chair Wallner also noted he has a conflict with agenda item 3.1, 4.3 and 4.3 and will need to recuse.

Member Spector-Morgan arrived at 6:03 p.m.

3. Public meetings

- 3.1 Advantage Signs, on behalf of Stephen Duprey with a license agreement with the City of Concord, requests approval for a one-year extension of the variance (ZBA-0093-2023) approval to allow an off-premise sign, at Tax Map 583Z Lot 8, unaddressed N State St, in the Institutional (IS) District. (ZBA-0326-2025)

Acting Chair Wallner read this into the record and then recused himself from this agenda item and left the room.

Acting Chair Monahan stated the Board has reviewed the application and asked the applicant to speak

on behalf of the application.

Josh Messinger (128 Hall St, Concord) is present to represent this application. Mr. Messinger stated this was already approved as a variance and Mr. Messinger is filing for an extension because it took time to get funding for the project. They will not be able to do the project until the spring.

Acting Chair Monahan asked for questions from the Board and there were none. Acting Chair Monahan noted it is a onetime extension and the applicant would not be able to return for another extension. The applicant would have to start the process all over again. Acting Chair Monahan wanted to make the applicant aware of that.

There being no public testimony, Acting Chair Monahan closed public testimony.

On a motion made by Member Spector-Morgan, seconded by Member Winters, with a vote of 4 in favor (Davie, Monahan, Spector-Morgan, and Winters) to 0 opposed, the Board **granted the one-year extension request of ZBA 0093-2023 to extend its approval to October 4, 2026**.

Acting Chair Wallner returned to the room.

4. Public hearings

- 4.1 **(continued from September 3, 2025 by applicant)** 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, 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)

Acting Chair Wallner read agenda item 4.1 and agenda item 4.2 into the record to be heard as one.

Mr. Dratner (181 Village St, Concord) is present to represent this application. Mr. Dratner stated they changed from three apartments to two apartments. The issue was the existing parking lot could not provide enough parking.

Member Winters asked if they are allowed to back out according to the rules.

Mr. Dratner stated yes if it is a two family.

Member Winters asked if he does not need the variance anymore.

Mr. Dratner responded no. Mr. Dratner stated they have converted it from three to two and he is ok now.

Member Winters asked if he is adding square footage or renovating the existing building.

Mr. Dratner stated they are using the same building and the same square footage. The apartments will be much bigger and there is storage area underneath the building.

Member Winters asked about the ten-foot set back and size of the building are both the same when it was used for the furniture store.

Mr. Dratner responded yes.

Acting Chair Wallner opened the hearing to public testimony.

Chris Stephen (1 St Catherine St, Concord) is confused on the parking because it was needed and now it is not needed. Mr. Stephen wants to clarify there is no parking on the street.

Member Winters stated the Board is not being asked for a variance for parking.

Ms. O'Brien stated the law has changed. There is only one parking space per unit now required. The previous application was for a three-unit building, which would have required more parking. Now, it is a two unit and each unit is only required to have one parking space each. Mr. Dratner did submit revised plans. The parking lot will have two spaces off Lilac Street. Ms. O'Brien stated there will be no on street parking to fulfill any regulatory requirements.

Member Winters asked if that is the new state law.

Ms. O'Brien stated by law he only needs two total parking spaces.

Member Monahan asked about the previous hearing there was a request for a variance for the parking requirements.

Ms. O'Brien responded correct.

Member Monahan noted there was public testimony was about the parking and that is no longer requires a variance.

Ms. O'Brien stated correct, the applicant has modified the plan to be more accommodating to those initial concerns.

Member Monahan asked if the proposal complies with the parking requirements.

Ms. O'Brien responded correct.

Mr. Stevens stated that was his only concern.

There being no further public testimony, Acting Chair Wallner closed the public hearing.

Member Davie does see the hardship and the state law changed. Member Davie noted it is an existing structure and making use of historic structure. Member Davie sees the hardship and inclined to grant the variances.

Member Spector-Morgan is inclined to grant both variances as well. Member Spector-Morgan said it is a historic structure that is oddly shaped on an existing lot. There is no way to build on this lot without needing variances for lot size and for setbacks. There is a hardship from the property. It will not alter the essential character of the neighborhood which is largely residential. It will not diminish surrounding property values. There would be no substantial justice in denying the variance because the property cannot be used without either of these variances. Member Spector-Morgan would be inclined to grant it.

Member Winters agrees that the lot is unusable for any practical purpose if you enforce the setbacks or the density. Member Winters stated he is the perfect candidate for the new law which is intended to improve the ability to develop housing. Member Winters agrees.

Member Monahan has nothing to add.

Acting Chair Wallner conquers with his colleagues.

On a motion made by Member Spector-Morgan, seconded by Member Winters, with a vote of 5 in favor to 0 opposed, the Board granted the variance from Section 28-4-1(d)(1) to permit zero setback where a 10-foot front setback is otherwise required along the front property lines for the addition of decks on an existing building and adopt the applicant's findings of fact as the Board's findings of fact (available in the project file located in the Planning Division of the Community Development Department).

- 4.2 **(continued from September 3, 2025 by applicant)** Walter Dratner requests approval for a variance from Section 28-4-1(b) Minimum Lot Size/(h) Table of Dimensional Regulations, to permit lot area of 6,534 square feet where 11,500 square feet is otherwise required for the conversion of an existing nonresidential building to a two-unit building, at Tax Map Lot 1431P 58, addressed as 181 Village St, in the Downtown Residential (RD) District. Not a development of regional impact. (ZBA 0297-2025)

On a motion made by Member Spector-Morgan, seconded by Member Winters, with a vote of 5 in favor to 0 opposed, the Board granted the variance from Section 28-4-1(b) to permit lot area of 6,534 square feet where 11,500 square feet is otherwise required for the conversion of an existing nonresidential building to a two-unit building and adopt the applicants findings of fact as the Board's findings of fact (available in the project file located in the Planning Division of the Community Development Department).

- 4.3 Foxfire Property Management requests a variance from Section 28-4-1(c) Minimum Lot Frontage to permit 50' of frontage where 100' is otherwise required. The property is located at unaddressed lot on Little Pond Road/Penacook Street known as Tax Map and Lot 651/Z 68 the variance request is located in the Single-Family Residential (RS) District with the remaining portion of the lot located in the Open Space Residential (RO) District. Not a Development of Regional Impact. (ZBA 0327-2025).

Acting Chair Wallner recused himself from this agenda item and left the room.

Acting Chair Monahan advised this applicant that there is a four-member Board now and they have a right to a five-member Board. If they elect to move forward with at four-member Board they would not have a right to appeal the decision on that basis.

Steve Dupery (31 Samuel Drive, Concord) and John Arnold (45 S Main St, Concord) presented the application. Mr. Duprey noted a few years ago the south building was sold to the State of New Hampshire so the Department of Justice could move for the construction of the new legislative parking garage. As part of the deal he insisted to keep the front land for future development. Mr. Duprey stated the ultimate plan is to take the lot for this variance and either donate that or put a covenant on it restricting it to recreational use only. Mr. Duprey stated it would be for the City of Concord or five rivers conservation trust. Mr. Dupery noted there are about twelve miles of biking and hiking trails. There will be access of Penacook Street. Mr. Duprey noted there is 50 feet of frontage existed before the current regulations requiring 100 feet or 200 feet. The goal is to take a 10.5-acre lot for a single-family lot. The variance requesting is to use 50 feet instead of the required frontage. Mr. Duprey stated if they do not get the variance he can still access the land. Mr. Duprey noted if he builds a road it will adversely affect the neighbors because trees will come down and right now they look out at a forest. Mr. Duprey stated if he has to build a road that long he will not be able to donate the land. Mr. Duprey noted it is zoned for a cluster development and none of the neighbors want to see development out

there. Mr. Duprey would like to save the land and do the minimum amount of disturbance to create tax base and protected open space.

Mr. Arnold stated it is about 150 acres that would be donated to the city and around 135 would be preserved in a recreational easement for the public or the city. Mr. Arnold wanted to address a comment in the staff memo they are asking for 50 feet of frontage where 100 feet is required and that comes from the RS zoning. The staff memo points out that the lot they are creating is a 10.5-acre lot is bisected by the zoning boundary. The left and top of the property is in the RO district and there is a 200-foot frontage requirement. The staff memo notes if the house is built in the RO district a 200-foot requirement applies. Mr. Arnold stated they do not know where the house will be built and their request tonight is to allow 50 feet of frontage regardless of if 100 feet or 200 feet of frontage is required.

Member Spector-Morgan asked which zone is the access point in.

Mr. Arnold stated it is in the RS.

Mr. Winters asked does that give you any concern where it is noticed 100 feet is required.

Mr. Arnold stated it does not give him any concern because their request is for 50 feet where the requirement is 100 feet or 200 feet.

Member Monahan noted it is in the single-family residential district and they are suggesting it might be in a different district.

Mr. Arnold stated it is partially in the RS the single family residential and in the RO open space residential. Mr. Arnold provided a brief summary of the variance criteria submitted with the application.

Member Monahan asked who owns the lot.

Mr. Dupery stated Fox Fire manages it for 2 Granite Place LLC.

Acting Chair Monahan opened the hearing for public testimony.

Martin Piroso (128 W. River Rd, Hooksett) stated he owns 72 Penacook St and is an abutter to this property. Mr. Piroso understands that he has 50 feet of frontage where you need 100 feet. Mr. Piroso noted he had a map with several lots that are shown.

Ms. O'Brien stated the case before the Board is for 50 feet of frontage for the 10-acre lot. Ms. O'Brien noted there is a subdivision coming forward to the Planning Board. Tonight, they are just looking at the request to be allowed to only provide 50 feet of frontage for the proposed 10-acre lot.

Mr. Piroso asked if this application is denied if there will be a new proposal.

Ms. O'Brien stated she cannot speak for the applicant.

Maureen Anderson (126 Penacook St, Concord) received a map and in the subdivision how much guarantee that it will stay undeveloped. Ms. Anderson stated they do not want to have a development because they bought their house for a reason.

Ms. Verdile noted for the record the Board does not have the map she is referring to as part of the

application. Ms. Verdile stated what is being discussed tonight is the variance request for frontage.

Ms. Anderson stated the main point is the two access points on Penacook Street and if driveways were made could they be made into roads. Ms. Anderson has questions on how much can be developed behind there based on driveway frontage. Ms. Anderson stated she does not know if she is for or against the variance.

Ms. O'Brien noted regarding the minimum frontage and addressing Mr. Arnolds comment requesting the Board grant the variance for frontage of the lot in general and not distinct to the zone where it is required for either 100 feet or 200 feet. The zoning ordinance says no buildings or structures, for minimum frontage, shall be constructed and no use shall be established on a lot having less frontage than the minimum dimension indicated in section 28-4-1. If he does build in the RO zone that is why the comment is there because the zoning ordinance specifically says he has to have the minimum frontage in that zone. So, even though his driveway starts off in the RS he is building on a lot that is in the RO zone.

Member Winters asked Ms. O'Brien if she agrees with Mr. Arnold and the amount of frontage depends on which zone they build in.

Ms. O'Brien responded correct.

Member Winters asked if the Board grants it for 50 it does not matter what the hearing notice said.

Ms. O'Brien stated you are asking for less right now. What the notice says right now is less than what the request will be. The RO zone requests 200 feet and the RS requires 100 feet and the strictest applies.

Ms. Verdile asked the Board make their decision based on the frontage requirement application and not the future subdivision of the property.

Mr. Dupery stated at this point there is no decision on the house location. Mr. Duprey noted it might be in the zone that requires 100 feet or it might be in the zone that requires 200 feet. Mr. Duprey stated they are still asking for a variance to only have 50 feet. Mr. Duprey noted the donation to the city is a restrictive covenant that no further use or development ever occur on the property.

Ms. O'Brien stated there is a section in the zoning ordinance that allows if there is split zoning you can choose 40 linear feet to be able to choose what zone.

Member Spector-Morgan asked if the application says RS or RO.

Member Winters thinks the application says RO.

Mr. Arnold stated the applications says it is in both with most of the property being in the RO and there is a portion in the RS.

There being no further public testimony, Acting Chair Monahan closed the public hearing.

Member Spector-Morgan thinks it is grantable as the purpose of frontage requirements are to ensure there is safe access. Member Spector-Morgan noted if you have 50 feet, 100 feet or 200 feet there is adequate access and it is a 10-acre lot so density is not a problem. Member Spector-Morgan thinks it makes sense to use that strip instead of building a road at another access point. Member Spector-Morgan noted building a house is a reasonable use and there no good reason to apply the zoning

ordinance to this particular piece of property. It will not diminish surrounding property values. Member Spector-Morgan is inclined to grant the variance.

Alternate Member Davie is also inclined to grant the variance it is an odd shaped lot. If the applicant were made do the driveway to one of the two access frontage it would make it a more oddly shaped lot. It meets the neighborhood character of the single-family homes.

Member Winters noted a lot of time the Board hears arguments along the line of well everyone else in this neighborhood is already in the setback or it is not in compliance so it is an argument as to why the Board does have to be too. Here it is the opposite as ever other house on that road is in compliance with the frontage. In his mind if they are not in compliance it will not be noticeable. It would be different if they were the first house on the street and they wanted the 50 feet and if everyone goes for the fifty it will change the character. Member Winters noted the unusual nature of the lot and to have to use the frontage farther down it was explained as an unnatural way and inefficient way to develop it and that would be a hardship.

Alternate Member Davie noted there have been a couple RO cases where there is a weird tooth sticking out with a weird frontage situation.

Member Monahan asked Ms. O'Brien if there is a cascading set of things that has to happen. Member Monahan asked after this case leaves zoning and asked if they will go to go to planning.

Ms. O'Brien stated there is an application going to the Planning Board for the November meeting.

Member Monahan asked if abutters that are concerned about the guarantee.

Ms. O'Brien stated abutter notices we out on Monday.

On a motion made by Member Spector-Morgan, seconded by Alternate Member Davie, with a vote of 4 in favor to 0 opposed, the Board voted to grant the variance from Section 28-4-1(c) to permit 50 feet of frontage where 100 feet is the minimum allowed for the construction of a single-family dwelling and to adopt the applicant's findings of fact as the Board's findings of fact (available in the project file located in the Planning Division of the Community Development Department).

- 4.4 John L. Arnold, on behalf of property owners The Arts Alley, LLC and Foxfire Property Management, requests a variance from Article 28-6-9(b)(1) to allow three new building signs totaling 122.6 square feet where a maximum of three building signs and 73 square feet is otherwise allowed. The property is known as Tax Map & Lot7412/Z/37 located at 20-22 South Main Street in the Central Business Performance (CBP) District. Not a Development of Regional Impact. (ZBA 0328-2025).

Member Wallner recused himself from this agenda item and left the room.

Steve Dupery (31 Samuel Drive, Concord) and John Arnold (45 S Main St, Concord) presented the application. Mr. Duprey stated they have built the project. He explained the proposed signage would assist patrons with wayfinding.

Mr. Arnold stated there are three new signs being proposed. One is a 19.7 square foot wall sign for the main venue facing Main Street above the windows on the left side. Second is a 30-foot projecting sign in alley on the north side. The third is a 72.9-foot wall sign for roof top. Mr. Arnold noted the Friendly Toast sign is already there. With Friendly Toast sign and the proposed signs. There is a total of five

signs on the building. They are proposing three and there are already two existing. With the five building signs in the proposal it would be a total of 176.5 square feet. In the zoning district they are allowed three building signs and the maximum sign area is a total of the building frontage. Mr. Arnold noted the front of the building is 73 feet long and that means they get 73 square feet of signage. The ask is to allow three new building signs with a total of 122 square feet. Mr. Arnold noted the building is relatively tall with three stories and different users. Mr. Arnold stated all of the signs are modest and tasteful. Mr. Arnold read the criteria submitted with the application.

Mr. Dupery stated you cannot see the signs if you park in front of the building you cannot see signage and that creates a hardship. Mr. Duprey noted it is a tall building with narrow frontage and hard visibility with three separate businesses.

Member Winters asked if there are any other signs on that side of the street that are that high up.

Mr. Dupery stated not on that side of the street across the street is the Concord Hotel. Mr. Duprey noted the signs will be visible for the people parking in the garage.

Mr. Arnold stated the initial application included a variance for the height of the sign and staff determined they needed a conditional use permit with the Planning Board.

There being no public testimony, Acting Chair Monahan closed the public hearing.

Member Winters stated these sign cases are challenging because it is a unique piece of property and you can say they created the hardship because they built it. It is a welcome and positive development to a building that may have not getting this type of use. Member Winters is inclined to grant it and concerned with these sign cases as it can be a slippery slope where the exception swallows the rule. Member Winters noted it would be unfair to deny them when the Board has granted similar sign variances for other buildings in this area.

Alternate Member Davie is inclined to grant it because the photo provided in the packet the venue was hard to read. Alternate Member Davie can see the argument for safety. Alternate Member Davie stated he would support it.

Member Spector-Morgan also concurred that she is in favor.

Member Winters stated he would approve because it is a unique building and design the variance request is not to primarily designed to gain additional advertising it is designed for way finding and attractiveness of the development.

On a motion made by Member Winters, seconded by Alternate Member Davie, with a vote of 4 in favor to 0 opposed, the Board voted to grant the variance from Section 28-6-9(b)(1) to allow three new building signs totaling 122.6 square feet where a maximum of three building signs and 73 square feet is otherwise allowed at 20-22 South Main St, , and to adopt the applicant's proposed findings of fact as the Board's findings of fact (available in the project file located in the Planning Division of the Community Development Department).

Member Wallner rejoined the Board.

- 4.5 Interchange Development, LLC requests variances from Article 28-6 Signs, Section 28-6-9(b) (1) (a&b) to allow a 189.7 square foot storefront wall sign where 137 square feet is allowed and a side elevation sign of 129.9 square feet for a total of 319.2 square feet of signage where 137 square feet is allowed.

The property is known as Tax Map & Lot06/P 5/6 located at 14 Merchant's Way in the Gateway Performance (GWP) District. Not a Development of Regional Impact. (ZBA 0329-2025).

Laurie Rauseo (152 Morrill Rd, Canterbury) and Heather Dudko (27 Old Meetinghouse Rd, Auburn, MA) presented the application. Ms. Dudko stated Marshalls will be a new tenant at Merchants Way. The building has not been built. They are proposing a front wall sign and a side wall sign on the building. Based on the tenant frontage of 137 feet. Based on the building height and the width of the side elevation Marshalls is proposing appropriate sized signage for visibility. On the front will be a six-foot letter 31-foot one inch wide totaling 189.7 square foot. The side sign is proposed at five foot by 25-foot 11-inch total 129.5 square feet and that will be for customers at Market Basket. Ms. Dudko noted it is their typical branding with blue letters. They do a study based on the height, visibility and traffic to propose the signage. Ms. Dudko read the criteria submitted with the application.

Member Spector-Morgan asked if Home Goods has a side sign.

Ms. Rauseo responded they do not because it faces the back industrial lot.

Member Winters stated it seems like the frontage on Merchants Way there must have been variances for Market Basket and Home Goods.

Ms. Rauseo responded yes.

Member Winters noted every store built here might need a variance.

Ms. Rauseo stated not necessarily. Some have asked for additional signage because they are facing two different directions.

Acting Chair Wallner asked if the Planning staff had any comments.

Ms. O'Brien noted in the staff report Case #63-21 to allow a 482.42 square foot sign (for Market Basket) where it is otherwise not allowed to exceed 200 square feet in size, and to install a sign of 256.75 square feet in size (for space currently occupied by HomeGoods) where a sign is not allowed to exceed 124 square feet.

There being no public testimony, Acting Chair Wallner closed the public hearing.

Member Monahan is inclined to support as there is a lot going on in this retail campus and proper signage will get customers where they are going and not wandering around parking lots or rotaries.

Member Spector-Morgan stated it is a really busy site and needs good signage.

Member Winters agrees with what Member Spector-Morgan said earlier and the ordinance does not match what they are doing there. This entire development is not affecting anything else remotely and does not see any harm.

Alternate Member Davie stated the Board keeps getting these applications for national chains and the way the sign ordinance is written. Alternate Member Davie noted for all of the reasons that came before him he is inclined to support the variance.

Acting Chair Wallner stated he is too as this campus will continue to enlarge and identification is a key issue.

On a motion made by Member Spector-Morgan, seconded by Member Monahan, with a vote of 5 in favor to 0 opposed, the Board voted to grant the variance from Section 28-6-9(b) (1) (a&b) to allow a 189.7 square foot storefront wall sign where 137 square feet is allowed and a side elevation sign of 129.9 square feet for a total of 319.2 square feet of signage where 137 square feet is allowed, and to adopt the applicant's findings of fact as the Board's findings of fact (available in the project file located in the Planning Division of the Community Development Department).

- 4.6 Juliana Sheldon and Michael Bouchard, on behalf of property owners Jennifer and Charles Baker, request a variance from *Article 28-4, Development Design Standards, Section 28-4-1(d)(3) Minimum Side Yard Requirements/(h) Table of Dimensional Regulations*, to permit the construction of a detached garage with a four (4') foot setback where fifteen (15') feet is required. The property is known as Tax Map and Lot 1421/P 28 located at 2 Auburn Street in the Residential Single Family (RS) District. Not a Development of Regional Impact. (ZBA-0332-2025).

Juliana Sheldon (2 Auburn St, Concord) and Michael Bouchard (2 Auburn St, Concord) presented the application. Ms. Sheldon is looking to build a detached garage at the end of the existing driveway. The lot is unique there are two frontages and no back yard and a side yard. In the packet they provided examples of other detached two car garages in the neighborhood.

Acting Chair Wallner asked the applicant to speak to the hardship.

Ms. Sheldon noted with snow and her husband is 100% disabled veteran and having to shovel out cars in the middle of the winter is not something they are looking to do. They have a seven-month-old daughter and they want to be able to keep stroller and bikes can be put away in a garage instead of the street.

Acting Chair Wallner asked to have the applicant speak to the uniqueness of the lot and why you cannot put it anywhere else.

Ms. Sheldon stated the two frontages have even larger setbacks and if they move it they will be in other setbacks of the other two sides. They are trying to put it at the end of the current driveway. Ms. Sheldon stated they did talk to the abutters at 6 Auburn St and they did include a letter with their ok in the proposal.

Mr. Bouchard stated the side of the lot on Liberty Street has a slant.

Ms. Sheldon wants to keep the historic nature of the property preserved.

Acting Chair Wallner asked if the Planning staff had any comments.

Ms. O'Brien stated it is a corner lot and the zoning ordinance says that corner lots otherwise have multiple frontages on streets so they shall be observed as frontages and side yards and there are no rear yard setbacks. They would have to adhere to the frontage and side yard and they would have to meet the 25 foot and 15 foot because they do not have the rear yard setback.

There being no public testimony, Acting Chair Wallner closed the public hearing.

Alternate Member Davie can see the hardship with slant on Liberty Street frontage. Alternate Member Davie can see the need to store things in a safe place and to store vehicles. It matches other detached garages in the neighborhood. It does not alter the character of the neighborhood.

Member Monahan is inclined to support it. Member Monahan noted the Board tends to support garages as they add value to property. The slope on the property suggests where it belongs.

Member Winters agrees it is a reasonable use for a garage on a single-family property and it is at the logical place where people would put it without having to do extensive construction.

Member Spector-Morgan agrees.

Acting Chair Wallner agrees and drives by it almost every day and it is a pronounced hill.

On a motion made by Member Monahan, seconded by Member Spector-Morgan, with a vote of 5 in favor to 0 opposed, the Board voted to grant the variance from Section 28-4-1(d)(3) to permit the construction of a detached garage with a four (4') foot setback where fifteen (15') feet is required, and to adopt the applicant's findings of fact as the Board's findings of fact (available in the project file located in the Planning Division of the Community Development Department).

- 4.7 Suzanne and Robert Aldrich request a variance from Section 28-4-1(d)(1) Minimum Front Yard Requirements/(h)Table of Dimensional Regulations and RSA 674:33(V), to permit the construction of porch with a ramp with a five (5') foot setback where twenty-five (25') feet is required at Tax Map Lot 753Z 42, addressed as 14 Marion St, in the Single-Family Residential (RS) District. Not a Development of Regional Impact. (ZBA 0333-2025)

Acting Chair Wallner read agenda item 4.7 and agenda item 4.8 into the record at the same time to be discussed as one.

Suzanne Aldrich (14 Marion St, Concord) and Robert Aldrich (14 Marion St, Concord) presented the application. Ms. Aldrich would like to add a small front porch. Ms. Aldrich stated Mr. Aldrich is a veteran and has disabilities so the porch will add a nice touch for him to enjoy the weather. It will be easy access for him to go to the driveway to get into the car.

Acting Chair Wallner asked where the porch will be located.

Ms. Aldrich pointed out the rocks in front it will be 32 feet long and 6 feet out.

Member Spector-Morgan asked if it will wrap around the house.

Ms. Aldrich stated it will just be in the front.

Member Monahan asked if the porch will give more room to make the ramp easier to get in and out.

Ms. Aldrich responded yes.

Acting Chair Wallner asked if there is a diagram of what they would like to do.

Member Winters asked if they have a contractor.

Ms. Aldrich responded yes and it will be easier access.

Member Spector-Morgan asked if they will put a door there.

Ms. Aldrich responded yes.

Member Winters asked if it will be a covered porch.

Ms. Aldrich responded yes, it will have a roof on top.

Member Winters asked if they are already in the setback.

Ms. O'Brien stated the house is 14 feet from the road and the setback is 25 feet.

Member Spector-Morgan asked for map of neighborhood.

Member Winters asked staff if there are any ADA requirements.

Ms. Verdile noted there is a particular RSA 674:33.V which discusses that for a situation for a ramp for accessibility is that the applicant does not have to prove the hardship. The regular variance criteria they would have to prove a hardship that is innate with the land or property. If you are going to go with RSA 674:33.V with the ramp for accessibility purposes they do not have to prove a hardship. The Zoning Board of Adjustment can place a condition on this particular approval, per the RSA, that the ramp exists as long as the need is there

Acting Chair Wallner opened the hearing for public testimony.

Don Wilson (12 Marion St, Concord) is an abutter that is in opposition. Mr. Wilson has lived in Concord for 65 years. Mr. Wilson feels it brings development and quality of housing backward and not forward. Mr. Wilson noted the house is in the setback and making it worse.

Member Winters asked if the porch close to the road will detract from the appeal of the neighborhood.

Mr. Wilson responded yes. The porch is the whole length of the house and he thinks they are trying to make the house bigger.

Member Winters stated Ms. Aldrich said you would build a porch and bring to the front door and it looks like that would be considered the back of the house.

Ms. Aldrich stated it is the front of the house.

Member Winters asked if they will take out the tree.

Ms. Aldrich responded no.

Member Spector-Morgan stated they will remove the picture window and add a front door to the house.

Ms. Aldrich noted the rocks you saw is where the porch is going.

Acting Chair Wallner asked for staff comments.

Ms. Verdile stated Board can consider the recommendations from the staff memo to site the two RSA's and make a decision from the options you have for this case.

Acting Chair Wallner closed the public hearing.

Member Winters does think the abutter made some good points and brought up history. The setback and the city's right-of-way takes up so much land. Ever though they are 5 feet from the setback the right-of-way has another 10 feet. Member Winters noted the front yard and they already have a ramp. Member Winters is not sure.

Alternate Member Davie can see the hardship in the sense the applicant has right to change the primary entrance of the home to the front. Alternate Member Davie noted they would need some accommodation where that be the entire porch or a new ramp he is inclined to support.

Member Spector-Morgan does not have a problem with it as adding a front porch is a reasonable use. It will not diminish the essential character of the neighborhood. It will not diminish surrounding property values. Member Spector-Morgan does not think there is a lot of justice in denying the variance. The property is unique because the house is already in the setback. However, you are making a non-confirming structure more non-confirming by granting this and if the reason you want the porch is to sit outside you have a lovely backyard. If the other reason you need a porch to access the driveway or outside you have a ramp to access the driveway and backyard. Member Spector-Morgan noted the Board is supposed to be brining non-conformities into compliance rather than out of compliance. Member Spector-Morgan noted that is where she is struggling to grant the variance.

Member Monahan stated he is unsure if it is a hardship or not. This looks like it is the back of the house and not the front. Member Monahan noted there is some value to the neighborhood to have a presentation of a home with a front door and a porch. Member Monahan noted the Board approved something tonight with no frontage. Member Monahan noted there is a need for flexibility for an older neighborhood that was built before the ordinance and he is inclined to support it.

Acting Chair Wallner tends to lean with what Member Monahan said about creating a different appearance for the front and would be inclined to support the request.

Member Winters asked if Member Monahan if he is supporting the standard variance.

Member Monahan stated he will not require them to remove it.

Member Winters noted half of their front yard is a part of the city right of way and they are not asking for an addition. Member Winters agrees with Alternate Member Davie that they will make it a part of their front yard and that is a reasonable use.

Alternate Member Davie stated to the abutters point they will not be the first or the last to make the front porch flush with the whole structure.

On a motion made by Member Spector-Morgan, seconded by Member Monahan, with a vote of 5 in favor to 0 opposed, the Board voted to grant the variance from Section 28-4-1(d)(1) to permit the construction of porch with a ramp with a five (5') foot setback where twenty-five (25') feet is required and to adopt the applicant's findings of fact as the Board's findings of fact (available in the project file located in the Planning Division of the Community Development Department).

- 4.8 Suzanne and Robert Aldrich request a variance from Section 28-4-1(d)(3) *Minimum Side Yard Requirements/(h)Table of Dimensional Regulations* and RSA 674:33(V), to construct a porch with a ramp with a ten (10') foot setback where fifteen (15') feet is required at Tax Map Lot 753Z 42, addressed as 14 Marion St, in the Single-Family Residential (RS) District. Not a development of regional impact. (ZBA 0343-2025)

On a motion made by Member Spector-Morgan, seconded by Member Monahan, with a vote of 5 in favor to 0 opposed, the Board voted to grant the variance from Section 28-4-1(d)(3) to construct a porch with a ramp with a ten (10') foot setback where fifteen (15') feet is required and to adopt the applicant's findings of fact as the Board's findings of fact (available in the project file located in the Planning Division of the Community Development Department).

Member Monahan left the meeting at 8:07 p.m.

- 4.9 Kevin Walker, on behalf of property owner Flatley Concord Center, LLC, requests a variance from *Article 28-6 Signs, Section 28-6-9 (a) Table of Maximum Sign Dimensions for Nonresidential Districts* to allow a freestanding sign with a height of forty (40') feet where twenty (20') is required and an area of two hundred (200') feet where one hundred (100') feet is required. The property is known as Tax Map & Lot 6414/Z 78 located at 10 Ferry Street in the Opportunity Corridor Performance (OCP) District. Not a Development of Regional Impact. (ZBA-0335-2025).

Acting Chair Wallner informed the applicant that a member needs to leave he will not have a five-member board it will be a four-member board. Acting Chair Wallner noted at least three of the people will have to agree on any decision and the lack of a full Board is not grounds for a rehearing.

Kevin Walker (45 Dan Rd, Canton, MA) stated he is ok with a four-member board.

Acting Chair Wallner read agenda item 4.9, agenda item 4.10 and agenda item 4.11 into the record at the same time to be discussed as one.

Member Spector-Morgan stated the Board already heard this application.

Ms. O'Brien stated there is already an extension granted and it was posted to the public incorrectly.

Member Winters asked back when they first granted it.

Ms. O'Brien responded no, it was the second time. These are the same cases you heard before however, it is cleaning everything up to be approved.

Mr. Hall noted a previous zoning administrator put the wrong reference. Mr. Hall stated Mr. Walker has been before the Board, he had been granted the variance and was granted an extension. They started construction prior to the extension expiring and in review of his new permit to install they realized there was a sighting error administratively sighting the wrong portion of the sign regulations. It is fairly minor and he agreed to come back.

Mr. Walker stated the Board voted on the correct variance request and it was just sighted incorrectly.

Member Spector-Morgan asked if the Board approved conditions of approval.

Ms. O'Brien did not believe so.

Member Winters noted there is a huge grade issue and they needed the height.

Mr. Walker responded yes, but the 40-foot height just puts the bottom of the sign just above the sight line of a vehicle.

Ms. O'Brien noted they still need to open the public hearing for abutters.

Member Winters noted for the record that the Board recalls the amount of times the applicant has been before the Board.

Ms. O'Brien stated this started in 2022.

Member Winters asked if the sign itself is the same.

Mr. Walker stated it is the same sign and it went to the Architectural Design Review Committee. At the bottom they had something about the City of Concord and they did not want that on there so they removed it. Mr. Walker noted the sign of the sign is the same.

Member Winters asked to repeat the justification for the third free-standing.

Mr. Walker noted the rational had more to do with the frontage it is 10 Ferry St with a 50 foot right of way. It is a long building with a little frontage on the highway.

There being no public testimony, Acting Chair Wallner closed the public hearing.

On a motion made by Member Spector-Morgan, seconded by Alternate Member Davie, with a vote of 4 in favor to 0 opposed, the Board voted to grant the variance from Section 28-6-9 (a) to allow a freestanding sign with a height of forty (40') feet where twenty (20') is required and an area of two hundred (200') feet where one hundred (100') feet is required and to adopt the applicant's findings of fact as the Board's findings of fact (available in the project file located in the Planning Division of the Community Development Department).

- 4.10 Kevin Walker, on behalf of property owner Flatley Concord Center, LLC, requests a variance from *Article 28-6 Signs, Section 28-6-9 (c)(3) Permitted Freestanding Signs* to allow a horizontal dimension of twenty-two (22') feet where sixteen (16') feet is required for a proposed freestanding sign. The property is known as Tax Map & Lot 6414/Z 78, located at 10 Ferry Street in the Opportunity Corridor Performance (OCP) District. Not a Development of Regional Impact. (ZBA-0336-2025)

On a motion made by Member Spector-Morgan, seconded by Alternate Member Davie, with a vote of 4 in favor to 0 opposed, the Board voted to grant the variance from Section 28-6-9 (c)(3) to allow a horizontal dimension of twenty-two (22') feet where sixteen (16') feet is required and to adopt the applicant's findings of fact as the Board's findings of fact (available in the project file located in the Planning Division of the Community Development Department).

- 4.11 Kevin Walker, on behalf of property owner Flatley Concord Center, LLC, requests a variance from *Article 28-6 Signs, Section 28-6-9 (c) (7) Permitted Freestanding Signs* to allow a third freestanding sign on a property of less than 10 acres and less than 1000 feet of street frontage. The property is known as Tax Map & Lot 6414/Z 78 located at 10 Ferry Street in the Opportunity Corridor Performance (OCP) District. Not a Development of Regional Impact. (ZBA-0337-2025).

On a motion made by Member Spector-Morgan, seconded by Alternate Member Davie, with a vote of 4 in favor to 0 opposed, the Board voted to grant the variance from Section 28-6-9 (c) (7) to allow a third freestanding sign on a property of less than 10 acres and less than 1000 feet of street frontage and to adopt the applicant's findings of fact as the Board's findings of fact (available in the project file located

in the Planning Division of the Community Development Department).

- 4.12 Aaron Haruna Drammeh requests a variance from *Article 28-4 Development Design Standards, Section 28-4-1(d)3 Minimum Side Yard Requirements/(h) Table of Dimensional Regulations* to permit the location of a carport to be located five (5) feet from the side property line where fifteen (15) feet is required. The property is known as Tax Map & Lot 203/P 34 located at 13 Wildflower Dr. in the Single-Family Residential (RS) District. Not a Development of Regional Impact. (ZBA-0338-2025).

Aaron Drammeh (13 Wildflower Dr, Concord) is present to represent this application. Mr. Drammeh is looking to install a carport 10 feet of the side setback between the house and the neighbor. The carport is 20 by 20 and the roof will be the same color of the house. It will not be a permanent structure. It will be anchored on the ground. Mr. Drammeh noted there are trees between the neighbor's house and it is at an angle.

Acting Chair Wallner asked the location of the carport.

Mr. Drammeh stated it will be in line with the front of the house.

Member Spector-Morgan asked if it will be in the existing driveway.

Mr. Drammeh responded yes.

Member Winters asked if it will not go into the front setback but it will go into the side setback.

Mr. Drammeh responded yes.

Member Winters asked if he will have to cut down any of the trees.

Mr. Drammeh no, however, they are looking to trim the trees.

Acting Chair Wallner asked if the neighborhood has carports or garages.

Mr. Drammeh responded not in the neighborhood but behind the neighborhood.

There being no public testimony, Acting Chair Wallner closed the public hearing.

Member Spector-Morgan stated it will not alter the character of the neighborhood because a carport is a reasonable residential use. It will not diminish surrounding property values because the structure can be removed at any time. There is no substantial justice in enforcing the side setback. There is a hardship given the location of the house and the existing driveway on the lot.

Member Winters stated to be consistent the Board routinely grant applications for driveway or carport if it is a reasonable use for the property and it would be a hardship if they were not to allowed the carport.

On a motion made by Member Spector-Morgan, seconded by Member Winters, with a vote of 4 in favor to 0 opposed, the Board vote to grant the variance from Section 28-4-1(d)(3) to permit a five-foot setback where 15 feet is required is otherwise allowed and to adopt the applicant's proposed findings of fact as the Board's findings of fact (available in the project file located in the Planning Division of the Community Development Department).

5. **Review and acceptance of minutes from September 3, 2025 and October 1, 2025**

The September 3, 2025 meeting minutes will carry over to the December meeting due to one of the three members that were in attendance not being present at tonight's meeting.

On a motion by Member Spector-Morgan, seconded by Alternate Member Davie, the Board voted 4 in favor to 0 opposed to approve the meeting minutes from October 1, 2025, as written.

6. **2026 Meeting Dates**

This was not discussed.

7. **Adjourn**

On a motion made by Member Winters seconded by Alternate Member Davie, the Board unanimously voted 4 in favor to 0 opposed to adjourn at 8:28 p.m.

Respectfully submitted,

Krista Tremblay

Krista Tremblay

Administrative Technician III