



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

March 4, 2026
MEETING MINUTES - DRAFT

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

Absent: Alternate Ann Rice and Alternate Member Craig Walker

Staff: Stephanie N. Verdile, Assistant City Planner-Zoning
Krista Tremblay, Administrative Technician III

1. **Call to order**

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

2. **Chairperson's comments**

3. **Public meetings**

4. **Public hearings**

4.1 Erin Lambert, P.E. on behalf of property owner Daval Realty Associates, LLC and Banks Chevrolet, requests a variance from *Article 28-7 Access, Circulation, Parking and Loading, Section 28-7-10(a) Parking Area Landscape Standards, Parking Lot Perimeter Landscaping* to not require a four (4) foot high solid fence, berm, or dense plantings as required when a parking lot is located within 50 feet of a residential district boundary. The property is known as Tax Map Lot 782/Z 8, located at 234 Airport Rd in the Residential Single Family (RS), Highway Commercial (CH), and Open Space Residential (RO) Districts. (ZBA-0358-2026) **Continued from February 4, 2026 meeting.**

Erin Lambert (2 Home Ave, Concord) is present to represent this application. Ms. Lambert is asking for variance to reconstruct an existing parking lot at the west end and it is gravel. They are rebuilding the parking lot with pavement, curb, landscape islands, and drainage. Their property is part in the commercial highway zone and part in the RS zone. The parking lot is in the commercial highway. In the residential zone they are required to put a four-foot-high or berm to shield the abutting property from headlights. The parking lot abuts the City of Concord's property. The properties along Airport Rd are in the RS zone. The City of Concord owns the ballfield and does not have a lot of parking. Banks has allowed the city and residents of the neighborhood to use the parking lot while it is there. The request is to not provide an enhanced buffer along the portion of the property shared with the City of Concord. There is 636 of linear feet of property line they are requesting to not put the buffer. There is a small portion of the parking lot they are still proposing to put the enhanced buffer on the section of parking lot that will abut the residents at 222 Airport Rd. Ms. Lambert read from the criteria submitted with the application materials.

Chair Carley asked if the parking lot will function the way it does now.

Ms. Lambert stated the way it is now it is not striped. The new parking lot will look similar and will have defined isles and landscape islands. It is used for employee parking during business hours.

Member Spector-Morgan asked how does installing a fence inhibit the parking of the public on the property.

Ms. Lambert will not be any connectivity between the parking lot and the ball field.

Member Spector-Morgan suggested a gate or opening.

Alternate Member Perkins asked if that will still need a variance.

Ms. Lambert stated there is a nice natural buffer there now and the thought is that it might be more difficult to maintain. They did not look at gates and they can.

Member Winters asked about the small portion that is not the city and anything abuts 222 Airport Rd.

Ms. Lambert stated the portion in red and the blue this is in the commercial highway and residential. They are asking not to have to put a four-foot-high berm within their property.

Member Monahan asked what was the trigger for the fence.

Ms. Lambert stated they are required to do a site plan. Everything needs to comply with zoning. In the ordinance when there is a non-residential use in a nonresidential zone.

Member Monahan asked what triggered the site plan.

Ms. Lambert responded the new pavement.

Member Winters asked if it is the same layout and going from gravel to pavement.

Ms. Lambert stated there will be a reduction in the impervious and it is the lay out with current city standards.

Chair Carley asked if there are any other questions from the Board or the applicant, with none. Chair Carley asked if there is any member of the audience that would like to speak in favor of this application, in opposition, Planning Division staff and with none. Chair Carley closed the public hearing.

Member Wallner stated normally if this was a true residential district that abutted the property he would be more inclined to deny the request. Member Wallner stated he is more forgiving.

Member Monahan agree with Member Wallner and having four-foot-high fence is less welcoming to the property using the facility.

Member Winters agrees because it is unique the ball field and there is a fence in the small portion that abuts a residential lot. It is used for parking and a valid variance.

Member Spector-Morgan does not buy into the fence or the berm will inhibit the parking because all they are doing is paving it. Member Spector-Morgan agrees with Member Wallner that it abuts a residential district there is no residential use there and inclined to grant the variance.

Chair Carley agrees with his colleagues.

On a motion made by Member Wallner, seconded by Member Monahan, with a vote of 5 in favor to 0 opposed, the Board **grant the variance from Article 28-7 Access, Circulation, Parking and Loading, Section 28-7-10(a) Parking Area Landscape Standards, Parking Lot Perimeter Landscaping to not require a four (4) foot high solid fence, berm, or dense plantings as required when a parking lot is located within 50 feet of a residential district boundary** because all of the criteria under RSA 674:33 have been met based on the record before us 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 Ari B. Pollack, Esquire, of Gallagher, Callahan, & Gartrell, P.C. Partners Ltd, on behalf of property owners Onyx Steeplegate Concord, LLC and Onyx TD Concord, LLC request a **one-year extension** for ZBA Case 0133-2023 for the following variance approvals: *Article 28-4-1(h), Table of Dimensional Regulations, Maximum Height, to allow a maximum height of 59-feet 8-inches where 45' is allowed; Article 28-2-4(j), Table of Principal and Accessory Uses, to allow a Tire Center (J-8) where prohibited in a GWP; Article 28-4-1(c), Table of Dimensional Regulations, Minimum Lot Frontage, to allow frontage to be calculated based on the combination of frontages on a corner lot rather than the calculation along "one" street as required; Article 28-4-1(h), Table of Dimensional Regulations, Maximum Lot Coverage, to allow 91% coverage where 85% is allowed; Article 28-7-7(f), Driveway Widths, to allow a 30' driveway width where 28-feet is the maximum; Article 28-7-7(j), Illumination of Parking Areas, to allow light posts at 36-feet and 6-inches in height where 25-feet is the maximum; Article 28-7-13(c), Design Standards for Loading Spaces, to allow 12-feet wide loading spaces where 14-feet is the minimum; and Article 28-7-14(e), Screening of Refuse Containers, to not screen trash compactors where screening around three sides is required.* And request, , a one-year extension ZBA case 0142-2024 for the following variance approvals: *Article 28-7-2(e), Table of Off-Street Parking Requirements, to allow fewer spaces than required (a) Lot 40 and 40-1 (Costco/JC Penney) 943 spaces where 1131 are required; (b) Lot 40-2 (Mixed-use residential/fitness/recreational/retail) 1019 spaces where 2,055 are required; and (c) Lot 41 (Applebee's Restaurant) 56 spaces where 68 are required.* The variances were approved by the board on May 8, 2024. The properties are known as Steeplegate Mall on Tax Map 611Z Lot 40 and TD Bank on Tax Map 611Z Lot 41, located at 270 and 277 Loudon Rd in the Gateway Performance (GWP) District. (ZBA 0359-2026) (EXT) Not a public hearing.

On a motion made by Member Winters, seconded by Member Monhan, with a vote of 5 in favor to 0 opposed, the Board **grant the one-year extension request for variance requests 1a, 1b, and 1c (ZBA 0142-2024) to extend the approvals to May 8, 2027.** 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).

- 4.3 Ari B. Pollack, Esquire, of Gallagher, Callahan, & Gartrell, P.C. Partners Ltd, on behalf of property owners Onyx Steeplegate Concord, LLC and Onyx TD Concord, LLC request a variance from *Article 28-4 Development Design Standards, Section 28-4-1 Dimensional Standards, (h) Table of Dimensional Regulations, Minimum Lot Frontage,* to allow a new lot of record to be created with 99' feet of frontage on a public street where 300' feet is required. The property is known as Tax Map 611Z Lot 9 located at 277 Sheep Davis Rd. in the Gateway Performance (GWP) District. (ZBA-0360-2026)

On a motion made by Member Spector-Morgan, seconded by Member Winters, with a vote of 5 in favor to 0 opposed, the Board **grant the variance from Section 28-4-1(h) Minimum Tract Requirement to allow a new lot of record to be created with 99' feet of frontage on a public street where 300 feet is required** 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).

- 4.4 Allyson Moore, Esquire, on behalf of No Monkey Business Dog Training LLC, request a variance on behalf of property owner 2 Industrial Park, LLC from *Article 28-2, Zoning Districts and Allowable Uses, Section 28-2-4(j), Allowable Principal and Accessory Uses in Zoning Districts, Table of Permitted Uses, M. 8* to allow a “Commercial Kennel” to be located in the Industrial (IN) District where it is not allowed. The property is known as Tax Map 622/Z Lot 21 located at 2 Industrial Park Dr. (ZBA 0361-2026)

On a motion made by Member Spector-Morgan, seconded by Member Monahan, with a vote of 5 in favor to 0 opposed, the Board **grant the variance from Article 28-2, Zoning Districts and Allowable Uses, Section 28-2-4(j), Allowable Principal and Accessory Uses in Zoning Districts, Table of Permitted Uses, M. 8** to allow a “Commercial Kennel” to be located in the Industrial (IN) District where it is not allowed because all of the criteria under and 674:33 have been met based on the record before us 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).

- 4.5 Joseph & Alisha Freydenfeldt property owners of 8 Susan Lane request a Special Exception pursuant to *Article 28-7 Access, Circulation, Parking and Loading, Section 28-7-17 Parking of Commercial Vehicles*, and in accordance with Section 28-9-3(b) *Special Exceptions*, to permit the parking of one commercial vehicle in a residential district. The property is known as Tax Map 412/Z, Lot 74/1/2 located at 8 Susan Lane in the Medium Density Residential (RM) District. (ZBA 0363-2026).

On a motion made by Member Wallner, seconded by Member Monahan, with a vote of 5 in favor to 0 opposed, the Board **grant the special exception for the parking of a commercial vehicle at 8 Susan Lane because all of the criteria under Section 28-9-3(b)(2) of the Concord Zoning Ordinance have been met based on the record before us** 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).

- 4.6 Eric Stringner of Top Knotch Cabinetry, on behalf of property owner ZJBV Properties LLC., requests a variance from *Article 28-2, Zoning Districts and Allowable Uses, Section 28-2-4 (j) Allowable Principal and Accessory Uses in Zoning Districts, Table of Permitted Uses (L)(11)* to permit cabinet manufacturing business in an existing building with Light Industrial and Warehouse uses. The property is known as Tax Map 632/Z, Lot 87 located at 70 Pembroke Rd. in the Opportunity Corridor Performance (OCP) District. (ZBA-0364-2026).

On a motion made by Member Spector-Morgan, seconded by Member Monahan, with a vote of 1 (Spector-Morgan) in favor to 4 (Carley, Winters, Monahan and Wallner) opposed, the Board did not pass a vote to **deny the variance from Section 28-2-4(j)(L) (11) to allow for the use of office/warehouse/industrial flex use for a cabinetry manufacturing company located at 70 Pembroke Rd, because evidence was not provided showing that all the criteria under RSA 674:33 have been met.** (available in the project file located in the Planning Division of the Community Development Department).

On a motion made by Member Wallner, seconded by Member Winters with a vote of 4 (Winters, Carley, Monahan and Wallner) in favor to 1 (Spector-Morgan) opposed, the Board voted to **grant the variance from Section 28-2-4(j)(L)(11) to allow for the use of office/warehouse/industrial flex use for a cabinetry manufacturing company located at 70 Pembroke Rd, because all of the criteria under and 674:33 have been met based on the record before us** 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).

- 4.7 Maria T. Dolder, Esquire, on behalf of property owner D. McLeod, Inc. request a variance from *Article 28-7, Access, Circulation, Parking and Loading, Section 28-7-7, Parking Area Design Standards (e), Minimum Aisle Width*, to permit the existing aisle width at the entrance to be twenty (20) feet, with an expansion to twenty two (22) feet, where twenty four (24) feet is required and along the southern parking area to remain at the existing 13' 10" to 15', where twenty four (24) feet is required. The property is known as Tax Map 7413/z Lot 9 located at 47-49 South State Street in the Urban Commercial (CU) District. (ZBA 0368-2026).

On a motion made by Member Spector-Morgan, seconded by Member Wallner, with a vote of 5 in favor to 0 opposed, the Board voted to ***grant the variance from Section 28-7-7 (e), Minimum Aisle Width, to permit the existing aisle width at the entrance to be twenty (20) feet, with an expansion to twenty two (22) feet, where twenty four (24) feet is required and along the southern parking area to remain at the existing 13' 10" to 15', where twenty four (24) feet is required located at 47-49 S State St, because all of the criteria under and 674:33 have been met based on the record before us 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).***

- 4.8 Maria T. Dolder, Esquire, on behalf of property owner D. McLeod, Inc. request a variance from *Article 28-7, Access, Circulation, Parking and Loading, Section 28-7-7, Parking Area Design Standards (f), Minimum Aisle Width*, to permit the existing driveway width at the entrance to be twenty (20) feet where twenty-four (24) feet is required. The property is known as Tax Map 7413/Z Lot 9 located at 47-49 South State Street in the Urban Commercial (CU) District. (ZBA 0369-2026).

On a motion made by Member Spector-Morgan, seconded by Member Wallner, with a vote of 5 in favor to 0 opposed, the Board voted to ***grant the variance from Section 28-7-7 (f), Driveway Width, to permit the existing driveway width at the entrance to remain at twenty (20) feet, where twenty four (24) feet is required located at 47-49 S State St, because all of the criteria under and 674:33 have been met based on the record before us 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).***

- 4.9 Maria T. Dolder, Esquire, on behalf of property owner D. McLeod, Inc. request a variance from *Article 28-7, Access, Circulation, Parking and Loading, Section 28-7-7, Parking Area Design Standards (g)(2), Setbacks from lot lines*, to permit parking up to the property line, where a five (5) foot setback is required, with the parking in the southern parking area to have a four (4) foot setback, the parking area in the south east area to be have a 1.67 foot setback and one parking spot in the north east area to have a 1.1 foot setback. The property is known as Tax Map 7413/Z Lot 9 located at 47-49 South State Street in the Urban Commercial (CU) District. (ZBA 0370-2026).

On a motion made by Member Spector-Morgan, seconded by Member Wallner, with a vote of 5 in favor to 0 opposed, the Board voted to ***grant the variance from Section 28-7-7 (g)(2), Setbacks from lot lines, to permit parking up to the property line, where a five (5) foot setback is required, with the parking in the southern parking area to have a four (4) foot setback, the parking area in the south east area to be have a 1.67 foot setback and one parking spot in the north east area to have a 1.1 foot setback located at 47-49 S State St, because all of the criteria under and 674:33 have been met based on the record before us 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).***

- 4.10 Maria T. Dolder, Esquire, on behalf of property owner D. McLeod, Inc. request a variance from *Article 28-7, Access, Circulation, Parking and Loading, Section 28-7-7, Parking Area Design Standards (g)(2), Setbacks from lot lines*, to permit the existing four (4) parking spaces within the parking lot to be located in the front yard where parking is not permitted within ten (10) feet of the front lot line. The property is

known as Tax Map 7413/Z Lot 9 located at 47-49 South State Street in the Urban Commercial (CU) District. (ZBA 0371-2026).

On a motion made by Member Spector-Morgan, seconded by Member Wallner, with a vote of 5 in favor to 0 opposed, the Board voted to **grant the variance from Section 28-7-7 (g)(2), Setbacks from lot lines, to permit the existing four (4) parking spaces within the parking lot to be located in the front yard where parking is not permitted within ten (10) feet of the front lot line located at 47-49 S State St, because all of the criteria under and 674:33 have been met based on the record before us** 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).

- 4.11 Maria T. Dolder, Esquire, on behalf of property owner D. McLeod, Inc. request a variance from *Article 28-7, Access, Circulation, Parking and Loading, Section 28-7-10, Parking Area Landscaping Standards (a) Parking Lot Perimeter Landscaping Required*, to permit the existing parking lot along the southern parking and the additional parking areas on the property to have no landscaping area, where a five (5) foot landscape area is required. The property is known as Tax Map 7413/Z Lot 9 located at 47-49 South State Street in the Urban Commercial (CU) District. (ZBA 0372-2026).

On a motion made by Member Spector-Morgan, seconded by Member Wallner, with a vote of 5 in favor to 0 opposed, the Board voted to **grant the variance from Section 28-7-10 (a), Parking Lot Perimeter Landscaping Required, to permit the existing parking lot along the southern parking and the additional parking areas on the property to have no landscaping area, where a five (5) foot landscape area is required located at 47-49 S State St, because all of the criteria under and 674:33 have been met based on the record before us** 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).

- 4.12 Maria T. Dolder, Esquire, on behalf of property owner D. McLeod, Inc. request a variance from *Article 28-7, Access, Circulation, Parking and Loading, Section 28-7-10, Parking Area Landscaping Standards (c) Use of Required Landscape Areas Restricted*, to permit parking within the required landscaped area. The property is known as Tax Map 7413/Z Lot 9 located at 47-49 South State Street in the Urban Commercial (CU) District. (ZBA 0373-2026).

On a motion made by Member Spector-Morgan, seconded by Member Wallner, with a vote of 5 in favor to 0 opposed, the Board voted to **grant the variance from Section 28-7-10 (c), Use of Required Landscape Areas Restricted, to permit parking within the required landscaped area, where parking is not permitted under the ordinance located at 47-49 S State St, because all of the criteria under and 674:33 have been met based on the record before us** 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).

- 4.13 Maria T. Dolder, Esquire, on behalf of property owner D. McLeod, Inc. request a variance from *Article 28-7, Access, Circulation, Parking and Loading, Section 28-7-13 Off-Street Loading Requirements (b) Location of Loading Spaces* to permit the existing loading space within the building to remain on the front of the building, with it backing into the street, where it would not be permitted under the ordinance. The property is known as Tax Map 7413/Z Lot 9 located at 47-49 South State Street in the Urban Commercial (CU) District. (ZBA 0374-2026).

On a motion made by Member Spector-Morgan, seconded by Member Wallner, with a vote of 5 in favor to 0 opposed, the Board voted to **grant the variance from Section 28-7-13(b), Location of Loading Spaces, to permit the existing loading space within the building to remain on the front of the building,**

with it backing into the street, where it would not be permitted under the ordinance located at 47-49 S State St, because all of the criteria under and 674:33 have been met based on the record before us 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).

5. **Review and acceptance of minutes from [September 3, 2025](#), [December 3, 2025](#), [January 7, 2026](#), [February 4, 2026](#)**

Member Winters moved, seconded by Member Monahan, to approve the meeting minutes from September 3, 2025, as amended. The Board voted 6 in favor (Carley, Monahan, Spector-Morgan, Perkins, Wallner and Winters) to 0 opposed. The motion passed unanimously.

Member Winters moved, seconded by Member Spector-Morgan, to approve the meeting minutes from December 3, 2025, as amended. The Board voted 6 in favor (Carley, Monahan, Spector-Morgan, Perkins, Wallner and Winters) to 0 opposed. The motion passed unanimously.

Member Monahan moved, seconded by Member Spector-Morgan, to approve the meeting minutes from January 7, 2026, as amended. The Board voted 6 in favor (Carley, Monahan, Spector-Morgan, Perkins, Wallner and Winters) to 0 opposed. The motion passed unanimously.

Member Wallner moved, seconded by Alternate Member Perkins, to approve the meeting minutes from February 4, 2026, as amended. The Board voted 6 in favor (Carley, Monahan, Spector-Morgan, Perkins, Wallner and Winters) to 0 opposed. 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 Member Spector-Morgan, the Board voted 6 in favor to 0 opposed to adjourn at 8:22 p.m.

Respectfully submitted,

Krista Tremblay

Krista Tremblay

Administrative Technician III