



# CITY OF CONCORD

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

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

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

August 20, 2020

The Zoning Board of Adjustment will meet on **Wednesday, September 2, 2020 at 7:00 PM** using telephonic and internet-based options. Instructions for accessing and participating in the meeting can be found at the link above.

### **Wednesday, September 2, 2020 ZBA Public Hearing Agenda**

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

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

### **PUBLIC HEARINGS**

- 34-20 Michael Chapman:** Applicant wishes to convert a 2 unit dwelling to a 3 unit dwelling and requests the following:
- 1) (granted on 8/5/20) A Variance to Article 28-5-3(b), Conversions (of residential buildings) in Districts Other Than Performance Districts, to allow a conversion resulting 3 dwelling units in a single building on a 5,869 sf lot where a minimum lot size of 7,500 sf is required,
  - 2) A Variance to Article 28-7-1(a), Applicability (Parking), to allow a change of use without bringing the property into compliance with all parking requirements including, but not limited to:
    - a. **(Recessed Case)** A Variance to Article 28-7-2(e), Table of Off-street Parking, to allow the provision of 4 standard 9'x19' onsite parking spaces where 6 spaces are required,
    - b. (granted on 8/5/20) A Variance to Article 28-7-7(e), Minimum Aisle Width, to allow a 10 foot aisle adjacent to the southerly parking space where a 24 foot aisle is required for maneuvering,
    - c. **(Recessed Case)** A Variance to Article 28-7-5, Requirements for Handicapped Spaces, to provide no designated accessible spaces where 1 space is required,
    - d. (granted on 8/5/20) A Variance to Article 28-7-7(f), Driveway Widths, to maintain a driveway with a minimum width of 12 feet where a minimum width of 18 feet is allowed (CUP) and 24 feet is standard,
    - e. (granted on 8/5/20) Variance to Article 28-7-7(g)(2), Setbacks from Lot lines, to maintain zero foot setback for the driveway along the westerly lot line where a 5 foot setback is required,for property located at 27 Fayette Street in an RD Residential Downtown District.

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

**37-20 Rosemary Hinton: (Recessed Case)** Applicant wishes to expand an existing single-family dwelling and requests a variance to Article 28-4-1(h), Table of Dimensional Regulations, to allow a first & second floor expansion with the closest point six (6) feet (+/-) from the westerly, side, property line where a fifteen (15) foot side setback is required, for property located at 21 Iron Works Road in an RS Single Family Residential District.

**48-20 Mountain Lake Heating/Fuel, LLC.:** Applicant wishes to modify Variances granted under Case #33-20 and requests the following:

- 1) A Variance to Article 28-7-7(f), Driveway Widths, to maintain a driveway with a minimum width of 10 feet where a minimum width of 18 feet is allowed (with a CUP) and 24 feet is standard,

OR, in the alternative, the applicant requests:

- 1) A Variance to Article 28-7-7(f), Driveway Widths, to allow a driveway with a maximum width of 17 feet +/- where a minimum width of 18 feet is allowed (with a CUP) and 24 feet is standard,
  - 2) A modification to the lot coverage Variance allowing 65% lot coverage, as granted under case #33-20, to now allow up to a 73% lot coverage where 60% is the maximum allowed,
- For property located at 28 South Street in an RD Residential Downtown District.

**40-20 Melissa Chaput & Wendy Sullivan:** Applicant requests a Special Exception as allowed under Article 28-2-4(h), Table of Principal Uses, and in accordance with Supplemental Standards Article 28-5-29, Commercial Kennels and Veterinary Hospitals, to allow a doggy daycare (Principal Use M-8) at 180 Clinton Street in an RO Residential Open Space District.

**41-20 Fred L. Potter for 135 NSS, LLC:** Applicant wishes to install two (2) freestanding signs, (sign #1 is 4.58 SF in area and 7.9' tall & sign #2 is 24.08 SF in area and 7.4' tall) on a lot, with sign #2 located in the "corner no-obstruction area" and requests the following:

- 1) Variance from Article 28-6-8, Signs Permitted in Residential Districts, Section (a)(1), to allow two (2) Freestanding Signs on a lot in a residential district where only one (1) freestanding sign is allowed,
- 2) Variance from Article 28-6-8, Signs Permitted in Residential Districts, Section (a)(1), to allow two (2) Freestanding Signs on a lot in a residential district, with a combined area of 28.66 +/- square feet, where one (1) sign is allowed and the maximum sign area allowed is twenty (20) square feet for a single sign,
- 3) Variance from Article 28-6-8, Signs Permitted in Residential Districts, Section (c), to allow a height of 7.9' for sign #1 where a maximum height of 6' is allowed in a residential district,
- 4) Variance from Article 28-6-8, Signs Permitted in Residential Districts, Section (c), to allow a height of 7.4' for sign #2 where a maximum height of 6' is allowed in a residential district,
- 5) Variance from Article 28-6-7, Signs Prohibited Under This Ordinance, Item (e), to allow a 7.4' sign to be placed within the thirty (30) foot triangular area adjacent to the corner where no obstruction is allowed between a height of 2.5' and 8' above grade,

for property located at 135 North State Street in an RN Residential Neighborhood District.

**42-20 Rebecca Bacotti:** Applicant wishes to replace and expand a fire damaged 14'Wx10'L detached garage with a five (5) foot side setback and requests the following:

- 1) a Variance from Article 28-4-1(h), Table of Dimensional Regulations, to permit a 16'Wx14'L replacement structure with a three (3) foot setback (+/-) from the easterly, side, property line where a ten (10) foot side setback is required and,
- 2) a Variance from Article 28-4-1(h), Table of Dimensional Regulations, to permit a 16'x14' replacement structure with a three (3) foot setback (+/-) from the rear property line where a twenty (20) foot rear setback is required,

for property located at 7 Harrison Street in an RD Residential Downtown District.

**43-20 David Claydon for Miranda & Andrew Hardister:** Applicant wishes to expand an existing residential structure and requests, a variance from Article 28-4-1(h), The Table of Dimensional Regulations, to allow a first & second floor expansion with the closest point seven (7) feet from the northerly, side property line where a ten

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(10) foot side setback is required, for property located at 14 Dunklee Street in an RN Residential Neighborhood District.

**44-20 Andrew Brauch:** Applicant wishes to construct a 24'x24' garage and, an 11'x11' +/- connecting mudroom addition, to an existing dwelling and requests a Variance from Article 28-4-1(h), Table of Dimensional Regulations, to allow a setback for the garage of ten (10) feet from the northerly, side property line where a setback of fifteen (15) feet is required, for property located at 16 Ty Lane in an RM Residential Medium-density District.

**45-20 Warren and Lucile Runde:** Applicant requests an Equitable Waiver of Dimensional Regulations in accordance with RSA 674:33a to grant legal status to a six foot tall, stockade style fence, located on the southerly, side, property line between the front lot line and the front yard building setback line, for property located at 168 South Street in an RS Residential Single-family District.

**46-20 Howard A. Roevers:** Applicant wishes to construct an elevated, 4'x12' deck/sitting area, and requests a Variance from Article 28-4-1(h), The Table of Dimensional Regulations, to allow a 9.5' setback from the rear property line where a twenty (20) foot setback is required, for property located at 60 Rumford Street in an RD Residential Downtown District.

**47-20 Barbara Mariano:** Applicant wishes to lease portions of the subject property, which is adjacent to an existing dealership and requests the following:

- 1) Variance from Article 28-7-16, Parking and Storage of Unregistered Vehicles, to permit the outdoor storage of motor vehicles (principal use K-7), subject to registration under the provisions of RSA 261, Certificates of Title and Registration of Vehicles, which do not have current valid number plates attached, to be stored outside in an area other than a motor vehicle sales area or a recycling center,
- 2) Variance from Article 28-5-37, Outside Storage of Materials and Inventory, Section (b), Screening Requirements, to waive the screening requirements along the northerly (rear) property line and the westerly (side) property lines,
- 3) Variance from Article 28-5-37, Outside Storage of Materials and Inventory, Section (d), Maximum Area of Lot to be Used or Designated for Outside Storage, to permit outdoor storage of inventory on the "Mariano" lease parcel and the portion of the "DMO/Kia" lease parcel, dedicated to outdoor storage to waive the requirement that outside storage be a ratio of building area,
- 4) Variance from Article 28-3-6, Aquifer Protection District, Section (d)(3), Prohibited Uses, Item (m), to allow the development and operation of an, automotive repair, servicing, and with or without auto body repair, facility (Principal Use J-5),

for property located at 10 Integra Drive in an IN Industrial District.

**49-20 Pamela E. Sullivan for Richmond-Sullivan, LLC:** Applicant wishes to convert an existing office suite condominium into a residential dwelling condominium and requests Variances from Article 28-4-5(e), Development Standards in Performance Districts and Article 28-5-48, Central Business Performance (CBP) District Standards, to allow the lower level and the first level to be used for residential purposes, where residential uses are to be located on or above the second level and the first level is to be used for allowed non-residential purposes, for property located at 6D Hills Avenue in a CBP Central Business Performance District.

Rose M. Fife, Clerk  
Zoning Board of Adjustment

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*Craig Walker*  
Zoning Administrator

# CITY OF CONCORD

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

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

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

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

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

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

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

Members of the public can also email questions or other public testimony to [code@concordnh.gov](mailto:code@concordnh.gov), and staff will read the testimony or question into the record during the meeting. Any member of the public can also call the Code (Zoning) Administrative office during the meeting at 603-856-3913 if they are unable to access the meeting and if assistance with connecting is needed.

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

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

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

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