



CITY OF CONCORD
New Hampshire's Main Street™
Community Development Department
Planning Division

MEMORANDUM

TO: Planning Board

FROM: AnneMarie Skinner, AICP
City Planner

RE: Extension Request – 2022-44 Club 55 major site plan

DATE: July 1, 2025

Mark Kitner, on behalf of Kalapa Realty Trust, has submitted a request for a one-year extension of major site plan approval, conditional use permit approval, and architectural design review approval. When considering this request, the Board should consider the following:

1. On July 19, 2023, the Planning Board granted conditional major site plan approval, conditional use permit approval for disturbance to wetland buffer, and architectural design review approval for the conversion of a portion of the existing three-unit multi-family building into a common area for the development and new construction of 21 units of multi-family housing for the elderly at 61 Borough Rd in the GWP (Gateway Performance) District.
2. Per Section 28-9-4(b)(7) of the Zoning Ordinance, if the use or construction so authorized by granting conditional use permit has not commenced within a two-year period from the date of the decision of the Planning Board, then the conditional use permit shall be deemed to have expired and the Planning Board's decision shall be considered null and void. Upon request, submitted prior to the date of expiration, the Planning Board may extend the period of validity of a conditional use permit for one additional year provided that the applicant presents evidence of a good faith effort made to commence the use or construction so authorized by the conditional use permit, that the delay in commencement was beyond the applicant's control, and that the circumstances relating to the property and the surrounding neighborhood have not changed substantially since the date of the original decision. Once an extension has been granted, should the use or construction so authorized by a conditional use permit not be commenced within the one-year extension period, then the conditional use permit shall be deemed to have expired and the Planning Board's decision rendered null and void. **Conditional use permit approval was granted on July 19, 2023, with an expiration date of July 19, 2025. The applicant requests a one-year extension to July 19, 2026, stating the following reason: "The original project manager has left and I am now taking over the project and trying to pull all**

the information together as to where he left off.” Staff notes that the circumstances relating to the property and the surrounding neighborhood have not changed substantially since the date of the original decision.

3. Per Section 28-9-4(f)(9) *Expiration of Approval* of the Zoning Ordinance, if a project or permit, for which an application for architectural design review has been approved, has not been initiated or exercised within two years from the date of the Planning Board’s decision, then the approval shall be deemed to have expired and the Planning Board’s decision rendered null and void. Upon request, submitted prior to the date of expiration, the Planning Board may extend the period of validity of an architectural design review approval for one additional year. Once an extension has been granted, should the use or construction so authorized by an architectural design review approval not be commenced within the one-year extension period, then the architectural design review approval shall be deemed to have expired and the Planning Board’s decision rendered null and void. **Architectural design review approval will expire on July 19, 2025. The applicant requests a one-year extension to architectural design review approval as allowed pursuant to Section 28-9-4(f)(9). Granting of the request will extend approval of architectural design review to July 19, 2026.**
4. Per Section 7.08(9) *Expiration of Approval* of the Site Plan Regulations, approved site plans shall meet all precedent conditions and obtain the signature of the Chair and Clerk of the Planning Board within one year of the date of the Planning Board meeting where conditional final approval was granted; otherwise, said plans shall be null and void. **The property owner has yet to meet all precedent conditions and obtain the required signatures on the plan set. An extension request was made and granted in 2025, which extended the site plan approval from July 19, 2024, to July 19, 2025. The property owner is requesting a second time extension request of the site plan approval.**
5. Per Section 11.09(8) *Extension of Approvals* of the Site Plan Regulations, at the request of the applicant, the approval of a major site plan may be extended for one year by the Board. The Board may approve a second one-year extension provided that the approved major site plan remains in compliance with the current zoning and site plan regulations.
6. The applicant has not met all precedent conditions and obtained the required signatures as of the date of this memorandum, nor does the applicant anticipate meeting the precedent conditions and obtaining the required signatures by the expiration date of July 16, 2025.
7. The applicant submitted an extension application on June 12, 2025, requesting the allowed second one-year extension referenced in #5 above. The site plan remains in compliance with current zoning and site plan regulations.
8. The applicant states: “We respectfully request an extension of the conditional approval for 61 Brough [sic] Rd, “Club 55” for the following reason, the original project manager has left and I am not taking over the project and trying to pull all the information together as to where he left off.”
9. Neither the Zoning Code or the Site Plan Regulations provide requirements for a public hearing for an extension request.
10. This is the second extension request for the project, with the first extension having been granted in 2024. No extensions are available past the second extension per Section 11.09(8) *Extension of Approvals*.
11. **Approval of the request will extend the expiration date of major site plan, conditional use permit, and architectural design review approvals all to July 19, 2026.**