



April 16, 2025  
File No. 100960.000

City of Concord– Planning Board  
41 Green Street  
Concord, NH 03301  
(603) 522-6205

Re: Project Narrative for Minor Site Plan Application  
Cornerstone Realty Holding LLC  
Tax Map 751Z, Lot 24  
72 Manchester Street  
Concord, NH 03301

On behalf of Cornerstone Realty LLC (Owner) Nobis Group (Nobis) is submitting this project narrative to the City of Concord Planning Board (PB) along with an application for a Minor Site Plan approval. The proposed project is located at 119 Old Turnpike Road, Tax Map 751Z, Lot 24 (Site). Please also refer to the attached Site Plan drawings for additional information.

## **BACKGROUND AND SITE CHARACTER**

The Site is located in the Industrial District (IN) District and is bounded by Old Turnpike Road to the South, Concord NH Fire Department to the West, Concord NH City land to the North, Commercial properties to the South, and a single family residence to the north east. The Site is 5.13 acres and is currently used by various commercial businesses.

On March 5, 2025 Cornerstone Realty Holdings Inc. was in receipt of a notice of violation for unauthorized modifications made to the property at 119 Old Turnpike Road. In accordance with the City of Concord's Zoning Ordinance, a Minor Site Plan Review is mandatory. The Minor Site Plan Review submission package has addressed comments from the Planning Division.



## **MINOR SITE PLAN APPLICATION – PROJECT DESCRIPTION**

The proposed improvements to the site located at 119 Old Turnpike Road are to comply with the Site Plan Regulations. The following items have been addressed in the Minor Site Plan Package.

- Remove pavement installed beyond property line and maintain a 5' pavement setback
- Locate and adjust rim Sewer Manholes (DMH) to finished grade
- Remove conex boxes from 30' Sewer Easement
- Install landscaping in 15' residential buffer

The proposed modification to the Site Plan is intended to comply with the City of Concord Site Plan Regulations for Minor Site Plan Review and Notice of Violation requirements. We trust this project narrative meets the requirements of the City of Concord and we look forward to meeting with Board members. Please feel free to contact me with any questions or if you need additional documentation.

Sincerely,

NOBIS GROUP®

Jon Ralphs

Project Manager

[jralphs@nobis-group.com](mailto:jralphs@nobis-group.com)

(978) 703-6025



April 16, 2025  
File No. 100960.00

City of Concord – Planning Board  
41 Green Street  
Concord, NH 03301  
(603) 522-6205

Re: Waiver Request and Assessment for Minor Site Plan Application  
Site Modification for Site Plan Compliance  
Tax Map 751Z, Lot 24  
119 Old Turnpike Road  
Concord, NH 03301

On behalf of Cornerstone Realty Holdings Inc., Nobis Group (Nobis) requests a waiver from the following sections of the City of Concord Site Plan Regulations:

- |   |                            |                        |
|---|----------------------------|------------------------|
| 1. Section 12.02(1)(b)                    | 9. Section 15.04           | 17. Section 16..02(22) |
| 2. Section 12.03(3)                       | (10,(21),(24),(25), & (26) | 18. Section 18.00      |
| 3. Section 12.04                          | 10. Section 15.04(11)      | 19. Section 19.00      |
| 4. Section 12.06(3),(4), & (5)            | 11. Section 15.04(13)      | 20. Section 22.00      |
| 5. Section 12.08                          | 12. Section 15.04(14)      | 21. Section 27.03      |
| 6. Section 12.09                          | 13. Section 15.04(27)      | 22. Section 27.07      |
| 7. Section 15.01(1),(3),(4),(5),<br>& (7) | 14. Section 15.04(28)      |                        |
| 8. Section 15.03                          | 15. Section 16.02(12)      |                        |
|   | 16. Section 16.02(13)      |                        |

#### **5 Criteria for Waivers:**

1) *The granting of the waiver will not be detrimental to public safety, health, or welfare or injurious to other property;*

Granting the above waivers will not be detrimental to public safety as most of the waivers are to omit information on the plans that do not enhance the plans and project. This minor site plan project is to address the Notice of Violation dated March 5, 2025.



2) *The conditions upon which the request for a waiver is based are unique to the property for which the waiver is sought and are not applicable generally to other property;*

The proposed site is located at 119 Old Turnpike Road. The proposed site improvements are to address the Notice of Violation dated March 5, 2025

3) *Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular and unnecessary hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations are carried out;*

The waivers requested above include items not applicable to the site improvements to address the Notice of Violation dated March 5, 2025.

4) *Specific circumstances relative to the site plan or conditions of the land where a site plan is proposed indicate that the waiver will properly carry out, or not be contrary to, the spirit and intent of these regulations;*

Granting the waiver will still allow the Board and the public to conduct a full review of the project, meeting the spirit and intent of the regulations.

5) *The waivers will not in any manner vary the provisions of the Zoning Ordinance, Master Plan Reports, or Zoning Map.*

The waivers do not vary from the Zoning Ordinance, Master Plan or Zoning Map

### **Waiver Assessment**

1. Section 12.02 (1)(b) – All Application – Title Block
  - a. A waiver is requested since no owner and applicant is on the survey title block.
2. Section 12.03 (3) - Plan Certification – Landscape Plan
  - a. A waiver is requested since there is no landscape plan.
3. Section 12.04 – Location Plan
  - a. A waiver is requested for the Location Plan.
4. Section 12.06 (3) (4) & (5) – Plan References



- a. The plans are in response to a notice of violation and coordinated with the city. Existing restrictions, prior subdivision or surveys, and other plans are not applicable.
5. Section 12.08 – Electronic Submission for GIS
  - a. The plans are in response to a notice of violation and coordinated with the city. Information on plan is not applicable for the GIS systems.
6. Section 12.09 – As-built Drawings
  - a. The plans are in response to a notice of violation and coordinated with the city. Site is currently occupied.
7. Section 15.01 (1),(3),(4),(5), & (7) Minor Site Plan Required Info
  - a. The plans are in response to a notice of violation and coordinated with the city. Some requirements under this section are not applicable.
8. Section 15.03 (4) – Soils information
  - a. Soils information on the existing conditions plan is not applicable to the Notice of Violation.
9. Section 15.03 (23) – Tabulation
  - a. Tabulation for applicable data are shown on C-1 Site Plan.
2. Section 15.04 (11) Parking, loading Access
  - a. Parking and loading area are to remain the same and are not applicable to the Notice of Violation.
3. Section 15.04 (10),(21),(24),(25), & (26)
  - a. The plans are in response to a notice of violation and coordinated with the city. Some requirements under this section are not applicable.
4. Section 15.04 (13) – Municipal Sewer
  - a. Sewer inverts and service connections are to remain the same and are not applicable to the Notice of Violation.
5. Section 15.04 (14) Drainage & Erosion Control
  - a. Drainage and Erosion control plan is not included. Erosion control measures have been shown on the site plan where disturbance occurs.
6. Section 15.04 (27) Fire Suppression
  - a. No fire suppression system is proposed and is not applicable to the Notice of Violation.
7. Section 15.04 (28) Tabulation
  - a. Tabulation has been included relevant to items in the Notice of Violation.



8. Section 16.02 (12) Grading and Drainage Plan
  - a. Per section 15.04 (14), Grading and Drainage plan is not included and is not applicable to the Notice of Violation. Grading and drainage patterns shall remain the same.
9. Section 16.02 (13) Erosion Control Plan
  - a. Erosion control plan is not included. Erosion control measures have been shown on the site plan where disturbance occurs.
10. Section 16.02 (22) Construction details
  - a. Details not part of the City of Concord Standard Details are included.
11. Section 18.00 Parking Lot
  - a. Parking lot information has been shown to the maximum extent practicable regarding the Notice of Violation.
12. Section 19 Access and Driveways
  - a. Access and driveways have been shown that are relevant to the Notice of Violation.
13. Section 22 Stormwater
  - a. Per section 15.04 (14) and section 16.02 (12), stormwater design information is not included. Grading and Drainage patterns will remain the same.

If you have questions or require additional information, please contact us at (603) 290-5328 or [jralphs@nobis-group.com](mailto:jralphs@nobis-group.com).

Sincerely,

NOBIS GROUP®  
Jon Ralphs  
Project Manager



AnneMarie Skinner, AICP  
City Planner

**CITY OF CONCORD**  
*New Hampshire's Main Street™*  
**Community Development Department**  
**Zoning Board of Adjustment**

February 6, 2025

Ari Pollack  
Gallagher, Callahan & Gartrell  
214 N Main St  
Concord, NH 03301

RE: Notice of Decision – ZBA 0240-2024

Dear Mr. Pollack:

At a meeting of the Concord Zoning Board of Adjustment, held on February 5, 2025, the Board voted on the following:

Gallagher, Callahan & Gartrell PC, on behalf of Cornerstone Realty Holdings, Inc., requests approval for an equitable waiver of dimensional requirement, per Section 28-9-3(e)(3) Equitable Waiver of a Dimensional Requirement, at Tax Map Lot 751Z 24, addressed as 119 Old Turnpike Rd, in the Industrial (IN) District. (ZBA 0240-2024)

**With a vote of 4-1 (in favor – Carley, Perkins, Wallner, Winter; opposed – Monahan), the Board granted the equitable waiver of dimensional requirement, per Section 28-9-3(e)(3) *Equitable Waiver of a Dimensional Requirement*, at Tax Map Lot 751Z 24, addressed as 119 Old Turnpike Rd, because all of the criteria under RSA 674:33-a have been met based on the record before the Board, and the Board adopted the applicant's findings as the Board's findings of fact.**

Adopted Findings of Fact:

1. *The violation was not noticed or discovered by any owner, former owner, owner's agent or representative, or municipal official, until after a structure in violation had been substantially completed, or until after a lot or other division of land in violation had been subdivided by conveyance to a bona fide purchaser for value.* The applicant was not aware of the setback violation at purchase and until the City's Code Administrator raised encroachment concerns in the letter dated April 29, 2024. The encroachment of the wall, and the storage units, were later confirmed by property survey.
2. *The violation was not an outcome of ignorance of the law or ordinance, failure to inquire, obfuscation, misrepresentation, or bad faith on the part of any owner, owner's agent or representative, but was instead caused by either a good faith error in measurement or calculation made by an owner or owner's agent, or by an error in ordinance interpretation or applicability made by a municipal official in the process of issuing a permit over which that official had authority.* The violation was caused by the applicant's predecessor by placing preexisting block retaining wall into the side setback without appropriate zoning relief. This placement was a condition of the property inherited by applicant, which has not been moved nor exacerbated by the placement of the containers. In other words, the existing block wall has not been moved.

3. *The physical or dimensional violation does not constitute a public or private nuisance, nor diminish the value of other property in the area, nor interfere with or adversely affect any present or permissible future uses of any such property.* The setback encroachment is adjacent to nonresidential lands (Map 751Z, Lot 23-1) of the City of Concord and within the City's industrial district. The City's parcel is surrounded by a security fence to prohibit trespass. The applicant's pavement and placement of the storage container units, albeit into the setback, has not moved the preexisting wall and has dramatically improved the orderliness and aesthetic of the subject property. Therefore, the encroachment does not diminish the value of properties in the area, nor does the violation affect or limit permissible future uses of the subject property or the City's adjacent and nonresidential land. To the contrary, applicant's improvements and site stewardship would, if anything, enhance surrounding property values.
4. *That due to the degree of past construction or investment made in ignorance of the facts constituting the violation, the cost of correction so far outweighs any public benefit to be gained, that it would be inequitable to require the violation to be corrected.* The storage container units were placed immediately side-by-side by crane. Relocating the units would require rental of another crane and operator, and would not result in any meaningful public benefit. Meanwhile, the cost of relocation and correction to the applicant would be substantial. Put differently, spending thousands of dollars to move the wall and containers ten feet (10') would not amount to a material improvement over existing conditions.
5. *In lieu of the findings in Sections [28-9-3\(e\)\(3\)a. and b.](#), the violation has existed for ten (10) years or more and no enforcement action has been commenced against the violation during that time.* While the precise timing or date of construction of the block retaining wall cannot be readily determined, GIS imagery indicates that the wall predates applicant's period of ownership.
6. *An equitable waiver of a dimensional requirement granted in accordance with this Section shall not be deemed to establish a nonconformity pursuant to [Article 28-8, Nonconforming Lots, Uses, and Structures, of this ordinance.](#)* Applicant understands and appreciates that the granting of an equitable waiver would allow the block wall and container units to remain in position and as currently placed, but that such relief would not apply to, nor authorize, other or future acts and occurrences on the property – all of which would require appropriate approvals.

If there is a significant change at any time in the future, you are hereby advised to discuss any proposed changes with the City Planner.

Granting of an equitable waiver does not authorize construction or use prior to the application for and approval of site plan review, architectural design review, and/or subdivision review, as applicable. Granting of an equitable waiver does not authorize construction or use prior to the application for and issuance of a building permit, if applicable.

Zoning Board of Adjustment  
/AMS





AnneMarie Skinner, AICP  
City Planner

CERTIFIED MAIL

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

## **NOTICE OF VIOLATION**

**CORNERSTONE REALTY HOLDINGS INC**  
**72 MANCHESTER ST**  
**CONCORD, NH 03301-5129**

**Case Number: Code-0040-2025**  
**March 5, 2025**  
**Regarding property located at 119 Old Turnpike**  
**Cornerstone Realty Holdings,**

It has come to our attention that unauthorized modifications have been made to your property at **119 Old Turnpike**, specifically the addition of paving, which **requires a Minor Site Plan Review**.

Per the **City of Concord's Zoning Ordinance, Article 28-9-4(d)(2)d**, a **Minor Site Plan Review is mandatory** for:

- Constructing a parking lot accommodating **more than five (5) but fewer than twenty-five (25) vehicles** for a nonresidential use, or
- Installing **1,500 square feet or more of impervious surface** for a nonresidential use.

Furthermore, recent photographic evidence confirms **unauthorized storage trailers** on the site. These must also be incorporated into your updated site plan **without delay**.

Failure to comply with these regulations will result in **escalated enforcement actions**. You are **required** to submit the necessary **Site Plan application no later than March 19, 2025**.


Noncompliance may result in fines, penalties, or further legal action. If you have any questions, you are urged to contact AnneMarie Skinner, City Planner immediately.

**This matter requires your immediate attention.**

*Planning*  
City Hall • 41 Green Street • Concord, NH 03301 • (603) 225-8515  
[planning@concordnh.gov](mailto:planning@concordnh.gov)

Your failure to abate the violation or file for appeal will leave us no choice but to issue a citation as provided for in New Hampshire RSA 676:17 *Fines and Penalties*, and seek monetary fines in accordance with Section 28-9-8(d) *Penalties* of the Concord Zoning Ordinance.

Please be advised that you may appeal this Notice of Violation to the City of Concord Zoning Board of Adjustment in accordance with City of Concord Zoning Ordinance Section 28-9-3(d) *Administrative Appeals*, to the extent you allege that there is an error in this Notice of Violation relative to the zoning ordinance violations set forth herein. An appeal must be filed for consideration by the Zoning Board of Adjustment within 30 days of the date of this notice, and shall contain a statement of the grounds for the appeal. The appeal must be filed through the online Citizen Self Service (CSS) Permit Portal.

  
\_\_\_\_\_  
Brian Tremblay, Planning & Zoning Inspector

March 5<sup>th</sup>, 2025  
Date