



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

Staff Report for Planning Board

Meeting on May 20, 2026

Project Summary –Major Site Plan and Architectural Design Review

Project: Multifamily Conversion with Commercial Retail Space– Major Site Plan (2026-040)
Property Owner: 3 JB Properties LLC
Applicant: Wilcox & Barton, Inc.
Property Address: 47-49 South St
Tax Map Lot: 7413Z 9

Determination of Completeness:

The application was determined complete by the Board on **May 20, 2026**, and concluded by continuing the public hearing to the date certain of the **July 15, 2026** Planning Board meeting. The Board has 65 days within which to consider and act on the application once the application is determined complete, per RSA 676:4(I)(c). The 65-day period began on **May 20, 2026**, and will end on **July 24, 2026**. If the applicant has not demonstrated compliance with the Site Plan Regulations by the end of the statutory timeline (**July 24, 2026**), the applicant may waive the requirement for Planning Board action within the 65-day time period and consent to an extension of the public hearing as may be mutually agreeable, or the Board may approve, approve conditionally, or deny the application based on the information provided at that time.

Project Description:

The applicant is proposing to constructing a 2-story 3,500 SF commercial addition with a basement, the converting the addition and the 3-story portion of the existing building into 5 residential townhouses. The proposed site improvements include updates to the paved parking areas, site lighting, landscaping, and stormwater controls.

Compliance:

The following analysis of compliance with the Zoning Ordinance and Site Plan Regulations is based on a 2-page project narrative, prepared by Wilcox & Barton Inc.; a 9-sheet civil plan set titled “3JB, LLC Mixed-Use Development”, dated April 15, 2026, prepared by Wilcox & Barton Inc.; a 3-sheet architectural plan set, dated January 8, 2026, with revisions through March 10, 2026, prepared by Brandon L. Reed; a 79-page stormwater management plan, dated April 15, 2026, prepared by Wilcox & Barton Inc.; a 1-sheet Landscaping Plan, prepared by Terrain Planning & Design LLC; a 1-sheet Lighting Plan, prepared by Heidi G. Connors with Visible Light Inc.; and, a 2-page waiver request form

1. Project Details and Zoning Ordinance Compliance:

Zoning District: Urban Commercial (CU) District
Existing Use: Florist Business

Proposed Use: Mixed Use Residential and Commercial Retail
 Overlay Districts:
 Flood Hazard (FH) District None
 Shoreland Protection (SP) District None
 Historic (HI) District None
 Penacook Lake Watershed (WS) District None
 Aquifer Protection (AP) District None
 Wetland: None
 Wetland Buffer: None

Zoning Code Item	Required	Existing	Proposed
Minimum Total Area	12,500 square- feet	28,746-square-feet	No Change
Minimum Buildable Land	6,250 square-feet	Not Provided	Not Provided
Minimum Lot Frontage	100 feet	292 feet	No Change
Minimum Front Yard	15	4.6 feet	No Change
Minimum Rear Yard	15	2.1 feet	17 feet
Minimum Side Yard	15	0 feet	3.2 feet
Maximum Lot Coverage	80%	85.7 %	77.8 %
Maximum Building Height	45 feet	30 feet	No Change
Off-Street Parking	1 space per unit (Dwellings Units) Gross Retail Area- 1 space per 250 square foot of retail gross floor area.	No existing parking for dwelling	5 parking spaces for the dwelling units. 26 for the gross retail area. Total parking spaces 31
Accessible Parking Spaces	1-25 required parking spaces = 1 accessible space to be provided (Dwelling Units)	No existing ADA Spaces	2 Proposed ADA spaces

2. General Comments:

- 2.1 Per Section 6.01(4) of the Site Plan Regulations, staff was unaware of any nonconformities with the Zoning Ordinance at the time the abutter notifications were mailed.
- 2.2 Per Section 25.01 *Nonmunicipal Utilities General Requirements* of the Site Plan Regulations, Staff recommends that the applicant coordinate with all nonmunicipal utilities providing services to the site to ensure the existing services are adequate. Any changes to the utilities after the Board's conditional approval will require either administrative approval or an amendment to the conditional approval depending upon the changes proposed.
- 2.3 Per Section 15.03 *Existing Condition Plan*, whereas minimal changes are proposed to the site, the Planning Board Clerk has determined to reduce the amount or extent of information required as noted below:
 - a. Section 15.03(7), to not require the applicant to provide exterior dimensions of existing buildings and structures.

- 2.4 Per Section 15.04 *Proposed Site Plan*, whereas minimal changes are proposed to the site, the Planning Board Clerk has determined to reduce the amount or extent of information required as noted below:
- Section 15.04(10) *Buildings and Structures*, to not require exterior dimensions of existing buildings on the site that are outside of the project area.
 - Section 15.04(14) *Drainage and Erosion Control*, the applicant has provided a separate erosion control plan as part of the plan set.
 - Section 15.04(15) *Landscaping*, the applicant has provided a separate landscaping sheet as part of the plan set.
 - Section 15.04(26) *Lighting*, the applicant has provided a separate lighting sheet as part of the plan set.
- 2.5 Staff notes that building signage location has been shown on the site but does not provide a complete description including dimensioning and lighting in the architectural drawings of this application. The applicant may provide additional details required to review the site signage, including a master sign plan and receive that review as part of the site plans architectural design review approval, otherwise, a separate architectural design review application and approval will be required at the time of the sign permit submissions. If the existing freestanding sign is to be removed or relocated, that should be shown on the current site plan.
- 2.6 Staff notes that that Planning Board has the authority to, and may require third party investigations or reviews, at the applicant's expense, in order for the Planning Board to satisfactorily complete its review in accordance with Section 13.01(8) *Impact Studies* and Section 13.01(9) *Special Investigative Studies or Third-Party Reviews* of the Site Plan Regulations
- 2.7 The Engineering Services Division general comments are noted in the attached 5-page memo to Kearsten O'Brien from Paul Gildersleeve and Pete Kohalmi, dated June 22, 2026.

3. Site Plan Regulations Compliance:

- 3.1 Per Section 12.04 *Location Plan* the plot plan on the cover sheet shall be revised to provide the tax assessor's map, block and lot number for abutters and the properties to be developed and needs provide the zoning district boundaries.
- 3.2 The General Services Department had the following compliance comment: Drainage in existing parking lot shows an 8" CMP running from CB#9061 to CB#781 unknown condition of pipe and would recommend replacement. Sewer - Per City Construction Standards we don't allow 90-degree bends and piggyback sewer services. Water curb valves are outside of the right of way and per City Standards need to be set at the right of way of city streets.
- 3.3 Assessing Department reviewed the application and had no compliance comments.
- 3.4 Fire Department reviewed the application and had the following compliance comment trees on both sides of the 20' driveway may require trimming for apparatus access to be compliant with NFPA 1 Fire Code 2021 edition Chapter 18.
- 3.5 The Engineering Services Division compliance comments are noted in the attached 5-page memo to Kearsten O'Brien from Paul Gildersleeve and Pete Kohalmi, dated June 22, 2026.

4. Variances:

- 4.1 The applicant appeared before the Zoning Board on March 4, 2026 and received multiple variances (listed below) to be compliant with the current zoning regulations.
- Section 28-7-7, *Parking Area Design Standards (e), Minimum Aisle Width*, to permit the

- existing aisle width at the entrance to be 20 feet, with an expansion to 22 feet, where 24 feet is required and along the southern parking area to remain at the existing 13' 10" to 15', where 24 feet is required;
- b. *Section 28-7-7, Parking Area Design Standards (f), Minimum Aisle Width*, to permit the existing driveway width at the entrance to be 20 feet where 24 feet is required;
 - c. *Section 28-7-7, Parking Area Design Standards (g)(2), Setbacks from lot lines*, to permit parking up to the property line, where a 5-foot setback is required, with the parking in the southern parking area to have a 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;
 - d. *Section 28-7-7, Parking Area Design Standards (g)(2), Setbacks from lot lines*, to permit the existing 4 parking spaces within the parking lot to be located in the front yard where parking is not permitted within 10 feet of the front lot line;
 - e. *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 5-foot landscape area is required;
 - f. *Section 28-7-10, Parking Area Landscaping Standards (c) Use of Required Landscape Areas Restricted*, to permit parking within the required landscaped area; and
 - g. *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.

5. Waivers:

5.1 The following waivers have been requested for this application.

- a. *Section 18.12 Perimeter Landscaping* to allow off-street parking within 5' of a lot line and to allow parking in a non-residential district to occur within 10' of the front lot line where it abuts the right-of-way of an arterial street; and
- b. *Sections 16.02(22) and 20.07 Design of Solid Waste Disposal Area* to allow a dumpster pad to be 10'x12' where the City of Concord Construction Detail requires 12'x12'.
- c. *Section 28-7-7 Parking Area Design Standards (g)(2)* to permit the existing aisles width at the entrance to be 20 feet within the expansion to 22 feet where 24 is required and along the southern parking area to be 13' 10" to 15' where 24 feet is required.

6. Conditional Use Permits:

6.1 Staff reviewed the applicant's analysis of the required criteria (included with provided supplemental materials) for the CUP (relative to driveway separation alternatives) from Section 28-9-4(b) *Conditional Use permits*. **Staff recommends the Board find that the criteria is satisfied by the applicant's proposal.**

7. Architectural Design Review:

7.1 The ADRC, at their regular meeting of June 30, 2026, recommended the Planning Board approve the application as submitted with the condition that the porch lighting be placed underneath the canopy on the lighting plan as intended.

8. Conservation Commission:

8.1 Appearances before the Conservation Commission are not required for this application.

9. Recommendation:

- 9.1 Staff recommends that the Planning Board **discuss and adopt the findings of fact**, which include: information provided in staff reports; the applicant's submission materials; testimony provided during the public hearing; and/or, other documents or materials provided in the public hearing.

Based on the adopted findings of fact, staff recommends that the Planning Board make the motions outlined below:

- 9.2 **Grant the waiver requests below** from the listed sections of the Site Plan Regulations, using the criteria of RSA 674:44(III)(e) and Section 36.08 of the Site Plan Regulations:
- Section 18.12 Perimeter Landscaping to allow off-street parking within 5' of a lot line and to allow parking in a non-residential district to occur within 10' of the front lot line where it abuts the right-of-way of an arterial street; and
 - Sections 16.02(22) and 20.07 Design of Solid Waste Disposal Area to allow a dumpster pad to be 10'x12' where the City of Concord Construction Detail requires 12'x12'.
 - Section 28-7-7 Parking Area Design Standards (g)(2) to permit the existing aisles width at the entrance to be 20 feet within the expansion to 22 feet where 24 is required and along the southern parking area to be 13' 10" to 15' where 24 feet is required.
- 9.3 **Grant the conditional use permit** for Section 28-7-8(c)(2) *Separation of Driveways in Nonresidential Districts* and Section 28-7-11(f) *Driveway Separation Alternatives*, to not require 200-foot separation be maintained between adjacent driveways on adjacent lots located on collector and arterial streets.
- 9.4 **Grant Architectural Design Review approval** for the constructing a 2-story 3,500 SF commercial addition with a basement, the converting the addition and the 3-story portion of the existing building into 5 residential townhouses with the condition that the porch lighting, be placed underneath the canopy on the lighting plan as intended per the ADRC at their meeting on June 30, 2026.
- 9.5 **Grant major site plan approval** for the constructing a 2-story 3,500 SF commercial addition with a basement, the converting the addition and the 3-story portion of the existing building into 5 residential and associated site improvements at Tax Map 7413Z Lot 9, addressed as 47-49 South State Street in the Urban Commercial (CU) District as submitted, and subject to the following precedent and subsequent conditions:
- (a) **Precedent Conditions** – Per Section 7.08(9) *Expiration of Approval*, 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.
- Unless a specific variance, waiver, or conditional use permit is granted stating otherwise, revise the plan sheet/set to fully comply with the Site Plan Regulations, Zoning Ordinance, and Construction Standards and Details, including but not limited to the following:
 - Per Section 12.04 *Location Plan* the plot plan on the cover sheet shall be revised to provide the tax assessor's map, block and lot number for abutters and the properties to be developed and needs provide the zoning district boundaries.
 - Per Section 29.03 *Parking Lot Lighting* the Parking lot lighting shall conform to the standards for illumination in Article 28-7-7(j), Illumination of Parking Areas, and

Article 28-7-13(g), Illumination of Loading Areas of the City of Concord Zoning Ordinance.

- c. Per Section 29.04 and 29.05 *Building and façade lighting and Canopy Lighting requires* tabulations shall be provided on the lighting plan demonstrating that the building lighting meets or exceeds the requirements from Section 28-7-7(j) of a 4:1 lighting uniformity ratio, which is the ratio of average illumination to minimum illumination.
2. The Engineering Services Division compliance comments as noted in the attached 6-page memo to Kearsten O'Brien from Paul Gildersleeve and Pete Kohalmi, dated June 22, 2026
3. List all approved variances, waivers, and conditional use permits, with section numbers, descriptions, and date of approval on the cover sheet or site plan sheet. Unless otherwise noted, the plan set shall comply with any waivers denied by the Planning Board
4. Per Section 11.01(7), 13.01(6) 13.02(8) *State and Federal Permits*, copies of approval for any required State or Federal Permits shall be provided to the City Planning Division prior to final plan approval.
5. Upon notification from the Planning Division that the plan set complies with Planning Board conditions, the Zoning Ordinance, Site Plan Regulations, and Construction Standards and Details, the applicant shall deliver to the Planning Division two full-size plan sets, including civil, landscaping, lighting, and architectural plans for endorsement by the Planning Board Chair and Clerk

(b) Subsequent Conditions – to be fulfilled as specified.

1. The applicant is responsible for full knowledge of, and compliance with, the municipal code, Site Plan Regulations, and Concord Construction Standards and Details for the project, unless a variance, waiver, or conditional use permit is granted.
2. Unless otherwise permitted by Site Plan Regulation or New Hampshire State Statute, the site plan approval shall expire should the use or construction so authorized not be active and substantially developed, as defined by the Site Plan Regulations, within 3-years of final approval.
3. No building permit shall be issued or the start of construction commenced until the site plan has been approved by the Planning Board and the pre-construction conditions of approval have been satisfactorily addressed as determined by the Clerk of the Planning Board. No certificate of occupancy shall be issued until all site and building improvements have been completed to the satisfaction of the Clerk of the Planning Board according to the approved plans and conditions of Planning Board approval. (Section 11.09(6))
4. The applicant, successors, and assigns shall be responsible for the regular maintenance of all plantings and other landscape features. Plant materials shall be maintained alive, healthy, and free from pests and disease. Tree stakes and guys shall be removed after the first growing season. (Section 27.07(8))
5. Temporary sediment and erosion control devices shall not be removed until permanent stabilization is established for the entire site. All temporary erosion and sediment control measures shall be removed after the completion of construction. (Section 27.09(5))
6. A site stabilization guarantee shall be provided to ensure that sites are properly stabilized. The City Engineer may call said financial guarantee, and stabilize a disturbed site, if upon notice, the applicant has not stabilized or restored the site. (Section 27.11)
7. The Clerk shall inspect the exterior appearance of sites to determine if the exterior of a building, site, and signage are in conformity with the architectural design review approval

- granted by the Planning Board. No certificate of occupancy may be issued prior to a determination by the Clerk that the site is consistent with the Board's approval. (Section 33.08)
8. If there is a conflict between regulations, rules, statutes, provisions or law, or the approved plan set, whichever provisions are the more restrictive or impose higher standards shall control, unless a specific waiver from the provision has been granted by the Planning Board. (Sections 36.04 and 36.05)
 9. No site construction, or change of use of land, shall occur in violation of the Site Plan Regulations and the Zoning Ordinance. No building permits shall be issued prior to satisfactory completion of pre-construction conditions of Planning Board approval. The Clerk shall not approve any certificate of occupancy unless the site is found to comply with the approved site plan and the conditions of Planning Board approval. (Sections 36.15 and 36.24)
 10. It shall be the duty of the Clerk to enforce the regulations and to bring any violations or lack of compliance herewith to the attention of the City Solicitor. (Section 36.19)
 11. At the completion of construction or prior to the issuance of a certificate of occupancy, digital as-built drawings shall be provided conforming to the Engineering Services Division's as-built checklist. (Sections 12.09, 13.02(11), and 36.25)
 12. Where a public facility, public utility, or public improvement is to be constructed, a financial guarantee shall be provided. (Sections 13.02(5) and 36.26)
 13. All trash, construction material, debris and any existing invasive species shall be removed. Dead and dying trees which present a potential hazard to existing and proposed structures shall be removed. (Section 27.07(10))



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

Michael S. Bezanson, PE
City Engineer

MEMORANDUM

TO: Kearsten O'Brien, Senior Planner

FROM: Paul Gildersleeve, PE, Project Manager and Pete Kohalmi, PE, Associate Engineer

DATE: June 22, 2026

SUBJECT: Major Site Plan Review, waiver, and Conditional Use Permit Application
Engineering Review
47-49 S. State Street, Map 7413Z, Lot 9; City Project 2026-040

The Engineering Services Division (Engineering) has received the following items for review:

- Response Letter by Wilcox and Barton, Inc., dated June 16, 2026
- 3JB, LLC Mixed Use Development Site Plan by Wilcox and Barton, Inc., dated June 16, 2026
- Conditional Use Permit Narrative by Wilcox and Barton, Inc., received June 17, 2026
- Project Narrative by Wilcox and Barton, Inc., received June 17, 2026
- Stormwater Management Plan by Wilcox and Barton, Inc., dated June 16, 2026

As a supplement to any comments offered by the Planning Division, Engineering offers the following design related comments. With subsequent submissions, the applicant shall provide a response letter that acknowledges or addresses each of these comments and discusses any additional changes to the plans.

Conditional Use Permit (CUP)

1. The applicant is requesting a number of CUPs for driveway items. These are non-technical in nature therefore Engineering does not support or oppose them.

Waiver-City of Concord Site Plan Regulations (CSPR) 16.02(22) as it relates to CSPR 20.07

1. The applicant requests a waiver of CSPR 16.02(22) as it relates to CSPR 20.07, Design of Solid Waste Disposal Areas. The applicant would like to reduce the size of the dumpster pad to 10'x12' from 12'x12'. Since this reduction fits an 8-cy dumpster without any other changes, Engineering supports this request.

Stormwater Management Report

1. Comment addressed.
2. Comment addressed.

Boundary/Survey

1. Comment addressed.
2. Comment addressed.
3. Comment addressed.
4. Comment addressed.
5. **Comment not fully addressed.** *On the Utility Plan, the proposed water line, the proposed electric and telecommunication line, and the proposed trench are very close to the property line of Map 7413Z Lot 8. It appears that an easement will be necessary across the abutting property. The existing easement referenced on the Existing Conditions Plan, Book 505, Page 534, and Book 955, Page 232, describe a right to pass and repass, not utility construction. The developer may wish to consult a land use attorney for further clarification. On Sheet C1.4, the Phase 2 telecommunication line is shown crossing over Map 7413Z, Lot 23. An easement may be needed. Also, this line is shown being removed on Sheet C1.1. Please clarify and revise these sheets for consistency.*
6. **Comment not fully addressed.** *On the Site Plan, please include a description of all property corner monuments as shown on the Existing Conditions Plan. Provisions should be made to re-set any monuments removed or disturbed due to excavations, particularly the rebar at the southwest corner of Map 7413Z Lot 8. While the note about resetting monuments was placed on an east property corner, please put it on the southwest corner of Map 7413Z Lot 8 also.*

Sheet C1.3: Grading, Drainage, and Erosion Control Plan

1. **Comment not fully addressed.** *Show a construction entrance on the site as well as a construction entrance detail on a detail sheet. If the site will be an active commercial business the construction entrance can remain as shown. Otherwise please put the construction entrance at the entrance to South State Street instead of further into the site.*
2. Comment addressed.

3. Comment addressed.
4. Comment addressed.
5. Comment addressed.

Sheet C1.4: Utility Plan

1. Comment addressed.
2. **Comment not addressed.** *On the Proposed Sewer Service profile, since there are three services connecting into this line, revise "Service" to "Main" on the title. Show the connection of the sewer services to Units 1 and 3 on the sewer main profile. Please show a cleanout for Unit 2.*
3. Comment addressed.
4. **Comment not fully addressed.** *Confirm that the water main coming off Concord St has been designed or reviewed by a Fire Protection Engineer and will be in compliance with the Fire Code and Fire Marshal. The current design appears odd in size and configuration. The design has been revised. Confirm the feed for the three-unit residence will be a 2" ductile iron and not a more common copper duct.*
5. Comment addressed.
6. Comment addressed.
7. Comment addressed.

Sheet C5.1: Construction Details

1. Comment addressed.

Sheet C5.2: Construction and Erosion Control Details

1. Comment addressed.
2. Comment addressed.

State/Federal Permits

The project will require the following state and/or federal permit(s) associated with the site design:

NHDES Sewer Connection Permit

Per Site Plan Regulation 13.02 (8) and/or Subdivision Regulation 13.02 (10), a copy of the State and Federal permit(s) shall be submitted to the City prior to final approval.

Post-Approval/Pre-Construction Requirements

The following items are required prior to the start of construction:

1. Per Site Plan Regulation 27.11, establish a financial guarantee (letter of credit, or cash deposit) for site stabilization.
2. The following permit(s) will need to be obtained from the Engineering Services Division:
 - Driveway Permit, Excavation-Sewer, Excavation-Water
 - Other permits deemed necessary by the City Engineer

Please note that all Engineering permits must now be applied for online using the City's new Citizen Self Service (CSS) Permit Portal, which can be found here:

<http://concordnh.gov/1915/Engineering-Permits-Fees>

3. Per Site Plan Regulation 36.24, the Applicant is responsible for paying engineering permit inspection fees to ensure work is consistent with City standards and the Approved Plans.

Prior to scheduling the pre-construction meeting, the Applicant should apply for the required Engineering permits listed above and provide an estimate of the anticipated number of inspections for review by Engineering. The Applicant shall provide a project schedule when applying for the required permits.

The permit fees shall be paid prior to scheduling the pre-construction meeting.

4. Establish a performance surety (bond, letter of credit, or cash deposit) for work within the Right-of-Way and proposed public improvements or common private improvements per Subdivision Regulation 10.09, prior to subdivision plat signature 13.02 (7) and 30.01. An engineer's cost estimate, prepared by the Applicant and based on the current NHDOT weighted average unit prices, shall be submitted a minimum of two weeks prior to scheduling the pre-construction meeting.
5. When above requirements have been met, request to set up a pre-construction meeting with the Engineering Services Division to discuss construction requirements, site inspections, associated fees, schedules, etc. Engineering permits will not be authorized (unless explicitly stated otherwise) until final revised plans have been submitted and approved to the satisfaction of Planning and Engineering.

Construction Requirements

1. Shop drawings/submittals shall be submitted to Engineering for the proposed water, sewer, drainage improvements as applicable.

2. Per Site Plan Regulation 12.09, prior to issuance of a Certificate of Occupancy (CO), the contractor shall submit digital as-built drawings that are to the satisfaction of Engineering and conforming to the Engineering as-built checklist. A copy of the as-built drawing requirements is available on the Engineering Services Division section of the City of Concord website.