

PROJECT NARRATIVE
5 Thomas Street Subdivision (ZV Investments, LLC)

Property Description

The subject parcel is located at 5 Thomas Street in Concord, New Hampshire (MBL 631Z-19). It currently contains an existing 3-family building with a detached, 6-car garage. The parcel is zoned RH (High Density Residential) and is 0.75-acres in size. It is located at the end of Thomas Street which is a short dead-end street off Prescott Street. The parcel is also uniquely located right at the northeast corner of Loudon Road and Hazen Drive. The Prescott and Thomas Street neighborhood is comprised of a mixture of multi-family and single-family residential properties which abut directly up against the commercial district of Loudon Road. The property's unique triple-frontage condition provides direct and convenient multimodal access to the Loudon Road commercial corridor, supporting the City's goals of compact, connected, and efficient land use patterns.

Project Description

The proposed project includes subdividing off the northerly end of the subject parcel to create one new single-family house lot. The existing detached garage, and associated paved driveway apron, will be removed to accommodate a new house. The existing 3-family structure will remain on the parent lot. A small portion of pavement will be removed from the parent lot in order to keep the parking area of the multi-family building away from the new lot. There are no other changes to the parent parcel being proposed, nor are there any changes/expansion of the existing 3-family building being proposed - the proposed subdivision does not alter, expand, or intensify the existing multifamily use in any respect, including unit count, building footprint, parking demand, or site activity as a whole. The new single-family lot will fully comply with the Zoning Ordinance.

The new single-family lot will be fully compliant with all applicable zoning requirements including lot area, frontage, setbacks, and use. The existing 3-family building, which was built in 1870 and predates any Zoning regulation, has many existing nonconformities, most of which will not be increased as part of the proposed subdivision. In order to preserve these existing nonconformities, a series of Variances are being requested from the Zoning Board of Adjustment, along with two Conditional Use Permits requests from the Planning Board.

Zoning Board of Adjustment (ZBA)

Following is a list of the Variance requests currently pending before the ZBA, all of which are associated with the preservation of existing nonconformities of the three-family dwelling:

- *Section 28-4-5(d)(1) – Minimum Tract Requirements* – to reduce the minimum required lot area from 25,000-sf to 22,733-sf associated with an existing multifamily building.
- *Section 28-4-5(d)(5) - Perimeter Buffer Requirements* – to waive the requirement that an existing three-story multi-family structure be required to maintain a 75-foot perimeter buffer.
- *Section 28-4-5(d)(3) – Building Dimensions and Separation* - to allow 14.7-feet of separation from the existing building to the existing parking spaces.
- *Section 28-4-5(d)(4) – Private Yards Required* - to allow the existing multifamily units that have direct outside access at ground level to not be required to have 300-sf private yard areas.

- *Section 28-4-5(g) – Utility Service Requirements* - to allow the existing parent parcel to remain in its current condition without any designated accessible parking spaces.
- *Section 28-7-1(c) – Demarcation Required* - to allow the existing parent parcel to remain in its current condition without any painted striping to demarcate the existing parking spaces.
- *Section 28-7-5 – Requirements for Handicapped Accessible Parking Spaces* - to allow the existing parent parcel to remain in its current condition without any designated accessible parking spaces.
- *Section 28-7-7(f) – Minimum Driveway Width* - to allow the existing southerly driveway to remain in its current condition with a minimum width of 9.3-feet
- *Section 28-7-7(g)(1) – Parking Restrictions in the Required Front Yard* - to allow existing parking spaces to remain within the front yard setback.
- *Section 28-7-8(a) – Restrictions on Backing into a Street* - to allow existing parking spaces to be allowed to continue to back out on to Thomas Street.

Planning Board:

The project will require Planning Board approval of a Minor Subdivision Application and two Conditional Use Permit's (CUP).

Conditional Use Permit – Driveway Width Reduction:

The first CUP is to allow a reduction in the required width of a two-way driveway from 24-feet to 22-feet. This is associated with the existing two-way driveway entrance of Thomas Street that presently serves the existing three-unit house. There are no changes being proposed to this driveway. This driveway has existed for decades without any documented adverse impact

Conditional Use Permit – Driveway Separation Alternatives:

The second CUP is to allow a reduction in the required road frontage for multiple driveways from 250-feet to 166.35-feet. The purpose of this request is to preserve the existing nonconformity of the two existing driveways that serve the multifamily lot. Again, both of these driveways have existed for decades and have functioned without any issue.

Conditional Use Permit Application
Article 28-7-11(g) – Driveway Width Reduction

ZV Investments, LLC – 5 Thomas Street Subdivision (MBL 631Z-19)
5 Thomas Street, Concord, New Hampshire
April 15, 2026

Proposal Outline:

The subject parcel is located at 5 Thomas Street in Concord, New Hampshire (MBL 631Z-19). It currently contains an existing 3-family building with a detached, 6-car garage. The parcel is zoned RH (High Density Residential) and is 0.75-acres in size. It is located at the end of Thomas Street which is a short dead-end street off Prescott Street. The parcel is also uniquely located right at the northeast corner of Loudon Road and Hazen Drive. The Prescott and Thomas Street neighborhood is comprised of a mixture of multi-family and single-family residential properties which abut directly up against the commercial district of Loudon Road. The property's unique triple-frontage condition provides direct and convenient multimodal access to the Loudon Road commercial corridor, supporting the City's goals of compact, connected, and efficient land use patterns.

The proposed project includes subdividing off the northerly end of the subject parcel to create one new single-family house lot. The existing detached garage, and associated paved driveway apron, will be removed to accommodate a new house. The existing 3-family structure will remain on the parent lot. A small portion of pavement will be removed from the parent lot in order to keep the parking area of the multi-family building away from the new lot. There are no other changes to the parent parcel being proposed, nor are there any changes/expansion of the existing 3-family building being proposed - the proposed subdivision does not alter, expand, or intensify the existing multifamily use in any respect, including unit count, building footprint, parking demand, or site activity as a whole. The new single-family lot will fully comply with the Zoning Ordinance.

The new single-family lot will be fully compliant with all applicable zoning requirements including lot area, frontage, setbacks, and use. The existing 3-family building, which was built in 1870 and predates any Zoning regulation, has many existing nonconformities, most of which will not be increased as part of the proposed subdivision. In order to preserve these existing nonconformities, a series of Variances are being requested from the Zoning Board of Adjustment, along with two Conditional Use Permits requests from the Planning Board.

Conditional Use Permit: Article 28-7-11(g) - Driveway Width Reduction

The Concord Zoning Ordinance requires a minimum 24-foot width for two-way access drives. However, Section 28-7-11(g) allows the Planning Board to permit, via a conditional use permit, a reduction in the minimum width of driveways, to not less than 18-feet, where the total traffic will be less than 35 vehicle trip ends on a weekday. Accordingly, this Conditional Use Permit

application is requesting that the Planning Board allow a reduction in the minimum required driveway width from 24-feet to 22-feet for the existing two-way driveway that presently provides access to the existing multifamily building from Thomas Street.

Currently the existing parcel has three driveways, two which serve the three-family building and one that serves the existing detached garage. The driveway to the garage will be removed as part of the subdivision and replaced with a new driveway on the new lot to serve the future single-family house. But the two existing driveways to the multi-family will remain on the parent track in the same condition as they have existed for decades, with no adverse impacts to the neighborhood.

Standards of Review for Condition Use Permit – Z.O. Article 28-9-4(b)(4)

In submitting this application for a Conditional Use Permit, the applicant recognizes the need to successfully demonstrate, to the satisfaction of the City of Concord Planning Board, that each of following standards have been or will be fulfilled upon completion of the subject work. Specifically:

a. The use is specifically authorized in this ordinance as a conditional use;

Multi-Family housing is an allowed use within the RH district according to the Table of Principal Uses in the Zoning Ordinance. The use is existing.

b. If completed as proposed by the applicant, the development in its proposed location will comply with all requirements of this Article, and with the specific conditions or standards established in this ordinance for the particular use;

The development is existing. There are no other specific conditions or standards established in the ordinance for the particular use. The existing driveway will meet all requirements of the Ordinance and Site Plan Regulations for which Variances, waivers or conditional use permits are not obtained.

c. The use will not materially endanger the public health or safety;

There is no reason to believe that the health or safety of the general public will be adversely affected by the existing driveways which have existing for decades without any incident.

d. The use will be compatible with the neighborhood and with adjoining or abutting uses in the area in which it is to be located;

The existing use, as it relates to the CUP, will have no impact on the neighborhood or adjoining uses in the area considering that no changes are being proposed.

e. The use will not have an adverse effect on highway or pedestrian safety;

The existing use, as it relates to the CUP, will have no impact on highway or pedestrian safety in the area as there is no increase or change in use proposed.

- f. The use will not have an adverse effect on the natural, environmental, and historic resources of the City;*

The existing use, as it relates to the CUP, will not have any adverse effect on the natural, environmental, and historic resources of the City.

- g. The use will be adequately serviced by necessary public utilities and by community facilities and services of a sufficient capacity to ensure the proper operation of the proposed use, and will not necessitate excessive public expenditures to provide facilities and services with sufficient additional capacity.*

The existing use will be fully serviced by necessary public utilities and will not necessitate any public expenditure.

Conditional Use Permit Application
Article 28-7-11(f) - Driveway Separation Alternatives

ZV Investments, LLC – 5 Thomas Street Subdivision (MBL 631Z-19)
5 Thomas Street, Concord, New Hampshire
April 15, 2026

Proposal Outline:

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The new single-family lot will be fully compliant with all applicable zoning requirements including lot area, frontage, setbacks, and use. The existing 3-family building, which was built in 1870 and predates any Zoning regulation, has many existing nonconformities, most of which will not be increased as part of the proposed subdivision. In order to preserve these existing nonconformities, a series of Variances are being requested from the Zoning Board of Adjustment, along with two Conditional Use Permits requests from the Planning Board.

Conditional Use Permit: Article 28-7-11(f) - Driveway Separation Alternatives

The Concord Zoning Ordinance regulates the number of driveways allowed on a lot in residential districts. One driveway is allowed per lot for lots having up to 100-feet of road frontage. One additional driveway is allowed for every additional 150-feet of frontage. However, Section 28-7-11(f) allows the Planning Board to permit, via a conditional use permit,

a reduction in the minimum required road frontage as a driveway separation alternative. Accordingly, this Conditional Use Permit application is requesting that the Planning Board allow a reduction in the minimum required frontage from 250-feet to 166.35 feet to allow the two existing driveways to remain on the parent parcel.

Currently the parcel has three driveways, two which serve the three-family building and one that serves the existing detached garage. The driveway to the garage will be removed as part of the subdivision and replaced with a new driveway on the new lot to serve the future single-family house. But the two existing driveways to the multi-family will remain on the parent track in the same condition as they have existed for decades, with no adverse impacts to the neighborhood.

Standards of Review for Condition Use Permit – Z.O. Article 28-9-4(b)(4)

In submitting this application for a Conditional Use Permit, the applicant recognizes the need to successfully demonstrate, to the satisfaction of the City of Concord Planning Board, that each of following standards have been or will be fulfilled upon completion of the subject work. Specifically:

a. The use is specifically authorized in this ordinance as a conditional use;

Multi-Family housing is an allowed use within the RH district according to the Table of Principal Uses in the Zoning Ordinance. The use is existing.

b. If completed as proposed by the applicant, the development in its proposed location will comply with all requirements of this Article, and with the specific conditions or standards established in this ordinance for the particular use;

The development is existing. There are no other specific conditions or standards established in the ordinance for the particular use. The existing driveway will meet all requirements of the Ordinance and Site Plan Regulations for which Variances, waivers or conditional use permits are not obtained.

c. The use will not materially endanger the public health or safety;

There is no reason to believe that the health or safety of the general public will be adversely affected by the existing driveways which have existing for decades without any incident.

d. The use will be compatible with the neighborhood and with adjoining or abutting uses in the area in which it is to be located;

The existing use, as it relates to the CUP, will have no impact on the neighborhood or adjoining uses in the area considering that no changes are being proposed.

e. The use will not have an adverse effect on highway or pedestrian safety;

The existing use, as it relates to the CUP, will have no impact on highway or pedestrian safety in the area as there is no increase or change in use proposed.

- f. The use will not have an adverse effect on the natural, environmental, and historic resources of the City;*

The existing use, as it relates to the CUP, will not have any adverse effect on the natural, environmental, and historic resources of the City.

- g. The use will be adequately serviced by necessary public utilities and by community facilities and services of a sufficient capacity to ensure the proper operation of the proposed use, and will not necessitate excessive public expenditures to provide facilities and services with sufficient additional capacity.*

The existing use will be fully serviced by necessary public utilities and will not necessitate any public expenditure.

Conditional Use Permit Application
Article 28-4-5(d)(5) – Perimeter Buffer Required

ZV Investments, LLC – 5 Thomas Street Subdivision (MBL 631Z-19)
5 Thomas Street, Concord, New Hampshire
June 5, 2026

Proposal Outline:

The subject parcel is located at 5 Thomas Street in Concord, New Hampshire (MBL 631Z-19). It currently contains an existing 3-family building with a detached, 6-car garage. The parcel is zoned RH (High Density Residential) and is 0.75-acres in size. It is located at the end of Thomas Street which is a short dead-end street off Prescott Street. The parcel is also uniquely located right at the northeast corner of Loudon Road and Hazen Drive. The Prescott and Thomas Street neighborhood is comprised of a mixture of multi-family and single-family residential properties which abut directly up against the commercial district of Loudon Road. The property's unique triple-frontage condition provides direct and convenient multimodal access to the Loudon Road commercial corridor, supporting the City's goals of compact, connected, and efficient land use patterns.

The proposed project includes subdividing off the northerly end of the subject parcel to create one new single-family house lot. The existing detached garage, and associated paved driveway apron, will be removed to accommodate a new house. The existing 3-family structure will remain on the parent lot. A small portion of pavement will be removed from the parent lot in order to keep the parking area of the multi-family building away from the new lot. There are no other changes to the parent parcel being proposed, nor are there any changes/expansion of the existing 3-family building being proposed - the proposed subdivision does not alter, expand, or intensify the existing multifamily use in any respect, including unit count, building footprint, parking demand, or site activity as a whole. The new single-family lot will fully comply with the Zoning Ordinance.

The new single-family lot will be fully compliant with all applicable zoning requirements including lot area, frontage, setbacks, and use. The existing 3-family building, which was built in 1870 and predates any Zoning regulation, has many existing nonconformities, most of which will not be increased as part of the proposed subdivision. In order to preserve these existing nonconformities, a series of Variances have been granted by the Zoning Board of Adjustment, with four additional Conditional Use Permits needed from the Planning Board.

Conditional Use Permit: Article 28-4-5(d)(5) – Perimeter Buffer Required

Multi-family developments are subject to perimeter buffer requirements that are tied to the height the building rather than the number of units. The required buffer widths are 30-feet for a single-story building, 50-feet for a two-story building and 75-feet for a three-story building. No buildings or parking facilities are allowed in the buffer. The existing building is a three-story

structure which means that the site would currently be subject to a 75-foot perimeter buffer. With the parcel only being 124-feet in width, it would be impossible to achieve such a buffer. As presently developed, the site currently provides virtually no buffer to the adjacent residential uses in the neighborhood, since the garage encroaches into both the front and side yard setbacks and all of the existing onsite parking is located on the front side of the main building. Creation of the new lot line on the north side of the existing multi-family building could be interpreted by the City to create a new requirement for a 75' buffer from the new lot line. This buffer is neither achievable nor practicable. With a parcel width of approximately 124 feet, strict compliance with a 75-foot buffer would effectively preclude any reasonable use of the property for its existing purpose.

Article 28-4-5(d)(5), recently amended by Concord City Council in May 2026, states that the Planning Board may reduce, modify, or otherwise waive buffer width requirements through the approval of a Conditional Use Permit. Therefore, a Conditional Use Permit is being requested to waive the buffer requirement on this parcel in order to allow the existing building to remain in its current condition. It is worth noting that the Zoning Board of Adjustment, in 2022, granted a Variance for the buffer requirements on this parcel associated with a proposed expansion of the existing multi-family. However, that proposed project never came to fruition and the associated variance has expired.

Standards of Review for Condition Use Permit – Z.O. Article 28-9-4(b)(4)

In submitting this application for a Conditional Use Permit, the applicant recognizes the need to successfully demonstrate, to the satisfaction of the City of Concord Planning Board, that each of following standards have been or will be fulfilled upon completion of the subject work. Specifically:

a. The use is specifically authorized in this ordinance as a conditional use;

Multi-Family housing is an allowed use within the RH district according to the Table of Principal Uses in the Zoning Ordinance. The use is existing.

b. If completed as proposed by the applicant, the development in its proposed location will comply with all requirements of this Article, and with the specific conditions or standards established in this ordinance for the particular use;

The multi-family development is existing. All existing non-conformities are all being accounted for through relief from the ZBA or through CUP's from the Planning Board such that the proposed subdivision will be in compliance with all other specific conditions or standards established in the ordinance for the particular use.

c. The use will not materially endanger the public health or safety;

There is no reason to believe that the health or safety of the general public will be adversely affected by the existing multi-family structure remaining in its current location where it has existing for decades without any incident.

- d. *The use will be compatible with the neighborhood and with adjoining or abutting uses in the area in which it is to be located;*

The existing use, as it relates to the CUP, will have no impact on the neighborhood or adjoining uses in the area considering that no changes are being proposed.

- e. *The use will not have an adverse effect on highway or pedestrian safety;*

The existing use, as it relates to the CUP, will have no impact on highway or pedestrian safety in the area as there is no increase or change in use proposed.

- f. *The use will not have an adverse effect on the natural, environmental, and historic resources of the City;*

The existing use, as it relates to the CUP, will not have any adverse effect on the natural, environmental, and historic resources of the City.

- g. *The use will be adequately serviced by necessary public utilities and by community facilities and services of a sufficient capacity to ensure the proper operation of the proposed use, and will not necessitate excessive public expenditures to provide facilities and services with sufficient additional capacity.*

The existing use is already fully serviced by necessary public utilities and will not necessitate any public expenditure nor will there be any increase in the intensity of the current use.

Conditional Use Permit Application
Article 28-4-5(d)(4) – Private Yards Required

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5 Thomas Street, Concord, New Hampshire
June 5, 2026

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The new single-family lot will be fully compliant with all applicable zoning requirements including lot area, frontage, setbacks, and use. The existing 3-family building, which was built in 1870 and predates any Zoning regulation, has many existing nonconformities, most of which will not be increased as part of the proposed subdivision. In order to preserve these existing nonconformities, a series of Variances have been granted by the Zoning Board of Adjustment, with four additional Conditional Use Permits needed from the Planning Board.

Conditional Use Permit: Article 28-4-5(d)(4) – Private Yards Required

For multifamily buildings, the Ordinance requires a minimum 300-sf private yard or open space for each unit that has direct outside access to the ground level. The existing building contains three units, two of which have direct outside access to the ground level. There is no designated

300-sf private yard areas in place for either of these units. This condition has existed for decades without documented adverse impact.

Article 28-4-5(d)(4), recently amended by Concord City Council in May 2026, states that the Planning Board may reduce, modify, or otherwise waive the yard requirements through the approval of a Conditional Use Permit. Therefore, a Conditional Use Permit is being requested to waive the yard requirement on this parcel in order to allow the existing building to remain in its current condition.

Standards of Review for Condition Use Permit – Z.O. Article 28-9-4(b)(4)

In submitting this application for a Conditional Use Permit, the applicant recognizes the need to successfully demonstrate, to the satisfaction of the City of Concord Planning Board, that each of following standards have been or will be fulfilled upon completion of the subject work. Specifically:

a. The use is specifically authorized in this ordinance as a conditional use;

Multi-Family housing is an allowed use within the RH district according to the Table of Principal Uses in the Zoning Ordinance. The use is existing.

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The multi-family development is existing. All existing non-conformities are all being accounted for through relief from the ZBA or through CUP's from the Planning Board such that the proposed subdivision will be in compliance with all other specific conditions or standards established in the ordinance for the particular use.

c. The use will not materially endanger the public health or safety;

There is no reason to believe that the health or safety of the general public will be adversely affected by the existing multi-family structure remaining in its current location without any private yard areas since it has existing for decades without any incident.

d. The use will be compatible with the neighborhood and with adjoining or abutting uses in the area in which it is to be located;

The existing use, as it relates to the CUP, will have no impact on the neighborhood or adjoining uses in the area considering that no changes are being proposed.

e. The use will not have an adverse effect on highway or pedestrian safety;

The existing use, as it relates to the CUP, will have no impact on highway or pedestrian safety in the area as there is no increase or change in use proposed.

- f. The use will not have an adverse effect on the natural, environmental, and historic resources of the City;*

The existing use, as it relates to the CUP, will not have any adverse effect on the natural, environmental, and historic resources of the City.

- g. The use will be adequately serviced by necessary public utilities and by community facilities and services of a sufficient capacity to ensure the proper operation of the proposed use, and will not necessitate excessive public expenditures to provide facilities and services with sufficient additional capacity.*

The existing use is already fully serviced by necessary public utilities and will not necessitate any public expenditure nor will there be any increase in the intensity of the current use.