



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

Staff Report for Planning Board

Meeting on June 17, 2026

Project Summary – Minor Subdivision & Conditional Use Permit Applications

Project Two-lot Subdivision (2026-042)
Property Owner: ZV Investments, LLC
Applicant: Northpoint Engineering, LLC
Project Address: 5 Thomas Street
Tax Map Lot: 631Z 19

Determination of Completeness:

Per Section 9.06 *Determination of Completeness* of the Subdivision Regulations, the Board shall consider the written recommendation of the Planning Division, as well as any written communications from the applicant, abutters, and parties of interest; **however, no hearing shall be opened nor shall testimony be received on a determination of completeness.**

If it is determined that the application is complete, only then shall the Board open the public hearing on said application.

The Planning Division reviewed the application for completeness based upon the criteria of the Subdivision Regulations and concluded that the application contains sufficient information and detail for a full review and action by the Board.

Based upon staff's review of the application, it is recommended that the Board move to:

- **Determine the application complete;**
- **State that the project does not meet the criteria for a development of regional impact per RSA 36:55; and**
- **Open the public hearing.**

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). Provided the Board determines the application complete, the 65-day period shall commence on June 17, 2026, and end on **August 21, 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 seeking minor subdivision approval for a two-lot subdivision at Tax Map 631Z Lot 19, addressed as 5 Thomas Street in the High Density Residential (RH) District. The intent of the application

is to create a new 10,112-square-foot lot with 81-feet of frontage, leaving 22,733-square-feet and 166.35-square-feet remaining for the existing 3-dwelling unit multifamily use to remain. The project also includes rectifying a property encroachment by the existing 5 stall garage structure, and removes a significantly non-conforming driveway to said garage that is greater than 52’ wide.

Staff also notes that this parcel was recently before the Planning Board for a site plan in 2023 and is party to a license agreement regarding Thomas Street, see General Comment 2.5.

Compliance:

The following analysis of compliance with the Zoning Ordinance and Subdivision Regulations is based on a 1-sheet subdivision plan titled “ZV Investments, LLC”, prepared by Joseph M. Wichert LLS, Inc, dated February 24, 2026 with revisions through April 15, 2026; an undated, 2-page project narrative; a 3-page conditional use permit narrative for Driveway Separation Alternatives, dated April 15, 2026, prepared by Northpoint Engineering, LLC; a 3-page conditional use permit narrative for Driveway Width Reduction, dated April 15, 2026, prepared by Northpoint Engineering, LLC; a 3-page conditional use permit narrative for Perimeter Buffer Required, dated June 5, 2026, prepared by Northpoint Engineering, LLC; and, a 3-page conditional use permit narrative for Private Yards Required, dated June 5, 2026, prepared by Northpoint Engineering, LLC;

1. Project Details and Zoning Ordinance Compliance:

Zoning District:	High Density Residential (RH) District
Existing Use:	3-unit multifamily
Proposed Use:	3-unit multifamily and new single-family residential lot
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
Wetlands:	None
Wetlands Buffers:	None

Zoning Code Item	Required	Proposed Lot 631Z 19	Proposed Lot 1
Minimum Total Area	10,000 square feet	22,733 square feet	10,112 square feet
Minimum Buildable Land	5,000 square feet	14,777 square feet	10,112 square feet
Minimum Lot Frontage	80 feet	166.35 feet	81 feet
Minimum Front Yard	15 feet	Not Provided	Not Developed
Minimum Rear Yard	25 feet	Not Provided	Not Developed
Minimum Side Yard	10 feet	Not Provided	Not Developed
Maximum Lot Coverage	60%	Not Provided	Not Developed
Maximum Building Height	35 feet	Not Provided	Not Developed
Off-street Parking	1 space per dwelling unit	5 spaces	Not Developed

2. General Comments:

2.1 Staff notes that, per Section 12.01 *Research*, applicants shall familiarize themselves with all city, state, and federal regulations relative to zoning, subdivision, land sales, utilities, drainage, health,

- buildings, roads, and other pertinent data so that the applicants are aware of the obligations, standards expected, and documents to be submitted.
- 2.2 The Engineering Services Division general comments are noted in the attached 2-page memo to Alec Bass from Paul Gildersleeve and Pete Kohalmi, dated May 5, 2026.
 - 2.3 The Assessing and Fire Departments reviewed the application and had no general comments.
 - 2.4 The General Services Department reviewed the application and noted that Thomas Street is scheduled to be repaved in the summer of 2026 and subject to a 5-year moratorium. The applicant should consider coordinating with the Engineering Services Division about stubbing any utility services for the new lot prior to the City's paving project.
 - 2.5 On June 21, 2023 the City of Concord's Planning Board conditionally approved a major site plan application for a proposed 9-unit multifamily project at this property (Case 2023-103). As a condition of approval, ZV Investments, LLC entered into a license agreement, effective July 25, 2024, to permit the Licensee to utilize City property (Tax Map 631Z Lot 1) to access its parking lot ("Parking Lot Licensed Area"); and, to permit the Licensee to install and maintain landscape screening for a dumpster on City property ("Landscaping Licensed Area").

Staff's understanding is that the conditionally approved major site plan will not move forward upon approval of this 2-lot subdivision. As such, staff will be recommending that the Planning Board condition the approval of the subdivision upon the withdrawal of the current major site plan application and termination of the license agreement between the City of Concord and ZV Investments, LLC.

3. Subdivision Regulations Determination of Completeness:

The items below are only partially provided or missing from the submittal and **the Subdivision Regulations REQUIRE the items for the application to be deemed complete (unless a waiver from the requirement is otherwise approved).**

- 3.1 Per Section 12.04 *Location Plan* (8), the map, block lot numbers shall be added to the location plan for all abutters and the property to be subdivided. Staff suggests modifying the scale of the location plan if necessary.
- 3.2 Per Section 12.04 *Location Plan* (9), the zoning district designations and boundaries shall be added to the location plan.
- 3.3 Per Section 12.08(10) *Municipal Utilities*, the size and type of the existing water service shall be added to the plat. Staff notes this information was provided as part of the 2023 major site plan application (Case 2023-103).
- 3.4 Per Section 12.08(11) *Non-municipal Utilities*, the location, type, and size of the gas service shall be added to the plat. Staff notes this information was provided as part of the 2023 major site plan application (Case 2023-103).
- 3.5 Per Section 12.08(13) *Flood Hazard*, Note 5 on the plat shall be revised to include a statement as to whether or not the property is located within the City's Flood Hazard (FH) Overlay District.
- 3.6 Per Section 12.08(23) *Tabulations* (c), the impervious surface coverage in square feet and percent shall be added to the plats dimension table.
- 3.7 Per Section 12.08(24) *Zoning*, the Zoning District Boundary lines, including labels, shall be added to the plat.

- 3.8 Per Section 15.02(9) *Proposed Use*, Note 4 on the plat shall be revised to include a statement of the proposed type of residential use (single-family, duplex, multi-family, townhouse), for both lots proposed.
- 3.9 Per Section 15.03(1) *Abutting Property*, the property address of #2 Thomas Street shall be added to Tax Map 631Z Lot 18, which is the abutting property across the street.
- 3.10 Per Section 15.03(2) *Dimensions*, the dimension and bearings for all existing and new property lines to be created need to be shown on the plat. Specifically, the existing property lines appear to provide this information, but bearings and dimensions for new property lines appear to have only been provided for the new property line separating the lots and bearings and dimensions need to be provided for the change lots lines that run north and south.
- 3.11 Per Section 15.03(9) *Access and Driveways*, a proposed approximate driveway for lot 1 shall be provided on the plat to demonstrate the lot can support a driveway which complies with and maintains the required 40-feet of driveway separation required Section 28-7-8(b) *Separation of Driveways In Residential Districts* of the Zoning Ordinance.
- 3.12 Per Section 15.03(18) *Conditions of Approval*, the conditions of approval which remain to be fulfilled after the recording of the plat shall be noted on the plat. This condition can be satisfied by listing the subsequent conditions of approval on the plat, or adding a note stating “The development is subject to all subsequent conditions of Planning Board approval granted on *INSERT DATE HERE* for application 2026-042.”

Subdivision Regulations Compliance:

The submittal was found to be compliant with all other sections of the Subdivision Regulations except as listed below, noting that the items below are missing as required for full compliance but are **not required for the determination of completeness.**

- 3.13 Per Section 19.05 *General Design Standards for Lots (4) Useable Lot Area Rectangle*, the required useable lot area shall be added to the dimensional table on the plat. The proposed Lot 1 does not appear to meet the required useable area, and the subdivision shall be modified accordingly.
- 3.14 The Assessing and Fire Departments reviewed the application and had no compliance requirements.
- 3.15 The Engineering Services Division compliance comments are noted in the attached 2-page memo to Alec Bass from Paul Gildersleeve and Pete Kohalmi, dated May 5, 2026.

4. Variances:

- 4.1 At the meeting held on June 3, 2026, the Zoning Board of Adjustment granted the applicant’s requested variances as follows:
 - Section 28-4-5 *Development of Attached and Multifamily Dwellings (d)(1) Minimum Tract Requirements* to allow an existing lot to have 22,733 sf where 25,000 sf is required for a multifamily dwelling (ZBA-0408-2026);
 - Section 28-7-1 *General Provisions (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 (ZBA-0414-2026);
 - 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 (ZBA-0415-2026);

- Section 28-7-7 *Minimum Driveway Width* to allow the existing southerly driveway to remain in its current condition with a minimum width of 9.3-feet (ZBA-0416-2026);
- Section 28-7-7(g)(1) *Parking Restrictions in the Required Front Yard* to allow the existing parking spaces to remain within the front yard setback (ZBA-0417-2026); and,
- Section 28-7-8(a) *Restrictions on Backing into a Street* to allow the existing parking spaces to be allowed to continue to back out on to Thomas Street (ZBA-0418-2026)

5. Waivers:

- 5.1 No waivers have been requested as part of this application.

6. Conditional Use Permits:

- 6.1 The applicant requests approval for a conditional use permit pursuant to Section 28-7-11(f) *Driveway Separation Alternatives* to allow a reduction in the required frontage for two driveways from 250-feet to 166.35-feet. (PL-CUP-2026-0112)

Staff reviewed the applicant's analysis of the required criteria (included with provided supplemental materials) from Section 28-9-4(b) *Conditional Use Permits*. **Staff recommends the Board find that the criteria is satisfied by the applicant's proposal.**

- 6.2 The applicant requests approval for a conditional use permit pursuant to Section 28-7-11(g) *Driveway Width Reduction* for a reduction in the minimum width of driveways, not less than 18-feet, where the total traffic will be less than 35 trip ends on a weekday, where normally 24-feet is required. (PL-CUP-2026-0113)

Staff reviewed the applicant's analysis of the required criteria (included with provided supplemental materials) from Section 28-9-4(b) *Conditional Use Permits*. **Staff recommends the Board find that the criteria is satisfied by the applicant's proposal.**

- 6.3 The applicant requests approval for a conditional use permit pursuant to Section 28-4-5(d)(5) *Perimeter Buffer Required* for a reduction from the required 75-foot perimeter buffer and instead allow the existing 3-unit multifamily to remain in its current condition. (PL-CUP-2026-0118)

Staff reviewed the applicant's analysis of the required criteria (included with provided supplemental materials) from Section 28-9-4(b) *Conditional Use Permits*. **Staff recommends the Board find that the criteria is satisfied by the applicant's proposal.**

- 6.4 The applicant requests approval for a conditional use permit pursuant to Section 28-4-5(d)(4) *Private Yards Required* to not require private yards for each dwelling unit for the existing 3-unit multifamily use and instead allow it to remain in its current condition. (PL-CUP-2026-0119)

Staff reviewed the applicant's analysis of the required criteria (included with provided supplemental materials) 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 Architectural design review is not required for this application.

8. Conservation Commission:

- 8.1 Conservation Commission review is not required for this application.

9. Recommendations:

- 9.1 Staff recommends that the Planning Board **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 conditional use permit** from Section 28-7-11(f) *Driveway Separation Alternatives* to allow a reduction in the required frontage for two driveways from 250-feet to 166.35-feet with the following condition:
- a. Prior to final approval, the accompanying minor subdivision application shall receive final approval, and the conditional use permit approval shall share the same final approval date for the purposes of establishing the date of decision by the Planning Board.
- 9.3 **Grant the conditional use permit** from Section 28-7-11(g) *Driveway Width Reduction* for a reduction in the minimum width of driveways, not less than 18-feet, where the total traffic will be less than 35 trip ends on a weekday, where normally 24-feet is required with the following condition:
- a. Prior to final approval, the accompanying minor subdivision application shall receive final approval, and the conditional use permit approval shall share the same final approval date for the purposes of establishing the date of decision by the Planning Board.
- 9.4 **Grant the conditional use permit** from Section 28-4-5(d)(5) *Perimeter Buffer Required* for a reduction from the required 75-foot perimeter buffer and instead allow the existing 3-unit multifamily to remain in its current condition with the following condition:
- a. Prior to final approval, the accompanying minor subdivision application shall receive final approval, and the conditional use permit approval shall share the same final approval date for the purposes of establishing the date of decision by the Planning Board.
- 9.5 **Grant the conditional use permit** from Section 28-4-5(d)(4) *Private Yards Required* to not require private yards for each dwelling unit for the existing 3-unit multifamily use and instead allow it to remain in its current condition with the following condition:
- a. Prior to final approval, the accompanying minor subdivision application shall receive final approval, and the conditional use permit approval shall share the same final approval date for the purposes of establishing the date of decision by the Planning Board.
- 9.6 **Grant minor subdivision approval** for the two-lot subdivision at 5 Thomas Street, subject to the following precedent and subsequent conditions:
- (a) **Precedent Conditions** – to be fulfilled within one year and prior to signature of the subdivision plat by the Chair and Clerk of the Planning Board, unless otherwise specified.
 1. Revise the subdivision plat as follows:
 - a. Per Section 12.04 *Location Plan* (8), the map, block lot numbers shall be added to the location plan for all abutters and the property to be subdivided.
 - b. Per Section 12.04 *Location Plan* (9), the zoning district designations and boundaries shall be added to the location plan.
 - c. Per Section 12.08(10) *Municipal Utilities*, the size and type of the existing water service shall be added to the plat.
 - d. Per Section 12.08(11) *Non-municipal Utilities*, the location, type, and size of the gas service shall be added to the plat.

- e. Per Section 12.08(13) *Flood Hazard*, Note 5 on the plat shall be revised to include a statement as to whether or not the property is located within the City's Flood Hazard (FH) Overlay District.
 - f. Per Section 12.08(23) *Tabulations* (c), the impervious surface coverage in square feet and percent shall be added to the plats dimension table.
 - g. Per Section 12.08(24) *Zoning*, the Zoning District Boundary lines, including labels, shall be added to the plat.
 - h. Per Section 15.02(9) *Proposed Use*, Note 4 on the plat shall be revised to include a statement of the proposed type of residential use (single-family, duplex, multi-family, townhouse), for both lots proposed.
 - i. Per Section 15.03(1) *Abutting Property*, the property address of #2 Thomas Street shall be added to Tax Map 631Z Lot 18, which is the abutting property across the street.
 - j. Per Section 15.03(2) *Dimensions*, the dimension and bearings for all existing and new property lines to be created need to be shown on the plat. Specifically, the existing property lines appear to provide this information, but bearings and dimensions for new property lines appear to have only been provided for the new property line separating the lots and bearings and dimensions need to be provided for the change lots lines that run north and south.
 - k. Per Section 15.03(9) *Access and Driveways*, a proposed approximate driveway for lot 1 shall be provided on the plat to demonstrate the lot can support a driveway which complies with and maintains the required 40-feet of driveway separation required Section 28-7-8(b) *Separation of Driveways In Residential Districts* of the Zoning Ordinance.
 - l. Per Section 15.03(18) *Conditions of Approval*, the conditions of approval which remain to be fulfilled after the recording of the plat shall be noted on the plat. This condition can be satisfied by listing the subsequent conditions of approval on the plat, or adding a note stating "The development is subject to all subsequent conditions of Planning Board approval granted on *INSERT DATE HERE* for application 2026-042."
 - m. Per Section 19.05 *General Design Standards for Lots* (4) *Useable Lot Area Rectangle*, the required useable lot area shall be added to the dimensional table on the plat. The proposed Lot 1 does not appear to meet the required useable area, and the subdivision shall be modified accordingly for compliance.
2. Revise the plat for compliance with the Subdivision Regulations and Construction Standards and Details as noted in the attached 2-page memo to Alec Bass from Paul Gildersleeve and Pete Kohalmi, dated May 5, 2026.
 3. The plat shall list, describe, and date all approvals, variances, waivers, and conditional use permits received. The application shall also be revised to conform with any denials made by the Board.
 4. Prior to final approval, all existing non-compliant site features proposed for removal shall receive any applicable permits and shall be removed from the property. Including the existing 6-bay garage, existing pavement at the new property line, and the two sheds.
 5. Prior to final approval, the current conditionally approved major site plan application for this property shall be withdrawn and the associated license agreement between the City of Concord and ZV Investments LLC for the use of the triangle shaped parcel known as Tax Map 631Z Lot 1 shall be terminated.
 6. Prior to the recording of the plat and as required by Section 12.09 *Electronic Submission* of the Subdivision Regulations, digital information from the plat shall be provided to the City Engineer for incorporation into the City of Concord Geographic Information (GIS)

and tax maps. The digital information shall be submitted in a format and media conforming to standards promulgated by the City Engineer. The layers listed in Section 12.09(1) through (8) shall be submitted referencing New Hampshire State Plane Grid Coordinates and shall be based on National American Vertical Datum 1988 (NAVD 88).

7. Per Section 19.04, a New Hampshire licensed land surveyor shall place permanent reference monuments in the subdivision, as required by the Subdivision Regulations and as approved by the City Engineer.
8. Per Section 15.02(12), the applicant shall ensure that the subdivision plat to be recorded complies with the current standards of the Merrimack County Registry of Deeds, including materials, font size, plan size, margins, and plat layout.
9. Upon notification from the Planning Division that the project complies with the precedent conditions, Zoning Ordinance, and Subdivision Regulations, deliver to the Planning Division for signature one full size plan and one mylar of the subdivision plat that contains the signature and seal of the appropriate licensed professionals as required by Section 9.08(7) of the Subdivision Regulations.

(b) Subsequent Conditions

1. Per Section 13.02(13), at the time of recording, the applicant shall provide the recording fees required by the Merrimack County Registry of Deeds for all plans and documents to be recorded.
2. This approval notwithstanding, the applicant is responsible for full knowledge of, and compliance with, the municipal code, Subdivision Regulations, and Concord Construction Standards and Details for the project, unless a variance, waiver, or conditional use permit is granted
3. Per Section 4.03 of the Subdivision Regulations, no building permit or certificate of occupancy shall be issued for any parcel or plat of land which was created by subdivision after the effective date of, and which is not in conformity with, the provisions of the Subdivision Regulations.
4. Per Section 26.02(1) Underground Utilities, all utility facilities including, but not limited to, gas, steam, electric power, telephone, telecommunication, and CATV cables, shall be located underground throughout the subdivision. Whenever existing utility facilities are located above ground on the property proposed for subdivision, the above ground utilities shall be removed and placed underground.



CITY OF CONCORD
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Community Development Department

Michael S. Bezanson, PE
City Engineer

MEMORANDUM

TO: Alec Bass, Assistant City Planner

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

DATE: May 5, 2026

SUBJECT: Minor Subdivision and 2 CUPs
Engineering Review
5 Thomas Street, Map 631Z, Lot 19; City Project 2026-042

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

- Topographic Subdivision Plan prepared by Joseph M. Wichert LLS, dated April 15, 2026
- Project Narrative, received April 15, 2026
- CUPs from 28-7-11(f) and 28-7-11(g)

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.

General

1. The applicant is applying for a conditional use permit from 28-7-11(f), Driveway Separation Alternatives, and 28-7-11(g), Driveway Reduction. Engineering offers no input on these requests as they are not technical in nature.
2. The site plan shows a Concrete Pad next to the entrance. However, on a 2025 Nearmap aerial, part of this location is shown as grass and dirt. Ensure the surface type of this location is correct.

3. It is noted that Thomas Street is scheduled to be paved in 2026 sending the street into moratorium.

Survey

1. What is the status of the 5 Thomas Street Multi-Family site plan that was originally submitted in 2023?
2. What type of residential structure is being planned for New Lot 1? New Lot 1 will have the address of 7 Thomas Street. Please add this information to the plan view.
3. The triangular lot to the south of the subject lot is part of the City owned parcel known as Map 631Z, Lot 1. Please add this information in the plan view.
4. How will New Lot 1 be connected to the overhead electric, telephone, and cable utilities? Please coordinate with Unitil and keep the City informed of their review.