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CITY OF CONCORD
New Hampshire's Main Street™
Zoning Board of Adjustment

December 4, 2024
MEETING MINUTES

Attendees: Chair Christopher Carley, Alternate Mark Davie, James Monahan, Alternate Brenda Perkins, Nicholas Wallner, Andrew Winters

Absent: Laura Spector-Morgan

Staff: AnneMarie Skinner, AICP, City Planner
David Hall, Code Administrator
Deborah Tuite, Board Secretary

Meeting commenced at 6:00 PM.

1. Call to order

2. Chairperson's comments

3. Public meetings

- 3.1 MMA Architects, on behalf of Wal-Mart Real Estate Business Trust, requests approval for a one-year extension of the variance (ZBA-0012-2022) approval to allow a total of five signs with an overall square footage of 346.77 square feet on the westerly storefront where only three signs with a maximum square footage of 200 square feet are allowed, at 344 Loudon Rd, in the Gateway Performance (GWP) District. (ZBA-0235-2024)

Chair Carley moved this case to the end of the meeting as the applicant was not present at the start of the meeting.

4. Public hearings

Mr. Davie stepped in to hear the case.

- 4.1 Orr & Reno, on behalf of NHSCOT and Child and Family Services Realty Corporation, request approvals for variances from Section 28-2-4(j) *Table of Principal Uses* to allow *Services – Personal and Business* use where such use is not otherwise permitted; and, Section 28-2-4(h) *Multiple Principal Uses on a Single Lot* to allow multiple principal uses on the same lot where only one principal use is permitted, at Tax Map Lot 32Z 59, addressed as 210 Bog Rd, in the Open Space Residential (RO) District. (ZBA-0232-2024)

Attorney John Arnold testified, along with Terri Wiltse and Stuart Anderson from NHSCOT, and Morgan

Dunson from Nobis. Attorney Arnold explained that this parcel of land encompasses 58 acres of land and is zoned as Open Space Residential District. It was formally Camp Spaulding, which was a seasonal camp founded in 1921, for around 200 kids, ages 8-15. The camp closed in 2021 and the property has been on the market ever since. He went on to explain that the lot has a pretty odd configuration with a lot of topography changes, including wetlands and elevation changes with steep slopes. There is a smaller pocket of land on the River Road side that is narrowly connected to the larger area on Bog Road. On the right side of the plan, and along Bog road, are wetlands. The main lodge is located in the middle of the larger side of the parcel with smaller cabins on both sides, along with a playground, pool, and other accessory buildings. NHSCOT would like to purchase the property to make it their headquarters, with their mission of promoting Scottish culture.

Ms. Wiltse explained that NHSCOT is a non-profit organization that started in 1975 at Loon Mountain Resort. She explained their mission of sharing the customs and traditions of Scotland, such as food, dance, travel, art, books, and music. Currently, their offices are at 25 Triangle Park Drive in Concord, and they have three full-time and two part-time staff members. There are conference rooms that they use for lessons, band practice, board meetings, and other cultural activities. NHSCOT is best known for the NH Highland Games, which is one of the largest games in the world. The event creates a \$10,000,000 economic boost for the State of NH, welcoming 37,000 people for three days at Loon Mountain Resort in Lincoln, NH. NHSCOT also hosts two medium-sized events held at various locations in New Hampshire, with around 300-400 people. The purchase of this property would allow them to consolidate all of their operations, to include up to four to six outdoor events of up to 600 people, but the Highland Games will remain at Loon Mountain. They would renovate the main lodge space to for their administrative offices, as well as gathering spaces for indoor activities like kilt making, genealogy classes, or bagpipe lessons, and add a small retail space to sell NH Tartan products during their events. The four to six events would primarily take place outdoors with food service and some smaller activities. NHSCOT is about to celebrate their 50th anniversary as an organization. She stated that they want to be good neighbors and have the support of many; however, they are also committed to addressing any concerns or issues that may arise.

Attorney Arnold explained that there would be no new buildings proposed. They plan to do interior renovations of the existing main lodge. Indoor events and classes would have group sizes of around 20 people, and sometimes there may be smaller or larger gatherings. He explained the floorplan of the lodge and how the rooms would be used, and where the renovations would occur.

Attorney Arnold explained that there were discussions with City staff on how the use should be classified under the ordinance. The City felt that there were two principal uses with the first being the principal indoor use of the NHSCOT corporate offices being classified as personal and business services. The City determined that the ancillary activities (lessons, gatherings, etc.) would fall under the indoor use classification as accessory to the personal and business services use. This use is not allowed in the RO District. The first variance is a request to allow the corporate office use (personal and business services) in the RO District. The second principal use is outdoor recreation (outdoor training, larger outdoor gatherings, etc.). That classification is a privately-owned outdoor recreational facility, and requires a conditional use permit from the Planning Board. They intend to go to the Planning Board to ask for this conditional use. They are not asking the ZBA for any relief for the outdoor component; however, they are asking for a second variance to allow two principal uses on the same lot, with the idea that when they went to the Planning Board they would already have the variance for two principal uses. To clarify, the first variance request tonight is for the indoor uses, classified as corporate offices under personal and business services, and the second variance request is to allow two principal uses on the same lot. The outdoor uses are all part of conditional use permit approval through the Planning Board.

Chair Carley asked staff why the office use would not be considered accessory to the outdoor uses.

Mr. Hall explained that the building is a separate use, and the corporate use was the principal function of the property. They are two completely separate uses.

Ms. Skinner also pointed out that the building would be used year-round, while there would only be four to

six outdoor events per year.

Mr. Winters asked for clarification on not needing a variance for the events. He queried if that was because it was in the RO District and it was not required because it requires a conditional use permit, or was it because of prior variances.

Ms. Skinner explained that the outdoor events fall under the outdoor recreation classification, which requires a conditional use permit rather than a variance. Outdoor recreation is only allowed in certain districts, and it is only allowed in this district with a conditional use permit.

Mr. Winters asked if they needed to apply for a permit every time or only apply once.

Ms. Skinner explained it is considered a use and they would only need the initial conditional use permit.

Ms. Perkins mentioned that it seemed very similar to the Audubon Society.

Ms. Skinner noted that the Audubon Society falls under a different use because the Audubon Society has environmental aspects.

Mr. Monahan asked if the property has city water and sewer or a well and septic. He also asked if they had enough parking since they were not asking for any parking relief.

Attorney Arnold explained that it was a septic and well, and that as far as the parking, that they will be seeking alternative parking arrangements from the Planning Board.

Mr. Monahan asked how many parking spots are required.

Morgan Dunson mentioned that they calculated that 288 would be required, and they could provide 289 spaces; 22 paved parking spaces, 178 gravel spaces, and 89 grass overflow area spaces. She mentioned that they will need an alternative parking relief from the Planning Board.

Mr. Winters asked if it would all be on-site parking.

Ms. Dunson agreed.

Attorney Arnold went through the five criteria. He mentioned that there would not be any changes to the locality physically speaking because there would not be any new construction, and the existing building will be utilized. In terms of the use, the office use is relatively minor with three to six staff members. The indoor activities are accessory to the office use. Camp Spaulding operated there for 100 years, and the main lodge had an office space with around 35 staff members when in operation. He felt an office staff of three to six is pretty minor compared to the seasonal use of Camp Spaulding. The main lodge building where the office would be located is centrally located on the property, and the distance from the lodge to the residential property on the left side is about 450 feet, and about 650 feet to the closest actual residential building. The area between the driveway and the edge of the property line is pretty wooded, so the office use would have very little impact on the public. As far as substantial justice, there would be more harm to the owner in denying the requests compared to the public, as they are proposing to put the building back into use as the building has been deteriorating. The indoor uses are well buffered to the neighboring properties. The benefit to the applicant is that the variances are required in order to use the property. Attorney Arnold explained that allowing NHSCOT's use would not diminish the surrounding property values, and that they submitted a professional appraisal from Scott Underwood.

Attorney Arnold went on to say that as far as the hardship, the property is uniquely configured. It is a very large property at 58 acres; however, there is a much smaller buildable/usable area given the topography as well as the wetlands. Those factors and characteristics show that although it is a large lot there is a challenge

for other uses. This property has been on the market for over four years. Two developers had explored the property. The first developer put a contract on the property, proposing a corporate and wedding event facility, but they backed out because of negative feedback from City staff. The second developer explored a residential development; however, they did a feasibility analysis and because of the wetlands, topography, and zoning, etc., it would not be viable and they backed out. The general-purpose restriction on prohibiting office use in this district is to keep more intensive uses out of more rural areas. However, this corporate office would not be an intensive use as they would repurpose the existing main lodge that maintains a lot of separation buffering between the use and the adjacent residential properties. The lot configuration, the topography, and wetlands makes it very challenging to develop the property for other permitted uses. Given that, they do not feel there is any substantial relationship between the general public purpose to the specific application of this property. NHSCOT's use is very unique. It was a challenge to come up with a use classification for it. The challenge is that they need a large outdoor space, as well as the office space. The two use classifications are only allowed in the UC, CBP, OCPD districts, which dramatically reduces where this use could go. That would mean that it would only be allowed in the downtown area, where there would be very few if not any lots that would be conducive to accommodate the events and activities. Bog Road is a much more suitable location for a use such as this compared to the downtown area. Attorney Arnold argued that this should be allowed, and NHSCOT is an incredibly valuable asset to the City that is not available elsewhere.

Mr. Winters mentioned that it seemed to be a creative use by NHSCOT, but asked economically if they would want to increase the number of events, as well as rent out the space.

Attorney Arnold explained that there would only be four to six outdoor events, and the indoor events would happen more often.

Ms. Wiltse explained that she can't imagine that they will expand beyond that because the Highland Games takes up a lot of their time. It's a huge event, with a lot of planning and volunteer time. The other events that would happen on the site are much more manageable. She stated that they do not plan to rent the space.

Mr. Winters asked about demand and if they would continue to grow.

Mr. Anderson explained that the four to six events represent growth from their current two events. There is a plateau and that plateau would be four to six events.

Mr. Monahan asked about the indoor events and how often they would occur.

Ms. Wiltse explained that they currently have bagpipe, drum, and dance lessons that occur 48 weeks a year. Approximately 20 people attend for each lesson per week. Sometimes there are other sessions such as kilt making, etc., with shorter time frames of a few weeks. They would like to add harp and fiddle lessons, and a type of fly fishing.

Mr. Monahan asked Code if they are asking for an office building that has classroom activity, or is it a classroom activity building that has a little bit of office space and would that matter for what they are requesting.

Mr. Hall explained that the City classified it as office use with accessory training.

Mr. Monahan asked if they were just to have classroom activities and no office space, would they be here tonight.

Mr. Hall explained that the City did a lot of research, referencing a similar request years back from Unitil, and whether it was educational. However, where no degrees or professional certifications are earned, they stayed away from that classification and felt the training was accessory to the office use.

David Murray, abutter to the northside of Camp Spaulding, and owner of Murray Greenhouse, testified in

favor of the project. He has lived here his entire life. He explained that he went to Camp Spaulding as a child, and it has a lot of significance to him. He wanted to impress that the location has some uniqueness, and it lacks City water and sewer. He felt the overall impact is very minimal and that this is a much better use to some of the possible alternatives. It has been vacant for some time. In 2019, he had suffered a fire on his property, and their property gains access from the Spaulding Property. The insurance company felt it was probably arson which could be because of the vacant property. An empty facility is not ideal. As far as the impact on the neighborhood, he wanted to look ahead and saw this as one of the lightest impacts to the neighborhood. He stated it might be one of the most complex variances because of the uniqueness of the situation.

Mr. Monahan asked about the rebuild of Bog Road and how it is now.

Mr. Murray explained that it is in good shape and can handle the traffic.

Edward Smith, River Road abutter, testified in opposition. He explained that he loves the City of Concord, and has lived here for over 10 years. He mentioned in his opinion that the City works because there is a plan in place that works. He felt the process needs to be reviewed in this situation. He read to the Board from a previous objection that he had sent in (on file). In short, he explained that he felt the variance is against public interest. The City is in crisis and needs more housing. The zoning ordinance is there in order to keep the residential use. He discussed the business use aspect, and explained that this is very different than a summer camp. Possible uses could include single family houses. He felt it would be contrary to public interests and the spirit of the ordinance is not observed by introducing a commercial use. The idea of the ordinance is to promote low uses and this conflicts with that. The value of the surrounding properties would be diminished. He is concerned that he would not be able to sell his house for what it is worth now. He is concerned that there would be 600 people in his backyard, and about the evening events and the impact on the neighbors. He did not feel the requests matched any of the required criteria.

Leon LaFreniere, direct abutter at 114 River Road, testified in opposition. He stated that he has lived there for over 36 years. He explained his experience as a professional city planner, as well as his history of serving on the Concord Planning Board, and the Board of Directors of Child and Family Services. He mentioned that the applicant's agent felt the requested uses were minor in nature, but ignored the fact that the uses are both inconsistent with the ordinance and more importantly, incompatible with the City's lowest density district. He stated that the applicant's agent equated the impacts of an eight-week summer camp of 125 students to a corporate office and major event center, with over 600 attendees. It cannot be considered comparable nor can it be considered low impact. He felt that the potential impacts should not be understated with the intrusion of commercial uses in a residential neighborhood. While integration and mixed-use development is a responsible approach for municipalities, it is an issue when there is not adequate walkable areas or utilities, while also being far from transportation and infrastructure. His review of the proposal revealed to him that the five criteria are not well met. As far as the hardship, he felt in this case that there was no demonstrable case given, or special conditions that distinguish it from other properties in the area. The ordinance specifically states single-family uses, cluster developments, as well as agricultural forestry. Assuming the applicant could demonstrate that special conditions exist, they must show that there is no fair and substantial relationship between the purpose of the ordinance requirements and the specific application. In his opinion, the applicant has not explained that. He went on to say that there would be impacts to the neighbors with the traffic and noise from the events. The applicant's agent states a hardship may be the length of time that the property has sat vacant, however, price is most likely the reason because of the real estate market over the past several years, and in this case market value would need to reflect the deterioration through neglect that the property is suffering. Lastly, he discussed that the relief sought is supposed to be the minimum needed to result in reasonable use of the property, however, the property has not shown to be unsuitable for the allowed uses. This would be contrary to the public interest by introducing commercial uses into this residential open space district. The spirit of the ordinance would not be followed, as it is intended to be single-family residential. He also felt that the diminution of value is unclear and he is concerned about amplification of noise which could impact future sales. This is not a matter if NHSCOT is a good organization, and also not a matter of neighborhood support. He feels the proposal does not satisfy the criteria., and the most compelling reason is

the lack of hardship. The parcel is not unique from other properties in the RO zone. If the Board disagrees, and deems it is appropriate, he would request the Board to add a condition to require strict compliance with the City of Concord noise ordinance.

Chair Carley stated that the Board received emailed comments from the following: Edward and Theresa Smith in opposition; Kate and Larry York in support; Jessica Martin from In-Town Concord in support; Kevin Bell from Loon Mountain in support; Wendy Landin in support; Anne Kuster in support; and Ray and Cindy D'Amante in support.

Attorney Arnold discussed the comments around the absence of city water and sewer and he felt that issue could be construed as a hardship because houses would require more land which further reduces how many potential houses could be put on the property. He mentioned that the residential housing developers who looked at the property backed away because the number of units wouldn't make the development viable. The other issue on hardship is that the buildings are not easily repurposed, but with this proposal they can repurpose the main lodge where most other permitted uses would require complete demolition of the buildings. As far as public interest, the other permitted uses are very limited, however, one permitted use is a publicly owned indoor and outdoor recreational facility. The impacts of that type of facility could be arguable very similar or even greater. He also brought up the noise and outdoor event concerns, but reminded the Board that the ask tonight is only for the indoor use. The outdoor use and the concerns around noise and crowds is a Planning Board question. He stated that NHSCOTS will comply with all noise ordinances and wants to be a good neighbor.

Mr. Winters stated that he realizes the Board is not ruling on the outdoor use, but he is concerned that the two uses bleed over into reviewing the nature of the outdoor use.

Attorney Arnold stated that in his opinion it does not because the two uses are only allowed if the Planning Board grants a conditional use permit for the outdoor recreational use. The variance request is for two principal uses on the same lot, pointing out that it doesn't really matter what those two principal uses are as much as it matters that you're going to allow two on the same lot. The variance granting two principal uses on the same lot is meaningless if the Planning Board decides it's not going to grant the conditional use permit for the outdoor recreational use and thereby the variance then doesn't come into effect.

Mr. Winters clarified that the Planning Board would look at the number of people, noise, etc.

Attorney Arnold agreed.

Mr. Monahan stated that he understands the outdoor activities would be heard through the Planning Board, but thought that he had heard tonight that there would be some small-scale classes. He asked for clarification that everything tonight is only going to take place indoors.

Attorney Arnold stated that they may have some outdoor classes, but those would only be permitted if the Planning Board grants the conditional use permit. He reiterated that what is before the Zoning Board is for the main lodge building to hold corporate offices, and any of the indoor classes or seminars by law would be accessory to that use.

Mr. Monahan wanted to clarify that if the Board approved the requests that the accessory uses would only include indoor activities.

Attorney Arnold agreed.

Ms. Perkins reiterated that if the Board approved the requests tonight, that the outdoor conditional use permit could still get denied at the Planning Board.

Mr. Monahan mentioned that he understands that the Board is not dealing with the 600 people events, but he

is concerned about 25 bagpipes outside, etc.

Ms. Wiltse stated that all band practices would be inside.

Mr. Winters mentioned that bagpipes are pretty loud, and wanted to ensure that it can't be heard from the street.

Ms. Wiltse explained that they currently hold bagpipe lessons at 25 Triangle Park Drive and if you were standing right outside the window you can hear it but you're not going to hear it in the nearby parking lot.

Mr. Davie was inclined to grant the requests, reiterating that the potentially higher impact is already allowed by a conditional use permit, and it appears to be comparable if not even of lesser intensity than the previous use. They did their homework on the appraisal side as far as the impact on surrounding properties. He mentioned that he did see a hardship with the shape and characteristics of the lot, along with the fact that there have been difficulties with other interested parties in developing. He did not feel the Board could do anything as far as the number of staff.

Mr. Winters agreed, mentioning that he was disappointed that Camp Spaulding had to close. He stated that it goes to the unique elements of the lot, that a developer could subdivide the lot into 25 houses, and the Board would look at that very favorably. However, he had not heard anything to contradict that developers have looked into that and found that topography and other factors makes it unviable. To demolish everything and put one house on a lot like this does not seem like a very functional use of the lot. He felt the issue with the outdoor uses and the noise is a concern to the abutters, however, is not on the table for this Board, and the Planning Board will look at those factors to reduce the impact.

Mr. Monahan mentioned that looking narrowly at just the use of the office space and accessory indoor activity, he could appreciate what his colleagues have said.

Mr. Wallner stated that he does not see much of a difference in impact in the community from the previous use. He did not see any devaluation of the surrounding property values. The Board heard evidence that they really couldn't get reasonable use of the property with other choices, as nothing materialized with other developers, and therein lies the hardship. He would be persuaded to approve.

Chair Carley agreed with his colleagues.

On a motion made by Andrew Winters, seconded by Nicholas Wallner, the **Board voted 5-0 to grant the variances from Section 28-2-4(j) *Table of Principal Uses*** to allow *Services – Personal and Business* use where such use is not otherwise permitted; and, **Section 28-2-4(h) *Multiple Principal Uses on a Single Lot*** to allow multiple principal uses on the same lot where only one principal use is permitted, because all of the criteria under RSA 674:33 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.

Findings of Fact:

1. The variances will not be contrary to the public interest. A variance is contrary to the public interest if "it unduly and in a marked degree conflicts with an ordinance such that it violates the ordinance's basic zoning objectives." Farrar v. City of Keene, 158 N.H. 684, 691 (2009) (internal quotations omitted). In determining whether a variance would violate basic zoning objectives, the Board should examine whether the variance would alter the essential character of the locality, or whether granting the variance would threaten public health, safety, or welfare. Id.

Here, allowing NHSCOT's corporate offices on the Property will not violate the ordinance's basic zoning objectives. The office use is a very minor component of the overall use, with only 3 full-time and 2-3 part-time current employees. An office of that size is likely smaller than, or similar to, the office staff that would have been on site for Camp Spaulding for the last 100 years.

Furthermore, other permitted uses in the RO District, such as publicly owned indoor recreational facilities, and stables and equestrian centers, would likely require an office staff comparable to what is proposed here.

Allowing NHSCOT's corporate offices would not alter the essential character of the locality, or threaten public safety, health or welfare. The offices will be located in the camp's existing main lodge building. That building is centrally located on the 58-acre property and is well buffered from abutting uses. Thus, given the nature of this particular property in relation to the area's residential uses, it is unlikely that those in the neighborhood would even notice that a small administrative office is located on site.

Nor will allowing multiple principal uses on the same Property be contrary to the public interest. Multiple principal uses are allowed on the same property if each is individually allowed by right. However, the City has determined that multiple principal uses are not allowed if they are not individually permitted by right (meaning if one is approved by variance and the other approved by conditional use permit, as is the case here). However, whether the individual uses are permitted by right, or approved by variance or conditional use permit, the impact of having both on the same lot is no different. Indeed, for the past 100 years, Camp Spaulding's programming involved both indoor office/administrative functions, and outdoor recreational activities. In that sense, allowing two principal uses here will not alter the essential character of the locality or threaten public safety, health or welfare.

2. The spirit of the ordinance is observed. The New Hampshire Supreme Court has determined that the requirement that a variance not be contrary to the public interest "is co-extensive and related to the requirement that a variance be consistent with the spirit of the ordinance." Chester Rod & Gun Club v. Town of Chester, 152 NH 577, 580 (2005).

This criterion overlaps with the public interest requirement and for the reasons set forth above, the variances would observe the spirit of the ordinance. Further, one of the purposes of the RO Zoning District is to allow "low impact outdoor recreational uses..." See Zoning Ordinance § 28-2-2(b)(1). As noted above, publicly owned indoor or outdoor recreational facilities are permitted by right in the District. The operation of any such recreational facility necessarily requires some administrative/office functions. Typically, those offices would be considered accessory to the principal recreational use. In this case, the City has determined that the offices are not accessory to the recreational use and will be considered a separate principal use. However, in terms of purpose and scale, they are very similar to an accessory use, and relatively minor compared to the greater recreational uses. Thus, allowing NHSCOT's corporate offices, and allowing the two principal uses on the same property, is consistent with the spirit of the ordinance. Finally, as noted above, this property is unique because of its 58-acre size and its significant natural buffer, making it particularly suited for the proposed uses despite it being located in an otherwise residential district.

3. Substantial justice is done. Substantial justice is done where granting a variance will not cause harm to the general public that outweighs the benefit to the applicant. See Malachy Glen Associates v. Town of Chichester, 155 N.H. 102, 109 (2007). Allowing these variances would cause no harm to the general public. The proposed office use is very minor, with only a handful of current staff members. The offices will be within the existing main lodge building, which is well-buffered from surrounding properties. The office use will have very little, if any, impact on the general public. Similarly, allowing two principal uses on the same lot will not harm the public. The office use is closely related to the recreational functions on the Property, and requiring the offices to remain off-site would not confer any meaningful benefit on the public. By contrast, the variances are critical to NHSCOT's use of the Property.

4. The value of surrounding properties is not diminished. Granting these variances will not diminish surrounding property values. Allowing corporate offices on the Property, initially consisting of 3 full time and 2-3 part time employees within an existing building located centrally on the parcel, will not impact neighbors. Such office use was part of Camp Spaulding's seasonal use and would be part of many other permitted uses of the Property. Similarly, allowing the office use and the outdoor recreational use will have no different impact than many other permitted uses, such as a publicly owned indoor or outdoor recreational facility, which would likely include ancillary office use as well.
5. Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship. The Property is unique in that it is a large lot with a highly irregular shape. Although it contains 58 acres, there are several portions of the lot that are very narrow, which create significant undevelopable area, and which separate the usable land into isolated pockets. Further, the topography is steep, with approximately 100' of elevation change from the road to the peak of the hill near the center of the Property. And, there are significant wetlands along the easterly boundary. These unique conditions make any cohesive redevelopment of the Property very challenging.

The Property is also unique in that it was developed and used as a seasonal recreational camp for nearly 100 years. The existing buildings and facilities have been designed and operated as such, and they are not suitable for most other permitted uses. The main lodge building already contains office space that was used for camp operations, and the main lodge is situated in a generally central location on the Property, far away from abutting uses.

The Property has been marketed for sale since early 2021, without success. Two potential buyers expressed initial interest, and they investigated potential redevelopment – one for a corporate retreat/wedding venue, and the other for traditional residential development. The first buyer backed out given permitting hurdles and negative feedback on the proposal. The second buyer backed out because the aforementioned site constraints severely limited the number of residential units, which made the project unviable.

The purpose of the RO Zoning is:

The Open Space Residential (RO) District is established to accommodate single-family detached dwellings and cluster developments at densities not exceeding one-half (1/2) of a dwelling unit per acre, and single-family detached dwellings with one accessory dwelling unit (ADU) at densities no greater than one dwelling unit per acre, as well as agricultural, forestry, **and low impact outdoor recreational uses** outside of the Urban Growth Boundary adjacent to environmentally sensitive areas and where municipal utilities are generally not present or anticipated.

See Zoning Ordinance §28-2-2(b)(1) (emphasis added). In light of these purposes, the permitted uses in the RO District are very limited. They are:

- Detached single family
- Cluster development
- Single family dwelling in conventional minor subdivision
- Cemetery
- Publicly owned indoor or outdoor recreational facilities
- Public bus shelters
- Agricultural and horticultural (including stables and equestrian centers)

The marketing efforts since early 2021, and the failure of two potential redevelopment proposals, illustrate the difficulty in putting the Property to one of the allowed uses.

Part of the challenge with NHSCOT's proposed use is that it is multifaceted and difficult to classify within the use categories enumerated in the Zoning Ordinance. Arguably, the proposed overall use is very similar to indoor and outdoor recreational facilities, with ancillary (or accessory) office use. Notably, one purpose of the RO District is to provide low impact outdoor recreational uses, and publicly owned indoor and outdoor recreational facilities are permitted by right. This all suggests that allowing NHSCOT's corporate offices, which are very minor in scale and intensity, in conjunction with the outdoor recreational use, is an appropriate use of the Property. And, that prohibiting the corporate offices would not be substantially related to the general public purpose of the Zoning Ordinance.

Further, the proposed use is reasonable. The existing main lodge building previously contained office space, and it can be renovated and upgraded to house NHSCOT's corporate offices (and accessory indoor programming). The Property is large enough that it can accommodate NHSCOT's entire operation (other than the Highland Games), yet the past few years have demonstrated that the Property is not well suited for other permitted uses. Most of NHSCOT's indoor programming is currently taking place in its office suite within the building at 25 Triangle Park Drive. The Property offers a much more suitable location for those activities. And although the use will be year-round, it is otherwise very similar to the historic use of the Property for Camp Spaulding.

Ms. Perkins stepped in as the alternate member, and Mr. Davie stepped down for the next case.

- 4.2 Hebert & Dolder, on behalf of Christopher McAllister, requests approvals for variances from Section 28-5-2 *Duplex or Two-Family Dwelling*, to allow a duplex to be established on property that has 120 feet of frontage, where 150 feet of frontage is required; and, Section 28-4-1(h) *Table of Dimensional Regulations*, to allow maintaining the existing side setback of 10 feet 9 inches where a side setback of 15 feet is required, at Tax Map Lot 634Z 76, addressed as 13 Dover St, in the Medium Density Residential (RM) District. (ZBA-0233-2024)

Attorney Maria Dolder, and owner Chris McAllister testified. Attorney Dolder explained that this is an older, densely populated neighborhood. The house was constructed in 1964, and this has been Mr. McAllister's family home for the past 43 years. His mother passed away in 2021, and the property was tied up in probate for the past three years. He has been undergoing cancer treatments as well. Earlier, Mr. McAllister was granted a special exception to put an ADU on the property, however, they have figured out that due to the size of the ADU that this will no longer be financially viable. He has a lot of medical and legal expenses and he needs some additional income in order to stay in his home. They are now requesting to convert the home to a two family. The neighborhood is characterized by small lots, with closely located homes. Many lots fail to meet the size and frontage requirements, and the majority of the homes were built in the setbacks. This particular lot is one of the larger lots with significantly more frontage. Another neighbor with a similar size lot already has a permitted two-family through a variance. The use is permitted by right in this zone. In order to convert to a two family, you need acreage, of which he exceeds this requirement. However, he does not have the frontage, where he has 120' and 150' is required. Each unit would have approximately 1200 sq. ft. of living space with two bedrooms each, which is relatively modest. The second garage would be taken down and, in its place, construct a two-story unit. However, the garage is almost 11 feet from the property line. If they tear down the garage, and in order to build the new structure, they would need relief to build in the same footprint due to the setbacks. The second garage bay is attached to the existing house.

Mr. McAllister mentioned that it is difficult to meet code due to insulation issues on the outside edge of an existing foundation and to insulate underneath the slab. He may need to put in a new foundation.

Attorney Dolder mentioned that the addition would go up two stories.

Chair Carley asked if the entrance was located on the side of the garage.

Mr. Mc Allister agreed.

Mr. Winters asked if the accessory dwelling unit would not work financially because of the size, or because Mr. McAllister wants two renters and no owner-occupied units.

Mr. McAllister explained that this allows him to construct a larger, more marketable, second unit. He plans to continue to live in one of the two units.

Attorney Dolder explained that the variance will not be contrary to public interests or alter the essential characteristics of the neighborhood, or threaten public safety or welfare. The ultimate use of the property is permitted by right, and is consistent with the zoning ordinance. It will not alter the essential character of the neighborhood, or create adverse impacts or hazards. There is a lack of affordable housing and this variance will allow the applicant to remain in his home and establish one additional dwelling unit. It will be relatively affordable, which speaks to the public interests. This will help him due to his medical needs. Granting will not be contrary to the spirit and intent as the use is allowed by right. She mentioned that even though it does not meet the frontage, it is larger than the majority of the houses that are all non-conforming. The second garage was constructed in the 1970s, and they are not aware of any issues with the location of the driveway. The design would be consistent with what is there now.

Attorney Dolder went on to explain that frontage requirements typically are created to make sure the use can be supported and would not interfere with neighbors or cause an unreasonable use. In this case, the existing paved driveway is much larger than your standard driveway at 29' by 90', and there would be no reason to believe that this could not support an additional family and comfortably accommodate additional parking. As far as the side setback, they are looking to maintain what exists today in terms of space and they do not believe it would be contrary to the spirit and intent. As far as substantial justice, there is no gain to the public by not allowing this to go forward, however, there would be a significant loss to the applicant. There is another home in the neighborhood with the same amount of frontage that is currently a two-family home. Given the fact that they will provide one additional living unit, it should be pretty easy to convert the home and this would be a gain to the public, and substantial justice is achieved by allowing the property to be used reasonably. It should not create any adverse effects on the adjoining neighborhood. The garage already encroaches the setback by a little more than four feet. Those particular neighbors are in support of this variance, and they are closer to the property line than the applicant. The surrounding property values would not be diminished. It would be designed well, aesthetically pleasing, and there is no evidence to show that the other two-family has caused a decrease in value, and neither should this. As far as hardship, it is a permitted use, and they believe they have enough frontage for this particular use. The setbacks already exist, so there should be no rationale to deny the requests as the zoning interferes with the reasonable use of the property. This is a reasonable proposal, and it is consistent with the neighborhood. It will allow a longtime resident to stay in his home. The property is unique as it is one of the two largest lots in the development.

Mr. Wallner asked if besides the one neighbor, are there any other duplexes on the street.

Attorney Dolder stated that there were not.

Robert Silva, abutter at 11 Dover Street, testified in favor.. He has been neighbors with Mr. McAllister since he was a young man and they have no objections.

Jeff Lewis, 17 Dover Street, testified in favor. He is in support of the request. He owns the duplex. He mentioned that they also needed a lot frontage variance as well and it was granted. Most of the lots have 80 feet of frontage. The zoning ordinance today needs to be 1.5 times the lot frontage for a duplex. He believes it meets the intent of the ordinance for this neighborhood. The only concern with the setback has been met by the fact that the neighbors are in support. There is precedence on this street for both variances.

No one testified in opposition.

Mr. Wallner stated that since this is one of the two largest lots in the neighborhood, and that they would be using the existing footprint, and seeing that the Board has previously approved a very similar request, he would be inclined to approve.

Mr. Monahan agreed.

Mr. Winters agreed.

Ms. Perkins sees no reason to deny.

Chair Carley agreed.

On a motion made by James Monahan, seconded by Nicholas Wallner, the **Board voted 5-0 to grant** the variance from Section 28-5-2 *Duplex or Two-Family Dwelling*, to allow a duplex to be established on property that has 120 feet of frontage, where 150 feet of frontage is required, and grant the variance from Section 28-4-1(h) *Table of Dimensional Regulations*, to allow maintaining the existing side setback of 10 feet 9 inches where a side setback of 15 feet is required, because all of the criteria under RSA 674:33 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.

Findings of Fact:

1. The authorization of a variance will not be contrary to the public interest because: To be contrary to the public interest, the variance must unduly, and in a marked degree conflict with the ordinance such that it violates the ordinance's basic zoning objectives. To ascertain whether granting the variance would violate basic zoning objectives you must examine whether it would alter the essential characteristics of the neighborhood or would threaten the public health, safety or welfare of the public. The Applicant's requested variances do neither. As stated above, the ultimate use being proposed is permitted under the Zoning Ordinance by right. The use being proposed is consistent with the general area and the intent of the Zoning Ordinance. Given this, such a use will not alter the essential characteristics of the neighborhood. In fact, the use being proposed is in keeping with the established neighborhood and will be consistent with the area itself. The Applicant's proposal certainly will not have any adverse impact on the neighborhood nor create any safety hazards to the public.

In addition, there is a lack of affordable housing available within the City of Concord. Granting this variance will allow the Applicant to afford to stay in his family home, while establishing one additional dwelling unit within an established neighborhood. This is an example of how this proposal would actually benefit the public interest. Alternatively, given the Applicant's medical, emotional and financial situation, it is unclear where he would be able to afford to move if he is forced to leave his home.

2. The granting of a variance will not be contrary to the spirit and intent of the Ordinance because: Once again, the Property is located in the RM District and the use being requested is permitted by right. Even though the Property doesn't meet the requirement for one and a half times the minimum frontage, it greatly exceeds a majority of the houses in the neighborhood, which currently do not meet the frontage requirements for a single family home. The same can be said for The same can be said for allowing the existing non-conforming setback to remain. The second garage was constructed sometime in the 1970s and there has not been any issue with its location within the last fifty (50) or so years. In fact, the abutting home on that side encroaches even further into the side setback, also without any issue. Even with the requested variance relief, the use and design of the house as proposed will be consistent in design and location with the general neighborhood. Even though the

Applicant is requesting to construct a two story addition, there shall be no noticeable difference to the area nor any reasonable purpose to prohibit the proposal. The RM District specifically permits two family dwellings by right. The additional frontage requirement is in place to make sure that a two family can be supported on particular lots and doesn't create a circumstance where the additional living use unreasonably burdens the neighborhood. In this case, not only is the lot size greater than required for this use, but the Property already has a larger than standard paved driveway, specifically it is 29' x 90'. Accordingly, even with the variance for the frontage, this Property can comfortably accommodate parking, ingress and egress for one additional dwelling unit. Similarly, given that the existing home is already located within the side setback, and the Applicant is looking to maintain that same distance, it is not contrary to its spirit and intent to permit this proposal. Accordingly, the variance relief being requested is not contrary to the spirit and intent of the Zoning Ordinance, but instead, will allow the property to be utilized in a manner consistent with the permitted and already established uses in the District and the neighborhood itself.

3. Authorization of a variance will result in substantial justice because: One of the guiding rules in evaluating substantial justice is that any loss to the individual that is not outweighed by a gain to the general public is an injustice. Under this standard, the Applicant clearly satisfies this requirement. If the City were to deny the Applicant's request to establish a two family on the Property, this would result in a tremendous loss to the Applicant without any justified gain to the public. In fact, given that the proposal would not only be in keeping with an existing use established on an abutting property, but it would provide an additional dwelling unit without requiring construction on a new or vacant lot or create any noticeable change to the area, this would be seen as creating a gain to the general public.

Substantial justice is also achieved by granting variances which do not adversely impact on nearby property owners and which allow a property to be used reasonably. As stated above, even with the requested relief, the difference between that required under the Ordinance and that provided shall not create any adverse affect on the adjoining neighborhood. As previously stated, the Property will be used in a manner consistent with the general area and within the spirit of the Zoning Ordinance. Even though the Applicant's proposal will encroach a little more than 4 feet into the setback, the home shall not be any closer to the property line than what exists today. Similarly, the fact that the home already has a large, paved driveway which can easily accommodate an additional dwelling unit, demonstrates that the difference in the frontage required versus the frontage provided shall not cause any adverse impact to the area. As a result, there will be no adverse impact to the neighboring property or area itself, but instead, will allow the Applicant to utilize the property in a reasonable, consistent manner, resulting in substantial justice.

4. Authorization of a variance will not diminish the value of surrounding properties because: As previously stated, the Property is located within the RM District and the use being proposed is permitted by right. One of the abutting properties was granted a variance to establish a duplex with less than the required frontage in or around 2017 and there is no evidence to indicate that it has caused any diminishment of value to surrounding properties. Similarly, the Applicant has made a concerted effort to design the addition to maintain the existing side setback and when constructed, will be aesthetically attractive and will fit into the area. This will result in an increase in value to not only the Property itself, but will positively impact the abutting properties. As a result, there shall not be any diminishment of the surrounding property values.
5. Denial of the variance would result in unnecessary hardship to the owner because:
 - A. Owing to special conditions of the property that distinguish it from other properties in the area:
 - i. no fair and substantial relationship exists between the general purposes of the Zoning Ordinance and the specific restrictions on the property because: As already stated, the proposed use of the Property is a permitted use in the RM District, but more importantly, will be in keeping with the uses already established on an abutting lot and the neighboring area. Although the property does not have the required frontage, it certainly has sufficient frontage for the Applicant's proposal. It is also important to note that a number of the homes within this neighborhood do not meet the frontage

requirements for their single family homes. Given this, along with the fact that many of the properties located within the neighborhood also fail to meet the size requirements under the Zoning Ordinance, and they encroach upon the required setbacks, there is no fair justification to deny the Applicant the ability to establish a two family and to construct the addition while maintaining the setback that already exists on the Property. Since the proposed addition will be built holding the same setback that exists today, it shall not adversely impact the neighborhood or surrounding properties, nor will it alter the essential characteristics of the neighborhood or the Property itself. Instead, it will allow the Property to be used for and in the same spirit as is expressed in the Zoning Ordinance and as is already established within the neighborhood, with no adverse impact on the environment or the general area. Accordingly, there is no fair and substantial relationship between the general purposes of the Zoning Ordinance and the specific restrictions on the Property.

ii. the zoning restriction as applied to the property interferes with the reasonable use of the property and the proposed use is reasonable: This is truly a unique circumstance in that the Property is located within the RM District and the proposed use of the Property is permitted by right and consistent with the area and its neighborhood. The use being proposed will allow the Applicant to not only utilize the Property in a reasonable manner, but shall be consistent with the neighborhood and will allow a long time resident to remain in his family home. This is an older, well established neighborhood that is densely developed. Given this, a number of the lots not only fail to meet the size requirements and the frontage requirements under the Zoning Ordinance, but a majority of them are built within their setbacks. In fact, the abutting house on the side of the Property where the Applicant is requesting to maintain the existing non-conforming setback is situated even further into their setback than the Applicant (they have around 8 feet whereas the Applicant has almost 11). Accordingly, this is a unique property within this neighborhood as it is larger and has more frontage than the other properties within the neighborhood. In fact, the only other property that is comparable in size was granted a variance to permit a two family with the same amount of frontage as is being proposed at this time. Accordingly, the zoning restriction as applied to the Property unreasonably interferes with its reasonable use.

Mr. Davie stepped in for the last case and Ms. Perkins stepped down.

- 4.3 Cleveland, Waters and Bass, PA, on behalf of Bangor Savings Bank, requests approvals for variances from Sections 28-4-1(d) *Minimum Yard Requirements* and (h) *Table of Dimensional Regulations*, to permit a structure (refuse container and loading area enclosure) within 26 feet of the rear property line, where a minimum distance of 30 feet is required, and within 5 feet of the side property line, where a minimum distance of 25 feet is required; and, Section 28-7-14(d) *Setbacks for Refuse Container Loading Areas*, to permit a refuse container and loading area within 5 feet of the side property line, where a minimum distance of 10 feet is required, at Tax Map Lot 631Z 5, addressed as 111 Loudon Rd, in the Gateway Performance (GWP) District. (ZBA-0234-2024)

Attorney Phillip Hastings testified along with David Latulippe from CJ Developers, representing Bangor Savings Bank. Attorney Hastings explained that the property was bought a few years ago, and is sandwiched between McDonald's and a condominium complex. There is a residential neighborhood behind the property. This is a busy commercial neighborhood. It is a relatively narrow lot compared to other lots, which creates some site constraints. The bank plans to redevelop the site and build a bank. They would be reducing the curb cuts from two to one, which would be an improvement to Loudon Road. In designing the site, the applicant needs to accommodate a reasonable sized bank, with a drive through, surface parking for customers and employees, as well as stacking spaces. They also need to accommodate refuse removal, which will not be used very often, most likely once a week. The parking needs to be located on the side and the rear in order to be code compliant. The setbacks drive the location of the building. The best location for the dumpster is in the northeast corner, so that front loading trucks can access the site without interfering with the drive through lanes. This will be enclosed on a concrete pad, and it would be 26 feet from the rear and five feet from the side, next to McDonald's. The ordinance requires a structure setback with a 30-foot minimum from the rear sideline, and the specific requirements in the ordinance for refuse containers has a 10-foot requirement from

the property line. They are asking for greater access from both of those requirements in this case.

Attorney Hastings then discussed the variance criteria, specifically noting that the location of the refuse container will not be visible, with vegetative screening to the rear, and fenced or vegetative screening to the McDonald's parking lot. The location would be safely and conveniently located with little to no impact on the neighbors, customers, or operational functions of the bank. The location would not be out of character, as it is pretty densely populated area with commercial properties. Without the variance, the applicant would need to find another location which would take up some of the necessary parking spots, or it would be inconvenient to service the refuse container. They could keep the waste inside the building and administratively remove it periodically, however, it is not the safest way to handle, even though it is just paper. This is a much better alternative for the site and the proposed use.

Mr. Wallner asked if there is existing pavement.

Mr. Latulippe explained that it is existing and they do not need a pavement setback.

Mr. Winters asked if the rear parking spots will be needed or used a lot. He asked if they are required by code.

Mr. Latulippe explained that typically with banks, the back of the building houses the operations of the bank and the employees park in the spaces in the rear, leaving the side of the building for customer parking.

No one testified in favor or opposition.

Mr. Davie explained that he does not have an issue, as he sees the hardship because of the unique shape of the lot, the safety concern with the waste vehicles moving in and out, and complying with the parking requirements.

Mr. Winters agreed.

Mr. Monahan agreed.

Mr. Wallner agreed.

Chair Carley agreed.

On a motion made by Mr. Winters, seconded by Mr. Monahan, the **Board voted 5-0 to grant** variances from Sections 28-4-1(d) *Minimum Yard Requirements* and (h) *Table of Dimensional Regulations*, to permit a structure (refuse container and loading area enclosure) within 26 feet of the rear property line, where a minimum distance of 30 feet is required, and within 5 feet of the side property line, where a minimum distance of 25 feet is required; and, Section 28-7-14(d) *Setbacks for Refuse Container Loading Areas*, to permit a refuse container and loading area within 5 feet of the side property line, where a minimum distance of 10 feet is required, to allow maintaining the existing side setback of 10 feet 9 inches where a side setback of 15 feet is required, because all of the criteria under RSA 674:33 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.

Findings of Fact:

1. The variance will not be contrary to the public interest. A variance is contrary to the public interest when it unduly, and in a marked degree, conflicts with the Zoning Ordinance such that it violates the Zoning Ordinance's basic zoning objectives. *Malachy Glen Assocs., Inc. v. Town of Chichester*, 155 N.H. 102, 105 (2007). There are two methods for determining whether a variance would violate a Zoning Ordinance's basic zoning objectives: (1) "whether granting the variance would alter the essential character of the neighborhood" or (2) "whether granting the variance

would threaten the public health, safety or welfare". Harborside Assocs., .P. v. Parade Residence Hotel, LLC, 162 N.H. 508,514 (2011).

The requested variances will be in the public interest as they will allow the Applicant to safely, properly and conveniently manage its solid waste consistent with the purpose of Zoning Ordinance and other applicable ordinances and regulations. As the proposed refuse container and loading area will be enclosed with appropriate fencing, it will not readily visible from any other property. The location of such facilities therefore will not be out of character with the neighborhood or threaten the public health, safety or welfare, and the requested variances will not be contrary to the public interest.

2. The spirit of the Ordinance is observed by granting the variance. The requirement that a variance not be "contrary to the public interest" is "related to the requirement that the variance be consistent with the spirit of the Zoning Ordinance." Malachy Glen, 155 N.H. at 105. Among the purposes of the Zoning Ordinance is to "protect and promote the public safety, convenience, comfort, aesthetics, prosperity, health, general welfare and quality of life" of the City's residents and to prevent pollution. See Zoning Ordinance, §28-1-5. The proposed location of the enclosed refuse container and loading area will provide a safe, convenient, and efficient location for solid waste management on the Property without detriment to any other property. Granting the variances therefore will not be contrary to the spirit and intent of the Zoning Ordinance.
3. Substantial justice will be done by granting the variance. The "substantial justice" element of a variance is guided by two rules: that any loss to the individual that is not outweighed by a gain to the general public is an injustice, and whether the proposed use is consistent with the area's present use. Malachy Glen, 155 N.H. at 109. In this case, the loss to the Applicant in denying this variance would be preventing the reasonable and beneficial location for solid waste management on the Property that is not out of character with the neighborhood. On the other hand, there is no benefit to the public in strict enforcement of the terms of the Zoning Ordinance. Granting the variances therefore will result in substantial justice.
4. The values of surrounding properties will not be diminished. As the Property is in a busy commercial area and the proposed refuse container and loading area will be screened and not readily visible from any other property, the requested variances will not diminish the value of surrounding properties.
5. Denial of the variance would result in unnecessary hardship because: a. The zoning restriction as applied to the property interferes with the reasonable use of the property: The Property is in a busy commercial area. The proposed location of the enclosed refuse container and loading area will not alter the essential character of the area and will allow for safe, convenient, and efficient solid waste management. A strict application of the zoning requirements in this case will result in the placement of solid waste management facilities and processes in a location that will either create potential safety issues with cars or pedestrians coming to the Property or impede the safe and orderly business operations within the building or on the site. b. No fair and substantial relationship exists between the general purposes of the Zoning Ordinance and the specific restrictions on the property because: As noted above, the purposes of the Zoning Ordinance are, among others, to "protect and promote the public safety, convenience, comfort, aesthetics, prosperity, health, general welfare and quality of life" of the City's residents and to prevent pollution. See Zoning Ordinance, §28-1-5. The location of the proposed enclosed refuse container and loading area will provide a safe, convenient, and efficient location for solid waste management on the Property without detriment to any other property, supporting the objectives of the Zoning Ordinance. Strict compliance with terms of the Zoning Ordinance, on the other hand, will cause safety issues and impede the safe and orderly business operations within the building or on the site. There is therefore no fair and substantial relationship between general purposes of the Zoning Ordinance and the specific requirements at issue in this case.

Chair Carley discussed the extension to the variance for Walmart.

Ms. Skinner noted that the applicant likely did not feel that they needed to appear since it was a request to extend.

Mr. Winters did not see why the same reasons would not apply again, but he was concerned with the reason for the extension.

Ms. Skinner explained that Walmart is moving into a larger remodel in 2026. The extension will end in January of 2026 and they will need to come back if they don't receive the sign permits prior to the expiration date.

Mr. Hall noted that Walmart has delivered a very large renovation package.

The Board discussed their options.

On a motion made by Ms. Perkins, seconded by Mr. Monahan, the **Board voted 4 in favor to 1 opposed (Winters) to grant** the one-year extension request of ZBA 0012-2022 to extend its approval to January 4, 2026, and to adopt the applicant's proposed findings as the Board's findings of fact.

Findings of Fact:

1. Explain the good faith effort that was made to commence the use or construction which was authorized by the variance. The approval for the signs was given in January 2023. Due to the cold weather conditions in January, Walmart was unable to paint and install signs at that time of year and decided to roll the paint and sign project into a larger remodel project that will take place in 2026.
2. Explain why the delay in commencement was beyond the applicant's control. The delay in commencement was due to cold weather conditions at the time of year and Walmart wanted to complete the signs and paint at the same time. The project was rolled over into a larger remodel project that will take place in 2026.
3. Explain why the circumstances relating to the property and the surrounding neighborhood have not changed substantially since the date of the original decision. The circumstances have not changed substantially since the date of the decision. The increase in signage will result in a better vehicle and pedestrian flow of traffic allowing customers better directional options for the different department in Walmart.

5. Review and acceptance of Minutes from November 6, 2024

On a motion made by Mr. Wallner, seconded by Mr. Winters, the **Board voted 5-0 to approve** the minutes from November 6, 2024.

6. Any other business that may legally come before the Board

7. Adjourn

On a motion made by Mr. Wallner, seconded by Ms. Perkins, the **Board voted 5-0 to adjourn** at 8:10 PM.

*Respectfully Submitted,
Deborah Tuite*