



nobis

February 13, 2026
File No. 100661.000

City of Concord – Planning Board
41 Green Street
Concord, NH 03301

Re: 2025-015 210 Bog Rd SPR - Amendment Narrative & Waiver Request
NHSCOT Cultural Center
Tax Map 32Z, Lot 59
125 River Road & 210 Bog Road
Concord, NH 03303

Amendment Narrative:

On behalf of NHSCOT, the applicant respectfully requests an amendment to the approved Major Site Plan Permit (2025-015), conditionally approved by the City of Concord Planning Board on April 16, 2025. The proposed amendment pertains to Precedent Condition (a)(1)(L):

(a)(1)(L) Section 18.11 Perimeter Buffers require that landscape buffers set forth in Section 28-4-2 of the Zoning Ordinance shall also be provided for non-residential uses in both residential and mixed-use zoning districts. The Zoning Ordinance does not have a buffer requirement for non-residential uses in residential zoning districts, but in cases of conflict the strictest condition applies. Accordingly, the site plan and landscaping plan sheets shall be revised to show and label the required 30-foot-wide landscape buffer and the landscape plan shall be revised to show how the buffer option (1, 2, 3, 4, or 5) is being provided along the western boundary for 400 feet (200 feet to the north and 200 feet to the south of the narrow point) (see attached Exhibit A).

This condition was added based on concerns raised at the Planning Board hearing by an abutter regarding screening along the southern property line of the River Road parcel. Exhibit A referenced in the Notice of Decision was not presented at the public hearing and was subsequently prepared by City staff.

Following the meeting, the project's landscape architect completed a targeted tree survey and revised the plans to comply with the condition. However, the landscape architect advised that compliance with the condition would likely be unsuccessful in achieving the desired screening in the long term, and would come at an exorbitant expense.

Over the past several months, the applicant has worked directly with the abutter at issue to develop a focused planting plan that better addresses his concerns regarding screening, and results in plantings that are more likely to thrive in that location long-term, while still meeting the purpose and intent of the Site Plan Regulations. The details of the revised plantings are set forth in the other waiver requests submitted herewith.

Accordingly, the applicant requests removal of Precedent Condition (a)(1)(L).



Waivers Requested:

1. **Section 18.11 Perimeter Buffers:** Landscaping and screening in residential district buffers shall be provided as set in forth Article 28-4-2, Buffer Requirements for Residential District Boundaries of the City of Concord Zoning Ordinance. Landscaping buffers set forth in Article 28-4-2, shall also be provided for residential uses to be developed in both residential and mixed use zoning districts. Landscape buffers set forth herein may be required by the Planning Board, in whole or part, to buffer existing residential uses in a non-residential district unless the use is an allowable accessory use to a non-residential use. In addition to conformance with the requirements of Article 28-4-2, Buffer Requirements for Residential District Boundaries of the City of Concord Zoning Ordinance, buffer plantings shall be provided in accordance with Section 26, Buffers and Screening herein, and Section 27, Landscaping and Erosion Control of these regulations.

A waiver is requested from the requirement to provide perimeter buffers as set forth in Article 28-4-2. This project is a non-residential use within a residential zoning district, and the Zoning Ordinance does not require landscape buffers for this circumstance. City Staff previously determined that the requirements of Article 28-4-2 nonetheless apply due to incorporation by Section 18.11 above, and the Board imposed condition of approval (a)(1)(l), referenced above, to address this requirement. The applicant's landscape architect has advised that strict compliance with the buffer requirement in accordance with condition (a)(1)(l) of the approval will not achieve the purpose and intent of the buffer requirement. Specifically, due to the existing mature vegetation, new plantings will be unlikely to survive. Further, the area is relatively rural and forested, and the new vegetation is likely to be devastated by wildlife. Finally, the required buffer does not provide adequate screening from the abutter's perspective. Accordingly, the applicant has developed the proposed landscape plan in concert with its landscape architect and abutter, which will provide ample (and better) screening that is likely to thrive long-term, at a significantly lesser cost.

2. **Section 27.07(4) Biodiversity:** Proposed trees shall be selected to encourage biological diversity. No more than twenty five (25%) percent of the trees to be planted in any development shall be of the same species. When more than 100 trees are to be planted, no single tree species shall consist of more than fifteen percent (15%) of the total planted. No more than twenty five percent (25%) of the trees to be planted shall be classified as ornamental trees, and the balance of the required trees shall be deciduous shade trees.

A waiver is requested from the strict species-mix requirements to allow a resilient, wildlife-resistant planting palette tailored to site conditions and high wildlife presence.

Criteria for Waivers:

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

The waivers will not adversely affect public safety, health, welfare, or neighboring properties. The site retains substantial mature vegetation, and targeted supplemental plantings address the only identified canopy gap. This approach preserves visual screening, avoids unnecessary disturbance, and results in no adverse environmental, stormwater, traffic, or neighborhood impacts.

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

The property's physical and environmental characteristics are distinctive and not generally applicable to other sites. The combined parcels total more than 57 acres with significant grade changes, steep slopes, and a narrow bottleneck west of the main building where the only meaningful canopy gap exists. The property is heavily wooded and subject to unusually high deer browse pressure, directly affecting plant survivability. These unique conditions warrant a tailored approach rather than strict application of generalized buffer and biodiversity standards.

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

Due to the site's size, topography, configuration, and existing development, strict compliance with the buffer and biodiversity standards would result in unnecessary hardship. The landscape plan required to comply with the condition of approval will cost several hundred thousand dollars. And, that landscaping is unlikely to be viable long term, being surrounded by dense mature vegetation, and threats from wildlife. The required buffer was imposed in an effort to address the abutter's concerns with screening. However, the abutter has expressed that the compliant design does not address his concerns. Therefore, strict compliance with the buffer requirement would impose an unnecessary hardship on the applicant. Likewise, enforcing biodiversity ratios would require planting species with low survivability on this wildlife-active site, resulting in repeated failures, avoidable cost, and no functional improvement. Granting the waivers avoids unnecessary disturbance while maintaining all intended protections.

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

The intent of the buffering and biodiversity standards—protecting abutters, maintaining landscape quality, and ensuring functional, long-term screening—is fully achieved through the targeted, site-specific planting plan developed collaboratively with the abutter. The focused approach improves screening where needed, preserves mature woodland elsewhere, and utilizes species proven to survive on this heavily wooded, wildlife-active site. The waivers enable a more effective and environmentally responsible outcome than strict regulatory application.

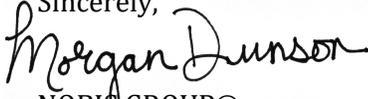
- 5) *The waivers will not in any manner vary the provisions of the Zoning Ordinance, Master Plan Reports, or Zoning Map.*

The waivers do not alter or conflict with any provisions of the Zoning Ordinance, Master Plan, or Zoning Map. The buffer waiver removes application of a standard that does not apply to non-residential uses within a residential district. The biodiversity waiver modifies only a Site Plan Regulation standard and does not affect zoning use, dimensional requirements, district boundaries, or long-range planning objectives.



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

Sincerely,


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