



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

MEMORANDUM

TO: Planning Board

FROM: AnneMarie Skinner, AICP, City Planner

RE: Extension Request – 2022-59 7 Break O’Day Dr. Major Site Plan

DATE: July 23, 2025

TFMoran and Concord Commitment, LLC have submitted a request for a one-year extension of the major site plan, architectural design review, and conditional use permit approvals for Phase 1 of a 45,000-square-foot charitable gaming facility at 7 Break O’Day Dr. When considering this request, the Board should consider the following:

1. On June 21, 2023, the Planning Board granted conditional major site plan approval for Phase 1 of a 45,000-square-foot charitable gaming facility at 7 Break O’Day Dr. in the Gateway Performance (GWP) District.
2. Per Section 28-9-4(b)(7) of the Zoning Ordinance, if the use or construction so authorized by granting conditional use permit has not commenced within a two-year period from the date of the decision of the Planning Board, then the conditional use permit shall be deemed to have expired and the Planning Board’s decision shall be considered null and void. Upon request, submitted prior to the date of expiration, the Planning Board may extend the period of validity of a conditional use permit for one additional year provided that the applicant presents evidence of a good faith effort made to commence the use or construction so authorized by the conditional use permit, that the delay in commencement was beyond the applicant’s control, and that the circumstances relating to the property and the surrounding neighborhood have not changed substantially since the date of the original decision.

The conditional use permit approval for the wetland buffers disturbance was granted on May 17, 2023. Staff notes that the delay in construction was due to litigation that were beyond the control of the applicant. The circumstances relating to the property and surrounding neighborhood have not changed substantially. This request will extend the conditional use permit approval to September 1, 2026.

3. Per Section 28-9-4(f)(9) *Expiration of Approval* of the Zoning Ordinance, if a project or permit, for which an application for architectural design review has been approved, has not been initiated or exercised within two years from the date of the Planning Board’s

decision, then the approval shall be deemed to have expired and the Planning Board's decision rendered null and void. Upon request, submitted prior to the date of expiration, the Planning Board may extend the period of validity of an architectural design review approval for one additional year.

Architectural design review approval was granted on May 17, 2023. Staff notes that the delay in construction was due to litigation that was beyond the control of the applicant. This request will extend the architectural design review approval to September 1, 2026.

4. Per Section 7.08(9) *Expiration of Approval* of the Site Plan Regulations, approved site plans shall meet all precedent conditions and obtain the signature of the Chair and Clerk of the Planning Board within one year of the date of the Planning Board meeting where conditional final approval was granted; otherwise, said plans shall be null and void.
5. Per Section 11.09(8) *Extension of Approvals* of the Site Plan Regulations, at the request of the applicant, the approval of a major site plan may be extended for one year by the Board.
6. The applicant has not met all precedent conditions and obtained the signature of the Chair and Clerk of the Planning Board as of the date of this memorandum, nor does the applicant anticipate meeting the precedent conditions and obtaining the required signatures by the expiration date of September 1, 2026.
7. Accordingly, the applicant submitted an extension application on July 15, 2025, requesting the allowed one-year extension referenced in #5 above.
8. Neither the Zoning Code or the Site Plan Regulations provide requirements for a public hearing for an extension request.
9. This is the first extension request for the project.
10. Approval of the request will extend the expiration date of the major site plan approval, architectural design review approval, and conditional use permit approval for disturbance to wetland buffers to **September 1, 2026**.