



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

Staff Report for Planning Board
Meeting on March 18, 2025
Project Summary – Conditional Use Permit

Project: CUP to permit Residential Units on first floor (2026-015)
Property Owner: Housing Benefits Inc
Applicant: Families in Transition
Project Address: 9 Odd Fellows Ave
Tax Map Lot: 7411Z 7

Determination of Completeness:

Per Section 34.05 of the Site Plan Regulations, a completed application for a conditional use permit without a companion site plan application will contain the required information listed in Section 14.02 *Design Review Phase* of the Site Plan Regulations and will be legible and competently prepared.

In making a determination of completeness, 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 the application is determined complete, the Board shall then open the public hearing.**

This application is not subject to site plan review (see item 1.2 below), and as such the Planning Division has determined that the narrative Conditional Use Permit application contains sufficient information and detail for a full review and action by the Board.

As such, the Planning Division recommends that the Board move to:

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

Project Description:

The applicant (Families in Transition) is proposing to convert the existing structure from office spaces on the first-floor to become three (2) bedroom units. Families in Transition (FIT) provides housing and related services for those community members who are housing unstable, homeless and/or chronically homeless. FIT has been housing low-income individuals and families for over 20 years.

The City obtained a \$25,000 Community Development Block Grant (CDBG) in 2025, which was sub-granted to FIT for a planning study to determine if their facilities in Bicentennial Square (5 Market Lane and 9 Odd Fellows Avenue) could accommodate additional affordable residential units. The results of the study indicated that 4 additional units were possible at the 2 facilities.

Based on the resulting feasibility study, FIT has requested (and the City Council has approved in November 2025) an application for an additional \$500,000 in CDBG grant funding to help facilitate the conversion of an underutilized office space into a one-bedroom residential unit at 5 Market Lane, and convert underutilized conference room and office spaces into 3 two-bedroom units at 9 Oddfellows Av. While zoning relief has previously been granted to FIT in 2002 for the Market Lane portion of the project, the conversion at 9 Oddfellows Lane requires a Conditional Use Permit to allow the use of the 1st floor space for non-commercial use as permitted by Section 28-5-48 of the Zoning Ordinance.

Compliance:

The following analysis of compliance with the Zoning Ordinance and Site Plan Regulations is based on a 1-page conditional use permit narrative, undated; and, a 32-sheet renovation package dated June 16, 2025, prepared by Dennis Mires.

1. Project Details and Zoning Ordinance Compliance:

Zoning District:	Central Business Performance (CBP) District
Existing Use:	Office/ Apartments
Proposed Use:	Apartments
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

- 1.1 The Planning Division conducted a zoning compliance review of the project on February 6, 2026 and determined that the project as submitted is compliant with the Zoning Ordinance, should the Board grant the requested Conditional Use Permit.
- 1.2 The project is exempt from site plan review per section 28-9-4(3)(b), which states: *Those residential and nonresidential projects proposed for the Central Business Performance District (CBP) that meet the threshold criteria in Sections [28-9-4\(d\)\(1\)\(j\)](#) or [28-9-4\(d\)\(2\)\(g\)](#) and that otherwise do not meet any of the remaining threshold criteria for either major or minor site plan review.* A waiver request is not required, as the project is exempt from submitting a site plan under the Zoning Ordinance.

2. General Comments:

- 2.1 Staff notes that Section 34.04 of the Site Plan Regulations outlines the procedures for a Conditional Use Permit request that is independent from (or does not require) a formal site plan approval from the Planning Board. Further, Staff notes that Section 34.05(4) authorizes the Clerk to determine that the requirements of Section 14.02 (as would typically be used for a Conditional Use Permit application) may not be relevant for the particular circumstances of the site or proposed use, for which a conditional use permit is requested. The Clerk has determined that none of the requirements of Section 14.02 are relevant to the application before the Board. Therefore, no waivers are necessary for this application.
- 2.2 The Fire Department performed a review of this application and had no additional comment.

- 2.3 The General Services Department performed a review of this application and had no additional comment.
- 2.4 The Assessing Department performed a review of this application and had no additional comment.
- 2.5 The Engineering Services Division's general requirements are noted in the attached memo to Kearsten O'Brien from Paul Gildersleeve and Pete Kohalmi, dated March 3, 2026.

3. Variances:

- 3.1 No variances are requested.

4. Waivers:

- 4.1 No waivers are requested.

5. Conditional Use Permits:

- 5.1 The applicant requests approval for a conditional use permit pursuant to Section 28-5-48(i), *Conditional Use Permits Required Ground Floor Occupancy Transparency* to allow for the residency on the ground floor of a building within the Central Business Performance (CBP) District.

The applicant addressed the required criteria for Section 28-9-4(b) *Conditional Use Permits* for the principal use as follows:

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

Review: The applicant states: "Multifamily dwellings are a use permitted by right in commercial districts as listed on the table of principle uses." **Staff concurs with the applicant's statement.**

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

Review: The applicant states: "The renovation as planned will comply with all of the requirements of this article and with any specific or special conditions or standards established in this ordinance for the particular use." **Staff notes that the development proposed by this application is to renovate the existing structure to be a consistent single use instead of a mixed-use building. The use is compliant with the requirements of the Zoning Ordinance, provided the conditional use permit approval is granted.**

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

Review: The applicant states: "The entirety of the proposed project will take place within the existing building envelope posing no hazard to public health or safety." **Staff is unaware of any public health or safety dangers by the proposed by interior renovations to convert office space into residential units.**

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

Review: The applicant states: "The property located at 5 Market Ln, immediately across Odd Fellows Way from this property currently contains first floor residences similar to those proposed in this application, as do others within this district." **Staff notes that the use of 5**

Market Lane received a variance in 2002 to allow for the use of the first floor to be residential units.

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

Review: The applicant states: “The entirety of the proposed project will take place within the existing building envelope, it poses no hazard to highway or pedestrian safety.” **Staff is unaware of any adverse impacts to highway and pedestrian safety that will occur as the result of the proposed use and concurs with the applicant’s response.**

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

Review: The applicant states: “The entirety of the proposed project will take place within the existing building envelope and will have no effect on the natural, environmental, or historic resources of the city.” **Staff recommends the Board find that this criterion is satisfied by the applicant’s proposal.**

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

Review: The applicant states: “The existing utilities are sufficient to support the project as outlined, existing community facilities are sufficient to support the addition of three families without necessitating significant public expenditure to expand these services.” **Staff recommends the Board find that this criterion is satisfied by the applicant’s proposal.**

Staff reviewed the narrative, found the criteria satisfactorily addressed, and supports granting the conditional use permit for the conversion off office space to residential units.

6. Architectural Design Review:

- 6.1 No architectural design review is required.

7. Conservation Commission:

- 7.1 No conservation commission review is required.

8. Recommendations:

- 8.1 Staff recommends that the Planning Board discuss and 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 motion outlined below:

- 7.2 **Grant the conditional use permit** from Section 28-5-48(i), *Conditional Use Permits Required Ground Floor Occupancy Transparency* to allow for the residency on the ground floor of a building within the Central Business Performance (CBP) District at 9 Odd Fellows Ave, as presented.

Prepared by: KOB



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

Michael S. Bezanson, PE
City Engineer

MEMORANDUM

TO: Kearsten O'Brien, Senior Planner
FROM: Paul Gildersleeve, PE, Project Manager and Pete Kohalmi, PE Associate Engineer
DATE: March 3, 2026
SUBJECT: 5 Market St and 9 Odd Fellows Avenue- CUP – Engineering Review
5 Market St and 9 Odd Fellows Avenue; Map 7411Z, Lots 9 and 7, respectively;
City Project 2026-015

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

- Project Narrative by Families in Transition, received February 11, 2026
- Feasibility Study by Dennis Mires, The Architects, dated June 16, 2025

1. General Comments

- a. Provide a video of the two sewer services to ensure they have integrity for the new flows, pursuant to City of Concord Ordinance 28-9-4(b)(4)(g).

State/Federal Permits

The project will require the following state and/or federal permit(s) associated with the site design:

None

Per Site Plan Regulation 13.02 (8) and/or Subdivision Regulation 13.02 (10), a copy of State and Federal permit(s) shall be submitted to the City prior to final approval.

Post-Approval/Pre-Construction Requirements

The following items are required prior to the start of construction:

1. The following permit(s) will need to be obtained from the Engineering Services Division:
 - Utility-Connection (Water and Sewer)
 - Other permits deemed necessary by the City Engineer

Please note that all Engineering permits must now be applied for online using the City's new Citizen Self Service (CSS) Permit Portal, which can be found here:

<http://concordnh.gov/1915/Engineering-Permits-Fees>

Construction Requirements

1. Shop drawings/submittals shall be submitted to Engineering for the proposed water, sewer, drainage improvements as applicable.
2. Per Site Plan Regulation 12.09, prior to issuance of a Certificate of Occupancy (CO), the contractor shall submit digital as-built drawings that are to the satisfaction of Engineering and conforming to the Engineering as-built checklist. A copy of the as-built drawing requirements is available on the Engineering Services Division section of the City of Concord website.