

Raymond Bellia, Applicant
3 Merrimack Street, Penacook; 1412/P 62
CUP Application

Relief Requested

The Applicant (*Raymond Bellia*) request a Conditional Use Permit (“CUP”) pursuant to the **Concord Zoning Ordinance (“CZO”) Section 28-5-48 (a)**, to allow for ground floor residential units to be permitted for the re-purposing of 3 Merrimack Street, Penacook, NH, which was historically used as a Library. The property is sometimes referred to as Map 1412/P, Lot 62. The current owner of the property is the City of Concord (the “Property”).

Background/Facts

The Applicant desires to purchase and re-purpose the existing former Library building into a multi-family residential Property.

The Property is zoned Central Business Performance (CBP) and is currently developed with a 2-story commercial building, with frontage along Merrimack Street (Penacook), that was once used as a Library. The structure was built in 1900 according to the City’s tax records.

Relief is needed from both the Zoning Board of Adjustment (ZBA) to allow for a multi-family in the CBP, as well as the Planning Board for the CUP to allow for the ground-floor residential use.

The Applicant desires to secure the *use* prior to any more complicated submissions. Furthermore, given the timing of the City of Concord’s submission schedule for its land use boards and, in relation to the terms of the Applicant’s Purchase and Sale (P&S), the CUP makes sense to do first from a scheduling standpoint.

CUP Criteria

As per the CZO, in order to allow the residential use on the Ground Floor of the proposed structure, a CUP must be sought in accordance with Section 25-9-4 (b), as well as the criteria set forth at Section 25-9-4 (b) (4) below:

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

The use of multi-family is allowed in the applicable zone; however, the proposed ground floor use as residential is restricted to non-residential uses as per **Section 28-5-48 (a)** of the CZO.

A CUP may be sought as per **Section 28-5-48 (a)** to seek relief from this provision of the CZO.

As such, the use is allowed, provided, the Applicant secures the within relief.

b. **If completed as proposed by the applicant, the development in its proposed location will comply with all requirements of this Article, and with the specific conditions or standards established in this ordinance for the particular use;**

Yes.

Notably, there is other relief that will have to be sought. Assuming the CUP for this use is granted the Applicant still needs to seek a Variance from the ZBA to allow the use of a multi-family in the CBP.

The Applicant will agree to any reasonable conditions for approval, which would, of course, involve any additional relief that the City of Concord advises the Applicant to seek.

c. **The use will not materially endanger the public health or safety;**

The proposed re-purposing of the existing building is in the furtherance of public health and safety. The Property currently is not being used and poses a risk as an *attractive nuisance*.

Furthermore, the Applicant is proposing additional residential units at a time where the country is experiencing a housing crisis. These units will appeal to the people that cannot afford a single-family home in this economy.

Finally, a residential use is much less taxing on the surrounding area from a health and/or safety standpoint than the already-allowed commercial use on the ground floor. Residential uses tend to have less traffic and produce less noise than a commercial use.

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;**

The surrounding area is mixed-use and there are many multi-family buildings in the area. Thus, the use is compatible with the neighborhood.

e. **The use will not have an adverse effect on highway or pedestrian safety;**

The proposed use is residential which has minimal impact on traffic and pedestrian safety. The proposed use will not add significantly to the traffic coming and going from the Property. There is an existing parking area and the street is ‘off the beaten path’ somewhat from Village Street.

There is no reason to suspect the proposed use will negatively impact any traffic or pedestrians.

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

The building is being repurposed. Therefore, very little will change.

In fact, the Applicant will be retaining the historic feel of the building, which is in line with the requirements of this subsection.

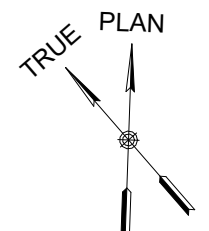
The Property has city water/sewer so the proposal will have no significant impact on the surrounding area’s resources (*i.e., no septic setbacks at issue, etc.*).

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.**

Again, the Property has city water/sewer so it is served by the necessary public utilities.

The ‘bones’ of the existing structure make this project a logical next chapter for the former Library building.

Finally, the use is an appropriate one for the zone.



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SCHEMATIC DESIGN

CLIENT INFO:

LANGLEY CONSTRUCTION
14A TATRO DR
GOFFSTOWN, NH 03045

3 MERRIMACK ST EXISTING CONDITIONS

[illegible]

JOB NO: 1-26-114

DATE:	MAY 2026
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SCALE:

DESIGNED BY: -

DRAWN BY: AJW

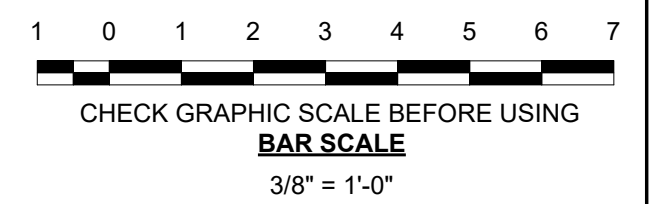
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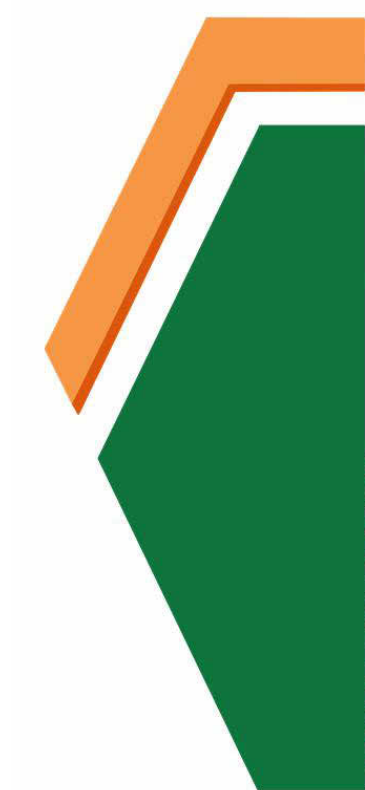
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BASEMENT - EXISTING CONDITIONS

DRAWING NO:

A.101





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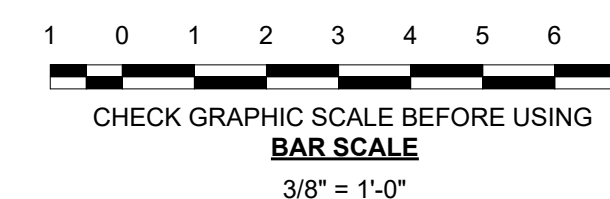
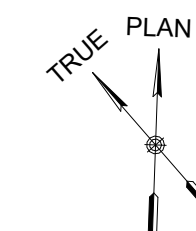
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BASEMENT - PROPOSED PLAN

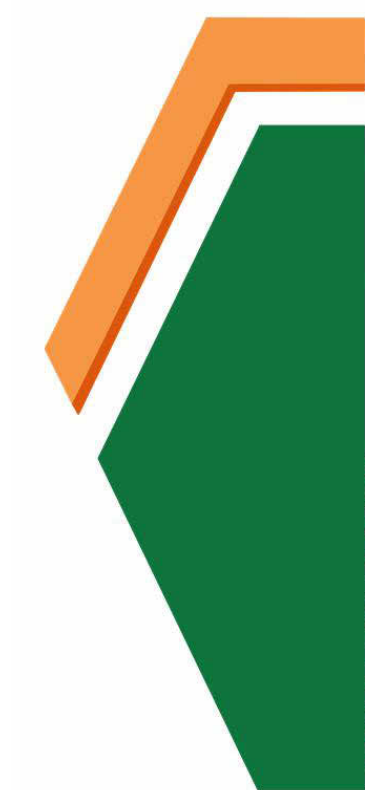
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BASEMENT - PROPOSED PLAN

SCALE: 3/8" = 1'-0"



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3 MERRIMACK ST
EXISTING CONDITIONS

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SCALE:

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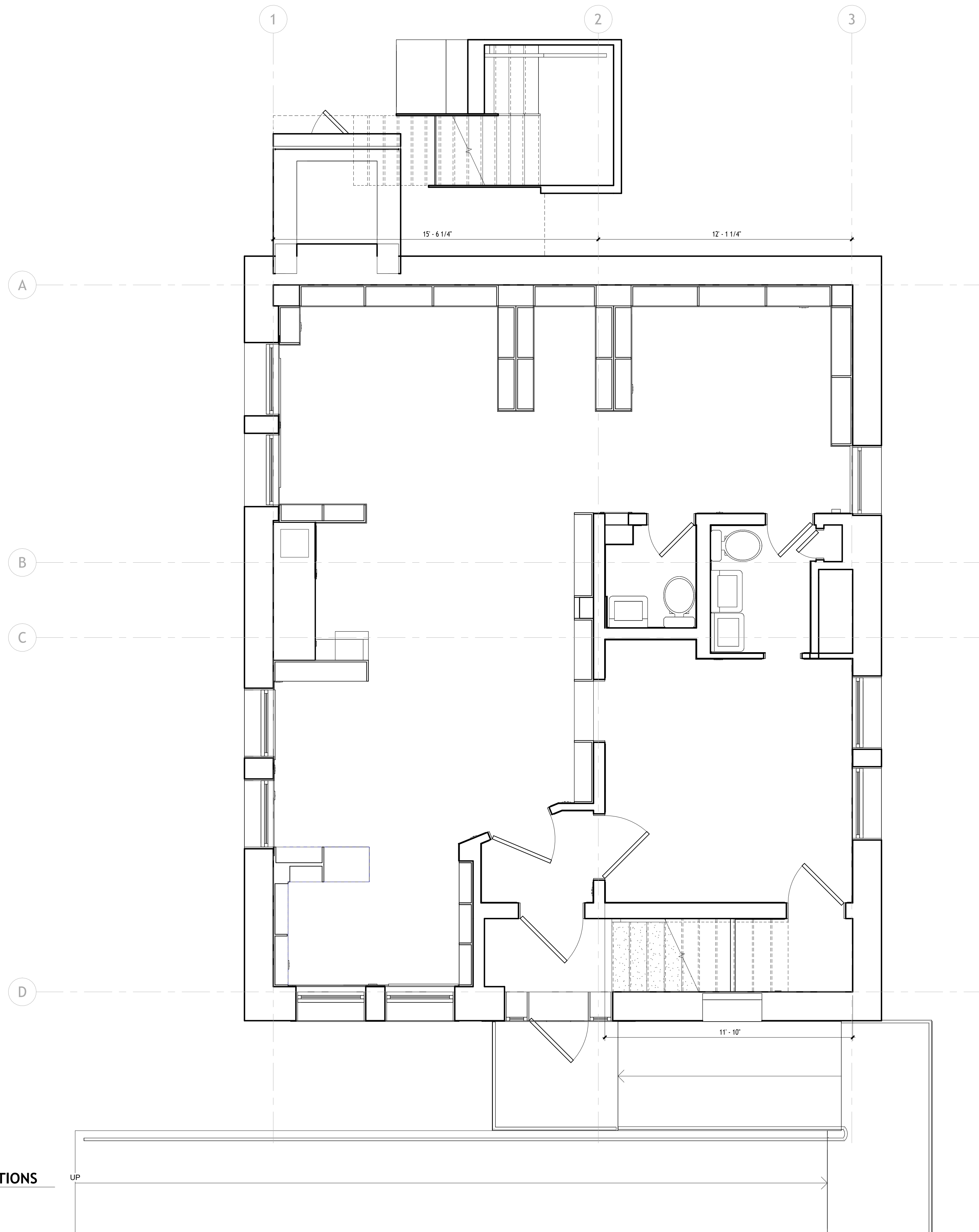
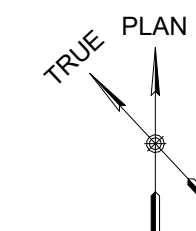
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FIRST FLOOR - EXISTING CONDITIONS

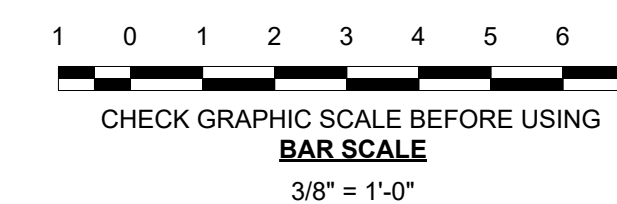
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A.103



FIRST FLOOR - EXISTING CONDITIONS

SCALE: $3/8" = 1'-0"$



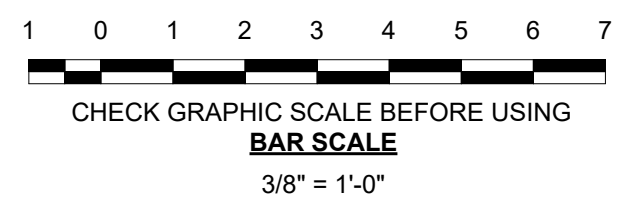
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SCHEMATIC DESIGN

3 MERRIMACK ST
EXISTING CONDITIONS

DOB NO:	1-26-114
DATE:	MAY 2026
SCALE:	
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A.106





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3 MERRIMACK ST
EXISTING CONDITIONS

[illegible]

JOB NO: 1-26-114

DATE: MAY 2026

SCALE:

DESIGNED BY: -

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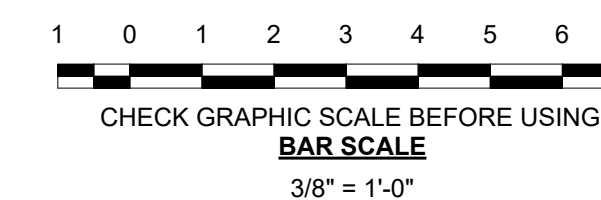
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DRAWING TITLE:

SECOND FLOOR - DESIGN CONCEPT PLAN

DRAWING NO:

A.109



DESIGN CONCEPT - OPTION 2

SCALE: 3/8" = 1'-0"

CONDITINAL USE PERMIT APPLICATION CHECKLIST

Project Name: 3 Merrimack Street

Date: 6/17/2026

Per Tim Thompson, no site plan is required for this project - the following applies to the floor plans submitted

SECTION 12 General Requirements for All drawings

12.02 All Applications:

- No Seal
- ☒ (1) *Title Block:*
 - ☒ (a) Title of plan;
 - ☐ (b) Name and address of the owner and applicant; **Prepared for Langley Construction, applicant's contractor**
 - ☒ (c) The date the plan was prepared and date of subsequent revisions; and
 - ☒ (d) Name, address and seal of the licensed professionals who prepared the plan.
 - ☒ (2) *Scale.*
 - ☒ (3) *North Arrow and Bar Scale* except for detail drawings.

12.03 Plan Certification:

- ☐ (1) A New Hampshire Licensed Land Surveyor shall prepare, sign and seal the existing condition plan.
- ☐ (2) A New Hampshire Licensed Professional Engineer shall prepare, sign and seal all plans where grading, drainage and utility information is proposed.
- ☐ (3) Landscape plans shall be prepared by a New Hampshire Licensed Landscape Architect who shall sign and seal the landscape plan(s).
- ☐ (4) Architectural elevations shall be signed or sealed by a New Hampshire Licensed Architect, or a New Hampshire Licensed Professional Engineer, as allowed by the State of New Hampshire professional licensing boards.
- ☐ (5) Where wetland boundaries are required to be delineated, the delineation shall be performed by a New Hampshire Certified Wetland Scientist who shall sign and seal the plan upon which the wetland boundaries are mapped.
- ☐ (6) Where soils are required to be identified, classified, and delineated, the identification, classification, and delineation shall be performed by a New Hampshire Certified Soil Scientist who shall sign and seal the plan upon which the soils are mapped.

12.04 Location Plan: Each site plan application shall have on the site plan, or a cover sheet, a detailed location plan prepared at a minimum scale of 1"= 400' showing clearly the following information:

- ☐ (1) Proposed property to be developed;
- ☐ (2) Property lines;
- ☐ (3) Abutter's property lines;
- ☐ (4) Names and locations of nearby and adjacent City streets;
- ☐ (5) Names and locations of adjacent water bodies and watercourses;
- ☐ (6) Names and locations of nearby and adjacent parks, schools, churches, and other significant physical and man made features;
- ☐ (7) Nearest street intersections;
- ☐ (8) The tax assessor's map, block and lot number for abutters and the properties to be developed;
- ☐ (9) Zoning district designations and boundaries; and
- ☐ (10) Other special information which may be required by the Planning Board.

12.05 Vicinity Plan: Each site plan shall have on the site plan or the cover sheet a vicinity plan prepared at a scale between 1"=1000' and 1"=2000' clearly showing the following:

- ☐ (1) The location of the property to be developed; and,
- ☐ (2) Streets, water bodies, city limits, parks, schools, and other significant physical and man-made features.

12.06 Plan References: The following references shall be included on the site plan and existing condition plan:

- (1) *Certificate of Ownership:* A certificate of ownership identifying each parcel, including which property is owned by each owner, and a deed citation for each deed from the Merrimack County Registry of Deeds;
 - (2) *Easements:* Plan or deed references for recorded easements, whether public or private, on the properties proposed for development; and existing easements on abutting properties, which are for the purposes of providing access, utilities or drainage to the properties proposed to be developed;
 - (3) *Existing Restrictions:* Deed reference and statement of any existing recorded covenants or restrictions relating to the use of the land proposed to be developed;
 - (4) *Prior Subdivisions or Surveys:* Plan references for prior recorded subdivisions or surveys on the properties proposed for development, or abutting said properties proposed to be development; and
 - (5) *Other Plans:* Plan references for applicable road, utility or site improvement plans, which are available in City records or are available to the surveyor or engineer preparing the plans.
- **12.07 Wetland Delineations:** Wetland delineations are to be prepared by a New Hampshire Certified Wetland Scientist who shall sign and seal the existing condition plan and site plan. The date of the wetland delineation shall be noted on the plans.
- **12.09 As-Built Drawings:** Prior to the issuance of a Certificate of Occupancy digital as-built drawings shall be provided conforming to the City Engineering Division's As-Built checklist.

SECTION 13 General Requirements for Documentation

13.01 All Applications: The following information is required for all site plan applications except for Preliminary Conceptual Consultation Phase:

- (1) *Authorization of the Property Owner:* The applicant for site plan review must either own the fee simple interest in the property(s) that is the subject of the review or have written permission of the fee simple owner. All applications shall include written evidence that the fee simple owner of the property has authorized the application and does not object to the application being made. Evidence shall include either the owner's signature on the application or a letter signed by the owner authorizing the submittal of the application.
- (2) *Application Form:* A completed application form endorsed by the owner, or submitted by his agent where written authorization has been provided by the owner. A copy of the owner's written authorization needs to be attached to those applications signed by the agent.
- (3) *Application Fee:* An application fee as set forth in Appendix A, Fees, which are due and payable upon submission or prior to the recording of any documents or plans.
- (4) *Abutters List:* An abutters list including a list of names and addresses of all abutters as indicated in the records of the City Tax Assessor not more than five (5) days before the filing of the application.
- (5) *Zoning Board of Adjustment Actions:* A copy of any actions by the Zoning Board of Adjustment on requests for special exceptions or variances from the City of Concord Zoning Ordinance.
- (6) *State and Federal Permits:* A copy of any application made to a State or Federal agency required for the approval of this site plan, including those required for the development of off-site improvements.
- (7) *Phasing Plan:* A statement describing the proposed phasing of the site plan including the time frame, percentage of total residential and non-residential uses, and the improvements and facilities provided in each phase.
- (9) *Special Investigative Studies or Third Party Reviews:* Special Investigative Studies pursuant to RSA 676:4 I(g), or Third Party Review pursuant to RSA 676:4-b for all or a portion of a site plan application, or impact study, shall be provided where required in accordance with Section 31, Special Investigative Studies – Third Party Review, of these regulations, or as may be specifically required by the Planning Board in order to satisfactorily complete its review of a proposed application.

SECTION 15 Application Requirements for Conditional Use Permit plans

34.01 General.

- (1) A narrative addressing the criteria set forth in the Zoning Ordinance for the Conditional Use Permit(s) requested, and the general criteria for the issuance of Conditional Use Permits in Article 28-9-4(b);
- (2) All items set forth in Section 14.02, Design Review Phase Requirements;

14.02 Design Review Phase Requirements.

(1) Site Analysis Plan shall show:

- (a) Natural Features: The following information both on and adjacent to the site to be subdivided:
 - i. Identification of wetlands and wetland buffers;
 - ii. Vegetation survey showing fields, swamplands, wetlands, grasses, shrubs and trees (deciduous and evergreen);
 - iii. Rock outcrops, ledges, surface water, streams, seasonal or permanent water bodies or water courses including any known flood elevations, as well as identification of high water marks;
 - iv. Important views of and from the site;
 - v. Orientation to the sun and direction of prevailing winds;
 - vi. Contour lines at a minimum of two (2) foot intervals with ten (10) foot contour intervals highlighted;
 - vii. Slopes in excess of fifteen percent (15%) and in excess of twenty five percent (25%);
 - viii. Identification of bluffs and buffers to bluffs;
 - ix. Identification and classification of the extent and types of soils using the USDA Natural Resource Conservation Service System;
 - x. Wellhead protection areas;
 - xi. Wetland Delineation;
 - xii. Wetland buffers; and
- (b) Man-made Features: The following items, both on and adjacent to the site to be developed, are required to be shown at a minimum, but are not exclusive:
 - i. Location of utilities including any specific rights-of-way; the size of sanitary sewers; water mains, storm sewers, including surface and subsurface drainage systems; and non-municipal utilities including overhead transmission lines;
 - ii. Identification of municipal special district boundaries;
 - iii. Location and purpose or use of building and structures;
 - iv. Location of walls, fences and wells;
 - v. Location of existing conservation and open space easements, and easements for utilities, storm drainage, slopes, vehicular and pedestrian access;
 - vi. Public streets and highways and mapped future streets as defined on the Official Map;
 - vii. Railroad tracks and rights-of-way, and airport approach zones;
 - viii. Driveways, curb cuts, and parking lots;
 - ix. Any historic structures or sites listed or eligible for the National or State Registers of Historic Places, and any historic markers;
 - x. Any cemeteries, stone walls or foundations, or known archeological sites; and
 - xi. Public and private recreation areas, parks and open space.
- (c) Proposed highways or other major public improvements planned by public authorities for future construction on or in proximity to the site;
- (d) Planned private improvements on or in proximity to the site, including any previously approved subdivision or adjacent site plan;
- (e) Any other significant man-made or natural features which have relevance to the development of the site; and
- (f) Photographs of the site showing existing features and conditions. Notes shall be made of camera locations, direction, view, and key numbers.

(2) Proposed Site Layout Plan: A proposed site layout plan shall show:

- (a) The approximate location, number, and type of parking spaces, the location of loading areas, interior landscaping, access aisles and storage or display areas for motor vehicles;
- (b) The approximate location of pedestrian and/or bicycle facilities including those along the frontage of the property;
- (c) All driveway and access locations including approximate locations of interconnected parking lots, or other shared access;
- (d) The approximate location and size of buildings and structures;

- (e) The location of perimeter yards, buffer yards and fences, and other landscape or open space areas;
- (f) Tabulations of the gross land area and buildable land area, approximate lot coverage of buildings and impervious surfaces, parking lot area including aisles and driveways, required open space, number of dwelling units, residential density, square footage of non-residential uses, and ; and
- (g) Any proposed impacts to wetlands and bluffs, buffers to bluffs and wetlands, Shoreland Protection (SP) District buffers, and Aquifer Protection Areas.

(3) Site Utility and Drainage Layout Plan: A site utility and drainage layout plan shall show the following:

- (a) The location of existing sanitary sewers and/or septic systems, water mains and/or potable wells, culverts, and existing utility poles;
- (b) Existing utility rights-of-way;
- (c) Existing drainage facilities and the approximate layout of all proposed storm drainage facilities, including detention and retention ponds and drainage swales;
- (d) Preliminary proposals for connection with existing water supply and sanitary sewage systems or alternative means of providing water supply and sanitary waste treatment and disposal; and
- (e) Existing non-municipal utilities on, or adjacent to the site, and the approximate layout of non-municipal utilities proposed.

- **(4) Other Requirements:** The Board may require further detailing of information and additional meetings, before advising the applicant to proceed with a formal application for a major site plan.

LETTER OF AUTHORITY/PERMISSION

The undersigned, being the owner of the property known as 3 Merrimack Street, Concord, NH, Map 7323, Lot Z 41, hereby grants authority and consent to attorneys at Cronin, Bisson & Zalinsky, P.C. and Raymond Bellia to sign and file ZBA and Planning Board applications and any related materials on my behalf and deliver the same to the City of Concord, represent me at any hearing(s) concerning these applications, and perform all other necessary actions in connection with such applications.

SIGNATURE

A handwritten signature in blue ink, appearing to read "Th. Aspell Jr.", written over a horizontal line.

PRINT NAME

Thomas J. Aspell, Jr., City Manager

DATE

6.15.2024