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CITY OF CONCORD

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

Staff Report for Planning Board

Meeting on June 18, 2025
Project Summary – Minor Site Plan

Project: Conversion of office space to dwelling unit (2025-026)
Property Owner: MOR Real Estate Holdings LLC and Allison Street Holdings LLC
Applicant: MOR Real Estate Holdings LLC
Project Address: 61-63 School St
Tax Map Lot: 6444Z 54

Determination of Completeness:

Per Section 7.06 *Determination of Completeness* of the Site Plan Regulations, a completed application will contain the required information listed in Section 15 *Minor Site Plan Submittal Requirements* 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 it is determined that the application is complete, the Board shall then open the public hearing on the application. An application which is determined to be incomplete may be revised and resubmitted to a subsequent meeting of the Board for another determination of completeness.

Section 36.14(1) *Determination of Completeness* provides additional language regarding the determination of completeness, and states that a completed application shall contain all required information for each stage of the application process; shall be legible and properly prepared; shall accurately portray existing conditions; shall be accompanied by copies of special investigative studies; and shall contain sufficient information and detail for a full review and action by the Board.

The Planning Division reviewed the application for completeness based upon the criteria of the Site Plan Regulations and concludes that the application does contain sufficient information and detail for a full review and subsequent action by the Board.

Based upon the Planning Division's review of the application, the Planning Division recommends that the Board move to:

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

The Board has 65 days within which to consider and act on the application once the application is determined complete, per RSA 676:4(I)(c). The 65-day period shall commence upon the date of the

regular meeting of the Board at which the application was accepted as complete. If the Board determines the application complete on June 18, 2025, then the 65-day review period would end on **August 22, 2025**. If the applicant has not demonstrated compliance with the Site Plan Regulations by the end of the statutory timeline (**August 22, 2025**), the applicant may request a postponement or the Board may approve, approve conditionally, or deny the application based on the information provided.

Project Description:

The subject property contains two existing buildings. The first building, which is addressed as 61 School Street, contains two dwelling units and was constructed in 1900. The second building, which is addressed as 63 School Street, is a mixed-use building constructed in 1890, which contains 2 additional dwelling units, as well as commercial office space. The commercial office unit within the building addressed as 63 School Street is currently vacant. The applicant proposes converting the office space into to an apartment unit. As such, this conversion will result in a total of 5 dwelling units at the property, combined.

Compliance:

The following analysis of compliance with the Zoning Ordinance and Site Plan Regulations is based on a narrative, dated March 10, 2025; and a 1-sheet parking plan, dated March 25, 2025, prepared by MJH.

1. Project Details and Zoning Ordinance Compliance:

Zoning District: Civic Performance (CVP) District
Existing Use: Building with one office unit and two apartment units
Proposed Use: Three apartment units (triplex)

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

Zoning Code Item	Required	Existing (no changes to existing proposed)
Minimum Total Area	12,500SF	12,196.80SF, Variance granted June 18, 2025
Minimum Buildable Land	No requirement	No requirement
Minimum Lot Frontage	80 feet	56.3 feet – Variance granted May 7, 2025
Minimum Front Yard	15	Not provided, but no changes to existing front setback proposed
Minimum Rear Yard	15	Not provided, but no changes to existing rear setback proposed
Minimum Side Yard	15	Not provided, but no changes to existing side setbacks proposed
Maximum Lot Coverage	80%	57.5%
Maximum Building Height	45 feet	Existing two-story building. No changes to height proposed.
Off-street Parking	2 spaces per unit 63 School St = 3 units x 2	 6 spaces

	spaces = 6 required spaces 61 School St = 2 units x 2 spaces = 4 required spaces Total Required = 10 spaces, one of the 10 must be an accessible space	4 spaces Total Provided = 10 spaces, no accessible space
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- 1.1 The existing building is a mixed-use building, wherein the applicant proposes changes to the combination of uses. Accordingly, Section 28-5-7 *Conversion of a Nonresidential Building* of the Zoning Ordinance applies. With the approved variances and the condition to identify the required accessible space, the application complies with the Zoning Ordinance.
2. **Comments:**
- 2.1 Per Section 4.02, no building permit shall be issued for the purposes of constructing a new or renovated building or structure, or for the purpose of making exterior alterations to an existing building or structure, or for the purpose of changing the use of land, building, or structure, unless a certificate of approval has first been issued by the City Planning Board as required in the Site Plan Regulations.
- 2.2 Per Section 6.01(1) *Application Required*, whenever any development, redevelopment, or change of use of land, buildings, or structures is proposed, before any building permit for the erection or modification of an existing structure in such proposed development shall be granted, the property owner, or authorized agent, shall apply for and secure site plan approval in accordance with Section 28-9-4(d) *Site Plan Review* of the Zoning Ordinance.
- 2.3 Per Section 6.01(4) *Conformity with Zoning*, for an application to be determined complete, the proposed application must be in conformity with the Zoning Ordinance. Upon review of the application, and with the approved variances, it has been determined that the application is in conformity with the Zoning Ordinance.
- 2.4 The site is an existing, completely developed site with utilities, buildings, landscaping, off-street parking, and impervious surface. The project does not propose any additions to or expansions of the existing buildings, no new or additional impervious surfaces, no exterior building renovations to any building, and no exterior changes to the site. The project only proposes interior changes to one building to accommodate a dwelling unit. Since there are no exterior changes or additions, no new impervious surface, and no exterior site changes, most of the plan details and data required by the Site Plan Regulations as part of the site plan review process are not needed. As a result, the applicant requests multiple waivers, which are addressed in Item 5 of this staff report.
- 2.5 The Assessing Department reviewed the application and had no general comments.
- 2.6 The Engineering Services Division reviewed the application and had no general comments.
- 2.7 The Fire Department reviewed the application and commented that the change of use from an office unit to a dwelling unit does not trigger new code compliancy or installation of a sprinkler suppression system. Other than the sprinkler suppression system requirement, however, adherence to all other fire code requirements shall be required.

2.8 The General Services Department reviewed the application and had no general comments.

3. Compliance with Site Plan Regulations:

The following items from Sections 12, 13, 15, and/or 16 of the Site Plan Regulations are missing from the application, all of which are minimum components necessary to determine the application complete:

3.1 Per Section 15.03 *Existing Condition Plan*, existing conditions may be shown on the site plan where existing and new information can be legibly and clearly shown. Where minimal changes are proposed to the site, the Clerk of the Planning Board may allow the applicant to reduce the amount or extent of the information to be provided in Section 15.03 *Existing Condition Plan*, provided that the proposed extent and impacts of the proposed improvements to the site, and the City at large, can be satisfactorily reviewed and sufficient information is provided for the Planning Board to act on the application. In this case, the site is fully developed, no new or additional construction is taking place, no exterior modifications to the building are proposed, and no changes to the site are proposed. In addition to the Clerk's determining that the information necessary to review the application is shown on the submitted plan sheet, the applicant also **requests waivers** from applicable sections to not provide additional information other than what is presented in the application materials.

The items below are missing from the application, but they are not required as part of the determination of completeness and are, therefore, allowed to be addressed as conditions of approval.

3.2 There are no missing items with the approval of the requested waivers.

4. Variances:

4.1 The Zoning Board of Adjustment granted a variance on May 7, 2025, to allow less than the minimum lot frontage, and granted a variance on June 18, 2025, to allow less than the minimum lot area.

5. Waivers:

5.1 The applicant requests waivers from the following sections of the Site Plan Regulations:

- a. Section 12.02(1)(d) *Title Block*, to not provide the name, address, and seal of the licensed professionals who prepared the plan in the title block, although staff notes that no licensed professionals prepared the plan so there is no information to provide in the title block;
- b. Sections 12.03(1) to (6) *Plan Certification*, to not provide signatures and seals of design professionals on the submitted plan, although staff notes that no design professionals prepared the plans so there are no signatures and seals to provide;
- c. Section 12.06 *Plan References*, to not provide (1) *Certificate of Ownership*, (2) *Easements*, (3) *Existing Restrictions*, (4) *Prior Subdivisions or Surveys*, and (5) *Other Plans* on the site plan and the existing conditions plan;
- d. Section 12.07 *Wetland Delineations*, to not provide wetland delineations or have a wetland scientist sign and seal the existing conditions plan and site plan, although staff notes that this waiver request is not needed because the site does not contain any wetlands;
- e. Section 12.08 *Electronic Submission*, to not provide the as-built electronic submission, although staff notes that this waiver request is not needed because nothing is being done on the site that necessitates as-built drawings;

- f. Section 12.09 *As-Built Drawings*, to not provide as-built drawings, although staff notes that this waiver request is not needed because nothing is being done on the site that necessitates as-built drawings;
- g. Section 13.01(6) *State and Federal Permits*, to not submit copies of state and federal permits required for the conversion, although staff notes that this waiver request is not needed because no state or federal permits are needed;
- h. Section 13.01(7) *Phasing Plan*, to not provide a phasing plan, although staff notes that this waiver request is not needed because there is only one phase to the project;
- i. Section 13.01(8) *Impact Studies*, to not provide any impact studies, although staff notes that this waiver request is not needed because no impact studies are required for this application;
- j. Section 13.01(9) *Special Investigative Studies or Third-Party Reviews*, to not provide any special investigate studies, although staff notes that this waiver request is not needed because no special investigative studies or third-party reviews are needed for this application;
- k. Section 13.02 *Documentation Required Prior to Issuance of a Certificate of Approval*, to not provide documents required by Sections 13.02(1) to (11), although staff notes that this waiver request is not needed because the project does not require any of the documents listed in (1) to (11);
- l. Section 15.01 *Required Information*, to not provide information other than what is shown;
- m. Section 15.02 *Site Plan Requirements*, to not provide information other than what is shown;
- n. Section 15.03 *Existing Condition Plan*, to not provide information other than what is shown; and
- o. Section 15.04 *Proposed Site Plan*, to not provide information other than what is shown.

The applicant provided an analysis of the five waiver criteria listed in Section 36.08 of the Site Plan Regulations, and the criteria in RSA 674:44(III)(e)(2).

Staff reviewed the evidence submitted and supports the waiver requests. The information provided in the application materials is all that is needed to review the project, given that there are no changes proposed to the site; no changes to the existing landscaping or off-street parking and none required; no changes or renovations to the exterior of the existing building and none required; no new impervious surface and none required, thus no need for a stormwater management plan, grading and drainage plan, or erosion control plan; and, no building additions or expansions. Accordingly, staff concurs with the applicant's statement that strict conformance with providing all the data required by the Site Plan Regulations provides little to no informational value in reviewing a project that only proposes interior changes to an existing building.

6. Conditional Use Permits:

- 6.1 No conditional use permits are requested.

7. Architectural Design Review:

- 7.1 Architectural design review is not necessary for this application.

8. Conservation Commission:

- 8.1 No appearances before the Conservation Commission are necessary for this application.

9. Recommendations:

- 9.1 Staff recommends that the Planning Board **adopt the findings of fact**, which include: information provided in staff reports; the applicant's submission materials; testimony provided during the public hearing; and, other documents or materials provided in the public hearing.

Based on the adopted findings of fact, staff recommends that the Planning Board make the motions outlined below:

- 9.2 **Grant the waiver requests below** from the listed sections of the Site Plan Regulations, based on evidence provided showing that the criteria of RSA 674:44(III)(e(2)) and Section 36.08 of the Site Plan Regulations are met, to not show all information required by the section and to instead only show the information provided on the plan set submitted for the public hearing on June 18, 2025:

- a. Sections 12, 13, and 15

- 9.3 **Grant minor site plan approval** for the conversion of an office unit to a dwelling unit within a building addressed as 63 School St, as submitted, thus establishing a 5th dwelling unit at the subject parcel, subject to the following:

- a. Precedent Conditions – Per Section 7.08(9) *Expiration of Approval*, 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.
1. Unless a specific variance, waiver, or conditional use permit is granted stating otherwise, revise the plan sheet to fully comply with the Site Plan Regulations, Zoning Ordinance, and Concord Construction Standards and Details, including but not limited to the following:
 - a. Designation of one off-street parking space as the required accessible space with dimensions and signage as required by the 2010 ADA Standards for Accessible Design; and
 - b. Compliance with applicable fire codes is required and cannot be waived by staff or the Planning Board.
 2. The plan sheet shall list all approved variances, waivers, and conditional use permits with the section numbers and description, and date of approval.
 3. Upon notification from the Planning Division that the plan set complies with Planning Board conditions, the Zoning Ordinance, Site Plan Regulations, and Concord Construction Standards and Details, the applicant shall deliver to the Planning Division one paper plan sheet for endorsement by the Planning Board Chair and Clerk of the Planning Board.
- b. **Subsequent Conditions** – to be fulfilled as specified:
1. This approval notwithstanding, the applicant is responsible for full knowledge of, and compliance with, the municipal code, Site Plan Regulations, and Concord Construction Standards and Details, unless a variance, waiver, or conditional use permit is granted.
 2. Deviations from the Site Plan Regulations are only authorized with a waiver approval from the Planning Board. Deviations from the Zoning Ordinance are only authorized

- with a variance/special exception approval from the Zoning Board of Adjustment or a conditional use permit approval from the Planning Board as applicable.
3. Per the Concord Construction Standards and Details, all work performed in the City shall, as a minimum, conform to the requirements of the latest edition of the manual and the standards contained therein. The more stringent criteria shall apply in the case of conflicts. Deviations from the standards are only authorized with a waiver approval from the Planning Board.
 4. Per Section 33.08 *Inspection of Improvements*, the Clerk or authorized designee shall inspect the exterior appearances of the site to determine if modifications to the exterior of a building, site, and signage are in conformity with the architectural design review approval granted by the Planning Board. No certificate of occupancy may be issued prior to a determination by the Clerk that the proposed use is consistent with the Board's approval. The Clerk may approve minor design modifications to approved plans provided that the design is consistent with the Board's approval, and does not adversely impact the appearance of the site, building, or sign.
 5. Per Section 36.02 *Conditions*, the applicant has the duty to comply with the approved site plan and any reasonable conditions set forth by the Planning Board for design, dedication, improvement, and restrictive use of the land.
 6. Per 36.15 *Compliance with Regulations*, no site construction, or change of use of land, shall occur in violation of the Site Plan Regulations and the Zoning Ordinance. No building permits may be issued for any building, structure, site improvement, or change of use prior to site plan approval and the satisfactory completion of any pre-construction conditions of Planning Board approval. The Clerk shall not approve any certificate of occupancy, nor shall any use of a building or site commence, unless the proposed improvements, and the proposed use of land or buildings, is found to comply with the approved site plan and the conditions of Planning Board approval.
 7. Per Section 36.17 *Minor and Major Amendments*, the Clerk may approve minor amendment to a site plan previously approved by the Planning Board, if the amendments are not substantive in nature and are fully in compliance with the standards, and are consistent with any condition imposed by the Board. Other changes shall be considered by the Planning Board at the next regular meeting as a further consideration item with appropriate abutter notice. A major change to a previously approved plan shall require a new public hearing before the Board as required for a new application.

Prepared by: