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

**Staff Report for Planning Board**

**Meeting on May 21, 2025**  
**Project Summary – Minor Subdivision**

Project: Three-lot subdivision (2025-044)  
Property Owner: Elizabeth E. Terrell  
Applicant: Richard D. Bartlett & Associates, LLC  
Project Address: Unaddressed Shaker Rd  
Tax Map Lot: 28Z 35

**Determination of Completeness:**

Per Section 9.06 of the Subdivision Regulations, a complete application will contain the information listed in Section 15.01 *Required Information* and Section 15.02 *Plat Requirements* of the Subdivision Regulations and will be legible and competently prepared. When determining if an application is complete, 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 35.16(1) of the Subdivision Regulations 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 Subdivision 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 May 21, 2025, then the 65-day review period would end on **July 25, 2025**. If the applicant has not demonstrated compliance with the Site Plan Regulations by the end of the statutory timeline (**July 25, 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 property owner proposes dividing the undeveloped 52-acre site into three lots, with two lots of 1.58 acres each and a third lot of 48.8 acres. All three lots will have the required frontage on Shaker Rd.

**Compliance:**

The following analysis of compliance with the Zoning Ordinance and Subdivision Regulations is based on an undated narrative submitted April 16, 2025, prepared by Richard D. Bartlett & Associates, LLC, and a 1-sheet subdivision plat, dated April 2025, prepared by Richard D. Bartlett & Associates, LLC.

**1. Project Details and Zoning Ordinance Compliance:**

Zoning District:	Medium Density Residential (RM) District
Existing Use:	Undeveloped
Proposed Use:	Three-lot subdivision with two of the lots intended for a house on each
Overlay Districts:	
Flood Hazard (FH) District	Yes
Shoreland Protection (SP) District	None
Historic (HI) District	None
Penacook Lake Watershed (WS) District	None
Aquifer Protection (AP) District	None

Zoning Code Item	Required	Lot 1	Lot 2	Lot 3
Minimum Total Area	40,000 square feet	68,854 square feet	68,866 square feet	48.8 acres
Minimum Buildable Land	20,000 square feet	68,854 square feet	65,810 square feet	Not provided
Minimum Lot Frontage	100 feet	200 feet	200 feet	Not provided
Minimum Front Yard	25 feet	Undeveloped	Undeveloped	Undeveloped
Minimum Rear Yard	25 feet	Undeveloped	Undeveloped	Undeveloped
Minimum Side Yard	15 feet	Undeveloped	Undeveloped	Undeveloped
Maximum Lot Coverage	40%	Undeveloped	Undeveloped	Undeveloped
Maximum Building Height	35 feet	Undeveloped	Undeveloped	Undeveloped

1.1 As proposed, the project complies with the Zoning Ordinance.

**2. Comments:**

2.1 Per Section 2.02, land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood, or other menace, and land shall not be subdivided until adequate public facilities, open space, public safety services, and transportation facilities exist and proper provisions have been made for stormwater drainage,

- sewage disposal, portable water supply, and capital improvements such as parks, recreation facilities, transportation improvements, and public safety facilities.
- 2.2 Per Section 2.03, the existing and proposed public improvements shall conform to and be properly related to the proposals shown in the Master Plan and Official Map of the municipality, and it is intended that the regulations shall supplement and facilitate the enforcement of the provisions and standards contained in building and housing code, health codes, and zoning ordinances.
  - 2.3 Per Section 4.02, no land shall be subdivided or portions of a lot transferred within the corporate limits of the City of Concord, until a subdivision plat for said land has been prepared in accordance with these regulations, approved by the Board, endorsed by the Chair and Clerk of the Planning Board, and filed at the Merrimack County Registry of Deeds.
  - 2.4 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, at the time the notices are mailed to the abutters notifying them of the Board's consideration of completeness. Notices were mailed on April 29, 2025, for the Board's consideration of completeness on May 21, 2025.
  - 2.5 Per Section 6.01(5) *Conditional Use Permits*, where conditional use permits are required in conjunction with a proposed subdivision, a completed conditional use permit application shall be made at the same time as the subdivision application. Where a conditional use permit is required, no subdivision application may be considered complete without a complete conditional use permit application. The project does not require any conditional use permit applications, and no conditional use permit applications were submitted.
  - 2.6 Per Section 6.03(1), there is only a final plat stage for minor subdivisions.
  - 2.7 Per Section 9.02 *Minor Subdivision Application Requirements*, the applicant shall file certain items for a completed application. These items are a completed application form endorsed by the owner or submitted by the owner's agent with written authorization from the owner; application fee; abutters list; copies of the final plat meeting the requirements in Section 15 *Minor Subdivision Requirements*; complete conditional use permit applications, where applicable; copies of permit applications to state and federal agencies, where applicable; and, any requests for waivers from Subdivision Regulations as set forth in Section 35.11 *Waiver Petition*. Staff notes that the application form, owner authorization, application fee, and abutters list were submitted as required. An assessment of compliance with Section 15 *Minor Subdivision Requirements* follows in Item 3 of this staff report. No conditional use permit applications are required. No permit applications to state and federal agencies are necessary for this application. The application included requests from waivers as described in Item 5 of this staff report.
  - 2.8 Per Section 12.01 *Research*, applicants shall familiarize themselves with all city, state, and federal regulations relative to zoning, subdivision, land sales, utilities, drainage, health, buildings, roads, and other pertinent data so that the applicants are aware of the obligations, standards expected, and documents to be submitted.
  - 2.9 The Clerk may allow the applicant to submit topographic information for only that portion of the site to be developed, redeveloped, or where site construction may occur, pursuant to Section 12.08(3) *Topography*. The submitted plat shows topography on the two 1.58-acre lots proposed for future houses, but does not show topography on the third lot (the remaining 48.8 acres). Staff

notes that the third lot is not proposed to be developed. Additionally, the applicant requests a waiver to allow providing topography for only the two 1.58-acre lots rather than the entire site.

- 2.10 The Assessing Department commented that site is in current use and that the subdivided lots will be subject to a land use change tax once sold or altered.
- 2.11 The Fire Department reviewed the application and had no comments.
- 2.12 The Engineering Services Division review the application and had no comments.
- 2.13 The General Services Department reviewed the application and had no comments.

### 3. Compliance with Subdivision Regulations:

**The following items from Section 12, 13, and/or 15 of the Subdivision Regulations are missing from the application, all of which are minimum components necessary to determine the application complete.**

- 3.1 Per Section 12.03(5) *Wetland*, wetland boundaries shall be delineated by a New Hampshire certified wetland scientist who shall sign and seal the plan upon which the wetland boundaries are mapped. The subdivision plat shows the wetland boundaries, but the required signature and seal of the New Hampshire certified wetland scientist who prepared the delineation is missing from the plat. The applicant requests a waiver from providing the signature and seal of the certified wetland scientist.
- 3.2 Per Section 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 subdivision plat, and the date of the wetland delineation shall be noted on the plans. The required delineation is shown, as well as the date of the delineation, and the name of the certified wetland scientist. However, the required signature and seal is missing from the plat. The applicant requests a waiver from providing the signature and seal of the certified wetland scientist.
- 3.3 Per Section 12.08(3) *Topography* and Section 15.03(4) *Topography*, existing topographic conditions shall be shown. The section notes, however, that for minor subdivisions with large remnant parcels, the Clerk may allow the applicant to submit topographic information for only that portion of the site to be developed. In this case, the Clerk is allowing the applicant to submit topographic information for only the two lots proposed for developed. Additionally, the applicant requests a waiver from showing topographic conditions on the large remnant lot.
- 3.4 Per Section 12.08(12) *Wells and Septic Systems*, the location of existing wells and subsurface waste disposal systems on the property and on immediately adjacent property shall be shown on the subdivision plat. The site does not contain any existing wells or subsurface waste disposal systems, but the immediately adjacent lot to the north addressed as 136 Shaker Rd does contain both an existing well and a subsurface waste disposal system, neither of which are shown as required. The applicant requests a waiver from showing the location of existing wells and subsurface waste disposal systems on immediately adjacent property.
- 3.5 Per Section 12.08(20) *Existing Vegetation*, the location, type, and size of existing trees on the site shall be shown on the subdivision plat. This information is included for the two small lots, but is

missing for the larger remnant lot. The applicant requests a waiver from showing existing vegetation on the large remnant lot.

- 3.6 Per Section 12.08(22) *Abutting Properties*, existing abutting properties shall be shown, including intersecting property lines, buildings, driveways, wells, and septic systems. The subdivision plat shows the intersecting property lines, buildings, and driveways, but the wells and septic systems on existing abutting property are missing. The applicant requests a waiver from showing wells and septic systems on existing abutting properties.
- 3.7 Per 15.02(8) *Addresses*, the address of each existing and proposed lot shall be noted on the plat as approved by the City Engineer. Proposed addresses are not noted on the plat, and the applicant requests a waiver from showing existing and proposed addresses for each of the three lots.
- 3.8 Per Section 15.03(3) *Tabulations*, the square footage of all lots shall be shown on the plat. Staff notes that the large remnant lot is listed as 48.8 acres in the map portion of the subdivision plat, but is noted as being 48.6 acres in note 7 of the notes. They both either need to state 48.8 acres or 48.6 acres for consistency and accuracy. The contiguous buildable land area is not shown for the large remnant lot, but the applicant requests a waiver from showing said land area.
- 3.9 Per Section 15.03(5) *Monumentation*, the type and location of existing and required monuments (bounds) at the corners of lots, at points of curvature, tangency, and deflection points along the street rights-of-way shall be shown on the subdivision plat. The existing and required monuments for the two small lots are shown, but no monumentation information is provided for the large remnant lot. The applicant requests a waiver from showing monumentation for the large remnant lot.
- 3.10 Per Section 15.03(12) *Septic System*, where municipal sewer service is not available, soil data and test results sufficient for submittal of an application for subdivision approval to New Hampshire Department of Environmental Services (NHDES), including a plan showing the location of test pits, the soil profiles, ground water elevation, and seasonal high-water table elevation at each test pit shall be shown on the subdivision plat. The required 4,000-square-foot septic drain field area required by NHDES shall also be shown on the subdivision plat. None of the information required by Section 15.03(12) *Septic System* is shown on the subdivision plat as required.
- 3.11 Per Section 15.03(14) *Wells*, where the municipal water system is not available, the location of all existing and proposed wells and required wellhead protection radii on the site and abutting properties shall be shown on the subdivision plat. The proposed locations for the wells and wellhead protection radii are shown for the two proposed lots, but no information is shown regarding the existing well and wellhead protection radii on the abutting property to the north.

**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.**

- 3.12 Per Section 13.01(6) *State and Federal Permits* and Section 13.02(10) *State and Federal Permits*, a copy of any application made to a state or federal agency required for the approval of this subdivision, including those required for the development of the individual lots, shall be provided. Note 9 on the subdivision plat states that no federal permits are required and that New Hampshire Department of Environmental Services (NHDES) subdivision approval is required for the proposed lots. However, no application has been made to date. At such time that applications

are made to NHDES for any of the lots, a copy of the application shall be submitted to the Planning Division.

- 3.13 Per Section 13.02(13) *Recording Fees*, the applicant is responsible for the recording fees required by the Merrimack County Registry of Deeds, or the State of New Hampshire, for all plans and documents to be recorded.
- 3.14 Per Section 15.02(12) *Registry Requirements*, the applicant is responsible for ensuring that the plat to be recorded complies with the current standards of the Merrimack County Registry of Deeds.
- 3.15 Per Section 19.04 *Monuments*, a New Hampshire licensed land surveyor shall place permanent reference monuments in the subdivision, as required in the Subdivision Regulations and as approved by the City Engineer. All monuments shall be inspected by the City of Concord. All such monuments shall be set flush with the proposed grade and planted in such a manner that they will not be removed by frost. All monuments shall be properly set prior to the time of the release of the performance guarantee per the Subdivision Regulations. However, recognizing the unique characteristics of this application, a performance guarantee will not be required; therefore, all monuments shall be set in accordance with Section 19.04(1) *Street Right-of-Way Monuments*, Section 19.04(2) *Lot Monuments*, and Section 19.04(3) *Boundaries and Blazing of Conservation Easements*, as applicable, prior to final approval.
- 3.16 The Assessing Department reviewed the application and had no compliance requirement comments.
- 3.17 The Fire Department reviewed the application and had no compliance requirement comments.
- 3.18 The Engineering Services Division reviewed the application and provide the following compliance requirement comments:
  - a. In the Location Map, label the abutting parcel known as 28Z 76, owned by the City of Concord, at 28 Edward Drive.
  - b. New Lot 35-1 will have an address of 132 Shaker Rd. This address needs to be added to the subdivision plat.
  - c. New Lot 35-2 will have the address of 128 Shaker Rd. This address needs to be added to the subdivision plat.
  - d. Within the plan view, the easterly line of the new Lot 35-2 needs to be 200.90 feet.
- 3.19 The General Services Department reviewed the application and had no compliance requirement comments.

#### **4 Variances:**

- 4.1 No variances are requested.

#### **5 Waivers:**

- 5.1 The applicant requests waivers from the following sections of the Subdivision Regulations:
  - a. Section 12.03(5) *Wetland*, to not provide the signature and seal of the certified wetland specialist on the subdivision plat;
  - b. Section 12.07 *Wetland Delineations*, to not provide the signature and seal of the

- certified wetland specialist on the subdivision plat;
- c. Section 12.08 *Existing Conditions*, to not provide any information required by this section other than what is shown in the subdivision plat submitted for the hearing on May 21, 2025;
- d. Section 12.09 *Electronic Submissions*, to not provide digital information prior to plat recording;
- e. Section 15.02(8) *Addresses*, to not provide existing and proposed addresses as part of the completeness determination and defer providing this information to final approval;
- f. Section 15.03(3) *Tabulations*, to not provide the contiguous buildable land area for the large remnant lot;
- g. Section 15.03(4) *Topography*, to not provide topography information for the large remnant lot;
- h. Section 15.03(5) *Monumentation*, to not show the type and location of existing and required monuments (bounds) at the corners of the large remnant lot.

The applicant provided an analysis of the five waiver criteria listed in Section 35.08 of the Subdivision Regulations, and the criteria in RSA 674:36(II)(n)(2).

**Staff reviewed the evidence submitted and supports the waiver requests.**

**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 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 motions outlined below:

- 9.2 **Grant the waiver requests below** from the listed sections of the Subdivision Regulations, based on the evidence provided showing that the criteria of RSA 674:36(II)(n)(2) and Section 35.08 of the Subdivision Regulations are met:

- a. Section 12.03(5) *Wetland*, to not provide the signature and seal of the certified wetland specialist on the subdivision plat;
- b. Section 12.07 *Wetland Delineations*, to not provide the signature and seal of the certified wetland specialist on the subdivision plat;
- c. Section 12.08 *Existing Conditions*, to not provide any information required by this section other than what is shown in the subdivision plat submitted for the hearing on May 21, 2025;
- d. Section 12.09 *Electronic Submissions*, to not provide digital information prior to plat recording;

- e. Section 15.02(8) *Addresses*, to not provide existing and proposed addresses as part of the completeness determination and defer providing this information to final approval;
- f. Section 15.03(3) *Tabulations*, to not provide the contiguous buildable land area for the large remnant lot;
- g. Section 15.03(4) *Topography*, to not provide topography information for the large remnant lot;
- h. Section 15.03(5) *Monumentation*, to not show the type and location of existing and required monuments (bounds) at the corners of the large remnant lot.

9.3 **Grant minor subdivision approval** for the three-lot subdivision of Tax Map Lot 28Z 35, unaddressed Shaker Road, subject to the following precedent and subsequent conditions:

- (a) **Precedent Conditions** – to be fulfilled within one year and prior to signature of the final plat by the Planning Board Chair and Clerk, unless otherwise specified:
  - 1. For compliance with the Subdivision Regulations, revise the subdivision plat as follows:
    - a. Per Section 15.03(12) *Septic System*, where municipal sewer service is not available, soil data and test results sufficient for submittal of an application for subdivision approval to New Hampshire Department of Environmental Services (NHDES), including a plan showing the location of test pits, the soil profiles, ground water elevation, and seasonal high-water table elevation at each test pit shall be shown on the subdivision plat. The required 4,000-square-foot septic drain field area required by NHDES shall also be shown on the subdivision plat.
    - b. Per Section 15.03(14) *Wells*, where the municipal water system is not available, the location of all existing and proposed wells and required wellhead protection radii on the site and abutting properties shall be shown on the subdivision plat. In addition to showing the proposed locations for the wells and wellhead protection radii for the two proposed 1.58-acre lots, the existing well and wellhead protection radii on the abutting property to the north shall also be shown and labeled on the subdivision plat.
    - c. In the Location Map, label the abutting parcel known as 28Z 76, owned by the City of Concord, at 28 Edward Drive.
    - d. New Lot 35-1 will have an address of 132 Shaker Rd. This address needs to be added to the subdivision plat.
    - e. New Lot 35-2 will have the address of 128 Shaker Rd. This address needs to be added to the subdivision plat.
    - f. Within the plan view, the easterly line of the new Lot 35-2 needs to be 200.90 feet.
  - 2. Per Section 13.01(6) *State and Federal Permits* and Section 13.02(10) *State and Federal Permits*, a copy of any application made to a state or federal agency required for the approval of this subdivision, including those required for the development of the individual lots, shall be provided. Note 9 on the subdivision plat states that no federal permits are required and that New Hampshire Department of Environmental Services (NHDES) subdivision approval is required for the proposed lots. However, no application has been made to date. At such time that applications are made to NHDES for any of the lots, a copy of the application shall be submitted to the Planning Division.
  - 3. Per Section 13.02(13) *Recording Fees*, the applicant is responsible for the recording fees required by the Merrimack County Registry of Deeds, or the State of New Hampshire, for all plans and documents to be recorded.



4. Per Section 15.02(12) *Registry Requirements*, the applicant is responsible for ensuring that the plat to be recorded complies with the current standards of the Merrimack County Registry of Deeds.
  5. Per Section 19.04 *Monuments*, a New Hampshire licensed land surveyor shall place permanent reference monuments in the subdivision, as required in the Subdivision Regulations and as approved by the City Engineer. All monuments shall be inspected by the City of Concord. All such monuments shall be set flush with the proposed grade and planted in such a manner that they will not be removed by frost. All monuments shall be properly set prior to the time of the release of the performance guarantee per the Subdivision Regulations. However, recognizing the unique characteristics of this application, a performance guarantee will not be required; therefore, all monuments shall be set in accordance with Section 19.04(1) *Street Right-of-Way Monuments*, Section 19.04(2) *Lot Monuments*, and Section 19.04(3) *Boundaries and Blazing of Conservation Easements*, as applicable, prior to final approval.
  6. Upon notification from the Planning Division that the subdivision plat complies with Planning Board precedent conditions, the Zoning Ordinance, and Subdivision Regulations, the applicant shall deliver to the Planning Division one mylar for signature by the Planning Board Chair and Clerk of the Planning Board. The subdivision plat shall contain the signature and seal of the appropriate licensed professionals as outlined in Section 12.03 and Section 15.02(1) of the Subdivision Regulations.
- (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, Subdivision Regulations, and Concord Construction Standards and Details for the project, unless a variance, waiver, or conditional use permit is granted.
  2. Per Section 4.03, no building permit or certificate of occupancy shall be issued for any parcel or plat of land which was created by subdivision after the effective date of, and which is not in conformity with, the provisions of the Subdivision Regulations.
  3. Per Section 9.08(10) *Building Permits and Certificates of Occupancy*, no building permit shall be issued within a subdivision until the plat has been approved, the conditions of plat approval have been satisfactorily addressed, and the plat recorded in the Merrimack County Registry of Deeds.

Prepared by: KOB