

TECHNICAL JUSTIFICATION MEMORANDUM

1. Purpose

The purpose of this memorandum is to provide a technical justification demonstrating that the proposed roadway length exceeding 1,000' is safe, accessible, and compliant with applicable fire and engineering standards, directly addressing concerns that longer roads inherently create a fire safety hazard.

2. Compliance with Fire Access Standards

NFPA 1 / 2018 Fire Code & Appendix D

- NFPA 1 governs fire apparatus access roads, including specifications for road width, turning radii, and dead-end turnarounds.
- Key criteria relevant to long roads:
 - Road width: 22'–24' (compliant with NFPA minimum requirements)
 - Maximum slope: 10% (meets NFPA guidelines for emergency access)
 - Cul-de-sac design: engineered to support fire apparatus; not technically a dead-end as fire trucks can maneuver safely
- Road length alone is not a hazard: Properly designed turnarounds, width, and slope ensure full emergency access even for roads over 1,000'.

NH State Fire Marshal Standards (RSA 153)

- Roads must be passable, load-bearing for emergency vehicles, and maintained.
- Maximum road length is not restricted by law; safety is determined by engineering compliance, hydrant spacing, and turnarounds.

3. NH Municipal Precedent

- Chester, NH: Cul-de-sac / loop streets approved up to 1,800'.
- Chesterfield, NH: Dead-end streets approved up to 1,200'.
- These approvals demonstrate that roads exceeding 1,000' are not inherently considered fire hazards, provided emergency access criteria are met.

4. Engineering / Practical Evidence

- Road Design for Emergency Vehicles: NFPA 1, Appendix D, and NHDOT residential road standards specify:
 - Width: 22'–24'

- Slope: 10%
- Cul-de-sac / turnaround: sufficient for fire apparatus
- The proposed road is paved, engineered to proper slope, and includes a cul-de-sac that allows a fire truck to turn, eliminating the functional limitations of a traditional dead-end.
- Traffic and Local Precedent: Although there are no fire hydrants immediately adjacent to the road, it serves only nine houses, resulting in minimal traffic and low risk of obstruction. Furthermore, other roads within the community, such as Farmwood Road and Coventry Road, which have been in place for over 25 years, are designed with similar characteristics and have had no reported safety issues. This demonstrates that the proposed design is functionally safe and consistent with local precedent.

5. Supporting Documentation

- NHDOT Standard Plans: Demonstrate long residential streets safely constructed to state specifications.
- Local Municipal Road Construction Standards: Include engineered pavement, slopes, and turnarounds that comply with NFPA standards.
- Fire Department Precedent Letters: In other NH towns, fire departments routinely approve roads >1,000' when width, slope, hydrants, and turnarounds are compliant.

6. Conclusion

- Road length alone does not constitute a fire safety hazard.
- The proposed road, with a 10% slope, 22'–24' width, paved surface, and a cul-de-sac designed for fire apparatus maneuvering, fully meets NFPA access standards, NHDOT / municipal engineering criteria, and applicable state fire marshal requirements.
- NH municipal precedent confirms roads exceeding 1,000' have been safely approved and are consistent with sound fire and engineering practices.
- Compliance with RSA 674:41 supports the legal and functional validity of private roads serving multiple lots, including those exceeding 1,000' in length.

Recommendation: The proposed road should be accepted as safe and compliant, provided it continues to meet all width, slope, turnaround, hydrant, and maintenance requirements outlined above.



State of New Hampshire

Department of State

Date Submitted: 12/10/2025

David M. Scanlan

Secretary of State

Registered Agent Change

PURSUANT TO THE PROVISIONS of the New Hampshire Revised Statutes Annotated, the undersigned business, organized under the laws of New Hampshire submits the following statement for the purpose of changing the registered office or the registered agent, or both, in the state of New Hampshire. If submitted by the Registered Agent, the listed business has been notified in writing of the change in registered office.

BUSINESS NAME: EASTERN DEVELOPMENT LLC

BUSINESS ID: 868510

BUSINESS TYPE: Domestic Limited Liability Company

STATE OF FORMATION: New Hampshire

PREVIOUS REGISTERED AGENT:

Joseph Taber

PREVIOUS REGISTERED AGENT OFFICE:

PRINCIPAL OFFICE ADDRESS: 176 Sewalls Falls Road, Concord, NH, 03301, USA

MAILING ADDRESS: 176 Sewalls Falls Road, Concord, NH, 03301, USA

NEW REGISTERED AGENT:

Ryan Taber

NEW REGISTERED AGENT OFFICE:

PRINCIPAL OFFICE ADDRESS: 15 Hot Hole Pond Road, Concord, NH, 03301, USA

MAILING ADDRESS: 15 Hot Hole Pond Road, Concord, NH, 03301, USA

☒ The street address, town/city of its registered office and the address of the business office of its registered agent, as changed, will be identical.

☒ Pursuant to the provisions of RSA 293-A:5.02(a), RSA 293-A:15.08(a), RSA 304-C:36 II, RSA 304-C:177 V, RSA 304-A:49 II, RSA 564-F:5-501 or RSA 564-F:5-2107, this document must be executed by an officer or director, a manager or member, a partner or agent.

I, the undersigned, do hereby certify that the above information is true to the best of my knowledge and belief.

Title: Member

Signature: Ryan Taber

Name of Signer: Ryan Taber

Date signed: 12/10/2025

STANDARD
NO. CR-2

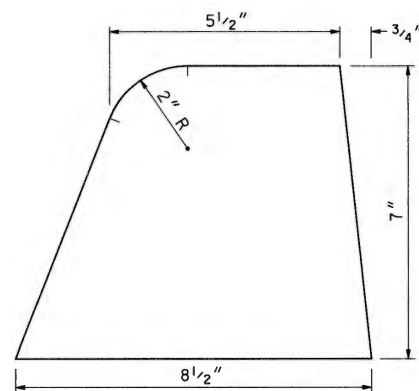
REVISION DATE
07-13-2001
06-16-2010

*.DGN FILE NAME
CR-2

STANDARD PLANS

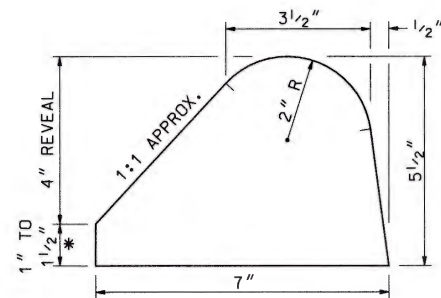


STANDARD
NO. CR-2



TYPE 'A'
ITEM 609.812

NOTE: TO BE USED ONLY WHEN CALLED FOR ON PLANS.

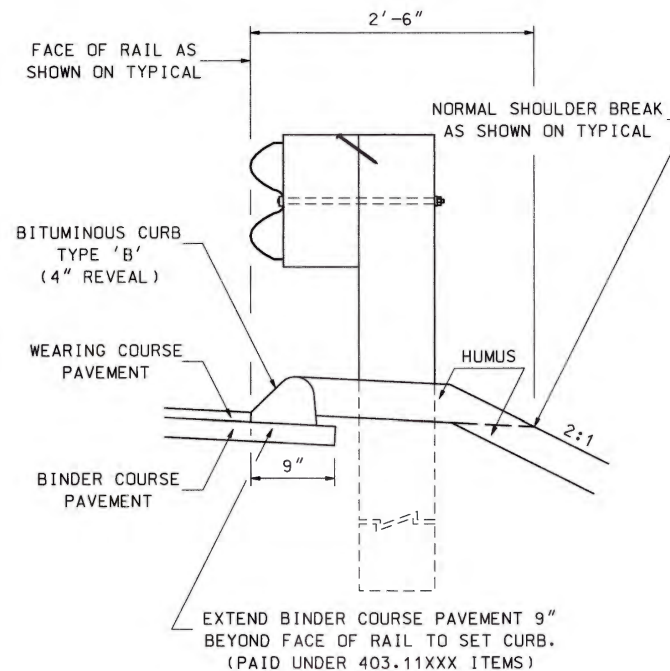


TYPE 'B' (4" REVEAL)
ITEM 609.811

NOTE: NORMALLY USED UNDER GUARDRAIL. SEE
PLATE 2 FOR PLACEMENT DETAIL.

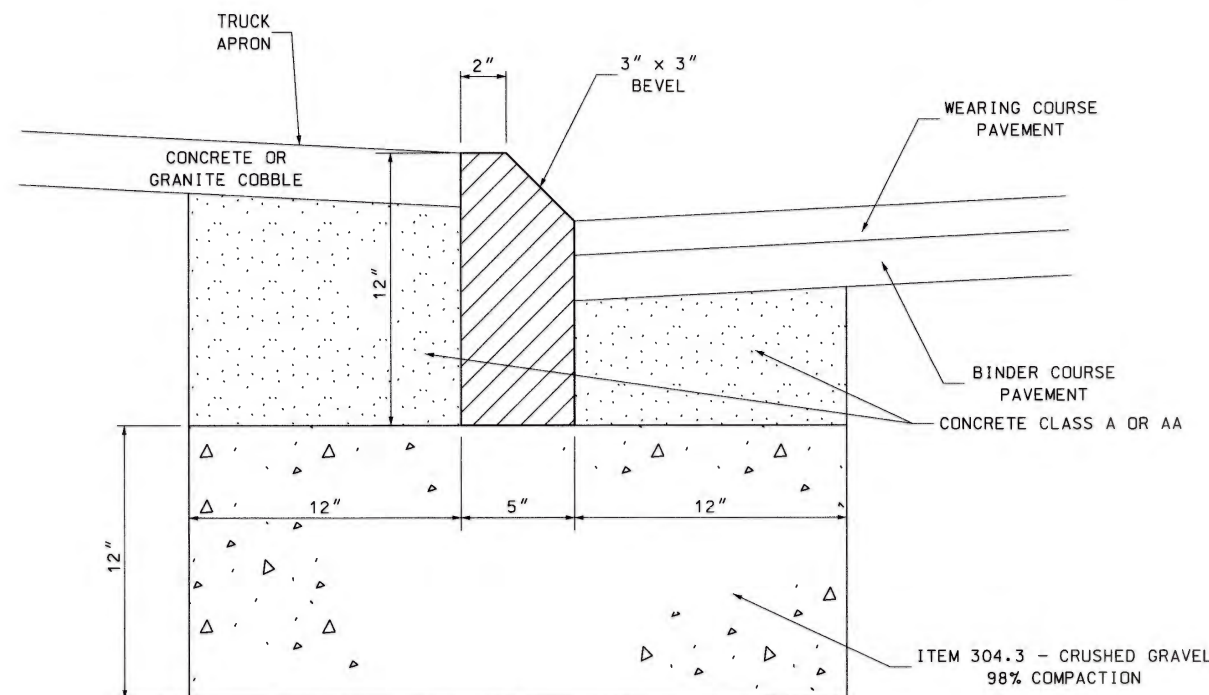
NHDOT STANDARD PLANS
BITUMINOUS CURB

REV. DATE	PLATE
06-16-2010	1
	STANDARD
	CR-2



NHDOT STANDARD PLANS
BITUMINOUS CURB PLACEMENT UNDER BEAM GUARDRAIL

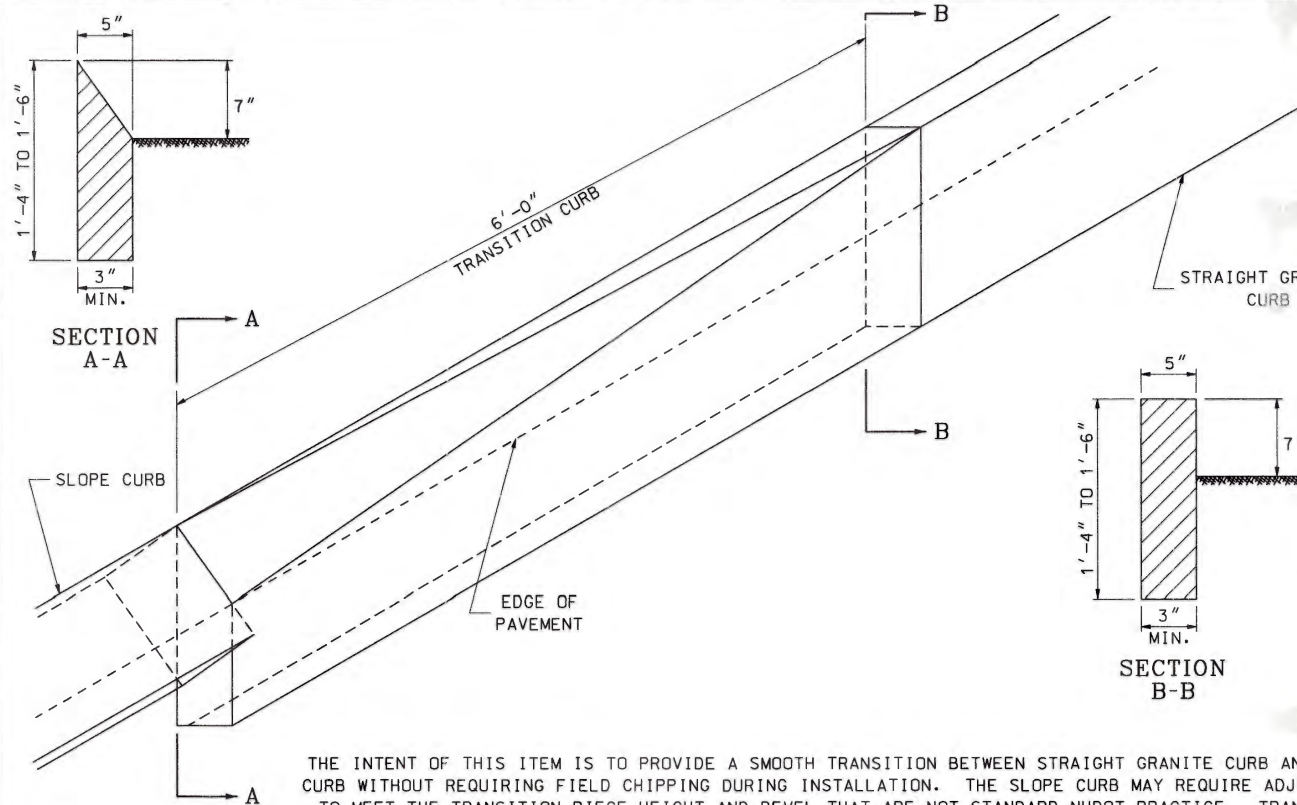
REV. DATE	PLATE
06-16-2010	2
	STANDARD
	CR-2



**ITEM 609.01123 - STRAIGHT GRANITE CURB, 12" HIGH
W/ 3" X 3" BEVELED MOUNTABLE EDGE**

NHDOT STANDARD PLANS
ROUNDAABOUT TRUCK APRON CURB

REV. DATE	PLATE
06-16-2010	3
	STANDARD
	CR-2



NHDOT STANDARD PLANS
STRAIGHT TO SLOPE CURB TRANSITION

REV. DATE	PLATE
06-16-2010	4
	STANDARD
	CR-2

m) Cul-de-sac streets and Loop streets

Maximum length for loop and cul-de-sac streets shall be 1800 feet. Measurement shall include the total running length of the street including the loop and/or cul-de-sac. Measurement of total running length shall start at the last intersection with a Class V or better road which provides more than one access route for emergency vehicles. The length of pre-existing streets must be included in the running length measurement where they too are accessed by that same last multiple access intersection.

- | | |
|---|------------------|
| 1. Width of R.O.W. | 60' |
| 2. Length (maximum) | 1800' |
| 3. Diameter of turn-around at enclosed end; | |
| i) property line (minimum) | 210' |
| ii) open center, entire diameter pavement to pavement | 120' |
| iii) Minimum pavement width | *24' (5/24/2017) |
| 4. Access into turn around shall be offset | |

n) Stopping sight distance 250'

Sand, bank-run and crushed gravel shall conform to Section 304 of the Standard Specifications for Road and Bridge Construction (latest edition) by the State of New Hampshire Department of Transportation. *(Added 2/28/2024)*

4.5.2.18 – Test Pits *(Added 2/28/2024)*

Test pits shall be performed, as directed by the Board's approved engineering consultant, to determine if ledge or the Estimated Average Seasonal High-Water Table



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

Staff Report for Planning Board

Meeting on October 15, 2025

Project Summary – Amendment to Major Subdivision Approval

Project: Granite Ridge Estates major subdivision (2023-140)
Property Owner: Eastern Development, LLC
Applicant: Eastern Development, LLC
Project Address: 15 Hot Hole Pond Road
Tax Map Lot: 11Z 25-1

Project Description:

The applicant is requesting an amendment to the approved major subdivision application and recorded subdivision plat to grant certain waivers from the Subdivision Regulations at Tax Map Lot 11Z 25-1 addressed as 15 Hot Hole Pond Road, as outlined below.

Compliance:

The following analysis of compliance with the Zoning Ordinance and Site Plan Regulations is based on a 29-sheet plan set prepared by Altus Engineering, dated September 20, 2023, with revisions through March 18, 2025; and, a 4-page request for appeal and agenda placement, prepared by Eastern Development, LLC, dated September 17, 2025.

1. Project Details and Zoning Ordinance Compliance:

Zoning District:	Open Space Residential (RO) District
Existing Use:	None
Proposed Use:	Single-Family Residential
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
Wetland:	None
Wetland Buffers:	None

2. General Comments:

2.1 Project Timeline:

- a. On November 15, 2023, the Planning Board determined the application complete and not a development of regional impact for a 9-unit major subdivision for a residential cluster condominium development at 15 Hot Hole Pond Road in the Open Space Residential (RO) District.

- b. On March 20, 2024, the Planning Board granted conditional architectural design review, granted certain waivers from the Subdivision Regulations, and conditionally granted major subdivision approval for an 8-unit residential cluster condominium development at 15 Hot Hole Pond Road in the Open Space Residential (RO) District.
 - c. On May 15, 2024, the Planning Board granted an amendment to the conditions of the March 20, 2024, approval for the 8-unit major subdivision application, by granting certain waivers from the Subdivision Regulations.
 - d. On March 19, 2025, the Planning Board granted the first, two-year extension to meet the conditions of the major subdivision application conditionally approved on March 20, 2024, for the 8-unit residential cluster condominium development at 15 Hot Hole Pond Road. The new expiration was set as March 20, 2027.
 - e. On June 2, 2025, final approval was received from the Chair and the Clerk of the Planning Board for the 8-unit detached single-family residential condominium cluster subdivision, a new common private driveway, and associated site improvements.
 - f. On June 16, 2025, the condominium site plan (Document 202500006867), the declaration of condominium (Document 202500006868), and the condominium bylaws (Document 202500006869) were recorded with the Merrimack County Registry of Deeds.
- 2.2 Staff notes that on October 18, 2023, the applicant provided a 2-page design review cover letter, containing waiver requests. One of the requested waivers was from Sections 20.24 and 21.11, to allow a private common driveway length in excess of the 1,000-foot maximum. Prior to the application's public hearing on March 20, 2024, the applicant had submitted a redesigned plan, which among other changes, included a reduction in the length of the common private driveway to be less than 1,000 feet, and compliant with Sections 20.24 and 21.11, thus negating the need for the waiver request
- 2.3 Staff notes that as part of the Planning Board's action on May 15, 2024, the Planning Board voted to deny a waiver request from Figure 20-2 *Private Common Drive with Three to Eight Units*, to allow 3 inches of hot bituminous pavement to be placed for the common private drive instead of the 4 inches required. The Planning Board cited as reasons for denial that the request did not meet the criteria of either RSA 674:36(II)(n)(1) or (2), because there is no technical reason to deviate from the Construction Standards, and conformance with the Construction Standards promotes consistency and quality.
- New Hampshire State Statute RSA 677:15 Court Review states any persons aggrieved by any decision of the planning board concerning a plat or subdivision may present to the superior court a petition, duly verified, setting forth that such decision is illegal or unreasonable in whole or in part and specifying the grounds upon which the same is claimed to be illegal or unreasonable. Such petition shall be presented to the court within 30 days after the date upon which the board voted to approve or disapprove the application. **The deadline to file such petition was Saturday, June 15, 2024.**
- 2.4 Section 35.19 *Minor and Major Amendments* outlines the differences between a minor and major amendment to a previously-approved major subdivision plan. Any change which would require a waiver from the Subdivision Regulations, is a major amendment. Since the applicant is requesting waivers from the Subdivision Regulations, the request is a major amendment.
- 2.5 The Engineering Department provided the following general comments:

- a. Section 35.04 *Conflict with other Public Provisions* states “whichever provision is more restrictive or impose higher standards shall control.” Noting that granite curb is significantly more durable than asphaltic curb and the granite curb would control.
 - b. Section 28.04 *Required Landscaping Improvements* states “Landscaping shall be provided to supplement the natural features which are preserved within the subdivision and to enhance these portions of the subdivision in which natural features and vegetation are destroyed by construction.” Noting the proposed plantings replace and enhance vegetation destroyed by the construction of the subdivision.
 - c. The applicant states that the Shelburne Lane subdivision was approved in 2023 however it was actually conditionally approved in 2019. More importantly, Shelburne Lane is a multi-phase subdivision which will have two connections to Hoit Rd when complete with a connector between the two entrances. The applicant also references Farmwood Road and Coventry Road as cul-de-sacs over 1,000-feet in length. Both of these subdivisions are over 25 years old, or more.
 - d. The applicant states that the 3” of asphalt is consistent with NHDOT Standard Specification Section 401. However, Section 401 does not reference a pavement thickness; it only refers to asphalt material specification and placement methods.
 - e. The applicant states that the 3” of asphalt is consistent with NHDOT Standard Specification Section 401. However, Section 401 does not reference a pavement thickness; it only refers to asphalt material specification and placement methods.
- 2.6 The Fire Department reviewed the application and commented that there should be adherence to the Subdivision Regulations.
- 3. Compliance with Site Plan Regulations:**
- 3.1 No compliance comments are required for this amendment. All compliance comments have been satisfied as part of the final approval for the original application. No new site plan accompanied the amendment application.
- 4. Variances:**
- 4.1 No variances were required for this amendment. No variances were required for the original application.
- 5. Waivers:**
- 5.1 The applicant requests waivers from the following sections of the Subdivision Regulations:
- a. Section 20.13 *Curbing for Residential Common Private Drives*, to allow Cape Cod berm (asphaltic concrete) in place of vertical granite curbing through the common private drive;
 - b. Section 28.04(6) *Street Trees*, to not require street trees along the full length of the common private drive, limiting new plantings to the cul-de-sac area, with existing trees along the approach credited toward compliance under Section 28.04(6);
 - c. Section 20.12 *Length of Residential Common Private Drives*, to allow a residential dead end common private drive to exceed the maximum length of 1,000 feet;
 - d. Figure 20-2 – *Private Common Drive with Three to Eight Units*, to allow 3 inches of hot bituminous pavement to be placed for the common private drive where normally 4 inches is required.

For Item 5.1(a), the applicant provided an analysis which does not specifically address the five waiver criteria of Section 35.08 of the Subdivision Regulations, or the criteria in RSA

674:36(II)(n). However, staff reviewed the analysis provided and determined granting this waiver would be contrary to the spirit and intent of the regulations. Section 35.04 *Conflict with other Public Provisions* of the Subdivision Regulations states where any provision of the Subdivision Regulations imposes different restrictions from those imposed by any provision of the Subdivision Regulations, ordinance, rule, or regulation, whichever provision is more restrictive or imposes higher standards shall control. The City's Construction Standards promotes consistency and quality and allows only the use of vertical or sloped granite curbing. Furthermore, on March 20, 2024, the Planning Board granted a waiver to allow a private common driveway slope of 10%, where 8% is the maximum, with the stipulation that curbing be provided as shown on Sheet C-3, issue date February 23, 2024, which was proposed and approved as sloped granite curbing. There does not appear to be a technical reason to deviate from the City's Construction Standards, particularly whereas the slope of common private drive exceeds the maximum grade typically required per the Subdivision Regulations.

For Item 5.2(b), the applicant provided an analysis which does not specifically address the five waiver criteria of Section 35.08 of the Subdivision Regulations, or the criteria in RSA 674:36(II)(n). However, staff reviewed the analysis provided and determined the applicant has not shown that an unnecessary hardship to the owner results because of the particular physical surroundings, shape, or topographical conditions specific to the property involved. Specifically, the applicant has not provided any revised plans showing the location and amount of street trees which could be provided due to physical constraints of the site. As part of the application's final approval, a landscape plan was provided, signed and sealed by a NH licensed landscape Architect, and determined to have met the requirements of the Subdivision Regulations. This plan included six Japanese lilac trees proposed below the overhead utilities, which are considered suitable for placement under utility wires per the City's Construction Standards. Lastly, the applicant references the ability to utilize existing non-invasive trees with a minimum diameter of 4 inches and within 10 feet of the right-of-way to count toward meeting the number of required street trees. Staff notes the applicant would need to provide a revised landscape plan identifying the existing trees which meet these requirements, in which case the existing trees would be considered toward the total requirement as part of an amendment to the approved landscape plan.

For Item 5.2(c), the applicant provided an analysis which does not specifically address the five waiver criteria of Section 35.08 of the Subdivision Regulations, or the criteria in RSA 674:36(II)(n). However, staff reviewed the analysis provided and determined that the applicant has not shown how granting this waiver would not be detrimental to the public safety, health, or welfare or injurious to other property.

For Item 5.2(d), as part of the Planning Board action to conditionally approve an amendment to the conditions of the March 20, 2024 approval for the 8-unit major subdivision application, the Planning Board denied a waiver request from Figure 20-2 *Private Common Drive with Three to Eight Units*, to allow 3 inches of hot bituminous pavement to be placed for the common private drive instead of the 4 inches required. Pursuant to NH RSA 677:15 *Court Review*, an aggrieved applicant has 30 days from after the date of decision to present a petition to the superior court. No such petition was presented within the thirty-day period. While the applicant has changed some information provided, this remains an unchanged request of which the Board has previously acted on, and, as such, is statutorily ineligible for a waiver with no further action necessary by the Board.

6. Conditional Use Permits:

- 6.1 No conditional use permits are required for this amendment, nor were any required for the original application.
- 7. **Architectural Design Review:**
 - 7.1 No appearances before the Architectural Design Review Committee are necessary for this application. The original application received architectural design review approval for the 8-unit cluster subdivision and site plan on March 20, 2024, and this application proposes no changes to the exterior building design features.
- 8. **Conservation Commission:**
 - 8.1 No appearances before the Conservation Commission are necessary for this application, nor were there any that took place for the original application.
- 9. **Recommendations:**
 - 9.1 **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.
 - 9.2 **Deny the waiver requests below** from the listed section of the Subdivision Regulations, because the requests do not meet the criteria of RSA 674:36(II)(n)(1) or (2) or Section 35.08 of the Subdivision Regulations:
 - a. Section 20.13 *Curbing for Residential Common Private Drives*, to allow Cape Cod berm (asphaltic concrete) in place of vertical granite curbing through the common private drive;
 - b. Section 28.04(6) *Street Trees*, to not require street trees along the full length of the common private drive, limiting new plantings to the cul-de-sac area; and,
 - c. Section 20.12 *Length of Residential Common Private Drives*, to allow a residential dead end common private drive to exceed the length of 1,000 feet.
 - 9.3 **Deny the amendment** to the approved major subdivision application and recorded subdivision plat for certain waivers from the Subdivision Regulations at Tax Map Lot 11Z 25-1, addressed as 15 Hot Hole Pond Road.

Ryan Taber

From: Ryan Taber
Sent: Wednesday, September 17, 2025 2:39 PM
To: 'Skinner, AnneMarie'
Cc: Bass, Alec
Subject: RE: Request for Appeal and Agenda Placement, October 15 2025 Meeting

Thank you.

Thanks,

Ryan Taber
Eastern Development
(603) 333-0147

From: Skinner, AnneMarie <ASkinner@ConcordNH.gov>
Sent: Wednesday, September 17, 2025 2:38 PM
To: Ryan Taber <ryan@eastern-development.com>
Cc: Bass, Alec <ABass@ConcordNH.gov>
Subject: RE: Request for Appeal and Agenda Placement, October 15 2025 Meeting

The application is received. Yes, you are on the agenda for October 15th.

AnneMarie Skinner, AICP
City Planner



City of Concord
41 Green Street, Concord NH 03301
(603) 230-3636

askinner@concordnh.gov

www.concordnh.gov



From: Ryan Taber <ryan@eastern-development.com>
Sent: Wednesday, September 17, 2025 2:33 PM
To: Skinner, AnneMarie <ASkinner@ConcordNH.gov>
Cc: Bass, Alec <ABass@ConcordNH.gov>
Subject: RE: Request for Appeal and Agenda Placement, October 15 2025 Meeting

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Hi AnneMarie,

The amendment has been submitted.

For the record, I want to note that I do not agree with the necessity of filing this amendment and paying additional fees. The modifications I am requesting are consistent with the city's regulations, and the only reason this process is necessary is because the Planning Board imposed additional conditions beyond the written standards.

Please confirm I am on the agenda for the 10/15/25 planning board meeting.

Thanks,

Ryan Taber
Eastern Development
(603) 333-0147

From: Skinner, AnneMarie <ASkinner@ConcordNH.gov>
Sent: Wednesday, September 17, 2025 1:05 PM
To: Ryan Taber <ryan@eastern-development.com>
Cc: Bass, Alec <ABass@ConcordNH.gov>
Subject: RE: Request for Appeal and Agenda Placement, October 15 2025 Meeting
Importance: High

Hi Ryan,

What you are requesting is not an appeal; rather, it is an amendment to a final approved and recorded plan. If you want this on the October 15th agenda, you will need to submit your amendment application through the online portal no later than 4:30 p.m. today.

AnneMarie Skinner, AICP
City Planner



City of Concord
41 Green Street, Concord NH 03301
(603) 230-3636
askinner@concordnh.gov
www.concordnh.gov



From: Ryan Taber <ryan@eastern-development.com>
Sent: Wednesday, September 17, 2025 12:36 PM
To: Skinner, AnneMarie <ASkinner@ConcordNH.gov>
Subject: Request for Appeal and Agenda Placement, October 15 2025 Meeting

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Hi AnneMarie,

Please see the attached for the October 15, 2025, Planning Board meeting.

Please confirm I am added to the agenda and let me know if you need anything else from me.

Thanks,

Ryan Taber
Eastern Development
(603) 333-0147

Ryan Taber

From: Ryan Taber
Sent: Wednesday, November 19, 2025 2:41 PM
To: Conforti, John
Cc: Bass, Alec
Subject: RE: Conceptual Consultation/ Design Review

John,

Additionally, the same thing goes for the pavement thickness. Again, I am not sure why I am requesting an amendment when the 3" is allowed by regulation.

Section 21.05 of the Concord Subdivision Regulations explicitly states that common private drives shall be surfaced with a minimum of three (3) inches of hot bituminous pavement per State specifications or concrete treatment per the City's Construction Standards and Details.

The regulation is clear that the standard for common private drives is 3", and that the Construction Standards and Details are to be followed in a manner consistent with the regulation, not in conflict with it. The detail the city is citing (4") cannot override the adopted regulation. The regulation was adopted and published specifically to allow a reduced pavement thickness for common private drives compared with other streets, and this allowance should be applied as-of-right.

Since the 3" requirement is explicitly called out in the regulations, there is no requirement to submit a waiver or amendment, and doing so would effectively ignore the language of the adopted regulations. The Construction Standards and Details are meant to guide installation in accordance with the regulations, not to impose a stricter standard contrary to 21.05. Accordingly, the 3" pavement section should be accepted and permitted as-of-right, consistent with the adopted regulations. Any insistence on a 4" section for common private drives is inconsistent with the plain language of 21.05 and the intent of the regulation.

The city's "higher standard" clause generally applies where:

1. The regulation is silent or ambiguous, or
2. There is a technical or safety reason requiring a more stringent standard.
3. Construction Standards and typical pavement details are technical guidance intended to implement the regulations, and they cannot contradict or override the explicit language of adopted regulations
- 4.

In 21.05 it is explicit and unambiguous. There is no regulatory gap or ambiguity for the higher standard clause to fill. Consequently, the clause does not apply to common private drives, and cannot be used to mandate 4" asphalt where 3" is explicitly allowed.

It appears that city staff may be misinterpreting the regulations or applying their own discretion in the plan review process, which raises significant concern.

Based on the provisions of 21.05, I understand that I am entitled to proceed with 3" of asphalt pavement, in lieu of the 4" detail, without submitting a waiver or amendment.

Please review and advise today.

Thanks,

Ryan Taber
Eastern Development
(603) 333-0147

From: Conforti, John <JConforti@ConcordNH.gov>
Sent: Wednesday, November 19, 2025 11:09 AM
To: Ryan Taber <ryan@eastern-development.com>
Cc: Bass, Alec <ABass@ConcordNH.gov>
Subject: RE: Conceptual Consultation/ Design Review

Hi Ryan:

I am out at a conference the next 2 days but will try to get something to you shortly.

John

John Conforti
Acting City Solicitor



City of Concord
Legal Department
41 Green Street, Concord NH 03301
(603) 225-8505 (Main)
(603) 230-3677 (Direct)
www.concordnh.gov



STATEMENT OF CONFIDENTIALITY:

The information contained in this electronic message and any attachments to this message may contain confidential and/or privileged information and is intended for the exclusive use of the addressee(s). Please notify Concord's City Solicitor's Office immediately at (603) 225-8505 or reply to this email if you are not the intended recipient and destroy all copies of this electronic message and any attachments.

From: Ryan Taber <ryan@eastern-development.com>
Sent: Wednesday, November 19, 2025 10:58 AM
To: Conforti, John <JConforti@ConcordNH.gov>
Cc: Bass, Alec <ABass@ConcordNH.gov>
Subject: RE: Conceptual Consultation/ Design Review

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John,

We need to clarify something I believe the city is wrong about.

I appreciate the city's explanations citing Section 35.04, RSA 674:36(II)(n), and the "spirit and intent" of the regulations. However, I would like to clarify my understanding based on Section 20.13 of the Subdivision Regulations and prior Planning Board approvals for this development:

1. Section 20.13 explicitly allows curbing on common private drives to consist of vertical granite, sloped granite, concrete, or asphaltic concrete, except where a sidewalk is within four feet of the drive. The regulation does not link the type of curbing to the slope of the drive; it only dictates where curbing is required (e.g., slopes over six percent).
2. The Planning Board waiver granted on March 20, 2024, approved a private driveway slope of 10% with sloped granite curbing, as shown on Sheet C-3 (issue date February 23, 2024). Importantly, this waiver was granted only because the city was mandating granite curbing, even though the regulations allow either granite or asphaltic curbing. The waiver was therefore contingent on a requirement that is not actually supported by the plain language of the regulations.
3. Proceeding with asphalt his approach does not violate Section 35.04 (Conflict with Other Public Provisions). That section states that "whichever provision is more restrictive or imposes higher standards shall control." However, Section 20.13 explicitly allows multiple curbing options, including asphaltic concrete. Therefore, using asphaltic berm curbing is fully consistent with the adopted regulations and is not overridden by the city's subjective preference for granite, even if granite is considered more durable.
4. I respectfully request a written explanation of the legal or regulatory basis for mandating granite curbing when Section 20.13 clearly allows alternatives.

Based on this information, I understand that I have the right to proceed with an asphaltic berm instead of vertical granite curbing without submitted for a waiver/ amendment.

Please review and advise today.

Thanks,

Ryan Taber
Eastern Development
(603) 333-0147

From: Bass, Alec <ABass@ConcordNH.gov>
Sent: Tuesday, November 11, 2025 10:24 AM
To: Ryan Taber <ryan@eastern-development.com>
Cc: Conforti, John <JConforti@ConcordNH.gov>
Subject: RE: Conceptual Consultation/ Design Review

Good morning Ryan,

Section 8 and Section 14.02 of our [Subdivision Regulations](#) will touch on most, if not all of the requirements. Please note, we no longer require paper materials to be delivered as part of the application materials. The application is done through the portal via the Preliminary Design Phase application.



Preliminary Design Phase

Category Name:
Planning

Description:
This application is for a Design Review Phase, per RSA 676:4(II)(b) by staff and the Planning Board. It is non-binding.



Generally the basics are about the same, however as detailed in Section 14.02, the level of detail pertaining to the plans has opportunity to be less detailed. Let me know if you have any other questions,
Alec

From: Ryan Taber <ryan@eastern-development.com>

Sent: Tuesday, November 11, 2025 9:36 AM

To: Bass, Alec <ABass@ConcordNH.gov>

Cc: Conforti, John <JConforti@ConcordNH.gov>

Subject: Conceptual Consultation/ Design Review

[CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe]

Alec,

Does this require the same materials the amendment requires? Plan, application, abutter list, fee? Anything else?

Is this done through the portal?

Thanks,

Ryan Taber
Eastern Development
(603) 333-0147

Ryan Taber Eastern Development
P.O. Box 2671
Concord, NH 03302
(603) 333-0147
ryan@eastern-development.com

September 17, 2025

City of Concord
AnneMarie Skinner
41 Green Street
Concord, NH 03301
Sent via email

Re: Request for Appeal and Agenda Placement, October 15, 2025 Planning Board Meeting

Dear Ms. Skinner,

Eastern Development, LLC respectfully requests that this appeal be placed on the Planning Board's October 2025 agenda. The appeal seeks modification of conditions imposed on the final approval of the above-referenced project relating to:

1. Curbing
2. Street Trees
3. Roadway Length
4. Pavement Thickness

Grounds for Appeal

1. Curbing

Concord's Subdivision Regulations 20.13 allow curbing on residential common private drives to be vertical granite, sloped granite, concrete, or asphaltic concrete (Cape Cod berm), constructed per the city's Construction Standards. Vertical granite is required only where a sidewalk is within four feet of the drive, or at public-street intersections (21.07).

The project's common private drive does not contain sidewalks, and all maintenance responsibility rests with the homeowners' association (20.11). Requiring vertical granite throughout exceeds the regulation and imposes unnecessary costs without added safety or drainage benefit.

Cape Cod berm has been authorized and installed by the city in comparable settings, including Palm Street (2025) and Hot Hole Pond Road, confirming its acceptance as a standard curbing treatment.

Requested Action: Approve substitution of Cape Cod berm (asphaltic concrete) for vertical granite curb throughout the common private drive.

2. Street Trees

Section 28.04(6) requires street trees only “where appropriate” and credits existing non-invasive trees within ten (10) feet of the right-of-way. Placement must also avoid sight-distance hazards and conflicts with overhead or underground utilities (28.04(6)(d)–(e)). Section 28.02 directs the city to preserve existing vegetation, not impose duplicative plantings.

This corridor is heavily wooded, with continuous canopy and existing buffers. Overhead utilities run along the frontage, and driveway aprons require clear sight triangles. Adding new trees along the entire road is redundant, unsafe, and contrary to the preservation mandate.

Requested Action: Waive the requirement for street trees along the full length of the road. Limit any new plantings to the cul-de-sac area, with existing trees along the approach credited toward compliance under 28.04(6).

3. Roadway Length: Consistency, Proportionality, and Equal Protection

The Planning Board denied relief for a roadway length exceeding 1,000 feet, thereby limiting the subdivision layout. However, in 2023 the city approved the Shelburne Lane subdivision, located in the same zoning district and under nearly identical conditions, with no public water or sewer service and a rural character, with a roadway extending beyond 1,000 feet. In addition, Farmwood Road and Coventry Road both exceed 1,000 feet in length and are likewise not served by public water or sewer.

This disparate treatment constitutes inconsistent application of subdivision standards. Selective enforcement undermines RSA 676:4, I(h) (requiring written findings) and RSA 674:36 (requiring equal application of subdivision regulations).

From a planning perspective, the proposed extension is proportional to the size and design of the parcel, will remain privately maintained, and does not increase municipal burden. The intent of the 1,000-foot limitation, to avoid long public roads that strain city services, is not implicated.

Equal protection principles under Part I, Article 12 of the New Hampshire Constitution reinforce that similarly situated landowners must be treated alike. Allowing roadway length for Shelburne Lane but denying it here violates that standard.

Requested Action: Approve the roadway length over 1,000 feet, consistent with prior approvals, ensuring equal and proportional application of Concord’s subdivision regulations.

4. Pavement Thickness: Code, Standards, and Engineering Basis

Code and City Standards:

Concord’s Subdivision Regulations 21.05 state: “*Common private drives shall be surfaced with a minimum of three (3) inches of hot bituminous pavement per State specifications.*” The project

proposes exactly that standard, 1.5" binder and 1.5" wearing course, compacted to 3 inches total, consistent with NHDOT Section 401 Plant-Mixed Pavements, which Concord expressly references. The city's 2020 Construction Standards & Details also specify for driveways a section of 6" crushed gravel plus 3" hot bituminous pavement in two lifts, aligning with 21.05's minimum requirement for common private drives.

Planning Board Record: May 15, 2024:

At the May 15, 2024, meeting, the city objected to the 3" pavement thickness but did not present factual evidence or engineering data. The minutes reflect:

- An acknowledged inconsistency between the Subdivision Regulations (3") and a Construction Standards detail (4").
- The city Engineer's statement that 3" is the state minimum standard for rural residential roads and sufficient for low-volume facilities.
- Staff noted they intended to "fix" the verbiage to require 4" in the future, but no such amendment had been adopted.
- Several Board members recognized that 3" was acceptable and that any inconsistency would not affect the city, since the roadway is private and HOA-maintained.

This demonstrates the denial was based on policy preference, not on technical findings, contrary to RSA 676:3, I, which requires written findings grounded in fact.

Engineering Consensus:

The Federal Highway Administration (FHWA) emphasizes that pavement performance depends more on subgrade preparation, base design, and drainage control than on asphalt thickness. The AASHTO flexible pavement design method shows that 3" of HMA over a 12" aggregate base yields a Structural Number of ~3.0, sufficient for low-volume residential traffic. Adding an extra inch of asphalt provides minimal additional capacity compared to strengthening the base.

State Standard and Adoption:

NHDOT Section 401 establishes 3" compacted HBP as the statewide baseline for flexible pavements. By incorporating Section 401, Concord's 21.05 adopts the same standard. Requiring 4" for a private, HOA-maintained drive is inconsistent with both the city's regulations and state practice.

Jurisdiction and Fairness:

Common private drives are privately maintained (20.11). The city has no responsibility for future repair or replacement. Requiring public-road standards for private facilities imposes undue costs on homeowners without any municipal benefit.

Lack of Evidence Supporting 4" Compacted Pavement:

Neither Concord nor NHDOT has produced findings that 4" performs materially better than 3" for private, low-volume roads. Absent unusual conditions (heavy truck use, poor soils, drainage issues), there is no engineering or legal justification for exceeding the codified 3" minimum.

Requested Action: Approve the project's 3" compacted HBP pavement section as compliant with:

- Concord Subdivision Regulations 21.05 (minimum 3" requirement),
- NHDOT Section 401 (state standard).

Legal Authority

- Concord Subdivision Regulations: 20.11, 20.13, 21.05, 28.02, 28.04(6).
- Concord Construction Standards & Details (2020).
- RSA 674:36, II(n): Authorizes waivers where strict conformity creates hardship or where conditions show a waiver furthers the regulations' intent.
- RSA 676:3, I: Requires written factual findings to support conditions.
- Case Law: *Tidd v. Alton*, 148 N.H. 424 (2002); *Trustees of Dartmouth College v. Hanover*, 171 N.H. 497 (2018).

Proposed Findings

- **Curbing:** Cape Cod berm is permitted under 20.13 and consistent with city practice.
- **Street Trees:** Limiting plantings to the cul-de-sac complies with 28.02 and 28.04(6) while preserving safety and utilities.
- **Roadway Length:** Approving >1,000' ensures equal treatment with similar subdivisions and avoids unequal enforcement.
- **Pavement Thickness:** A 3" HBP section satisfies 21.05 and state standards, is endorsed by the city Engineer as the minimum state standard and is technically sufficient for private HOA-maintained drives.

Sincerely,

Ryan Taber
Eastern Development, LLC

Granite Ridge Estates: Amendment to Major Subdivision

15 Hot Hole Pond Road, Concord, NH

Applicant: Eastern Development, LLC

Tax Map Lot: 11Z 25-1

I. PROJECT DESCRIPTION

The applicant requests an amendment to the approved major subdivision application and recorded subdivision plat to grant certain waivers from the Subdivision Regulations at 15 Hot Hole Pond Road, as outlined below. The proposed development consists of an 8-unit detached single-family residential cluster on a private common drive, served by utilities, drainage, and associated site improvements.

Zoning and Overlay Compliance:

- Zoning District: Open Space Residential (RO)
- Existing Use: Vacant
- Proposed Use: Single-Family Residential
- Overlay Districts: Flood Hazard (FH), Shoreland Protection (SP), Historic (HI), Penacook Lake Watershed (WS), Aquifer Protection (AP) – **Not applicable.**
- Wetlands / Buffers: **None impacted.**

Plan Set Reference: Altus Engineering, 29 sheets, dated September 20, 2023, with revisions through March 18, 2025; plus 4-page waiver request and appeal, Eastern Development, LLC, September 17, 2025.

II. PROJECT HISTORY

- **November 15, 2023:** Planning Board deemed application complete for a 9-unit major subdivision; not a development of regional impact.
- **March 20, 2024:** Conditional major subdivision approval granted for 8-unit cluster condominium, including certain waivers.
- **May 15, 2024:** Planning Board amended conditions, granting certain waivers from the Subdivision Regulations.
- **March 19, 2025:** Two-year extension granted for conditional approvals; expiration set to March 20, 2027.
- **June 2, 2025:** Final approval for 8-unit detached single-family cluster, new common private driveway, and site improvements.

- **June 16, 2025:** Condominium site plan, declaration, and bylaws recorded at Merrimack County Registry of Deeds.

III. COMPLIANCE ANALYSIS

Engineering & Staff Review Summary:

- Zoning compliance: Open Space Residential (RO), density within permitted limits.
- Site Plan compliance: All prior conditions satisfied; no new site plan required.
- Utilities & Fire Department: Road designed to exceed minimum emergency vehicle width by 50%; cul-de-sac and driveway slopes meet operational safety standards.
- Landscape compliance: Proposed plantings, combined with existing non-invasive trees, satisfy 28.04(6) intent.
- Staff noted prior denial of 3” pavement waiver (Figure 20-2), but this appeal addresses technical justification and statutory authority under RSA 674:36(II)(n) and Section 35.08 of the Subdivision Regulations.

IV. LEGAL BASIS FOR WAIVERS

State Law:

- **RSA 674:36, II(n):** Planning Board may grant waivers where strict conformity causes unnecessary hardship, provided public safety and intent are maintained.
- **RSA 677:15:** Any person aggrieved by a Planning Board decision may petition the Superior Court within 30 days; the applicant has fully preserved rights.

City Regulations:

- Concord Subdivision Regulations 19.09, 20.12, 20.13, 28.04(6), Figure 20-2, 35.08, 35.19.
- 19.09 and 35.08 explicitly allow waivers for undue hardship, physical constraints, or where equivalent public benefit is maintained.
- 35.04 Conflict Rule: If multiple standards apply, the most restrictive controls; waiver does not compromise public safety.

V. Precedent:

While Farmwood Road and Coventry Road were constructed over 25 years ago, they provide a clear and relevant precedent for roads exceeding 1,000 feet in length. Historical data speaks for itself: these extended cul-de-sacs have safely accommodated fire apparatus and emergency

vehicles for more than two decades without incident, demonstrating that road length alone does not compromise public safety when proper design standards are met.

Additional precedents reinforce this conclusion:

- Hot Hole Pond Road: This existing private road is narrower and steeper than the proposed roadway, yet it is safely navigable by Fire Department trucks, demonstrating that properly engineered longer roads can be accessed without safety issues.
- Shelburne Lane: Approved through a conditional multi-phase process (2019/2023), this project illustrates the Planning Board's flexibility in approving private roads with non-standard configurations while maintaining emergency access and public safety. While the project is not fully complete and the secondary egress is not yet constructed due to its phased development, homes along the road have already been sold and occupied. Despite the incomplete egress, the Fire Department has had no operational safety concerns, demonstrating that emergency access remains adequate. This supports the conclusion that the safety factor claimed by the FD for extended roads should remain consistent with real-world experience.

Comparative Safety of Proposed Road:

The proposed road exceeds the Fire Department minimum width by 50%, features a properly designed cul-de-sac, and maintains moderate slopes. These factors provide enhanced safety margins relative to the older precedents.

Functional Validation:

The long-term, incident-free operation of Farmwood Road, Coventry Road, and Hot Hole Pond Road demonstrates that private roads exceeding 1,000 feet can safely serve emergency and residential traffic when engineered according to accepted standards.

Conclusion:

Given the historical performance of these roads, there is no reasonable basis for the Fire Department to assert a safety concern regarding the proposed private road. In fact, the proposed design exceeds the safety standards of these established precedents, ensuring reliable emergency access and full compliance with the intent of the regulations.

VI. WAIVER REQUESTS

A. Cape Cod Berm in Lieu of Granite Curbing

Project Context:

The proposed roadway is approximately 1,000 linear feet in length, a private, low-volume residential street serving eight single-family homes. It is constructed to full structural standards, ensuring compliance with safety, drainage, and durability requirements. The Cape Cod berm provides a practical, safe, and contextually appropriate edge treatment for the private roadway.

Waiver Criteria Analysis:

1. No Detriment to Public Safety, Health, or Welfare

- The Cape Cod berm design meets all safety and drainage objectives.
- It provides continuous pavement protection, directs runoff to drainage swales, and clearly defines the road edge for drivers and emergency responders.
- The cul-de-sac has been designed to accommodate fire department apparatus, with turning radii verified to meet or exceed NFPA and local standards.
- The berm's beveled slope reduces potential tire or snowplow damage, enhancing safety.

2. Unique Conditions

- The road is privately maintained, low-volume, and serves only eight homes.
- Granite curbing is unnecessary for this context; Cape Cod berm is functionally adequate for drainage and pavement protection.

3. Unnecessary Hardship

- Granite curbing costs 3-4 times more than Cape Cod berms (\$40,000–\$50,000 additional), with no measurable improvement in safety or durability.
- For a homeowner-maintained road, this cost constitutes a clear and disproportionate hardship.
- Granite curbing provides no additional safety, drainage, or structural benefit over Cape Cod berms, so the mandated installation is a hardship without measurable public benefit.

4. Consistency with Spirit and Intent of the Regulations

- 20.13 aims for safe, drained, structurally stable roads.
- The proposed berm meets these objectives efficiently and economically, reflecting proportional design standards for private roads.

5. No Conflict with Other Provisions

- Granting this waiver does not conflict with the Zoning Ordinance, Master Plan, or Official Map.

Conclusion:

The Cape Cod berm fully satisfies all five waiver criteria and maintains the safety, drainage, and functional intent of the Subdivision Regulations. Approval is requested under 19.09 and RSA 674:36(II)(n).

B. Street Trees

Project Context:

Existing non-invasive trees (≥ 4 " diameter within 10 feet of ROW) are proposed to satisfy the street tree requirement. Full planting along the entire driveway is impractical due to steep slopes and the presence of utility lines, which could compromise tree survival and safe utility maintenance.

Waiver Criteria Analysis:

1. No Detriment to Public Safety, Health, or Welfare

- Proposed tree planting within the cul-de-sac, supplemented by existing mature trees, maintains erosion control, aesthetics, and safe emergency access.
- 2. **Unique Conditions**
 - Steep slopes and utility conflicts are unique to this property and not generally applicable to other properties.
- 3. **Unnecessary Hardship**
 - Strict compliance would require excessive grading or removal of existing vegetation, creating hardship without significant public benefit.
 - Strict compliance could be environmentally counterproductive.
- 4. **Consistency with Spirit and Intent of the Regulations**
 - The waiver preserves the intent of 28.04(6) to enhance aesthetics, maintain erosion control, and support neighborhood character.
- 5. **No Conflict with Other Provisions**
 - The waiver does not conflict with the Zoning Ordinance, Master Plan, or Official Map.

Conclusion:

The waiver ensures compliance with the intent of 28.04(6) while addressing practical limitations, balancing safety, aesthetics, and feasibility.

C. Road Length (>1,000 ft)

Project Context:

The proposed private road extends approximately 1,150 feet, exceeding the 1,000-foot limit in 20.12. The road is designed 50% wider than the Fire Department minimum requirements, features a properly designed cul-de-sac, and maintains moderate slopes.

Waiver Criteria Analysis:

1. **No Detriment to Public Safety, Health, or Welfare**
 - The road width and cul-de-sac accommodate fire apparatus safely.
 - Hot Hole Pond Road, narrower and steeper, is safely navigable by FD trucks.
 - Farmwood Road and Coventry Road (>1,000 ft) have operated safely for over 25 years, demonstrating long-term public safety.
 - Shelburne Lane (2019/2023, phased project) shows emergency access remains safe even before secondary egress completion, and homes are already occupied.
2. **Unique Conditions**
 - The ~150-foot extension is necessary to accommodate the unique site geometry and lot layout.
 - Other properties in the area do not share this configuration.
3. **Unnecessary Hardship**
 - Limiting the road to 1,000 feet would prevent access to certain portions of the property, effectively rendering parts of the land unusable for homes, driveways, or utilities and preventing the owner from using the land as originally intended.
 - Reduced usable land translates directly to fewer saleable lots and lost revenue, creating a disproportionate financial burden.

4. Consistency with Spirit and Intent of the Regulations

- The intent is to ensure safe, properly designed roads with emergency access.
- The proposed road exceeds width and emergency access standards, fully meeting the regulation's purpose.

5. No Conflict with Other Provisions

- Development complies with zoning, density, setbacks, and Master Plan goals.

Conclusion:

The road length waiver satisfies all five criteria, ensures safety, and supports responsible, well-planned development.

D. Pavement Thickness Reduction (Figure 20-2)

Project Context:

A 3-inch compacted HMA pavement section is proposed in lieu of the 4-inch standard for the private road.

Waiver Criteria Analysis:

1. No Detriment to Public Safety, Health, or Welfare

- Provides full structural support for residential, delivery, and emergency traffic.
- Engineering analysis confirms adequacy; drainage meets city standards; no FD access concerns.

2. Unique Conditions

- Small, low volume privately maintained subdivision; HOA ownership; limited traffic.

3. Unnecessary Hardship

- Strict adherence to 4-inch standard adds \$12,000–\$15,000 without measurable benefit.
- Larger asphalt volume results in higher embodied carbon and energy consumption during construction, conflicting with sustainable development principles.
- Extra asphalt is effectively unused structural capacity in a low-volume context, representing wasteful resource use.
- Adds maintenance complexity over time (e.g., thermal expansion/contraction differences between pavement layers).

4. Consistency with Spirit and Intent of the Regulations

- 21.05 aims for safe, durable, serviceable roads.
- The proposed 3-inch HMA, combined with proper subbase and compaction, meets the intended purpose.

5. No Conflict with Other Provisions

- Complies with Master Plan goals, zoning, and city mapping requirements.

Conclusion:

The pavement thickness waiver fully satisfies all five criteria, avoids unnecessary hardship, preserves safety, and aligns with the intent of the regulations.

VII. CONCLUSION & REQUEST FOR RELIEF

The applicant respectfully requests that the Planning Board:

1. **Approve all four requested waivers:**
 - Cape Cod Berm in lieu of granite curbing
 - Street Trees
 - Road Length
 - Pavement Thickness
2. **Find that each waiver fully satisfies applicable standards**, including 19.09, 35.08, and RSA 674:36(II)(n), and that granting the waivers will not compromise public safety, health, or welfare. Each request has been carefully designed to meet the intent of the regulations while accommodating the unique characteristics of the site.
3. **Recognize that strict compliance would create unnecessary hardship.** Denial of the waivers would impose significant cost, engineering, and practical burdens on the applicant and future homeowners that are not justified by any measurable public benefit. Similar waivers have been granted historically under comparable circumstances, establishing a clear precedent for flexible application when technical standards and public safety are maintained.
4. **Confirm that approval aligns with the spirit and intent of the regulations and statutory authority.** The requested waivers reflect best practices in low-volume residential road design, preserve environmental and safety standards, and ensure efficient use of resources consistent with City and State guidelines.

Granting these waivers will uphold the City's regulatory objectives, protect public interests, and allow for a safe, functional, and economically reasonable development.

Sincerely,

Eastern Development

Former Concord planner says City Hall stifles development



by Catherine McLaughlin
October 24, 2025



Matthew R. Walsh, Deputy City Manager-Development for the City of Concord, reviews plans in City Hall. Credit: STAFF PHOTO

Concord City Hall held up zoning reforms, habitually made overreaching demands on certain projects, or took an inappropriately strong stance against them, and delayed development approvals with unnecessary bureaucratic back-and-forth, according to its now-former city planner.

Anne Marie Skinner left her role earlier this month, making this the second departure of a city planner in the capital city in less than two years. Skinner's new position is a title demotion in a smaller city for a 40% cut in pay.

"I was hired as a city planner, and my boss did not allow me to fulfill the role of city planning," she said. She emphasized that she didn't want to leave Concord, but said that "if I can't fulfill my role, there is no point in me being there."

A vacancy at the top of the planning office complicates imminent plans to update Concord's Master Plan and overhaul the city's land-use regulations. As a housing crisis continues in Concord and statewide, those updates are pinpointed as priorities of the City Council. The current zoning ordinance is widely regarded as out of date and an **obstacle to development**, especially housing, in the city.

These issues – whether Concord is pursuing housing reform fast enough and its relationship with those looking to build here – were at the heart of her friction with city administration.

After Skinner told people in Concord she was leaving, she said the private development community, from project leaders to land use lawyers to surveyors to architects, reached out to her and to city leaders, praising her work or trying to get her to stay. This was confirmed in emails obtained by the Monitor.

"This is truly a loss for the city, and if there is any chance she might reconsider, it would be in the best interest of the Concord community that you not let her go," wrote Jonathan Halle, co-owner of Warrenstreet Architects, in a message to the current mayor, city manager and longtime former mayor Jim Bouley. "I would urge you to look at the reasons why she is leaving, it's not Anne Marie. Allowing her to leave does not solve any underlying issue."

Others shared the sentiment.

"Having worked with a slew of planners and planning staff in Concord over the years, I can say that she's been the best," John Arnold, a land use lawyer in Concord, wrote to the city manager. "She's always been even-handed, and plays by the rules. She has a good understanding of the regulations, and is consistent in her interpretation and application of them, which is critical for developers looking to do projects in the City."

In an interview, Laurie Rauseo, part of the team behind the Merchant's Way complex at Exit 17, said she enjoyed working with Skinner because she "paid attention to what the rules were and just interpreted the rules directly."

"We knew going in what we needed to do to satisfy those rules," she said. "There was no other hidden thing to worry about."

Perhaps no name is more synonymous with successful development in Concord than that of Steve Duprey: from helping guide the makeover of Main Street to his two latest projects – the Arts Alley block and renovation of the downtown Holiday Inn into a Doubletree. He found Skinner's departure regrettable.

"Anne Marie was the best planner I've seen and worked with" he said, describing her as practical, fair and by the book.

Duprey underlined that he saw no ill intent in the way the city operates, enjoys working with everyone in city staff, and wasn't privy to the workplace dynamics behind Skinner's departure.

At the same time, Duprey said, "It is generally regarded that Concord is one of the most difficult communities to do development in."

Duprey said the city is missing "an urgency to get things done."

The Monitor attempted to contact others in the development industry, including but not limited to those who reached out to City Hall. Many declined to be interviewed, citing a fear of retribution from city administration if they made a public critique. They worried it would be impossible to do future business in the city.

Skinner pointed to the leadership in City Hall, namely Deputy City Manager of Development Matt Walsh and City Manager Tom Aspell. Both declined to comment for this story.

"Your story involves city personnel matters," Walsh said in an email. "Therefore, the city has no comment. "

To Skinner, Concord's thorny reputation is deserved. Whether a project will get its approvals depends not just on whether it meets the city's written standards, she said, but whether it bends to the preferences of city hall leadership. When she tried to do things differently, she said she was overruled and told that she was bad at her job.

Aspell declined to be interviewed for this story, refusing to discuss the city's development strategy or Skinner's departure, saying they were personnel matters.

Mayor Byron Champlin took a similar stance. "I am not going to comment on personnel issues," he said.



Mayor Byron Champlin looks on as City Manager Tom Aspell addressed the City Council during a recent meeting.

Skinner was hired in October 2023 as an assistant planner. She was quickly **promoted** to the lead planning position after the departure of Heather Shank at the end of 2023. Skinner has worked in planning for 28 years, about half of that in municipal positions, and when she was promoted in August, she was praised as a “seasoned professional” who would lead the city through an upcoming overhaul of its long-term planning vision and zoning regulations.

After giving notice in September, Skinner’s departure was effective October 7. She took a job to serve as an assistant planner with a \$65,000 annual salary in Manitowoc, Wisconsin – a maritime hub on Lake Michigan with a population of 35,000. City records show she was paid more than \$111,000 in Concord in 2024.

Meanwhile, development in Concord is showing signs of stress.

The city’s overall property valuation grew by less than one tenth of one percent last year, and the three largest proposed housing projects in the city, all on the east side of the river, have slowed or stalled altogether: One is held up in court, another was put on the market with its permits in hand, and the third has yet to get city permissions for the housing portion of its plans.

‘Concord Next’

After city administration scrapped a previous effort to update the city’s housing regulations under Shank’s tenure, Skinner was eager to help shepherd in short-term changes. The business community was eager to see them materialize.

“Here we are in October,” Skinner said, “And nothing’s happened.”

Beginning in 2017, the city hired a consultant to update its zoning rules. Dubbed “Concord Next,” it would have implemented what’s called a form-based code, one that focuses less on regulating land by its specific purpose – residential, commercial, industrial – and more on the physical appearance and fit with existing areas.

Before this new standard could go before the public, the planning board or city councilors for their official input, it was quietly scratched. The effort had consumed six years and hundreds of thousands of dollars. A draft of a new ordinance was completed, but never formally reviewed. A website for the project was taken down.

In October 2023, Walsh told the Monitor his office was **still reviewing the draft** of the new code. A few months later, in early 2024, the city took the stance that it made no sense to overhaul its zoning rules when the city was about to update its master plan. Zoning should be

informed by the master plan's vision, not the other way around.

At some point in that stretch, Concord Next was set aside. What also changed during that period was that the city planner position held by Shank, who had led the charge on Concord Next, became vacant.

Shank declined to be interviewed for this story.

In a previous interview with the Monitor, Walsh described a handful of reasons that Concord Next didn't move forward. The strongest was concern at City Hall that Concord wasn't prepared for the housing density that the new zoning would bring.

"I'm going to use the word unwieldy," Walsh said of Concord Next. "I think it became too big. I think it became too ambitious in some ways."

If approved, the new code would have specifically allowed more condensed and multifamily housing in more traditionally single-family areas, as long as it matched the neighborhood's overall look. One project in Penacook that used Concord Next as a guide proposed to build more than 200 housing units, but under the existing rules, the developer was forced to scale back to 83 condos.

Skinner, arriving in Concord during the tail end of Concord Next, said she shared Walsh's concerns about its reach, but she disagreed with the decision to nix it.

"If planning board didn't like it, and if City Council didn't like it, then the planning board gives a recommendation to City Council to deny it," she said. Walsh "never even let it get to that point."

Instead, in early 2024, newly seated Mayor Champlin and city administration had decided to pursue interim changes to the zoning ordinance, short-term tweaks that would loosen some of the most pressing yet small-scale issues in the current rules.

Then, a year passed.

Walsh announced this March that the city was working on a first batch of interim amendments to the zoning rules and said they'd start going up for review the following month.

Allowing detached accessory dwelling units, or in-law apartments, separate from a main house, was near the top of the list.

Skinner said she had completed drafts of these amendments in December, after going through them with other planning staff and with the city attorney's office. She was excited to see them move forward.

She knew at the time that state lawmakers were looking to make some top-down regulatory changes to encourage housing growth, including a rule about allowing detached accessory dwelling units. She was eager to beat them to it.

"I was hoping to get ahead of the state legislature," she said. "I wanted to show that Concord is ahead and we're being progressive, and we're responding to the needs of the community. And, look, we're doing something because we want to, not because the state is telling us we have to."

She pushed for these new rules to go before the Planning Board sooner, and for other things to be considered, like allowing manufactured housing outside of parks. Walsh, she said, held them up.

"I don't have the authority to present it to planning board or any of the committees," she said. "He has to do that."

Ten months later, only two such changes have been enacted.

The state **beat Concord to the punch** on in-law units and other housing-related rules.

The new accessory dwelling unit ordinance, which was required for the city to become compliant with state law, was approved by the City Council on Oct. 14.

Champlin, when **asked by the Monitor at a recent candidate forum**, didn't give an explanation for why it had taken the city nearly two years to enact the short-term changes to the zoning ordinance.

"There should be a sense of urgency," he said of zoning and master plan changes broadly. "I certainly will be working, if the voters allow me to over the next two years, in expediting that process."

Allowing the city's out-of-date rules to stand for so long, according to Skinner, slows housing growth.

“No one likes to hear this, but our zoning ordinance right now is so anti-housing,” she said, “The lot sizes, the frontage and the setback requirements are extreme, and they’re not housing friendly.”

The city was designated a Housing Champion by the state last year, meaning it checked certain boxes for being open to housing. City leaders have worn the title with pride.

However, according to its former city planner, “Concord is so not a housing champion.”

‘No consistency’

Fueling Skinner’s departure were regular clashes she had with Walsh over projects seeking approval from the city.

Frequently, she felt the city made requirements of projects to get approvals that weren’t mandatory. Other times, she felt the city put bureaucratic obstacles in the way of projects it didn’t like. In general, she said, the city’s method of requiring sign-offs from multiple division heads in addition to specific conditions caused hold-ups.

“There’s no consistency,” she said, “It changes the goalposts...And that’s why we’re difficult to work with, because whoever does the inspection, or whoever’s the city engineer or, you know, whatever whim Matt has for the day, that’s how it gets decided.”

The most recent of these disputes centered around an urgent care facility proposed for North Main Street at the former Santander Bank.

City regulations state that the Planning Board may require private property owners to give the city rights to use their land, called an easement, when the city’s long-range planning calls for the construction or expansion of a road in that area.

A September report – since removed from the city’s website – describes the city’s plan for the controversial Langley Parkway and its history. It urges that the planning board require an easement in case the road is ever built.

Skinner objected. City rules give the planning board members the option to require the easement, and she felt it was up to them to determine whether it was needed. Her original draft report, which she provided to the Monitor, outlined that option. She said she was reprimanded for it, and the report was rewritten by Walsh.

“I said that it’s the staff’s role to present the facts, present what the regulations state, and it’s the planning board’s decision,” Skinner said. “We’re not supposed to sway them one way or the other. He said that it’s poor planning to not do so.”

Skinner took her name off the rewritten report.

At the October Planning Board meeting, the report was replaced with a new one, after **the city and the urgent care’s attorneys negotiated the easement out.**

Planning Board Chair Richard Woodfin declined an interview for this story, saying he had no comment other than to say he had a positive working relationship with Skinner.

There were larger disputes between Skinner and Walsh.

Last year, the city **stalled** what had been its largest proposed housing development, called Monitor Way. The developer proposed building mixed use projects on two pieces of raw land along the Merrimack River, one held by the owners of the Concord Monitor, the other by the Wheelabrator trash incineration plant. The Monitor had no role in the development plans.

Two years after it had first been pitched, a downsized version of the project on the 40-acre Wheelabrator parcel hit a dead end when the **Zoning Board voted against a variance** to allow the proposed housing on industrially-zoned land.

A report to the Zoning Board stated that the project did not qualify for a variance because it was in the public’s interest to preserve the city’s industrial areas for future business. The board ultimately agreed.

“It is unnecessary to grant a zoning variance to allow for residential development at this industrially-zoned property as ample housing development is currently in production, and sufficient opportunities exist for housing development at other non-industrially zoned properties throughout the city,” the report stated.

That **recommendation** had Skinner’s name on it. She told the Monitor she did not write it.

She found it “inappropriate” that Walsh gave a 30-minute presentation to the zoning board arguing against the variance. It felt to her that he was testifying against the project.

“Staff is supposed to be neutral...It’s not the role of staff to act as the applicant or the applicant’s opposition,” she said. “That was unusual. It was wrong.”

Kevin Lacasse, the New Hampton-based developer who had been behind that project, recently sold the rights to the land that would have been part of the neighborhood.

“I’ll put it this way,” he said. “I wouldn’t do another project in Concord.”

Lacasse said this contrasted his experience in other New Hampshire cities, including Berlin, Claremont and, most recently, two roughly 50-unit projects in Laconia.

“It’s just been night and day different,” he said.

‘Love to stay’

Beyond her frustration about the city’s treatment of certain projects and its lagging housing reforms, she said she left her job because she found herself in a work environment where she was constantly shut down and degraded.

Skinner first raised her concerns about this culture with City Manager Aspell in July. He never followed up.

Last month, after she announced her plans to leave, she met with him again and sent him an email outlining how much she enjoyed working in Concord and the conditions under which she would continue.

“I would love to stay, but with a different boss,” she wrote on Sept. 19. “Exciting things are just around the corner for Concord and that is the fun part of planning.”



Matt Walsh, Deputy City Manager of Development for Concord talks about the redesign of Main Street. Credit: STAFF PHOTO

She would remain in her role, she said, if the planning department were separated from the leadership of Walsh, a 24-year city employee who was Skinner's direct supervisor. Doing so would mean a fundamental reorganization of City Hall. Walsh is one of two deputy city managers and oversees not just planning and zoning but engineering, community development, code enforcement and special projects. In Concord, many department heads report to a deputy city manager, not Aspell directly.

Some city councilors were frustrated or concerned by Skinner's departure. They also stressed that they only directly oversee the city manager.

The vacancy, said City Councilor Michele Horne, is “very, very unfortunate when us as a council are trying to move past these issues around housing.”

“Having a master plan process coming up, this is a major concern,” she added. “It’s concerning to see people leaving major city roles voluntarily.”

At-Large Councilor Amanda Grady Sexton agreed.

“I’m confident the city manager will take time to assess how to ensure stability moving forward, including a need for any possible restructuring,” she said. “If we want to expand our tax base through economic development in order to reduce the tax burden on our homeowners and renters, we need to make sure that this next hire is positioned for success.”

Judith Kurtz, an at-large councilor who ran on zoning reform, said in an interview that she did not think the council’s goal for housing and zoning reform had been moving at a sufficient pace.

“It’s been slower than I would have hoped,” she said. “I’ve been told that it is a work in progress.”

To Lacasse, easing some of Concord’s friction with development starts with one thing: “Take a close, close look at staff that they have.”