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

Staff Report for Planning Board

Meeting on April 16, 2025
Project Summary – Minor Subdivision

Project: Parking Area Lot Line Adjustment (2025-030)
Property Owner: Granite Center, LLC and NH Historical Society
Applicant: Richard D. Bartlett & Associates, LLC
Property Address: Unaddressed Storrs St and Eagle Square
Tax Map Lot: 6642/Z 6 and 6642/Z 7

Determination of Completeness:

Per Section 9.06 *Determination of Completeness* of the Subdivision Regulations, a completed application will contain the required 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. In making a determination of completeness, the Board shall consider the written recommendation of the Planning Division, as well as any written communications from the applicant, abutters, and parties of interest; **however, no hearing shall be opened nor shall testimony be received on a determination of completeness.** If it is determined that the application is complete, the Board shall then open the public hearing on said 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) *Determination of Completeness* 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 contains sufficient information and detail for a full review and 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.**

If the Board chooses to deem the application incomplete, the Board would move to:

- Determine that the application is incomplete;
- State the reasons why and list the items needed for a complete determination; and,
- State that the application may be revised and resubmitted to a subsequent hearing of the Board for another determination of completeness.

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 on April 16, 2025, and end on **June 20, 2025**. If the applicant has not demonstrated compliance with the Subdivision Regulations by the end of the statutory timeline (**June 20, 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 applicant is seeking minor subdivision approval, along with certain waivers, for a lot line adjustment to annex 0.57 acres from lot 7 (Tax Map Lot 6442Z 7) to lot 6 (Tax Map Lot 6442Z 6) in the Opportunity Corridor Performance (OCP) District. This would leave lot 7 with 1.59 acres and increase the size of lot 6 from 0.49 acres to 1.06 acres.

Compliance:

The following analysis of compliance with the Zoning Ordinance and Subdivision Regulations is based on a narrative, dated March 12, 2025, prepared by Richard D. Bartlett & Associates, LLC; and, a 2-sheet plat, dated January 10, 2025, prepared by Richard D. Bartlett & Associates, LLC.

1. Project Details and Zoning Ordinance Compliance:

Zoning District:	Opportunity Corridor Performance (OCP) District
Existing Use:	Lot 6642Z 7 – Parking lot Lot 6642Z 6 – Parking lot
Proposed Use:	Lot 6642Z 7 – Parking lot Lot 6642Z 6 – Parking lot
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	Existing	Proposed
Minimum Total Area	_____	6642Z 7 – 2.16 acres 6642Z 6 – 0.49 acres	6642Z 7 – 1.59 acres 6642Z 6 – 1.06 acres
Minimum Buildable Area	_____	6642Z 7 – Not provided 6642Z 6 – Not provided	6642Z 7 – Not provided 6642Z 6 – Not provided
Minimum Lot Frontage	150 feet	6642Z 7 – 444.97 feet	6642Z 7 – 308.87 feet

		6642Z 6 – 170.02 feet	6642Z 6 – 306.12 feet
Minimum Front Yard	15 feet	6642Z 7 – 15 feet 6642Z 6 – 15 feet	6642Z 7 – No change 6642Z 6 – No change
Minimum Rear Yard	15 feet	6642Z 7 – 15 feet 6642Z 6 – 15 feet	6642Z 7 – No change 6642Z 6 – No change
Minimum Side Yard	15 feet	6642Z 7 – 15 feet 6642Z 6 – 15 feet	6642Z 7 – No change 6642Z 6 – No change
Maximum Lot Coverage	10 %	6642Z 7 – 87.8% 6642Z 6 – 86.9%	6642Z 7 – 86.5% 6642Z 6 – 89.3%

1.1 Staff determined that the application as submitted conforms with the Zoning Ordinance, noting that the applicant received variance approval from the Zoning Board of Adjustment to allow the increase in maximum lot coverage on lot 6.

2. Subdivision Regulations Comments and Compliance:

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, potable water supply, and capital improvements such as schools, 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 4.04, the Subdivision Regulations shall apply to re-subdivisions, minor lot line adjustments, and condominiums. Since the applicant is requesting approval for a lot line adjustment, the Subdivision Regulations apply.
- 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 1, 2025, for the Board’s consideration of completeness on April 16, 2025. The application was considered by staff to conform with the Zoning Ordinance at the time of the mailing.
- 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. No conditional use permit applications were required. No permit applications to state and federal agencies are necessary. The application included requests from waivers as described in Item 3 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*. In this case, the lot line adjustment does not involve any development, redevelopment, or site construction, so topography is not necessary. Additionally, the applicant requests a waiver from providing topographic information.
- 2.10 The Fire Department reviewed the application and had no comments.
- 2.11 The Assessing Department reviewed the application and had no comments.
- 2.12 The General Services Department reviewed the application and had no comments.
- 2.13 The Engineering Department reviewed the application and had no comments.

Compliance:

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

- 2.14 Per Section 12.03(5) *Wetland*, Section 12.07 *Wetland Delineations*, and Section 15.01(3), boundaries shall be delineated by a New Hampshire certified wetland scientist who shall sign and seal the existing conditions plan and subdivision plat, with the date of the wetland delineation so noted on the plans. The plan does not show any wetland boundaries or delineations, and the site is almost all impervious, so the assumption is the site does not contain any wetlands. Regardless, the applicant requests a **waiver** from this requirement.
- 2.15 Per Section 12.08 *Existing Conditions Plan*, the existing conditions may be shown on the final plat for a minor subdivision if the existing and new information can be legibly and clearly shown. In this case, the applicant has utilized the final plat to show both the existing and new information. In so doing, the applicant opted against showing existing topographic conditions in ground elevation at two-foot intervals and spot elevations as required by Section 12.08(3)

Topography and Section 15.03(4) *Topography*. The applicant requests a **waiver** from showing the required topographic contours since there is no new development, no redevelopment, and no site construction involved with this minor lot adjustment.

- 2.16 Per Section 12.08(16) *Signs*, the location and size of existing ground signs must be shown on the existing conditions plan. There are no ground signs appearing on the plat, but the applicant requests a **waiver** from this requirement.
- 2.17 Per Section 12.08(17) *Solid Waste and Outside Storage*, the type and location of existing solid waste disposal facilities must be shown on the existing conditions plan. There are no solid waste disposal facilities appearing on the plat, but the applicant requests a **waiver** from this requirement.

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

- 2.18 Per Section 19.04 *Monuments*, a New Hampshire licensed land surveyor shall place permanent reference monuments in the subdivision, as required by the Subdivision Regulations and 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. It appears that the plat shows the monuments to be set, but recognizing that a performance guarantee will not be necessary for this minor lot line adjustment, all monuments shall be set prior to final approval and in accordance with Section 19.04(1) *Street Right-of-Way Monuments* and Section 19.04(2) *Lot Monuments*.

3 Variances:

- 3.1 At a meeting held on April 2, 2025, the Zoning Board of Adjustment granted the applicant's requested variance as follows:
 - Section 28-4-1(e) *Maximum Lot Coverage*/Section 28-4-1(h) *Table of Dimensional Regulations*, to permit 89.3% of lot coverage where 85% is the maximum allowed.

4 Waivers:

- 4.1 The applicant requests waivers from the following sections of the Subdivision Regulations:
 - a. Sections 12.03(5) *Wetland*, Section 12.07 *Wetland Delineations*, and Section 15.01(3), to not provide a wetland delineation on the existing conditions plan or the final plat;
 - b. Section 12.08(3) *Topography* and Section 15.03(4) *Topography*, to not show existing topographic conditions and spot elevations on the existing conditions plan or the final plat;
 - c. Section 12.08(16) *Signs*, to not show the location and size of existing ground signs on the existing conditions plan;
 - d. Section 12.08(17) *Solid Waste and Outside Storage*, to not show the type and location of existing solid waste disposal facilities on the existing conditions plan;
 - e. Section 15.02(11) *Multiple Sheets*, to not provide plans on one sheet;
 - f. Section 15.03(11) *Municipal Sewer*, to not show the location, size, rim, and invert elevations of existing and proposed sanitary and storm sewers.

The applicant provided an analysis of the five waiver criteria listed in Section 35.08 of the Subdivision Regulations and RSA 674:36(II)(n)(1).

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

5. Conditional Use Permits:

5.1 No conditional use permits are requested.

6. Architectural Design Review:

6.1 No architectural design review is required for a subdivision.

7. Conservation Commission:

7.1 No appearances before the Conservation Commission are necessary for a subdivision application.

8. Recommendations:

8.1 Staff recommends that the Planning Board discuss and adopt the findings of fact, which include: information provided in staff reports; the applicant's submission materials; testimony provided during the public hearing; and, 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:

8.2 **Grant the waiver requests below** from the listed sections of the Subdivision Regulations, using the criteria of RSA 674:36(II)(n)(1) and Section 35.08 of the Subdivision Regulations:

- a. Sections 12.03(5) *Wetland*, Section 12.07 *Wetland Delineations*, and Section 15.01(3), to not provide a wetland delineation on the existing conditions plan or the final plat;
- b. Section 12.08(3) *Topography* and Section 15.03(4) *Topography*, to not show existing topographic conditions and spot elevations on the existing conditions plan or the final plat;
- c. Section 12.08(16) *Signs*, to not show the location and size of existing ground signs on the existing conditions plan;
- d. Section 12.08(17) *Solid Waste and Outside Storage*, to not show the type and location of existing solid waste disposal facilities on the existing conditions plan;
- e. Section 15.02(11) *Multiple Sheets*, to not provide plans on one sheet;
- f. Section 15.03(11) *Municipal Sewer*, to not show the location, size, rim, and invert elevations of existing and proposed sanitary and storm sewers.

8.3 **Grant minor subdivision approval** for the lot line adjustment to annex 0.57 acres from lot 7 (Tax Map Lot 6442Z 7) to lot 6 (Tax Map Lot 6442Z 6), as submitted, 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. The plat shall list all approved variances, waivers, and conditional use permits with the section numbers and description, and date of approval.
 2. Per Section 19.04 Monuments, a New Hampshire licensed land surveyor shall place permanent reference monuments in the subdivision, as required by the Subdivision Regulations and as approved by the City Engineer. All monuments shall be inspected by the City of Concord prior to the signature of the Clerk of the Board on the final plat. 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.

- a. Prior to signature of the Clerk of the Board on the final plat, monuments for street line bounds shall be set in accordance with Section 19.04(1) *Street Right-of-Way Monuments* of the Subdivision Regulations.
 - b. Prior to signature of the Clerk of the Board on the final plat, monuments for lots shall be set in accordance with Section 19.04(2) *Lot Monuments* of the Subdivision Regulations.
4. Upon notification from the Planning Division that the final plat complies with Planning Board conditions, the Zoning Ordinance, and Subdivision Regulations, the applicant shall deliver to the Planning Division one mylar and one full-size plan set for endorsement by the Planning Board Chair and Clerk and subsequent recording of the mylar at the Merrimack County Registry of Deeds. Per Section 15.02(1) *Licensed Land Surveyor*, the final plat drawings shall contain the signature and stamp of the New Hampshire licensed land surveyor who prepared the plat.
 5. Per Section 13.02(13) *Recording Fees*, the applicant is responsible for submittal of required recording fees.
 6. Per Section 4.02, no land shall be subdivided or portions of a lot transferred within the corporate limits of the City, until a subdivision plat for said land has been prepared in accordance with the regulations, approved by the Board, endorsed by the Chair and Clerk of the Planning Board, and filed at the Merrimack County Registry of Deeds.
 7. 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.

(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.

Prepared by: KOB