



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

Staff Report for Planning Board

Meeting on February 19, 2025
Project Summary – Conditional Use Permit

Project: Shed Encroachment into Wetland Buffer (2026-065)
Property Owner: Christopher Legrand and Sandra Jones
Applicant: Christopher Legrand
Project Address: 294 Elm St
Tax Map Lot: 18Z 12

Determination of Completeness:

Per Section 34.05 of the Site Plan Regulations, a completed application for a conditional use permit without a companion site plan application will contain the required information listed in Section 14.02 *Design Review Phase* of the Site Plan Regulations and will be legible and competently prepared.

In making a determination of completeness, the Board shall consider the written recommendation of the Planning Division, as well as any written communications from the applicant, abutters, and parties of interest; **however, no hearing shall be opened nor shall testimony be received on a determination of completeness. If the application is determined complete, the Board shall then open the public hearing.**

Section 36.14(1) *Determination of Completeness* of the Site Plan 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 Site Plan Regulations and concludes that all criteria for completeness have been met, or will be met with conditions of approval, and 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 that the application is complete;**
- **State that the project does not meet the criteria for a development of regional impact per New Hampshire RSA 36:55; and,**
- **Open the public hearing.**

Project Description:

The applicant is proposing temporary and permeant impacts to wetland buffers for the construction and installation of a shed. The proposed structure lies entirely outside the delineated wetland and within the buffer only, on an area currently maintained as lawn.

Compliance:

The following analysis of compliance with the Zoning Ordinance and Site Plan Regulations is based on a narrative, dated June 2026; and, a 1-sheet Construction plot plan, dated June 15, 2026, prepared by Meridian Land Services, Inc, Site Photograph Location Key and Photographs, Letter of support dated June 9, 2026 prepared by Aspynn Kutz, a Restoration Area Demarcation plan and Septic System Plans.

1. Project Details and Zoning Ordinance Compliance:

Zoning District: Open Space Residential (RO) District

Existing Use: Single-Family Dwelling

Proposed Use: Shed

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

2. Site Plan Regulations Compliance and Comments:

2.1 Per Section 6.01(4) *Conformity with Zoning*, Staff determined that the application conforms with the Zoning Ordinance, and that determination was made prior to the abutter notifications being mailed on July 1, 2026.

2.2 Per Section 34.04 *Independent Application*, staff utilized the procedures for a minor site plan application in the processing of the stand-alone conditional use permit applications and items from Section 14.02 *Design Review Phase* in the review for determining completeness.

2.3 Staff notes that Section 34.05(4) authorizes the Clerk to determine that certain requirements of Section 14.02 *Design Review Phase* may not be relevant for the particular circumstances of the site or proposed use, for which a conditional use permit is requested. Unless otherwise noted below that an item is missing from the application and required, the Clerk has determined that certain requirements of Section 14.02 *Design Review Phase* have either been provided, or are not relevant for the particular proposed site or use.

The following items from the Site Plan Regulations appear to be missing from the application, all of which are minimum components necessary to determine the application complete.

2.4 Per Section 12.02(2) *Scale* requires a scale to be provided on all plans. The plan provides does not accurately scale at 1" = 60' as indicated on the plan and shall be revised to scale accurately with the listed scale.

2.5 Zoning Ordinance Section 28-4-3(b) *Natural Conditions to be Maintained Within Buffers* of the Zoning Ordinance requires where a wetland buffer disturbance is allowed pursuant to a conditional use permit, revegetation of the disturbed area with native species is required. The plan

should be revised to show temporary erosion control devices and the revegetation materials to be used for the disturbances to the wetland buffer.

- 2.6 Please provide the Planning Board approval block on the site plan. Staff can provide a template as a .pdf, .dwg, or .jpg if requested.



- 2.7 The Engineering Division, Fire Department, General Services Department and Assessing Department have performed a review of this application and had no comments.

3. Variances:

- 3.1 No variances are requested.

4. Waivers:

- 4.1 No waivers are requested.

5. Conditional Use Permits:

- 5.1 The applicant requests approval for a conditional use permit in accordance with Article 28-4-3(d) *Conditional Use Permits Required for Certain Disturbance of Wetland Buffers* of the Zoning Ordinance to allow for the disturbance of the wetland buffer. The applicant provided a narrative addressing the criteria of approval.

Staff reviewed the applicant's analysis of the required criteria (included with provided supplemental materials) from Section 28-9-4(b) *Conditional Use Permits*. **Staff recommends the Board find that the criteria is satisfied by the applicant's proposal.**

6. Architectural Design Review:

- 6.1 No architectural design review is required.

7. Conservation Commission:

- 7.1 The applicant appeared before the Conservation Commission on July 8, 2026 and recommended the conditional use permit as presented.

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/or, other documents or materials provided in the public hearing

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

- 8.2 **Grant the conditional use permit for** Article 28-4-3 (d) *Conditional Use Permits Required for Certain Disturbance of Wetland Buffers*, to allow for temporary and permanent disturbance of the wetland buffer, for the construction and installation of a shed at 294 Elm St, subject to the following precedent and subsequent conditions:

- (a) **Precedent Conditions** – to be fulfilled within one year and prior to signature of the final plans by the Planning Board Chair and Clerk, unless otherwise specified:

1. For compliance with the Site Plan Regulations, revise the plans as follows:
 - a. Per Section 12.02(2) *Scale* requires a scale to be provided on all plans. The plan provides does not accurately scale at 1" = 60' as indicated on the plan and shall be revised to scale accurately with the listed scale.
 - b. The plan shall be revised to show temporary erosion control devices and the revegetation materials to be used for the disturbances to the wetland buffer in accordance with Section 28-4-3(b) of the Zoning Ordinance.
 - c. Planning Board Approval Block to be added to the Site Plan.
2. The plans submitted for final approval shall contain the signature and seal of the appropriate licensed professional responsible for preparing the plans as outlined in Section 12.03(1) through (6), as applicable.
3. A note shall be added to the plan annotating the Planning Board's subsequent conditions of approval.
4. Upon notification from the Planning Division that the final plan set complies with Planning Board conditions, Zoning Ordinance requirements, and the Site Plan Regulations, the applicant shall deliver to the Planning Division three plan sets (two full-size and one 11x17) for endorsement by the Planning Board Chair and Clerk.

- (b) **Subsequent Conditions** – to be fulfilled as specified:

1. The applicant is responsible for full knowledge of, and compliance with, the municipal code, Site Plan Regulations, and Concord Construction Standards and Details for the project, unless a variance, waiver, or conditional use permit is granted.
2. Erosion control measures shall be installed and maintained in accordance with Section 27.09 of the Site Plan Regulations.
3. Per Section 36.19 of the Site Plan Regulations, it shall be the duty of the Clerk to enforce the regulations and to bring any violations or lack of compliance herewith, to the attention of the City Solicitor and Code Administrator.
4. In accordance with Section 36.28 of the Site Plan Regulations, wetland buffers shall be clearly and permanently marked before, during, and after construction. Permanent markers used shall either be the marker discs available for purchase from the Planning Department, or match the marker discs available from the Planning Department and be subject to the Clerk's approval prior to placement.
5. In accordance with Article 28-9-4(b)(7) *Expiration of a Conditional Use Permit*, if the use or construction so authorized by granting a conditional use permit has not commenced within a two-year period from the date of the decision of the Planning Board, then the conditional use permit shall be deemed to have expired and the Planning Board's decision shall be considered null and void.
6. Prior to the start of construction, or the issuance of a building permit, whichever comes first, the applicant shall receive a City of Concord Driveway Permit, and any other permit deemed necessary by the City Engineer. Permit applications shall include the following: A project schedule; an estimate of the anticipated number of inspections, subject to review by City Engineering; and, paying applicable permit inspection fees in

accordance with Section 36.24 *Inspections* of the Site Plan Regulations.