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

Staff Report for Planning Board

Meeting on December 18, 2024
Project Summary – Minor Subdivision

Project: 310 South Main Condominium Amendment (2024-072)
Property Owner: Alden Place Condominium Owners Association
Applicant: Richard D. Bartlett & Associates, LLC
Property Address: 310 S Main St, 1 Matthew St, and 6 McKinley St
Tax Map Lot: 7942Z 31

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 enough information has been provided to allow for a full review and action by the Board, even though there are missing items.

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 New Hampshire 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 New Hampshire 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 December 18, 2024, and end on February 21, 2025. If the applicant has not demonstrated compliance with the Subdivision Regulations by the end of the statutory timeline (February 21, 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 for a condominium subdivision amendment to eliminate platted convertible land area and make it platted common area, and certain waivers from the Subdivision Regulations, at 6 McKinley St, 1 Matthew St, and 310 S Main St in the Neighborhood Residential (RN) District.

Tax Map Lot 7942Z 31 is addressed as 310 S Main St and contains the condominium land ownership of the site, buildings, and common areas.

Tax Map Lot 7942Z 31 A1-5 is addressed as 6 McKinley St and is a 5-unit condominium building for units 1-5.

Tax Map Lot 7942Z 31 B6-10 is addressed as 1 Matthew St and is a 5-unit condominium building for units 6-10.

Tax Map Lot 7942Z 31 C11-16 is addressed as 310 S Main St U-11 and is an undeveloped convertible land area proposed to be converted to common area.

Compliance:

The following analysis of compliance with the Zoning Ordinance and Subdivision Regulations is based on a 1-page, undated narrative, prepared by Richard D Bartlett & Associates, LLC; a 1-sheet condominium plat, dated October 2024, prepared by Richard D. Bartlett & Associates, LLC; and three 1-sheet waiver requests, dated October 16, 2024, prepared by Richard D. Bartlett & Associates, LLC.

1. Project Details and Zoning Ordinance Compliance:

Zoning District:	Neighborhood Residential (RN) District
Existing Use:	Multifamily Residential
Proposed Use:	Multifamily 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

Zoning Code Item	Required	Proposed
Minimum Total Area	10,000 square feet	Not provided
Minimum Buildable Land	5,000 square feet	Not provided
Minimum Lot Frontage	80 feet	Not provided
Minimum Front Yard	15 feet	Not provided
Minimum Rear Yard	25 feet	Not provided
Minimum Side Yard	10 feet	Not provided
Maximum Lot Coverage	50 %	Not provided

1.1 Staff determined that the application as submitted conforms with the Zoning Ordinance.

2. Subdivision Regulations Compliance and 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 Staff notes that, 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 condominium, 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 November 4, 2024, for the Board’s consideration of completeness on November 20, 2024.

The application was considered by staff to conform with the Zoning Ordinance at the time of the mailing.

2.5 Staff notes that, 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 Section 6.02 *Classification of Subdivisions* identifies the classification of subdivisions as minor or major subdivisions. Subdivisions not classified as a minor subdivision shall be major subdivisions. Existing developments proposed for conversion to condominiums, where there will be no change in the use of land and no change in the site layout shall be classified as minor

subdivisions. Developments proposed for conversion to condominiums involving a change of use of the land or a change in the site layout shall be classified as major subdivisions.

Staff notes that the site is an existing development, there will be no change in the use of land, and there will be no change in the site layout; therefore, the subdivision application shall be classified as a minor subdivision by the Clerk.

- 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 4 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 Engineering Division reviewed the application and had no comments.
- 2.10 The Fire Department reviewed the application and had no comments.
- 2.11 The Assessing Department reviewed the application and noted that Article 1-130 refers to Article 12 which was intentionally omitted; the unit owners listed at the start of the declaration do not align with assessing records; and, inquired to the purpose of showing 5,000 square feet of useable area.
- 2.12 The General Services Department reviewed the application and had no comments.

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

- 2.13 Section 15.01(1) and Section 15.01(2) require all items set forth in Section 12 *General Requirements for All Drawings*, Section 13.01 *All Applications*, and Section 13.02 *Documentation Required Prior to Recording of Plans*. Information missing from those sections is noted below in numbers 2.14 through 2.35.
- 2.14 Section 12.02(1)(b) *Title Block* requires that the name and address of the owner and the applicant be included in the title block. This information appears to be missing. Specifically, the name and address of the owner is missing from the title block and shall be added.
- 2.15 Section 12.02(3) *Standard Notes* requires listing the notes set forth in Appendix B. The plat shall list any waivers granted, and conditions of the Planning Board approval which remain to be fulfilled after the recording of the plat. Any granted waivers shall include a brief description and the date they were granted. Remaining conditions of Planning Board approval, if applicable, can

be satisfied by adding a note that states “The development is subject to all subsequent conditions of Planning Board approval from Case 2024-072.”

- 2.16 Section 12.02(4) *Conditions of Planning Board Approval* requires listing conditions of approval which remain to be fulfilled after plat recording. The plat does not appear to contain any notes regarding subsequent conditions of approval. This requirement can be satisfied by adding a note that states: “The development is subject to all subsequent conditions of Planning Board approval from Case 2024-072.”
- 2.17 Section 12.04(1) through (9) *Location Plan* requires specific items to be shown in the location plan as follows: (1) proposed subdivided property; (2) property lines existing prior to subdivision application; (3) abutter’s property lines; (4) names and locations of nearby and adjacent city streets; (5) names and locations of adjacent water bodies and watercourses; (6) names and locations of nearby and adjacent parks, schools, churches, and other significant physical and man-made features; (7) nearest street intersections; (8) tax assessor’s map, block, and lot number for abutters and properties to be subdivided; (9) zoning district designations and boundaries.
- The plan shows the boundary between Neighborhood Residential (RN) and Urban Transitional (UT) Districts along S Main St, but is missing the boundary between the Neighborhood Residential (RN) and Medium Density Residential (RM) Districts along McKinley St, Dunklee St, and Mathew St and shall be added for compliance with Section 12.04(9).
- 2.18 Section 12.08(3) *Topography* requires showing existing topographic conditions. The required topography appears to be missing from the existing conditions plan.
- 2.19 Section 12.08(7) *Buildings and Structures* requires that the existing conditions plan show the location, layout, and use of existing buildings and structures with exterior dimensions. This required information is missing from the existing conditions plan. Specifically, the location of existing buildings and structures is shown but the exterior dimensions appear to be missing and shall be added.
- 2.20 Section 12.08(10) *Municipal Utilities* requires that the location, size, material, and type of municipal utilities currently serving the subdivision, including all structures, valves, hydrants, meters, and other appurtenances be shown on the existing conditions plan. This required information appears to be missing from that plan. Specifically, there appears to be a single sanitary sewer manhole and stormwater catch basin shown on the plat with no accompanying information, additional structures, or pipe network shown and shall be added.
- 2.21 Section 12.08(11) *Non-municipal Utilities* requires that the location, type, and size, where applicable, of the non-municipal utilities currently serving the subdivision, including transformers, switch boxes, and other appurtenances, be shown on the existing conditions plan. This required information appears to be missing from that plan and shall be added.
- 2.22 Section 12.08(13) *Flood Hazard* requires that a notation as to whether or not the property is located in a Flood Hazard Zoning Overlay District be noted on the existing conditions plan, along with the location of the boundary lien of the Flood Hazard Zoning Overlay District if it transects the property, and the required finished floor elevation if all or a portion of the property is located within a flood hazard area. This required notation as to whether or not the site is located in a Flood Hazard Zoning (FH) Overlay District, as defined in Article 28-3-2 of the Zoning Ordinance, and shall be added. This note can be added to the end of Note 6 on the site plan.
- 2.23 Section 12.08(14) *Aquifers* requires that the existing location plan show the boundaries and label for each water systems protection area. This information appears to be missing from that plan. If

- the site does not contain any water system protection area, a note shall be added to the existing conditions plan stating that the site does not contain any water systems protection areas.
- 2.24 Section 12.08(15) *Shoreland Protection* requires that the existing conditions plan show the boundaries and label for the shoreland protection overlay district and the natural vegetative and woodland buffers associated with that district. The information appears to be missing from that plan. If the site does not contain any shoreland protection overlay districts, a note shall be added to the existing conditions plan stating that the site does not contain any shoreland protection overlay districts.
- 2.25 Section 12.08(16) *Signs* requires that the location and size of existing ground signs be shown and labeled on the existing conditions plan. This required information appears to be missing from the existing conditions plan. If the site does not contain any existing ground signs, a note shall be added to the existing conditions plan stating that the site does not contain any existing ground signs.
- 2.26 Section 12.08(19) *Setbacks and Buffers* requires that setbacks and buffers shall be shown and dimensioned, including wetland buffers, shoreland protection district buffers, buffers to bluffs, and residential district buffers. This required information appears to be missing from the existing conditions plan. If the site does not require or contain any of the stated buffers, a note shall be added to the existing conditions plan stating as much.
- 2.27 Section 12.08(20) *Existing Vegetation* requires that the existing conditions plan show the location, type, and size of existing trees on the site. In the case of heavily wooded portions, the edge of the clearing shall be shown. This required information appears to be missing from areas of the existing conditions plan. Specifically, this information appears to only be shown near the driveway from Dunklee Street and is not provided for the entire site and shall be shown.
- 2.28 Section 12.08(24) *Zoning* requires the zoning district boundary lines, with labels, to be shown on the existing conditions plan. This information is partially shown, but is missing the zoning boundary line between the Neighborhood Residential (RN) and Medium Density Residential (RM) Districts along McKinley St, Dunklee St, and Mathew St and shall be added.
- 2.29 Section 15.02(6) *Error of Closure* requires an error of closure of not less than 1 in 10,000. Note 1 on the site plan states the original error of closure conducted was less than the required closure of 1 in 10,000, adding that additional survey work was conducted through August 1995. The note does not clearly demonstrate if the additional survey work met the requirements of this section. The applicant shall provide a survey plan that meets the requirements of this section.
- 2.30 Section 15.03(5) *Monumentation* requires the type and location of existing and required monuments be shown on the plat at the corners of lots, points of curvature, tangency, and deflection points along the street rights-of-way. This required information appears to be missing in areas of the plat where there doesn't appear to be found existing monuments, or proposed monuments to be set at all lot corners. Any missing bounds shall be shown on the plat as to be set, and will be set in accordance with Section 19.04 *Monuments* of the Subdivision Regulations.
- 2.31 Section 15.03(7) *Zoning* requires that the zoning district boundary lines, including overlay districts, be shown on the plat with labels. One zoning district boundary line is shown, but the plan is missing the zoning boundary line between the Neighborhood Residential (RN) and Medium Density Residential (RM) Districts along McKinley St, Dunklee St, and Mathew St and shall be added.
- 2.32 Section 15.03(11) *Municipal Sewer* requires showing the location, size, rim, and invert elevations of existing and proposed sanitary and storm sewers including manholes, catch basins, and

- culverts. This required information appears to be missing from the plat. Specifically, there appears to be a single sanitary sewer manhole and stormwater catch basin shown on the plat with no accompanying information, additional structures, or pipe network shown and shall be added.
- 2.33 Section 15.03(13) *Municipal Water Supply* requires showing the location and size of all existing and proposed water mains, including hydrants, gates, valves, and blowoffs. This required information appears to be missing from the plat. Specifically, the location of the municipal water supply seems to be shown, but is missing the size.
- 2.34 Section 15.03(15) *Utilities* requires that the location and size of all existing and proposed underground and overhead non-municipal utilities be shown on the plat. This required information appears to be missing from the plat.
- 2.35 Section 15.03(17) *Conditions of Approval* requires that the conditions of approval as set forth by the Planning Board which remain to be fulfilled after the recording of the plat shall be duly noted on the plat. This required information appears to be missing from the plat, and can be satisfied with a note stating: “The development is subject to all subsequent conditions of Planning Board approval from Case 2024-072.”

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.

- 2.36 Section 17.03 *Building Floor Plans* requires submittal of floor plans of condominium building units at a scale of 1" = 5', 1" = 10', or 1" = 20' showing the location and horizontal and vertical dimensions of each unit and common area. The units are not labeled as either land units or building units, nor did the submittal include floor plans. It is assumed that the units are building units, and need to be labeled accordingly. If in fact the units are building units, then the building floor plans containing the information required by Section 17.03 must be submitted, including: (1) the floor plans being prepared, signed, and stamped by one of the listed required professionals in a format suitable for filing in the Merrimack County Registry of Deeds; (2) the floor plans shall include a standard Planning Board approval block; and, (3) the exterior walls of each unit shall be shown and provisions for ingress to and egress from each unit to common areas shall be shown.
- 2.37 Section 17.04(1) requires that all common facilities on the site shall be shown on the final plat, including parking, driveways, landscaped areas, walkways, signs, solid waste facilities, fire hydrants, light poles, above-ground utilities, fences, walls, and other pertinent common facilities. It is unclear from the submitted final plat what, if any of the above-listed items are common facilities.
- 2.38 Section 17.04(2) requires location, dimensions, and purpose of each common area and limited common area be shown on the final plat. It doesn't appear that this requirement has been met; specifically, the required dimensions for the common area and limited common areas shall be shown; the purpose of each common area and limited common area shall be stated; and the 5,000-square-foot useable area rectangle shown on the site plan shall be removed, or its purpose explained, as it is confusing that the intention of the plan is to remove the buildable land unit only to show a useable land area, and if it remains may change the designation of the area for assessing purposes.
- 2.39 Section 17.04(3) requires that the acceptable means for water metering, water service, and sewer service including existing and proposed water and sewer service connections shall be shown on the final plat and building floor plans. This required information does not appear to be shown on

the submitted plat, and there were no building floor plans included with the submittal to analyze for compliance with this requirement.

- 2.40 Section 17.05 *Acceptable Water Metering and Water Service* requires demonstration of one or more of four provisions for water metering and water service for the conversion of the one existing building at 20 S Main St to a condominium. The plat gives no indication of the provisions for water metering and water service of the existing building as required by this section.
- 2.41 Section 17.06 *Condominium Declaration and By-Laws* requires two copies of all condominium documents, including the declaration of condominium and by-laws shall be provided for review and approval as to form and content by the City Solicitor and the Clerk of the Board. The approved condominium documents shall be considered part of the official approval and shall not be altered to be inconsistent with the recorded plat, without further review and approval by the Board of a revised subdivision application.

Staff reviewed the condominium declaration and by-laws prior to final review by the City Solicitor, and provides the following comments that shall be reviewed and revised accordingly: Article 1-130 refers to an Article 12, which is stated as being intentionally omitted on page 31 of the declaration document; and, several unit ownership discrepancies have been identified based on city assessing records and what is listed on page 1 of the declaration of condominium and shall be reviewed and revised to correct accordingly.

3 Variances:

- 3.1 No variances are requested.

4 Waivers:

- 4.1 The applicant requests waivers from the following sections of the Subdivision Regulations:
- a. Section 12.07 *Wetland Delineations*, to not provide wetland delineations;
 - b. Section 12.08(23) *Tabulations*, to not provide tabulations; and,
 - c. Section 15.03(4) *Topography*, to not provide topographic information.

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

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 New Hampshire RSA 674:36(II)(n)(2) and Section 35.08 of the Subdivision Regulations:
- a. Section 12.07 *Wetland Delineations*, to not provide wetland delineations;
 - b. Section 12.08(23) *Tabulations*, to not provide tabulations; and,
 - c. Section 15.03(4) *Topography*, to not provide topographic information.
- 8.3 **Grant minor subdivision approval** for the condominium subdivision amendment to eliminate platted convertible land and make it platted common area at 6 McKinley St, 1 Matthew St, and 310 S Main St, 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. Unless a specific variance, waiver, or conditional use permit is granted stating otherwise, revise the plan set to fully comply with the Subdivision Regulations, Zoning Ordinance, and Concord Construction Standards and Details, including but not limited to the following:
 - a. Section 12.02(1)(b) *Title Block* requires that the name and address of the owner and the applicant be included in the title block. This information appears to be missing. Specifically, the name and address of the owner is missing from the title block and shall be added.
 - b. Section 12.02(3) *Standard Notes* requires listing the notes set forth in Appendix B. The plat shall list any waivers granted, and conditions of the Planning Board approval which remain to be fulfilled after the recording of the plat. Any granted waivers shall include a brief description and the date they were granted. Remaining conditions of Planning Board approval, if applicable, can be satisfied by adding a note that states ““The development is subject to all subsequent conditions of Planning Board approval from Case 2024-072.””
 - c. Section 12.02(4) *Conditions of Planning Board Approval* requires listing conditions of approval which remain to be fulfilled after plat recording. The plat does not appear to contain any notes regarding subsequent conditions of approval. This requirement can be satisfied by adding a note that states: “The development is subject to all subsequent conditions of Planning Board approval from Case 2024-072.”
 - d. The plan shows the boundary between Neighborhood Residential (RN) and Urban Transitional (UT) Districts along S Main St, but is missing the boundary between the Neighborhood Residential (RN) and Medium Density Residential (RM) Districts along McKinley St, Dunklee St, and Matthew St and shall be added for compliance with Section 12.04(9).
 - e. Section 12.08(3) *Topography* requires showing existing topographic conditions. The required topography appears to be missing from the existing conditions plan.
 - f. Section 12.08(7) *Buildings and Structures* requires that the existing conditions plan show the location, layout, and use of existing buildings and structures with exterior dimensions. This required information is missing from the existing conditions plan. Specifically, the location of existing buildings and structures is shown but the exterior dimensions appear to be missing and shall be added.

- g. Section 12.08(10) *Municipal Utilities* requires that the location, size, material, and type of municipal utilities currently serving the subdivision, including all structures, valves, hydrants, meters, and other appurtenances be shown on the existing conditions plan. This required information appears to be missing from that plan. Specifically, there appears to be a single sanitary sewer manhole and stormwater catch basin shown on the plat with no accompanying information, additional structures, or pipe network shown and shall be added.
- h. Section 12.08(11) *Non-municipal Utilities* requires that the location, type, and size, where applicable, of the non-municipal utilities currently serving the subdivision, including transformers, switch boxes, and other appurtenances, be shown on the existing conditions plan. This required information appears to be missing from that plan and shall be added.
- i. Section 12.08(13) *Flood Hazard* requires that a notation as to whether or not the property is located in a Flood Hazard Zoning Overlay District be noted on the existing conditions plan, along with the location of the boundary line of the Flood Hazard Zoning Overlay District if it transects the property, and the required finished floor elevation if all or a portion of the property is located within a flood hazard area. This required notation as to whether or not the site is located in a Flood Hazard Zoning (FH) Overlay District, as defined in Article 28-3-2 of the Zoning Ordinance, and shall be added. This note can be added to the end of Note 6 on the site plan.
- j. Section 12.08(14) *Aquifers* requires that the existing location plan show the boundaries and label for each water systems protection area. This information appears to be missing from that plan. If the site does not contain any water system protection area, a note shall be added to the existing conditions plan stating that the site does not contain any water systems protection areas.
- k. Section 12.08(15) *Shoreland Protection* requires that the existing conditions plan show the boundaries and label for the shoreland protection overlay district and the natural vegetative and woodland buffers associated with that district. The information appears to be missing from that plan. If the site does not contain any shoreland protection overlay districts, a note shall be added to the existing conditions plan stating that the site does not contain any shoreland protection overlay districts.
- l. Section 12.08(16) *Signs* requires that the location and size of existing ground signs be shown and labeled on the existing conditions plan. This required information appears to be missing from the existing conditions plan. If the site does not contain any existing ground signs, a note shall be added to the existing conditions plan stating that the site does not contain any existing ground signs.
- m. Section 12.08(19) *Setbacks and Buffers* requires that setbacks and buffers shall be shown and dimensioned, including wetland buffers, shoreland protection district buffers, buffers to bluffs, and residential district buffers. This required information appears to be missing from the existing conditions plan. If the site does not require or contain any of the stated buffers, a note shall be added to the existing conditions plan stating as much.
- n. Section 12.08(20) *Existing Vegetation* requires that the existing conditions plan show the location, type, and size of existing trees on the site. In the case of heavily wooded portions, the edge of the clearing shall be shown. This required information appears to be missing from areas of the existing conditions plan. Specifically, this information appears to only be shown near the driveway from Dunklee St and is not provided for the entire site and shall be shown.

- o. Section 12.08(24) *Zoning* requires the zoning district boundary lines, with labels, to be shown on the existing conditions plan. This information is partially shown, but is missing the zoning boundary line between the Neighborhood Residential (RN) and Medium Density Residential (RM) Districts along McKinley St, Dunklee St, and Matthew St and shall be added.
- p. Section 15.02(6) *Error of Closure* requires an error of closure of not less than 1 in 10,000. Note 1 on the site plan states the original error of closure conducted was less than the required closure of 1 in 10,000, adding that additional survey work was conducted through August 1995. The note does not clearly demonstrate if the additional survey work met the requirements of this section. The applicant shall a survey plan that meets the requirements of this section.
- q. Section 15.03(5) *Monumentation* requires the type and location of existing and required monuments be shown on the plat at the corners of lots, points of curvature, tangency, and deflection points along the street rights-of-way. This required information appears to be missing in areas of the plat where there doesn't appear to be found existing monuments, or proposed monuments to be set at all lot corners. Any missing bounds shall be shown on the plat as to be set, and will be set in accordance with Section 19.04 *Monuments* of the Subdivision Regulations.
- r. Section 15.03(7) *Zoning* requires that the zoning district boundary lines, including overlay districts, be shown on the plat with labels. One zoning district boundary line is shown, but the plan is missing the zoning boundary line between the Neighborhood Residential (RN) and Medium Density Residential (RM) Districts along McKinley St, Dunklee St, and Matthew St and shall be added.
- s. Section 15.03(11) *Municipal Sewer* requires showing the location, size, rim, and invert elevations of existing and proposed sanitary and storm sewers including manholes, catch basins, and culverts. This required information appears to be missing from the plat. Specifically, there appears to be a single sanitary sewer manhole and stormwater catch basin shown on the plat with no accompanying information, additional structures, or pipe network shown and shall be added.
- t. Section 15.03(13) *Municipal Water Supply* requires showing the location and size of all existing and proposed water mains, including hydrants, gates, valves, and blowoffs. This required information appears to be missing from the plat. Specifically, the location of the municipal water supply seems to be shown, but is missing the size.
- u. Section 15.03(15) *Utilities* requires that the location and size of all existing and proposed underground and overhead non-municipal utilities be shown on the plat. This required information appears to be missing from the plat.
- v. Section 15.03(17) *Conditions of Approval* requires that the conditions of approval as set forth by the Planning Board which remain to be fulfilled after the recording of the plat shall be duly noted on the plat. This required information appears to be missing from the plat, and can be satisfied with a note stating: "The development is subject to all subsequent conditions of Planning Board approval from Case 2024-072."
- w. Section 17.03 *Building Floor Plans* requires submittal of floor plans of condominium building units at a scale of 1" = 5', 1" = 10', or 1" = 20' showing the location and horizontal and vertical dimensions of each unit and common area. The units are not labeled as either land units or building units, nor did the submittal include floor plans. It is assumed that the units are building units, and need to be labeled accordingly. If in fact the units are building units, then the building floor

plans containing the information required by Section 17.03 *Building Floor Plans* must be submitted, including: (1) the floor plans being prepared, signed, and stamped by one of the listed required professionals in a format suitable for filing in the Merrimack County Registry of Deeds; (2) the floor plans shall include a standard Planning Board approval block; and, (3) the exterior walls of each unit shall be shown and provisions for ingress to and egress from each unit to common areas shall be shown.

- x. Section 17.04(1) *Common Facilities* requires that all common facilities on the site shall be shown on the final plat, including parking, driveways, landscaped areas, walkways, signs, solid waste facilities, fire hydrants, light poles, above-ground utilities, fences, walls, and other pertinent common facilities. It is unclear from the submitted final plat what, if any of the above-listed items are common facilities.
 - y. Section 17.04(2) *Common Facilities* requires location, dimensions, and purpose of each common area and limited common area be shown on the final plat. It doesn't appear that this requirement has been met, specifically: the required dimensions for the common area and limited common areas shall be shown; the purpose of each common area and limited common area shall be stated; and the 5,000-square-foot useable area rectangle shown on the site plan shall be removed, or its purpose explained, as it is confusing that the intention of the plan is to remove the buildable land unit only to show a useable land area, and if it remains may change the designation of the area for assessing purposes.
 - z. Section 17.04(3) *Common Facilities* requires that the acceptable means for water metering, water service, and sewer service including existing and proposed water and sewer service connections shall be shown on the final plat and building floor plans. This required information does not appear to be shown on the submitted plat, and there were no building floor plans included with the submittal to analyze for compliance with this requirement.
 - aa. Section 17.05 *Acceptable Water Metering and Water Service* requires demonstration of one or more of four provisions for water metering and water service for the conversion of the one existing building at 20 S Main St to a condominium. The plat gives no indication of the provisions for water metering and water service of the existing building as required by this section.
 - bb. Section 17.06 *Condominium Declaration and By-Laws* requires two copies of all condominium documents, including the declaration of condominium and by-laws shall be provided for review and approval as to form and content by the City Solicitor and the Clerk of the Board. The approved condominium documents shall be considered part of the official approval and shall not be altered to be inconsistent with the recorded plat, without further review and approval by the Board of a revised subdivision application. Staff reviewed the condominium declaration and by-laws prior to final review by the City Solicitor, and provides the following comments that shall be reviewed and revised accordingly: Article 1-130 refers to an Article 12, which is stated as being intentionally omitted on page 31 of the declaration document; and, several unit ownership discrepancies have been identified based on city assessing records and what is listed on page 1 of the declaration of condominium and shall be reviewed and revised to correct accordingly.
2. The plat shall list all approved variances, waivers, and conditional use permits with the section numbers and description, and date of approval.
 3. Prior to the recording of the plat and as required by Section 12.09 *Electronic Submission* of the Subdivision Regulations, digital information from the plat shall be provided to the

City Engineer for incorporation into the City of Concord Geographic Information (GIS) and tax maps. The digital information shall be submitted in a format and media conforming to standards promulgated by the City Engineer. The layers listed in Section 12.09(1) through (8) shall be submitted referencing New Hampshire State Plane Grid Coordinates and shall be based on National American Vertical Datum 1988 (NAVD 88).

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, one full-size plan set, and one 11x17 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.
 2. Per Section 4.03 of the Subdivision Regulations, no building permit or certificate of occupancy shall be issued for any parcel or plat of land which was created by subdivision after the effective date of, and which is not in conformity with, the provisions of the Subdivision Regulations.
 3. Per Section 17.06 *Condominium Declaration and By-Laws*, the approved condominium documents shall be considered part of the official approval and shall not be altered to be inconsistent with the recorded plat, without further review and approval by the Board of a revised subdivision application.
 4. 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. 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.

Prepared by: ATB