



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

Staff Report for Planning Board

Meeting on March 18, 2026
Project Summary – Minor Subdivision

Project: Condominium Conversion (2026-016)
Property Owner: Seth Hipple
Applicant: Mark Sargent, Richard Bartlett and Associates
Property Address: 45 Concord St and 1 Beaver St
Tax Map Lot: 7414Z 127

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.**

An application which is determined to be incomplete may be revised and resubmitted to a subsequent hearing of the Board for another determination of completeness. If it is determined that the application is complete, only then shall the Board open the public hearing on said application.

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.

The Planning Division recommends that the Board move to:

- **Determine the application complete;**
- **State that the project does not meet the criteria for a development of regional impact per RSA 36:55; and,**
- **Open the public hearing.**

The Board has 65 days within which to consider and act on the application once the application is determined complete, per RSA 676:4(I)(c). The 65-day period shall commence upon the date of the regular meeting of the Board at which the application was accepted as complete on March 18, 2026, and end on **May 22, 2026**. If the applicant has not demonstrated compliance with the Subdivision Regulations by the end of the statutory timeline (**May 22, 2026**), 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 conversion at 45 Concord St and 1 Beaver St in the Downtown Residential (RD) District. The site is identified as Tax Map Lot 7414Z 127. The applicant had previously obtained conditional approval for a conventional subdivision of the property in August 2025, but has opted to proceed with a condominium conversion of the property instead.

The intent of this application is to change the form of ownership of the already existing single-family dwelling structures, and no new construction, additions, or changes to the developed site are proposed.

Compliance:

The following analysis of compliance with the Zoning Ordinance and Subdivision Regulations is based on a narrative, submitted February 17, 2026, prepared by Richard Bartlett and Associates, LLC; a 1-sheet condominium plat, dated February 2026, prepared by Richard Bartlett and Associates LLC; a 7-sheet Declaration of Condominium; and a 5-sheet By-Laws of the 45 Concord St/1 Beaver St Condominium.

1. Project Details and Zoning Ordinance Compliance:

Zoning District: Downtown Residential (RD) District
 Existing Use: 45 Concord/1 Beaver two Single- Family Dwellings
 Proposed Use: Use will remain unchanged; the change will be in ownership to allow each individual units to be owned separately on the same lot.

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	7,500 square feet	6,282 Sq Feet
Minimum Buildable Land	5,000 square feet	Not provided
Minimum Lot Frontage	75 feet	74.26 feet
Minimum Front Yard	10 feet	3 Feet (45 Concord St) 3 Feet (1 Beaver St)
Minimum Rear Yard	20 feet	27 Feet (45 Concord St) 22 Feet (1 Beaver St)
Minimum Side Yard	10 feet	4 Feet (45 Concord St) 1 Foot (1 Beaver St)
Maximum Lot Coverage	60%	33%

1.1 Staff notes that the existing site does not meet the minimum total area, minimum buildable land, or minimum lot frontage requirements, nor does the existing structure meet the minimum side or rear yard requirements. However, the site is legally nonconforming and no changes are being made that will increase the nonconformities or create any new nonconformities (the condominium conversion does not change any property boundaries, and as such the lot maintains non-conforming protections).

2. General 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 4.02, no land shall be subdivided or portions of a lot transferred within the corporate limits of the City of Concord, until such a subdivision plat for said land has been prepared in accordance with these regulations, approved by the Board, endorsed by the Chair and Clerk of the Planning Board, and filed at the Merrimack County Registry of Deeds.
- 2.4 Per Section 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.
- 2.5 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 March 4, 2026, for the Board's consideration of completeness on March 18, 2026.
- 2.6 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.
- 2.7 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.

- 2.8 Per Section 6.02(5) *Voluntary Mergers* and Section 11.01 *Procedure for Voluntary Merger*, the property ownership for the parcels must be the same for all parcels. Staff notes that the site is one parcel, so this is not applicable.
- 2.9 Per Section 6.03(1), there is only a final plat stage for minor subdivisions.
- 2.10 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 applicant did not request waivers for the application.

- 2.11 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.
- 2.12 The applicant currently has a conditionally approved conventional subdivision approval for the property, granted by the Board on August 20, 2025. Staff recommends that the applicant formally withdraw the conventional subdivision application prior to final approval and endorsement of the condominium conversion plans by the Chair and Planning Board Clerk.
- 2.13 The General Services Department reviewed the application and the applicant clarify their plan for the shared water line that runs from Concord St through the parking lot into 1 Beaver St, asking if each unit / building will have a shut off at the city right of way. Confirmation will be needed if 45 Concord St and 1 Beaver St have a piggy back sewer service, which appears to be a 5" clay line on the private side.
- 2.14 The Assessing Department reviewed the application and commented that as of 2/27/26, the final installment for the 2025 tax year, due 3/31/26, has not been paid and there is a balance of \$2,301.12 on the property. If there were an outstanding balance from 2025 at the time the two-unit condominium is established, it could create future complications in the event the taxes aren't paid.
- 2.15 The Engineering Services Division's general requirements are noted in the attached memo to Kearsten O'Brien from Paul Gildersleeve and Pete Kohalmi, dated March 9, 2026.

3 Subdivision Regulations Determination of Completeness:
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.

- 3.1 Section 12.02 requires that the name and address of the owner and applicant be provided in the title block. The address of the owner appears to missing from the title block and shall be added prior to final approval.

- 3.2 Section 12.08(23)(d) requires that the usable land area calculations for residential development and net land area calculations for non-residential development. This item appears to be missing from the plat. The applicant will need to either request a waiver from the section or provide the information on the plat.
- 3.3 Section 12.02(4) *Conditions of Planning Board Approval* and Section 15.03(17) *Conditions of Approval* require listing conditions of approval which remain to be fulfilled after plat recording. There do not appear to be any indications on the condominium site plan regarding conditions of approval. For compliance with these sections, a note shall be added to the condominium site plan that states: “The development is subject to all subsequent conditions of Planning Board approval granted on INSERT ACTUAL DATE HERE for application 2026-016.”

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.

- 3.4 Section 17.01 *Special Provisions for Condominium Subdivisions (2) Floor Plans*, were not provided as part of the application. Staff recommends the applicant submits a waiver from the section.
- 3.5 Section 17.03 *Building Floor Plans*, no building floor plans were submitted with the application. Staff recommends the applicant submit a waiver from the section.
- 3.6 Section 17.05 *Acceptable Water Metering and Water Service*, requires the conversion of existing buildings to condominiums to demonstrate one of four options. Specifically, the plat notes that separate water meters will be installed on each unit. This alone does not satisfy either option 17.05(1) which would also require separate services or 17.05(3) which requires the condominium association assuming responsibility for the water billing. The Applicant shall revise both the plat and condominium declaration to clearly address how the application will be accounting for the unit’s water metering and water service in a manner compliant with the Subdivision Regulations. Additionally, prior to final approval of the condominium the applicant shall demonstrate the units comply with the chosen provision.
- 3.7 Section 17.06 *Condominium Declaration and By-Laws*, requires that the applicant provide copies to City Staff for review. Staff has reviewed the documents and request clarification on the section regarding Common Elements Generally Specifically Utility systems serving more than one unit. Prior to final approval, the condominium declaration and by-laws shall be reviewed and approved by the City Clerk and City Solicitor.
- 3.8 Prior to final approval, the applicant shall pay and resolve any outstanding tax balances on the property.
- 3.9 Section 17.04(3) requires acceptable means for water metering, water service, and sewer service including existing and proposed water and service connections; The applicant has not demonstrated acceptable means for how the condominium will manage the sanitary sewer service. Staff notes that Section 4.03.B.15 of the City of Concord Construction Standards requires each individual unit will have its own service connection and shall be accompanied by its own individual cleanout. The applicant shall revise the plat and condominium declaration to provide for appropriate means of managing the sanitary sewer service connection, to the satisfaction of the City Engineer and City Clerk.
- 3.10 Section 17.04(4) requires if the existing water and sewer services are substandard, the Planning Board may require the services to be upgraded to City Standard. Specifically, staff notes that General Services commented that the applicant needs to confirm the sanitary sewer service

location, material, and size for both 45 Concord Street and 1 Beaver Street, as current City records appear to show the properties share a service connection that consists of a 5-inch vitrified clay (VC) sanitary service. Section 4.03.B.13.a requires sanitary service size of 4-inch for Single residential units and Section 4.03.B.13.b requires sanitary service size of 6-inch for Commercial, Industrial, or multifamily uses. If the single service remains to service both units, it will need to be upgraded to a 6-inch sanitary sewer service.

3.11 On the listed notes on the plat, the typo shall be corrected after note 12 from “3” to “13”.

4 Variances:

4.1 No variances are requested.

5 Waivers:

5.1 The applicant did not request waivers.

6 Conditional Use Permits:

6.1 No conditional use permits are requested.

7 Architectural Design Review:

7.1 No architectural design review is required for a subdivision.

8 Conservation Commission:

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

9 Recommendations:

9.1 Staff recommends that the Planning Board **discuss and adopt the findings of fact**, which include information provided in staff reports; the applicant’s submission materials; testimony provided during the public hearing; and, other documents or materials provided in the public hearing.

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

9.2 **Grant minor subdivision approval** for the two-unit condominium subdivision of 45 Concord St and 1 Beaver, subject to the following precedent and subsequent conditions:

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

1. For compliance with the Subdivision Regulations, revise the plat as follows:
 - a. Per Section 12.02 the name and address of the owner and applicant shall be provided in the title block.
 - b. Per Section 12.08(23)(d) the usable land area calculations for residential development and net land area calculations for non-residential development shall be added to the plat.
 - c. Section 12.02(4) *Conditions of Planning Board Approval* and Section 15.03(17) *Conditions of Approval* a note shall be added to the condominium site plan that states: “The development is subject to all subsequent conditions of Planning Board approval granted on INSERT ACTUAL DATE HERE for application 2026-016.”
 - d. Per Section 17.01 *Special Provisions for Condominium Subdivisions* and Section 17.03 *Building Floor Plans*, building floor plans shall be submitted.
 - e. Per Section 17.05 *Acceptable Water Metering and Water Service*, the applicant shall revise both the plat and condominium declaration to clearly address how the application will be accounting for the unit’s water metering and water service in a

- manner compliant with the Subdivision Regulations. Additionally, prior to final approval of the condominium the applicant shall demonstrate the units comply with the chosen provision.
- f. Per Section 17.06 *Condominium Declaration and By-Laws*, the section in the condominium declaration regarding Common Elements shall be clarified, both generally and specifically for utility systems serving more than one unit. Prior to final approval, the condominium declaration and by-laws shall be reviewed and approved by the City Clerk and City Solicitor.
 - g. Prior to final approval, the applicant shall pay and resolve any outstanding tax balances on the property.
 - h. Per Section 17.04(3) the applicant shall revise the plat and condominium declaration to provide for appropriate means of managing the sanitary sewer service connection, to the satisfaction of the City Engineer and City Clerk.
 - i. Per Section 17.04(4) the applicant shall confirm the location, size, and material of the sanitary sewer services. If the service is determined to be substandard by the City Engineer, it shall be upgraded accordingly for compliance with the City of Concord Construction Standards.
 - j. On the listed notes on the plat, the typo shall be corrected after note 12 from “3” to “13”.
2. The plat shall list all approved variances, waivers, and conditional use permits with the section numbers and description, and date of approval.
 3. Revise the plan set for compliance with the Site Plan Regulations and Construction Standards and Details as noted in the attached memo to Kearsten O’Brien from Paul Gildersleeve and Pete Kohalmi, dated March 9, 2026.
 4. 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).
 5. 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.
 6. Per Section 13.02(13) *Recording Fees*, the applicant is responsible for submittal of required recording fees.
 7. 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.
 8. 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.
 9. The applicant shall formally withdraw (in writing and addressed to the Planning Board Clerk) the conventional subdivision application prior to final approval and endorsement of the condominium conversion plans by the Chair and Planning Board Clerk.

10. Upon notification from the Planning Division that the project complies with Planning Board precedent conditions, the applicant shall deliver to the Planning Division one mylar and one full size plan for signature by the Planning Board Chair and Clerk of the Planning Board. The plat shall contain the signature and seal of the appropriate licensed professionals as outlined in the Regulations.

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

1. This approval notwithstanding, the applicant is responsible for full knowledge of, and compliance with, the municipal code, Subdivision Regulations, and Concord Construction Standards and Details for the project, unless a variance, waiver, or conditional use permit is granted.
2. Per Section 4.03 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.



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

Michael S. Bezanson, PE
City Engineer

MEMORANDUM

TO: Kearsten O'Brien, Senior Planner
FROM: Paul Gildersleeve, PE, Project Manager and Pete Kohalmi, PE Associate Engineer
DATE: March 9, 2026
SUBJECT: 45 Concord Street- Minor Subdivision – Engineering Review
45 Concord Street; Map 7414Z, Lot 127; City Project 2026-016

The Engineering Services Division (Engineering) has received the following items for review:

- Project Narrative by Richard D. Bartlett & Associates, LLC, received February 17, 2026
- Site Plans by Richard D. Bartlett & Associates, dated February 16, 2026

General Comments

- a. Show the connection of the sewer line to the buildings, and the sizes and materials of the sewer and water lines.
- b. Provide a video of the sewer line of both units to ensure it has integrity for the new flows.
- c. The Declaration of Condominium document, Article IV – Common Elements includes the foundations, structural components and exterior walls. Confirm this is the declaration's intent.
- d. The Declaration of Condominium, Exhibit A references an old document. Would a current site plan be a better reference?
- e. Show the natural gas service connection to the 1 Beaver Street house.

Re: 2026-018 Eng. Review Comments
Date: February 27, 2026

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