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CITY OF CONCORD

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

Staff Report for Planning Board

Meeting on June 18, 2025
Project Summary – Minor Subdivision

Project: Two-lot subdivision (2025-060)
Property Owner: McCarthy Family Trust of 2021
Applicant: Zachary J. Letourneau
Project Address: 227 Garvins Falls Rd
Tax Map Lot: 92Z 4

Determination of Completeness:

Per Section 9.06 of the Subdivision Regulations, a complete application will contain the 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. When determining if an application is complete, 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 the 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) 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 not all the criteria are met, and the application does not contain 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 incomplete because the project as submitted does not include all information required by Sections 12, 13, and 15 of the Subdivision Regulations, all of which is required for a complete determination; and**
- **Advise the applicant to revise and resubmit to a subsequent meeting of the Board for another determination of completeness.**

Project Description:

The site is assessed as 5.90 acres with a house built in 1988. The property owner proposes dividing the

site into one 4.81-acre lot containing the existing house and a second one-acre lot. Both lots will have frontage on Garvins Falls Rd, with the one-acre lot having received a variance for frontage on April 2, 2025.

Compliance:

The following analysis of compliance with the Zoning Ordinance and Subdivision Regulations is based on a narrative dated May 20, 2025, prepared by Zachary J. Letourneau; a 1-sheet minor subdivision plan, dated April 25, 2025, prepared by J.E. Belanger Land Surveying PLLC; and a 1-sheet minor subdivision topographic plan, dated April 25, 2025, prepared by J.E. Belanger Land Surveying PLLC.

1. Project Details and Zoning Ordinance Compliance:

Zoning District:	Medium Residential (RM) District Open Space Residential (RO) District
Existing Use:	Single-Family Dwelling
Proposed Use:	Two-lot subdivision
Overlay Districts:	
Flood Hazard (FH) District	Yes
Shoreland Protection (SP) District	Yes
Historic (HI) District	None
Penacook Lake Watershed (WS) District	None
Aquifer Protection (AP) District	None

Zoning Code Item	Required	Lot 1 (RO)	Lot 2 (RM)
Minimum Total Area	40,000 square feet RM District 87,120 square feet RO District	209,533 square feet	43,560 square feet
Minimum Buildable Land	20,000 square feet	103,802 square feet	24,406 square feet
Minimum Lot Frontage	200 feet	200 feet	150 feet (variance granted April 2, 2025)
Minimum Front Yard	25 feet RM District 50 feet RO District	More than 50 feet	Undeveloped
Minimum Rear Yard	25 feet RM District 50 feet RO District	More than 50 feet	Undeveloped
Minimum Side Yard	15 feet RM District 40 feet RO District	North – more than 40 feet South – less than 40 feet (no expansion to existing nonconformity proposed)	Undeveloped
Maximum Lot Coverage	20% RM District 10% RO District	Not provided	Undeveloped
Maximum Building Height	35 feet	Not provided	Undeveloped

- 1.1 As proposed, the project complies with the Zoning Ordinance with the variance that was granted on April 2, 2025.

2. 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, portable water supply, and capital improvements such as 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 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 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. With the approved variance, staff was unaware of any nonconformities with the Zoning Ordinance at the time the notices were mailed.
- 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.
- 2.6 Per Section 6.02(2) *Minor Subdivisions*, a subdivision is classified as a minor subdivision where it contains three or fewer lots fronting on an existing street, not involving the creation of any new street or road, the extension of municipal facilities, or the creation of any public improvements and does not adversely affect the remainder of the parcel or adjoining property. In this case, the site is being divided into two lots fronting on existing Garvins Falls Rd. No new streets or roads will be created, no municipal facilities will be extended, and no public improvements will be created. Accordingly, this is a minor subdivision.
- 2.7 Per Section 6.03(1), there is only a final plat stage for minor subdivisions.
- 2.8 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

in Item 3 of this staff report. No conditional use permits are required or requested. Requested waivers are described in Item 5 of this staff report.

- 2.9 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.
- 2.10 The Assessing Department reviewed the application and had no general comments.
- 2.11 The Fire Department reviewed the application and had no general comments.
- 2.12 The Engineering Services Division reviewed the application and had no general comments.
- 2.13 The General Services Department reviewed the application and had no general comments.

3. Compliance with Subdivision Regulations:

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

- 3.1 Per Section 12.02(1)(a) *Title Block*, the name and address of the applicant shall be shown on the title block for all sheets. The applicant is Zachary J. Letourneau, and his name and address are not shown as required.
- 3.2 Per Section 12.02(2) *Scale* and Section 15.02(3) *Scale*, the scale shall be noted on all sheets. The bar scale is shown, but the scale is not noted on either the existing conditions plan or the subdivision plat.
- 3.3 Per Section 12.02(4) *Conditions of Planning Board Approval*, the subdivision plat shall contain a note regarding conditions of Planning Board approval which remain to be fulfilled after the recording of the plat. The required note is missing. For a determination of completeness, the following note shall be added to the subdivision plat: "The development is subject to all subsequent conditions of Planning Board approval granted on INSERT DATE HERE for application 2025-060."
- 3.4 Per Section 12.03(2) *Plats* and Section 15.02(6) *Error of Closure*, the licensed land surveyor shall certify the error of closure as not less than 1 in 10,000 for a complete determination. The error of closure is stated on the subdivision plat, but the required dated signature is missing and shall be added for a determination of completeness.
- 3.5 Per Section 12.03(5) *Wetland* and Section 12.07 *Wetland Delineations*, the New Hampshire certified wetland scientist who performed the wetland delineation shall sign and seal both the existing condition plans and subdivision plat, along with noting the date of the wetland delineation. The wetland delineation is shown, along with the date of the delineation, but the signature and seal of the wetland scientist is missing and shall be added to both the existing conditions and subdivision plat for a complete determination.
- 3.6 Per Section 12.06(3) *Existing Restrictions* and Section 15.02(10) *Easements and Restrictions*, deed reference and statements of any existing recorded covenants or restrictions relating to the

- use of the land shall be included on the subdivision plat. There are no notes regarding the existing, or lack thereof, of any existing recorded covenants or restrictions and shall be added for a determination of completeness.
- 3.7 Per Section 12.08(7) *Buildings and Structures*, the exterior dimensions of all existing buildings and structures on the site shall be shown on the existing conditions plan. While the existing buildings are shown, the dimensions of such are not shown and labeled as required for a complete determination.
- 3.8 Per Section 12.08(12) *Wells and Septic Systems*, the location of existing wells and subsurface waste disposal systems on the property and on immediately adjacent property, if new wells and septic systems are proposed, shall be shown on the existing conditions plan. The plan shows the well and septic system for the existing house, but the locations of existing wells and septic systems on the immediately adjacent properties are not shown as required for a complete determination.
- 3.9 Per Section 12.08(18) *Lighting*, the type and location of existing outdoor lighting shall be shown on the existing conditions plan. This information is not depicted on the existing conditions plan as required for a complete determination.
- 3.10 Per Section 12.08(19) *Setbacks and Buffers*, setbacks and buffers shall be shown and dimensioned, including wetland buffers and buffers to bluffs, on the existing conditions plan. The wetlands are shown, but the required wetland buffers are missing. The steep slopes are shown, but there is no indication of any bluffs. If the site does contain bluffs, the required buffers must be shown.
- 3.11 Per Section 12.08(21) *Restrictions*, the existing conditions plan shall contain notations of covenants, easements, and restrictions in place at the time of application. There are no such notations on the existing conditions plan as required.
- 3.12 Per Section 12.08(22) *Abutting Properties*, existing abutting properties shall be shown on the existing conditions plan, including intersecting property lines, buildings, driveways, wells, and septic systems. The existing conditions plan does not all of these items on the abutting properties as required for a complete determination.
- 3.13 Per Section 12.08(23) *Tabulations*, the existing conditions plan shall contain notations of the gross acreage of the site in square feet and acres; square footage of each existing building broken down by floor and use category; and impervious surface coverage in square feet and percent. This information is missing as required for a complete determination.
- 3.14 Per Section 15.02(7) *Lot Numbers*, all lots shall be sequentially numbers. For existing lots, the tax-map-lot numbers shall be used. The subdivision plat is missing the lot number for the proposed one-acre lot.
- 3.15 Per Section 15.02(8) *Addresses*, the address of each existing and proposed lot shall be noted on the subdivision plat as approved by the City Engineer. Neither the existing or proposed addresses are listed on the plat as required for a complete determination. The Engineering Services Division provided the address of 225 Garvins Falls Rd for the new one-acre lot. The new address of 225 Garvins Falls Rd shall be noted in the lot information underneath the lot square footage for the

- new lot, and the existing address of 227 Garvins Falls Rd shall be noted in the lot information underneath the lot square footage for the existing lot.
- 3.16 Per Section 15.02 (9) *Proposed Use*, each plat shall include a statement of the proposed type of residential use of any lot (single-family, duplex, multifamily, townhouse.) This statement is missing from the subdivision plat and shall be added for a complete determination.
- 3.17 Per Section 15.03(1) *Abutting Property*, the subdivision plat shall show the existing abutting properties including property lines, buildings, wells, septic systems, owner's names and addresses, property addresses, and tax map lot numbers. The subdivision plat shows some, but not all, of this required information. For a complete determination, the location of buildings, wells, and septic systems on existing abutting properties shall be shown and labeled on the subdivision plat.
- 3.18 Per Section 15.03(8) *Setbacks*, setbacks shall be shown and dimensioned on the subdivision plat, including those required for yards, the Shoreland Protection District, as well as bluff and wetland buffers and setbacks. The wetland and bluff setbacks are missing from the subdivision plat.
- 3.19 Per Section 15.03(9) *Access and Driveways*, all existing and proposed driveways along the subdivision frontage, on abutting properties, and on the opposite sides of the streets shall be shown on the subdivision plat. This required access and driveway information is not shown on the subdivision plat for the new one-acre lot and shall be added for a complete determination.
- 3.20 Per Section 15.03(10) *Site Improvements*, the location of existing and proposed improvements on the site and on abutting properties including, but not limited to, driveways, parking, buildings, and structures shall be shown on the subdivision plat. The required site improvement information for the proposed one-acre lot is missing from the subdivision plat, specifically the location of the proposed driveway, and shall be added for a complete determination.
- 3.21 Per Section 15.03(12) *Septic System*, where municipal sewer service is not available, soil data and test results sufficient for submittal of an application for subdivision approval to New Hampshire Department of Environmental Services (NHDES), including a plan showing the location of test pits, the soil profiles, ground water elevation, and seasonal high-water table elevation at each test pit shall be shown on the subdivision plat. The required 4,000-square-foot septic drain field area required by NHDES shall also be shown on the subdivision plat. None of the information required by Section 15.03(12) *Septic System* is shown on the subdivision plat as required for a complete determination.
- 3.22 Per Section 15.03(14) *Wells*, where the municipal water system is not available, the location of all existing and proposed wells and required wellhead protection radii on the site and abutting properties shall be shown on the subdivision plat. The existing well is shown on the existing house lot but is missing the wellhead protection radii and none of the information required by Section 15.03(14) *Wells* is shown on the subdivision plat for the proposed new one-acre lot as required for a complete determination.
- 3.23 Per Section 15.03(15) *Other Utilities*, the location and size of all existing and proposed underground and overhead nonmunicipal utilities shall be shown on the subdivision plat. The proposed provisions for electricity for the new one-acre lot are not shown on the subdivision plat as required for a complete determination.

- 3.24 Per Section 15.03(17) *Conditions of Approval*, those conditions of approval which remain to be fulfilled after the recording of the plat shall be duly noted on the plat. The note regarding conditions of approval is missing from the subdivision plat, and shall be added for a complete determination. “The development is subject to all subsequent conditions of Planning Board approval granted on INSERT DATE HERE for application 2025-060.”

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

- 3.25 Per Section 13.01(6) *State and Federal Permits* and Section 13.02(10) *State and Federal Permits*, a copy of any application made to a state or federal agency required for the approval of this subdivision, including those required for the development of the individual lots, shall be provided. Accordingly, copies of applications to the New Hampshire Department of Environmental Services for any wells or septic systems on the new lots shall be submitted to the Planning Division.
- 3.26 Per Section 19.04(3) *Buildable Lot Area*, the minimum buildable lot area for both lots, as set forth in the Zoning Ordinance, shall be shown on the subdivision plat prior to the Clerk’s signature on the plat for recording.
- 3.27 Per Section 19.04(14) *On-site Septic Disposal*, the applicant shall demonstrate that each lot can be served by an individual waste disposal system, which complies with the construction standards and specifications of New Hampshire Department of Environmental Services (NHDES). The required 4,000-square-foot septic drain field area required by NHDES shall be shown on the subdivision plat along with test pit locations and corresponding test pit logs.
- 3.28 Per Section 19.04(15) *On-site Water Supply*, the applicant shall demonstrate that each lot can be served by a private well, which complies with the current construction standards and specifications of the New Hampshire Water Well Board. Wellhead protection radii and separation from wetlands and waste disposal facilities shall be shown on the subdivision plat prior to the Clerk’s signature on the plat for recording.
- 3.29 Per Section 20.09 *Residential Single-Family Driveways*, each lot shall have safe, independent, and direct access from a public street. The driveway serving a new house shall have a slope no greater than 10%; a landing area at the intersection of the driveway and public street with a minimum length of 20 feet and a slope not exceeding 2%; minimum width of 10 feet and maximum width of 24 feet; driveway separation of 40 feet from existing and proposed driveways and intersections; maximum length of 1,000; and conformance to sight distances set forth in the most recent edition of the AASHTO Highway Safety Design and Operations Guide. A driveway plan shall be submitted showing compliance with Section 20.09 *Residential Single-Family Driveways*.
- 3.30 Per Section 24.05 *Design Standards for Non-municipal Water Supply*, individual private wells shall be provided which shall comply with all the standards of NHDES, and the construction of which shall comply with applicable standards of the New Hampshire Water Well Board. The location of each well along with the required NHDES’ 75-foot wellhead protection radius shall be shown on the subdivision plat. The wellhead protection radius shall be shown entirely on the lot the well is serving.

- 3.31 Per Section 24.06 *State and Federal Permits*, the applicant shall obtain all state and federal water system permits where required. The applicant shall conform to the requirements and conditions of all state and federal permits in addition to the requirements contained in the Subdivision Regulations.
- 3.32 Per Section 25.04 *Non-Municipal Sanitary Sewage Disposal*, where a municipal sanitary sewer system is not required, sanitary sewage disposal shall be provided by individual waste disposal systems for each dwelling unit located on a lot and located on lots of sufficient size to assure an area appropriate for two leaching fields for each system, which meet requirements of NHDES. The required 4,000-square-foot septic drain field area required by NHDES shall be shown on the subdivision plat, along with test pit locations and corresponding test pit logs. Community sewerage systems, which serve more than a single lot or an individual dwelling unit are expressly forbidden in the City of Concord. Each dwelling unit not served by the municipal sanitary sewer system shall be provided with its own individual waste disposal system.
- 3.33 Per Section 26.01 *General Requirements*, all subdivisions shall make adequate provision for non-municipal utilities as may be necessary and appropriate for the subdivision. The applicant is responsible for all coordination with the utility companies to assure that non-municipal utilities are installed in accordance with plans approved by the Planning Board pursuant to the Subdivision Regulations.
- 3.34 Per Section 26.02 *Design Standards*, the following standards shall govern the design and construction of the non-municipal utilities for a subdivision: except in the Industrial (IN) Zoning District, all utility facilities including, but not limited to, gas, steam, electric power, telephone, telecommunication, and CATV cables, shall be located underground throughout the subdivision. Whenever existing utility facilities are located above ground on the property proposed for subdivision, the above ground utilities shall be removed and placed underground; and utilities shall be located within street rights-of-way in accordance with the typical street cross-sections, as contained in Section 20, *Street Layout and Access Standards* and Section 21, *Design Standards for Streets and Private Drives*. The applicant requests a waiver from the underground requirement.
- 3.35 The Assessing Department reviewed the application and had no compliance requirement comments.
- 3.36 The Fire Department reviewed the application and had no compliance requirement comments.
- 3.37 The Engineering Services Division reviewed the application and noted that the subdivision plat is missing information required by Section 15.03(9), (11), (12), (14), and (15).
- 3.38 The General Services Department reviewed the application and had no compliance requirement comments.
- 4 Variances:**
- 4.1 At the meeting held on April 2, 2025, the Zoning Board of Adjustment granted the applicant's requested variance as follows:
- Section 28-4-1(c) *Minimum Lot Frontage*/Section 28-4-1(h) *Table of Dimensional Regulations* to allow for 150 feet of frontage where 200 feet is required.

5 Waivers:

5.1 No waivers are requested.

6 Conditional Use Permits:

6.1 No conditional use permits are requested.

7 Architectural Design Review:

7.1 Architectural design review is not necessary for this application.

8 Conservation Commission:

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

Prepared by: KOB