



CITY OF CONCORD
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Community Development Department
Planning Division

Staff Report for Planning Board

Meeting on January 21, 2026
Project Summary – Amendment to Major Subdivision Approval

Project: Granite Ridge Estates - Amendment Request to previously approved major subdivision (2023-140)
Property Owner: Eastern Development, LLC
Applicant: Eastern Development, LLC
Project Address: 15 Hot Hole Pond Road
Tax Map Lot: 11Z 25-1

Project Description:

The applicant is requesting an amendment to the approved major subdivision application and recorded subdivision plat to grant certain waivers from the Subdivision Regulations at Tax Map Lot 11Z 25-1 addressed as 15 Hot Hole Pond Road, as outlined below.

Compliance:

The following analysis of compliance with the Zoning Ordinance and Site Plan Regulations is based on a 29-sheet plan set prepared by Altus Engineering, dated September 20, 2023, with revisions through March 18, 2025; a 4-page request for appeal and agenda placement, prepared by Eastern Development, LLC, dated September 17, 2025; and, an undated, 7-page narrative titled “Granite Ridge Estates: Amendment to Major Subdivision.”

1. Project Details and Zoning Ordinance Compliance:

Zoning District:	Open Space Residential (RO) District
Existing Use:	None
Proposed Use:	Single-Family 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
Wetland:	None
Wetland Buffers:	None

2. General Comments:

2.1 Project Timeline:

- a. On November 15, 2023, the Planning Board determined the application complete and not a development of regional impact for a 9-unit major subdivision for a residential cluster

condominium development at 15 Hot Hole Pond Road in the Open Space Residential (RO) District.

- b. On December 20, 2023, the Planning Board continued the public hearing to the January 17, 2024 Planning Board meeting.
- c. On January 17, 2024, at the applicant's request, the Planning Board voted to continue the public hearing to the February 21, 2024 Planning Board meeting.
- d. On February 21, 2024, at the applicant's request, the Planning Board voted to continue the public hearing to the March 20, 2024 Planning Board meeting.
- e. On March 20, 2024, the Planning Board granted conditional architectural design review, granted certain waivers from the Subdivision Regulations, and conditionally granted major subdivision approval for an 8-unit residential cluster condominium development at 15 Hot Hole Pond Road in the Open Space Residential (RO) District.
- f. On May 15, 2024, the Planning Board granted an amendment to the conditions of the March 20, 2024, approval for the 8-unit major subdivision application, by granting certain waivers from the Subdivision Regulations.
- g. On March 19, 2025, the Planning Board granted the first, two-year extension to meet the conditions of the major subdivision application conditionally approved on March 20, 2024, for the 8-unit residential cluster condominium development at 15 Hot Hole Pond Road. The new expiration was set as March 20, 2027.
- h. On June 2, 2025, final approval was received from the Chair and the Clerk of the Planning Board for the 8-unit detached single-family residential condominium cluster subdivision, a new common private driveway, and associated site improvements.
- i. On June 16, 2025, the condominium site plan (Document 202500006867), the declaration of condominium (Document 202500006868), and the condominium bylaws (Document 202500006869) were recorded with the Merrimack County Registry of Deeds.
- j. On October 15, 2025, the Planning Board voted to continue the public hearing for the applicant's amendment application to the date certain of January 21, 2026, with an understanding that the applicant provide resubmission plans and materials by 4:00pm on December 17, 2025.
- k. On December 17, 2025, the applicant attended a non-binding design review meeting with the Planning Board to discuss the proposed amendments with the Planning Board.

2.2 Staff notes that on October 18, 2023, the applicant provided a 2-page design review cover letter, containing waiver requests. One of the requested waivers was from Sections 20.24 and 21.11, to allow a private common driveway length in excess of the 1,000-foot maximum. Prior to the application's public hearing on March 20, 2024, the applicant had submitted a redesigned plan, which among other changes, included a reduction in the length of the common private driveway to be less than 1,000 feet, and compliant with Sections 20.24 and 21.11, thus negating the need for the waiver request

2.3 Staff notes that as part of the Planning Board's action on May 15, 2024, the Planning Board voted to deny a waiver request from Figure 20-2 *Private Common Drive with Three to Eight Units*, to allow 3 inches of hot bituminous pavement to be placed for the common private drive instead of the 4 inches required. The Planning Board cited as reasons for denial that the request did not meet the criteria of either RSA 674:36(II)(n)(1) or (2), because there is no technical reason to deviate

from the Construction Standards, and conformance with the Construction Standards promotes consistency and quality.

New Hampshire State Statute RSA 677:15 Court Review states any persons aggrieved by any decision of the planning board concerning a plat or subdivision may present to the superior court a petition, duly verified, setting forth that such decision is illegal or unreasonable in whole or in part and specifying the grounds upon which the same is claimed to be illegal or unreasonable. Such petition shall be presented to the court within 30 days after the date upon which the board voted to approve or disapprove the application. **The deadline to file such petition was Saturday, June 15, 2024.**

- 2.4 Section 35.19 *Minor and Major Amendments* outlines the differences between a minor and major amendment to a previously-approved major subdivision plan. Any change which would require a waiver from the Subdivision Regulations, is a major amendment. Since the applicant is requesting waivers from the Subdivision Regulations, the request is a major amendment.
- 2.5 The Engineering Department provided the following general comments:
 - a. Section 35.04 *Conflict with other Public Provisions* states “whichever provision is more restrictive or impose higher standards shall control.” Noting that granite curb is significantly more durable than asphaltic curb and the granite curb would control.
 - b. Section 28.04 *Required Landscaping Improvements* states “Landscaping shall be provided to supplement the natural features which are preserved within the subdivision and to enhance these portions of the subdivision in which natural features and vegetation are destroyed by construction.” Noting the proposed plantings replace and enhance vegetation destroyed by the construction of the subdivision.
 - c. The applicant states that the Shelburne Lane subdivision was approved in 2023 however it was actually conditionally approved in 2019. More importantly, Shelburne Lane is a multi-phase subdivision which will have two connections to Hoit Rd when complete with a connector between the two entrances. The applicant also references Farmwood Road and Coventry Road as cul-de-sacs over 1,000-feet in length. Both of these subdivisions are over 25 years old, or more.
 - d. The applicant states that the 3” of asphalt is consistent with NHDOT Standard Specification Section 401. However, Section 401 does not reference a pavement thickness; it only refers to asphalt material specification and placement methods.
 - e. The applicant states that the 3” of asphalt is consistent with NHDOT Standard Specification Section 401. However, Section 401 does not reference a pavement thickness; it only refers to asphalt material specification and placement methods.
- 2.6 The Fire Department reviewed the application and commented that there should be adherence to the Subdivision Regulations.
- 2.7 An invoice for the application fee (INV-00016296) was prepared on September 17, 2025 in the amount of \$350.00 and remains unpaid as of January 12, 2026.

3. **Compliance with Site Plan Regulations:**

- 3.1 Despite the Planning Board’s request when the amendment request was continued at the October 15, 2025 meeting and the non-binding feedback provided by the Board at the pre-application Design Review meeting on December 17, 2025, no new or revised subdivision plan has been submitted to accompany the amendment application.

4. Variances:

4.1 No variances were required for this amendment. No variances were required for the original application.

5. Waivers:

5.1 The applicant requests waivers from the following sections of the Subdivision Regulations:

- a. Section 20.13 *Curbing for Residential Common Private Drives*, to allow Cape Cod berm (asphaltic concrete) in place of vertical granite curbing through the common private drive;
- b. Section 28.04(6) *Street Trees*, to not require street trees along the full length of the common private drive, limiting new plantings to the cul-de-sac area, with existing trees along the approach credited toward compliance under Section 28.04(6);
- c. Section 20.12 *Length of Residential Common Private Drives*, to allow a residential dead end common private drive to exceed the maximum length of 1,000 feet;
- d. Figure 20-2 – *Private Common Drive with Three to Eight Units*, to allow 3inches of hot bituminous pavement to be placed for the common private drive where normally 4inches is required.

For Item 5.1(a), the applicant provided an analysis which does not specifically address the five waiver criteria of Section 35.08 of the Subdivision Regulations, or the criteria in RSA 674:36(II)(n). No revised and complete subdivision plan has been provided. However, staff still reviewed the analysis provided and determined granting this waiver would be contrary to the spirit and intent of the regulations. Section 35.04 *Conflict with other Public Provisions* of the Subdivision Regulations states where any provision of the Subdivision Regulations imposes different restrictions from those imposed by any provision of the Subdivision Regulations, ordinance, rule, or regulation, whichever provision is more restrictive or imposes higher standards shall control. The City's Construction Standards promotes consistency and quality and allows only the use of vertical or sloped granite curbing. Furthermore, on March 20, 2024, the Planning Board granted a waiver to allow a private common driveway slope of 10%, where 8% is the maximum, with the stipulation that curbing be provided as shown on Sheet C-3, issue date February 23, 2024, which was proposed and approved as sloped granite curbing. There does not appear to be a technical reason to deviate from the City's Construction Standards, particularly whereas the slope of common private drive exceeds the maximum grade typically required per the Subdivision Regulations.

For Item 5.2(b), the applicant provided an analysis which does not specifically address the five waiver criteria of Section 35.08 of the Subdivision Regulations, or the criteria in RSA 674:36(II)(n). No revised and complete subdivision plan has been provided. However, staff still reviewed the analysis provided and determined the applicant has not shown that an unnecessary hardship to the owner results because of the particular physical surroundings, shape, or topographical conditions specific to the property involved. Specifically, the applicant has not provided any revised plans showing the location and amount of street trees which could be provided due to physical constraints of the site. As part of the application's final approval, a landscape plan was provided, signed and sealed by a NH licensed landscape Architect, and determined to have met the requirements of the Subdivision Regulations. This plan included six Japanese lilac trees proposed below the overhead utilities, which are considered suitable for placement under utility wires per the City's Construction Standards. Lastly, the applicant references the ability to utilize existing non-invasive trees with a minimum diameter of 4inches and within 10feet of the right-of-way to count toward meeting the number of required street trees. Staff notes the applicant would need to provide a revised landscape plan identifying the existing

trees which meet these requirements, in which case the existing trees would be considered toward the total requirement as part of an amendment to the approved landscape plan.

For Item 5.2(c), the applicant provided an analysis which does not specifically address the five waiver criteria of Section 35.08 of the Subdivision Regulations, or the criteria in RSA 674:36(II)(n). No revised and complete subdivision plan has been provided. However, staff still reviewed the analysis provided and determined that the applicant has not shown how granting this waiver would not be detrimental to the public safety, health, or welfare or injurious to other property, and keep in the spirit of the regulations. Conformance and upholding the Subdivision Regulations maintains consistent and predictable standards and development. Maintaining the maximum road length established by our standards, not only contributes to increased safety and reliability, but is also a general planning tool used to encourage proper development. The Subdivision Regulations apply this maximum uniformly, not only to common private drives, but also to dead end streets. There is a rational basis to maintain and uphold this regulation.

For Item 5.2(d), on May 15, 2024, as part of the Planning Board action to conditionally approve an amendment to the conditions of the March 20, 2024 approval for the 8-unit major subdivision application, the Planning Board denied a waiver request from Figure 20-2 *Private Common Drive with Three to Eight Units*, to allow 3 inches of hot bituminous pavement to be placed for the common private drive instead of the 4 inches required. Pursuant to NH RSA 677:15 *Court Review*, an aggrieved applicant has 30 days from after the date of decision to present a petition to the superior court. No such petition was presented within the thirty-day period. While the applicant has changed some information provided, this remains an unchanged request of which the Board has previously acted on, and, as such, is statutorily ineligible for a waiver with no further action necessary by the Board. The applicant has not provided a complete and revised subdivision plan to accompany the amendment application. Additionally, if the applicant were to increase from 8 units to 9 units, Figure 20-2 Private Common Drive with Three to Eight Units would no longer be applicable.

6. Conditional Use Permits:

6.1 No conditional use permits are required for this amendment, nor were any required for the original application.

7. Architectural Design Review:

7.1 No appearances before the Architectural Design Review Committee are necessary for this application. The original application received architectural design review approval for the 8-unit cluster subdivision and site plan on March 20, 2024, and this application proposes no changes to the exterior building design features.

8. Conservation Commission:

8.1 No appearances before the Conservation Commission are necessary for this application, nor were there any that took place for the original application.

9. Recommendations:

9.1 **Adopt the findings of fact**, which include information provided in staff reports; the applicant's submission materials; testimony provided during the public hearing; and/or, other documents or materials provided in the public hearing.

9.2 **Deny the amendment** to the approved major subdivision application and recorded subdivision plat for certain waivers from the Subdivision Regulations at Tax Map Lot 11Z 25-1, addressed as

15 Hot Hole Pond Road. The Board should cite the reasons for denial of the amendment. Staff offers the following items that the Board can consider in their decision-making:

- The applicant has not paid the required application fee for the amendment request;
- The applicant has not provided a complete and revised subdivision plan meeting the requirements of Section 16 *Application Requirements for Major Subdivision*, which includes being signed and sealed by the NH Licensed Professional responsible for preparing it, and Chapter 4 *Design Standards* of the Subdivision Regulations, which renders the Board unable to adequately review and consider the amendment application.

With the denial of the amendment, the waivers requested by the applicant as part of the amendment application inherently fail. However, if they were to be considered independently, staff would recommend to the Board that the previously denied waivers would fail where they are time barred and would recommend denial of remaining waivers for the substantive reasons stated in Section 5 of this report.