



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

Staff Report for Planning Board

Meeting on August 20, 2025
Project Summary – Minor Subdivision

Project: Three-lot subdivision (2025-092)
Property Owner: Sarmolemi Earth, LLC
Applicant: Sarmolemi Earth, LLC
Project Address: 138 Snow Pond Rd
Tax Map Lot: 11Z 52

Determination of Completeness:

To determine completeness of a minor subdivision application, the Board shall consider the requirements of Sections 9.06, 15.01, 15.02, and 35.16(1) of the Subdivision Regulations, the written recommendation of the Planning Division, and 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.

The Planning Division reviewed the application for completeness based upon the criteria of the Subdivision Regulations and concluded 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 the Subdivision Regulations to be deemed complete, including but not limited to missing data required by Sections 12 and 15, especially the required conditional use permit application; and**
- **Advise the applicant to revise and resubmit to a subsequent meeting 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 RSA 676:4(I)(c). Provided the Board determines the application complete, the 65-day period shall commence on August 20, 2025, and end on **October 24, 2025**. If the applicant has not demonstrated compliance with the Subdivision Regulations by the end of the statutory timeline (**October 24, 2025**), the applicant may waive the requirement for Planning Board action within the 65-day time period and consent to an extension of the public hearing as may be mutually agreeable, or the Board may approve, approve conditionally, or deny the application based on the information provided at that time.

Project Description:

The 36.05-acre site currently contains a barn and a single-family detached dwelling that was constructed in 1780. The owners of the property are proposing demolition of both the single-family detached dwelling and barn for division of the site into three lots, with the intention of future construction of a single-family detached dwelling on each lot.

Compliance:

The following analysis of compliance with the Zoning Ordinance and Subdivision Regulations is based on a 1-sheet subdivision plat, dated February 19, 2025, prepared by TF Moran; a 1-page existing condition plat, dated February 18, 2025, prepared by TF Moran; and a narrative, dated July 16, 2025, titled “Minor Subdivision Phasing Plan” that does not state who prepared it.

1. Project Details and Zoning Ordinance Compliance:

Zoning District:	Open Space Residential (RO) District
Existing Use:	Single-family detached dwelling and barn
Proposed Use:	Three-lot subdivision
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:	Yes
Wetland Buffers:	Yes

Zoning Code Item	Required	Proposed Lot 1	Proposed Lot 2	Proposed Lot 3
Minimum Total Area	87,120 square feet	688,377 square feet	688,138 square feet	218,027 square feet
Minimum Buildable Land	20,000 square feet	343,129 square feet	258,290 square feet	119,865 Square feet
Minimum Lot Frontage	200 feet	255.44 feet	255.68 feet	255.69 feet
Minimum Front Yard	50 feet	50 feet	50 feet	50 feet
Minimum Rear Yard	50 feet	More than 50 feet	More than 50 feet	More than 50 feet
Minimum Side Yard	40 feet	40 feet	40 feet	40 feet
Maximum Lot Coverage	10%	Not provided	Not provided	Not provided
Maximum Building Height	35 feet	Not provided	Not provided	Not provided
Off-street Parking	2 spaces per dwelling unit	Not provided	Not provided	Not provided

- 1.1 As proposed, the three new lots meet the total area, buildable land, lot frontage, and yard requirements. Compliance with maximum lot coverage and maximum building height will be assessed as part of the building permit application. There is enough area on each lot to meet the current off-street parking requirements, noting that effective September 13, 2025, municipalities are prohibited from requiring more than one off-street parking space per dwelling unit (2025 Senate Bill 284). As of that date, then, only one off-street parking space is required per dwelling unit. As presented, the project complies with the Zoning Ordinance.

2. General Comments:

- 2.1 Section 6.01(4) *Conformity with Zoning* requires compliance with the Zoning Ordinance at the time the abutter notifications were mailed. With the approved variances, staff was unaware of any nonconformities with the Zoning Ordinance at the time of the mailing.
- 2.2 Section 6.01(5) *Conditional Use Permits* requires submittal of a completed conditional use permit application, if one is required, at the same time as the subdivision application. Staff reviewed for compliance and determined that a conditional use permit is required for the proposed disturbance of the wetland buffer. **The required application was missing from the submittal.**
- 2.3 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. The submitted plat shows that the site is being divided into three lots, each fronting on the existing Snow Pond Rd, and no extension of municipal facilities or creation of any public improvements is proposed.
- 2.4 Section 9.02 *Minor Subdivision Application Requirements* requires the filing of certain items for a completed application. 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, a conditional use permit is required but no application was submitted as required, copies of state or federal agency permits are required but not submitted, and no waivers were requested.
- 2.5 Staff notes that, 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.
- 2.6 The Assessing Department, Engineering Services Division, Fire Department, and General Services Department review the application and had no general comments.

3 Subdivision Regulations Determination of Completeness:

The items below are missing from the submittal and **the Subdivision Regulations REQUIRE the items for the application to be deemed complete (unless a waiver from the requirement is otherwise approved).**

- 3.1 Section 12.02 *All Plans* (1) *Title Block* (b) requires that the both the name and address of both the owner and applicant be shown in the title block on all sheets. The applicant and owner are the same and the applicant/owner name is shown in the title block, but the address of the applicant/owner is missing from the title block on both the subdivision plat and the existing conditions plan.
- 3.2 Sections 12.02 *All Plans* (3) *Standard Notes*, (4) *Conditions of Planning Board Approval*, and 15.03(17) *Conditions of Approval* require a note on the subdivision plat stating conditions remaining to be fulfilled after recording. This required note stating that Case 2025-092 shall abide by all subsequent conditions from the Planning Board's decision on September 17, 2025, needs to be added to the subdivision plat to satisfy this requirement.

- 3.3 Section 12.04 *Location Plan* requires a location plan on either the subdivision plat or a cover sheet at a scale of 1" = 400' and certain required information. There is no cover sheet and there is no location plan on the subdivision plat. There is a location plan on the existing conditions plan, but it is not at the required scale of 1" = 400'. It does not clearly indicate if Lot 51 is or is not part of the site to be subdivided as part of the site, and does not provide the zoning district designations and boundaries.
- 3.4 Section 12.05 *Vicinity Plan* requires a vicinity plan on either the subdivision plat or the cover sheet at a scale between 1" = 1000' and 1" = 2,000'. There is no cover sheet, and there is no vicinity plan on the subdivision plat at the required scale or containing the required information.
- 3.5 Section 12.07 *Wetland Delineations* and Section 12.03(5) *Wetland*, require that wetland delineations are to be prepared by a New Hampshire certified wetland scientist who shall sign and seal both the existing conditions plan and the subdivision plat. The subdivision plat and existing conditions plan contain a note that references the wetland scientist who performed the delineation, and when, but the required signature and seal are missing from both the existing conditions plan and the subdivision plat.
- 3.6 Section 12.08 *Existing Conditions Plan* requires certain information on the existing conditions plan. All required information is present except the following:
- 12.08(4) *Soils* requires the identification and classification of the extent and type of soils using the USDA Natural Resources Conservation Service system. The existing conditions plan is missing a notation regarding the site's type of soils.
- 12.08(7) *Building and Structures* requires the location, layout, use, and exterior dimensions of existing buildings and structures. While the existing conditions plan does show the location and layout of existing buildings, the use and exterior dimensions of the existing buildings on the site are missing.
- 12.08(8) *Parking, Loading, and Access* requires the location and layout of existing driveways, curb cuts, parking lots, and loading areas. The aerial photo available in GIS shows that the site contains two existing driveways, neither of which are shown on the existing conditions plan.
- 12.08(11) *Nonmunicipal Utilities* requires the location, type and size, where applicable, of the nonmunicipal utilities which currently serve the subdivision, including transformers, switch boxes, and other appurtenances. The existing conditions plan does not show any nonmunicipal utilities and does not provide any indication of existing power to the site.
- 12.08(13) *Wells and Septic Systems* requires the location of existing wells and subsurface waste disposal systems on the property and on immediately adjacent property. The existing conditions plan shows the site's existing well and the location of the septic easement for the adjacent property to the north. However, there is no indication given regarding the status or location of any existing septic systems on the site itself, the location of the well for the adjacent north property is not shown, and neither the well or the septic system for the adjacent south property are shown.

- 12.08(20) *Existing Vegetation*, requires the location, type, and size of existing trees on the site, or in the case of heavily wooded portions of the site, the edge of clearing. The existing conditions plan does not show or depict the existing vegetation as required.
- 12.08(22) *Abutting Properties* requires showing existing abutting properties, including intersecting property lines, buildings, driveways, wells, and septic systems. While the intersecting property lines, driveways and buildings are shown to the north and south of the proposed subdivision, the wells and are noticeably absent on the north and south abutting properties, as is the septic system on the south abutting parcel.
- 12.08(23) *Tabulations* (b) requires the square footage of each existing building, (c) requires the impervious surface coverage in square feet and percent, and (d) requires the useable land area calculations. This required information is missing from the existing conditions plan.
- 3.7 Section 15.01 *Required Information* (7) requires that submittal of a completed conditional use permit application, where such is required, shall be made at the same time as the subdivision application and that no subdivision application may be considered complete without a complete conditional use permit application (where one is required). In this case, the subdivision plat shows the proposed well location for lot 2 inside the wetland buffer. Placement of the well inside the wetland buffer will be a permanent disturbance to the buffer and requires a conditional use permit application to be processed concurrently with the subdivision application. The required conditional use permit application for wetland buffer disturbance is missing from the submittal.
- 3.8 Section 15.02 *Final Plat Requirements* requires certain information to be accurately shown or noted on the subdivision plat drawing. All required information is present except the following:
- 15.02(4) *Large Parcels* states that the Clerk may authorize the applicant to submit all, or a portion, of a plat at an engineering scale such as 1" = 100', provided all pertinent information can be shown accurately and legibly. The scale submitted on the plat is listed as 1" = 100' but appears to be measuring as 1" = 97'. Ensure the plat scales at 1" = 100'.
- 15.02(8) *Addresses* requires the address of each existing and proposed lot shall be noted on the subdivision plat. Lot 1 will have an address of 142 Snow Pond Road; Lot 2 will have an address of 138 Snow Pond Road; and Lot 3 will have an address of 134 Snow Pond Road. This required addressing information is missing from the subdivision plat and needs to be added to the drawing plan view for each lot.
- 3.9 Section 15.03 *Information to be Provided on Final Plat* requires that certain information shall be accurately shown or noted on the subdivision plat drawing. All required information is present except the following:
- 15.03(1) *Abutting Property* requires existing abutting properties including property lines, buildings, wells and septic systems, owner's names and address, property addresses, and tax assessor map lot numbers. All the required information is shown except the buildings, wells and septic systems, as well as Map 11Z Lot 20 not stating the property address of 137 Snow Pond Rd.

- 15.03(2) *Dimensions* requires showing the dimensions and bearings of all existing property lines and new property lines to be created. Property lines to be removed must be clearly distinguished from all new and remaining property lines. It is unclear if the line between Tax Map Lot 11Z 51 and Tax Map Lot 11Z 50 is going to be eliminated through a voluntary lot merger. The plat appears to show that this is the intent, but no such application has been submitted and will need to be prior to final approval of the subdivision plat.
- 15.03(3) *Tabulations* requires showing the areas of lot in square feet and or acres, as well as noting and for each lot and showing on the plat drawing the area of contiguous buildable land. While the square footage and acreage of each lot is noted, as well as the square footage of buildable land, the area of contiguous buildable land is not show in the plat drawing as required.
- 15.03(9) *Access and Driveways* requires showing all existing and proposed driveways along the subdivision frontage, on abutting properties, and on the opposite sides of the street. The existing driveway for 137 Snow Pond Rd on the opposite side of the street is missing from the subdivision plat.
- 15.03(12) *Septic Systems* requires soil data and test results sufficient for submittal of an application to the New Hampshire Department of Environmental Services, including a plan showing the location of test pits, soil profiles, ground water elevation, and seasonal highwater table elevation at each test pit. The required 4,000-square-foot septic drain field area shall be shown on the subdivision plat. The submitted materials did not include the required soil data and test results, or a plan showing the elements noted above. Additionally, while the subdivision plat shows the proposed septic drain field locations, dimensions were not labeled or square footage given to confirm that each is at least 4,000 square feet in area.
- 15.03(14) *Wells* requires showing the location of all existing and proposed wells and wellhead protection radii both on the site and on abutting properties. While the subdivision plat shows the proposed wells and protection radii on the site, the well and wellhead protection information for the abutting north and south properties is missing from the subdivision plat.
- 15.03(15) *Other Utilities* requires the location and size of all existing and proposed underground and overhead nonmunicipal utilities. The subdivision plat drawing shows no existing or proposed information pertaining to nonmunicipal utilities.

Subdivision Regulations Compliance:

The submittal was found to be compliant with all other sections of the Subdivision Regulations except as listed below, noting that the items below are missing as required for full compliance but are **not required for the determination of completeness.**

- 3.10 Section 13.02(10) *State and Federal Permits* requires copies of all required state and federal permits to be submitted to the Planning Division. The original application submittal did not include copies of any state/federal permit applications or state/federal permits, nor did the subdivision plat list in the notes the required state/federal permits. Specifically, staff notes that permits from New Hampshire Department of Environmental Services are required for the wells

- and septic systems, at a minimum. All required state/federal permits need to be listed on the subdivision plat.
- 3.11 Section 19.05 *General Design Standards for Lots* (4) *Useable Lot Area Rectangle* requires a minimum contiguous area of useable land with requirements for the shape, dimensions, and size. The subdivision plat does not depict the contiguous useable land rectangle for the proposed lots with the required dimensions labeled.
- 3.12 Section 24.05 *Design Standards for Nonmunicipal Water Supply* and Section 24.06 *State and Federal Permits* require that individual private wells shall comply with all the standards of the New Hampshire Department of Environmental Services, and the construction of which shall comply with applicable standards of the New Hampshire Water Well Board. All required state and federal water system permits must be obtained. As mentioned elsewhere in this staff report, copies of any state and federal permits must be submitted to the Planning Division. The subdivision plat shows the location of the proposed wells and the required wellhead protection area, but no indication is given regarding compliance with state requirements and no copies of state permits were included in the submittal.
- 3.13 Section 25.04 *Nonmunicipal Sanitary Sewage Disposal* and Section 25.05 *State and Federal Permits* require that the subdivision plat show the required 4,000-square-foot septic drain field area, along with test pit locations and corresponding test pit logs. Copies of required state and federal sanitary sewer permits are required to be submitted to the Planning Division. The subdivision plat does show a proposed septic drain field area for each lot, but no dimensions or square footages are given, no copies of state or federal permits were submitted, and no test pit locations and corresponding test pit log data were submitted.
- 3.14 Section 26.01 *General Requirements* requires that all subdivisions shall make adequate provision for nonmunicipal utilities and shall coordinate with the utility companies to ensure that nonmunicipal utilities are installed in accordance with plans approved by the Planning Board. No information was provided in the submittal showing provisions for nonmunicipal utilities or that any coordination with utility companies had taken place.
- 3.15 Section 26.01(1) *Underground Utilities* requires that 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. The subdivision plat provided no information on provisions for underground utilities. If overhead utilities are proposed, a waiver request from providing underground utilities must be submitted for action by the Planning Board.
- 3.16 The Assessing Department reviewed the application and noted that a lot merger application will need to be submitted if the intent is to combine Tax Map Lots 112Z 51 and 52.
- 3.17 The Fire Department and General Services Department reviewed the application and had no compliance requirements.
- 3.18 The Engineering Services Division reviewed the application and had the following compliance requirements:

- a. Section 20.09 *Residential Single Family Driveways* requires submittal of a driveway plan for each driveway that shows all the following: slope no greater than 10 percent; landing area at the intersection of the private drive and Snow Pond Rd with a minimum length of 20 feet and a slope not exceeding 2 percent; minimum width of 10 feet and maximum of width of 24 feet; minimum separation of 40 feet from existing and proposed driveways and intersections, as measured from the pavement edge at the right-of-way line, near edge to near edge; maximum length of 1,000 feet; and compliance with sight distances set forth in the most recent edition of the AASHTO Highway Safety Design and Operations Guide. This required information for each proposed driveway is missing from the original submittal.
- b. No indication was given as to how the right-of-way line for Snow Pond Rd was established.
- c. The subdivision plat shows no existing right-of-way monumentation for Snow Pond Rd as required.

4 Variances:

- 4.1 No variances are required.

5 Waivers:

- 5.1 No waivers are requested.

6 Conditional Use Permits:

- 6.1 Although not yet submitted, in accordance with Section 28-4-3(d) *Conditional Use Permits Required for Certain Disturbance of Wetland Buffers*, an application for such conditional use permit is required and must be processed concurrently with the subdivision application as required by the Subdivision Regulations.

7 Architectural Design Review:

- 7.1 Architectural design review is not required for minor subdivisions.

8 Conservation Commission:

- 8.1 Appearances before the Conservation Commission are required for conditional use permits for disturbances to wetland buffer. The required appearance will be scheduled upon receipt of the conditional use permit application.

Prepared by: KOB