



CITY OF CONCORD

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

Staff Report for Planning Board

Meeting on December 17, 2025
Project Summary – Design Review Phase

Project: Granite Ridge Estates 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

Determination of Completeness:

To determine completeness of a design review application, the Board shall consider the requirements of Section 14.02 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 accept the application for consideration, which may take place at the same meeting as the determination of completeness. 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. *Staff notes that the completeness requirements stated above are purely a local regulatory requirement, as the statutory language in RSA 676:4-II(b) does not require a completeness of determination for a design review application (because it is a non-binding preliminary land use review function).*

Project Description:

Eastern Development, requests a preliminary design review for certain amendments proposed to a previously approved 8-unit, cluster subdivision (Case 2023-140) at 15 Hot Hole Pond Rd in the Open Space Residential (RO) District.

Compliance:

The following analysis of compliance with the Subdivision Regulations is based on a 24-sheet plan set titled “Granite Ridge Estates Cluster Subdivision” dated September 20, 2023 with revisions through March 18, 2025; a 5-page staff report dated for the October 15, 2025 Planning Board meeting, prepared by the City of Concord; a 1-page excerpt from the Town of Chester Subdivision Regulations, dated September 27, 2017; a 12-page Concord Monitor article titled “Former Concord planner says City Hall stifles development”, dated October 24, 2025; a 3-page email correspondence titled “Request for Appeal and Agenda Placement, October 15, 2025 Meeting”, dated September 17, 2025; a 4-page email correspondence titled “Conceptual Consultation / Design Review”, dated between November 11, 2025 and November 19, 2025; a 4-page narrative titled “Re: Request for Appeal and Agenda Placement, October 15, 2025 Planning Board Meeting;”, prepared by Eastern Development, dated September 17, 2025; an undated 7-page narrative titled “Granite Ridge Estates: Amendment to Major Subdivision”, prepared by Eastern Development; a 1-page NHDOT Standard Plans detail sheet CR-2, revised through June 16, 2010; and, an undated 2-page narrative titled “Technical Justification Memorandum”.

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 Section 8.01 *Extent of Consideration* states a design review phase discussion with the Planning Board may be sought pursuant to RSA 676:4 II (b) for the purpose of discussing the subdivision design and layout before preparing the final plat for a major subdivision. The applicant may discuss with the Planning Board the procedure for application of a subdivision plat and the requirements as to general layout of streets and for reservations of land, street improvements, drainage, utilities, fire protection, and similar matters, as well as the availability of existing services.
- 2.2 Section 8.02 *Process* states the prospective applicant may seek the advice of the Planning Board only at a regularly scheduled meeting when the agenda category of "Design Review Plans" or "other business" is called. Public notice is required, and abutters are noticed by certified mail, for all meetings where the Planning Board considers subdivisions during the Design Review Phase. A public hearing shall not be held for the Design Review but comments may be received from abutters or other parties of interest
- 2.3 Section 8.07(2) *Board Action on the Design Review Phase* states, pursuant to 676:4 II(b), statements, comments, suggestions and recommendations made by the Planning Board are non-binding statements. Representations, comments, suggestions and alternatives made by the applicant or the applicant's agents are equally non-binding. After reviewing and discussing the design review plan, the Planning Division report and other reports as submitted by invited agencies and officials, the Planning Board may advise the applicant of the specific changes or additions, if any, in the layout and the character and extent of required improvements and reservations, which it will require as a prerequisite to the approval of the subdivision plat.
- 2.4 Section 8.07(3) *End of Design Review Phase* requires the design review phase shall be complete at the end of the public meeting, unless the Planning Board elects to table consideration of the Design Review Phase to allow the applicant to submit additional information and for additional staff review and comment. If, within 65 days of the tabling by the Board, the applicant has not submitted the requested information for further consideration by the Board, the Design Review Phase shall automatically be terminated. The one-year vesting period, established pursuant to RSA 676:12 VI, shall commence at the close of the public hearing. Notice of the Planning Board decision shall be provided to the applicant pursuant to RSA 676:4.
- 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 Section 14.02(2) *Project Statement* requires the applicant to provide a statement for the Planning Boards consideration. The applicant has not provided such statement specifically addressing the Design Review application. Instead, they have provided multiple supplemental materials, including statements prepared for previous applications pertaining to case 2023-140, a previously approved major subdivision application with certain associated amendment applications. Staff’s understanding is that the applicant is seeking design review consideration from the Planning Board for specific items relative to requested amendments to the previously approved minor subdivision. Staff determined that while no project statement was submitted specific to this application, due to the nature of the request, and history of the application, the applicant has provided enough information for the Board to determine the application complete and consider, but not necessarily limited to, the following:
- a. Non-binding consideration of the use of Cape Cod Berm (asphaltic concrete) in place of granite curbing through the common private drive;
 - b. Non-binding consideration to not require street trees along the full length of the common private drive, limiting plantings to the cul-de-sac area;
 - c. Non-binding consideration to allow a residential dead end common private drive to exceed the maximum length of 1,000 feet;
 - d. Non-binding consideration to allow 3-inches of hot bituminous pavement to be placed for the common private drive where normally 4-inches is required; and,
 - e. Non-binding consideration to increase the total number of units from 8-units to 9-units.
- 2.7 Section 14.02 *Design Review Phase Requirements* requires five paper copies and one digital copy of the design review plans and documentation shall be submitted. Staff notes that all applications and applications materials are digital and paper copies are not required, unless otherwise indicated. For this design review application, the applicant submitted a 24-sheet plan set titled “Granite Ridge Estates Cluster Subdivision” dated September 20, 2023 with revisions through March 18, 2025.
- It appears as though for the purposes of this design review, the applicant has modified, and combined different versions of plan sets submitted throughout the process of the major subdivision application (case 2023-140), which ultimately received final approval on May 2, 2025 with a 29-sheet plan set titled “Granite Ridge Estates Cluster Subdivision” dated September 20, 2023 with revisions through March 18, 2025, prepared by Altus Engineering.
- 2.8 Section 14.02(1)(f) requires all items set forth in Section 12 *General Requirements* for all drawings for a design review application to be determined complete. Due to the nature of this design review application, and project history of the associated applications, the applicant has provided enough information for the Board to determine the application complete and consider, even with the following sections of 12.01 not complete:
- a. Section 12.02(1) *Title Block*, requires on all plans, title blocks, including the title of plan, owner information, revisions dates, and seal and signature of licensed professional to be provided on each sheet. This information is inconsistently presented, due to the reasons cited in Item 2.7 of this staff report.
 - b. Section 12.03(4) *Construction Plan Drawings* requires all construction plan drawings to be prepared by a NH Licensed Professional Engineer. This information is inconsistently presented, due to the reasons cited in Item 2.7 of this staff report.

- c. Section 12.06(4) *Prior Subdivisions or Surveys* requires plan references for prior recorded subdivision or surveys on the properties proposed for subdivision or abutting said properties proposed to be subdivided. Specifically, reference to the recorded 8-unit major cluster subdivision at 15 Hot Hole Pond is not referenced.
 - d. Section 12.06(5) *Other Plans* requires plan references for applicable road, utility, or site improvement plans, which are available in City records or are available to the surveyor for establishing property and easement boundaries. Specifically, case 2023-140, the previously approved, and recorded subdivision application included certain offsite improvements, mostly pertaining to stormwater which are not present in the current design review submission. Any future application resulting from this design review consideration, will need to conform with all City regulations, including improvements and plan changes left out of the current design review plan.
- 2.9 The Assessing Department reviewed the application and commented that the property is enrolled in current use and will be subject to Land Use Change Tax (LUCT).
- 2.10 The Engineering Services Division reviewed the application and comments are noted in the attached memo to Alec Bass from Paul Gildersleeve and Pete Kohalmi, dated December 9, 2025.
- 2.11 The Fire Department reviewed the application and provided the following comments:
- a. Technical Justification Memorandum - Section 2 Compliance with Fire Access Standards - As of August 13 2024, The State of NH has adopted the 2021 edition of the Fire Code (NFPA 1) and Life Safety Code (NFPA 101) with amendments in FMO 300.
 - b. The applicant had sent an email requesting information. A response to that request is noted in the attached memo titled “15 Hot Hole Pond Rd Project Email Followup” in response to an email dated November 26, 2025.
- 2.12 The Planning Division reviewed the application and provided the following comments:
- a. Pertaining to the use of asphaltic curbing instead of vertical granite curbing required by Section 20.13 *Curbing for Residential Common Private Drives* of the Subdivision 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.
 - b. Pertaining to the removal of street trees required by Section 28.04(6) *Street Trees* of the Subdivision Regulations. As part of the application’s final approval for case 2023-140, 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. Among other proposed trees, 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 4 inches and within 10 feet 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, not just a clearing limit, which meet these requirements, in which case the existing trees could be considered toward the total requirement.
- c. Pertaining to the length of the common private drive to exceed the maximum length of 1,000-feet as required by Section 20.12 *Length of Residential Common Private Drives* of the Subdivision 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.
 - d. Pertaining to the use of 3-inches of pavement vs 4-inches as required by Figure 20-2 – *Private Common Drive with Three to Eight Units* of the Subdivision Regulations. Staff previously indicated in an amendment to an approved plan application for case 2023-140, that the Planning Board previously denied a waiver request from this section of the Subdivision Regulations, and pursuant to NH RSA 677:15 Court Review, the aggrieved applicant has 30 days from after the date of decision to present a petition to the superior court. No such petition was presented, and the applicant would be statutorily ineligible for a waiver.
 - e. Pertaining to increasing the proposed development from 8-units to 9-units. Planning staff has no objection pertaining to the number of dwelling units proposed by the applicant, provided that the proposal conforms with the Zoning Ordinance and Subdivision Regulations. The applicant should be aware of heightened requirements associated with this change, which include, but may not be limited to Table 20-1 *Standards for Residential Common Private Drives* and Figure 20-3 *Private Common Drive Greater Than Eight Dwelling Units* of the Subdivision Regulations.
3. **Subdivision Regulations Design Review Phase Requirements:**
The items below are missing from the submittal and **the Subdivision Regulations REQUIRE the items for the application to be deemed complete:**
- 3.1 Section 14.02(1)(c) *Application Fees* requires application fees as set forth in Appendix A. Fees, which are due and payable upon submission. Staff notes that the application fee's (INV-00017257) were invoiced on November 26, 2025, and at the time of writing this report, remain unpaid. Prior to the Board accepting the application as complete, the applicant shall pay the required application fees.
4. **Variances:**
- 4.1 There are no variances required for this application.
5. **Waivers:**
- 5.1 There are no waivers submitted for this application.
6. **Conditional Use Permits:**
- 6.1 Conditional use permits are not required for this application.
7. **Architectural Design Review:**
- 7.1 Architectural design review is not required for design review applications.

8. Conservation Commission:

- 8.1 Appearances before the Conservation Commission are not required for this application.

9. Recommendations:

- 9.1 Staff recommends that the Planning Board proceed to determine the application for the design review phase as incomplete, as the application fees have not been provided. An application which is determined incomplete may be revised and resubmitted for another determination of completeness.

OR:

- 9.2 If the Board chooses to deem the application complete, the Planning Division suggests that the Board proceed accordingly:
- a. Determine the application for the design review phase as complete and proceed with holding the public meeting (not a public hearing);
 - b. Discuss the proposed project with the applicant and provide non-binding statements, comments, suggestions, and recommendations; and,
 - c. State that the design review phase shall be complete at the end of the public meeting.
- 9.3 There are no motions or actions needed for the design review phase.



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Michael S. Bezanson, PE
City Engineer

MEMORANDUM

TO: Alec Bass, Senior Planner

FROM: Paul Gildersleeve, PE, Project Manager and Pete Kohalmi, PE, Associate Engineer

DATE: December 9, 2025

SUBJECT: Granite Ridge Estates – Preliminary Design Review - Engineering Review
15 Hot Hole Pond Rd; Map 11Z Lot 25-1; Project 2025-136

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

- Formal Notice of Appeal and Agenda Placement prepared by Ryan Taber Eastern Development, dated September 17, 2025
- Drawings prepared by Altus Engineering and modified by applicant, submitted November 19, 2025
- Formal Notice of Waiver Criteria prepared by applicant
- Technical Justification Memorandum (for cul-de-sac length) prepared by applicant

The comments below are solely regarding the conceptual changes presented by the applicant. A full technical review may result in additional comments from the Engineering Division.

1. Waivers

- a. A waiver is requested from City of Concord Construction Standards and Details (CCSD) Section 3(2)(C), to allow Cape Cod Berm (asphaltic concrete) instead of sloped granite curb. Pursuant to City of Concord Subdivision Regulations (CCSR) Section 35.04, “whichever provision is more restrictive or impose higher standards shall control.” Since the CCSD Section 3(2)(C) requires granite curb, which is significantly more durable than asphaltic curb, the granite curb would control. Moreover, granite curb is the standard product specified for all Site or Subdivision plans. For these reasons, Engineering Services does not support waiving this requirement.

- b. A waiver request is requested from Section 28.04 of the Subdivision Regulations as it relates to provision of street trees.

Section 28.04 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." The street trees currently in the plan do exactly that—they replace and enhance vegetation destroyed by the construction of the subdivision.

Therefore, Engineering does not support this waiver request.

- c. A waiver is requested from CCSR 20.12, which requires dead end common private drives to not exceed 1000'. 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 mentions Farmwood Road and Coventry Road as cul-de-sacs over 1000' in length but both of those subdivisions are 25 years old, or more. In 2025 we can only guess what the circumstances were for their approvals.

Per Section 20 of the Subdivision Regulations, common private drives greater than 8 dwelling units require a 26' pavement width instead of the 22' provided.

It should be noted that the most important reason for the 1000' length limit is perhaps life safety concerns by the Concord Fire Department. Therefore, Engineering will allow the Fire Marshal to comment on this issue.

For all the reasons stated above, Engineering does not support the waiver request.

- d. A waiver is requested from a Planning Board requirement of 4" of hot bituminous pavement for Sunni Lane, which is memorialized in the plans in the Typical Roadway Cross Section Detail on Sheet C-11. This 4" requirement is 1" more than the 3" required in the Rural Residential Drive Detail on Sheet C-12, which is the requirement for the individual drives off of Sunni Lane.

Section 21.05 of the Subdivision Regulations does state that common private drives shall be surfaced with a minimum of 3" of hot bituminous pavement. However, Figure 20-2 of the Subdivision Regulations shows 4" of asphalt for common private drives 3-8 dwelling units. Section 1 of the City of Concord Construction Standards states that the more stringent criteria applies between the Construction Standard and other State and City manuals. Section 35.04 of

the Subdivision Regulations also state that conflicts between regulations will be governed by the more stringent regulation.

The applicant states that private common drives are privately maintained and that requiring public road standards imposes undue costs on homeowners without any municipal benefit. This is true—but the benefit of extra pavement would be in favor of the homeowners who buy those homes by decreasing future maintenance costs.

A thicker pavement section will add years of life to the road—even a low volume road.

For all the reasons above, the Engineering Division does not support this waiver request.

15 HOT HOLE POND RD PROJECT EMAIL FOLLOWUP

** Replies to the questions are in RED/TEAL. **

On Nov 26, 2025, at 10:17 AM, Ryan Taber <ryan@eastern-development.com> wrote:

I am following up regarding the 15 HHP road extension and the recent FD comments. Your note stated: *"fire recommends the site plan regulations be adhered to. Not sure what happened with Shelburne Lane."* Could you clarify what you mean? NFPA does not have specific road length requirement. NFPA 1 2021 edition sections 18.2.3.1, 18.2.3.2, 18.2.3.3, and 18.2.3.5 provide requirements for building and road access. On November 30, 2011, the City of Concord adopted the Site Plan Regulations that addresses private road lengths; **Section 19 Access and Driveway Standards Section 19.08 Length of Residential Common Private Drives:** The length of a residential dead end, common private drive shall not exceed 1,000 feet.

Additionally, I would like to confirm whether the FD will support this project with a 9th unit if it meets all NFPA standards, State Fire Marshal guidance, and Concord regulations.

The road would serve 9 houses and is designed to meet NFPA requirements, and the standards applied by the NH State Fire Marshal for fire apparatus access:

- 1) **Dead-End Length:** NFPA 1 Sections 18.2.3.6 & 18.2.3.7 allow dead-end roads over 1,000' for fewer than 20 units. Not sure what edition of NFPA 1 you are referring. NFPA 1 2021 edition Section 18.2.3.7 does not exist. Section 18.2.3.6 reads as follows:

18.2.3.6 Marking of Fire Apparatus Access Road.

18.2.3.6.1 Where required by the AHJ, approved signs, approved roadway surface markings, or other approved notices shall be provided and maintained to identify fire apparatus access roads or to prohibit the obstruction thereof or both.

18.2.3.6.2 A marked fire apparatus access road shall also be known as a fire lane.

- 2) **Single Access:** Allowed by NFPA for low-density developments; Shelburne Lane provides a precedent, with secondary access planned, but currently has occupancy with one access road over 1000' in length. NFPA 1 2021 edition does not have a specific section identifying low density developments. From my understanding, Shelburne Lane has a Phase II that will provide an emergency secondary egress/access roadway. Concord Fire is not responsible in confirming road construction engineering and length compliancy.
- 3) **Road Width & Turning Radius:** The 24' private drive and cul-de-sac exceed FD minimum requirements and meet NFPA and State Fire Marshal standards for emergency vehicle access. NFPA 1 2021 edition Section 18.2.3.5.1.1 reads as follows:

18.2.3.5.1 Dimensions.

18.2.3.5.1.1* Fire apparatus access roads shall have an unobstructed width of not less than 20 ft (6.1 m).

18.2.3.5.3 Turning Radius.

18.2.3.5.3.1 The turning radius of a fire apparatus access road shall be as approved by the AHJ.

18.2.3.5.3.2 Turns in fire apparatus access roads shall maintain the minimum road width.

18.2.3.5.3.3 Fire apparatus access roads connecting to roadways shall be provided with curb cuts extending at least 2 ft (0.61 m) beyond each edge of the fire apparatus access road.

- 4) **Slope / Road Surface:** The proposed private drive serving 9 units has a 10% grade, below the NFPA 1 maximum and consistent with State Fire Marshal guidance for emergency vehicle access. By comparison, HHP currently is 13–14%. **NFPA 1 2021 edition Section 18.2.3.5.1.1 reads as follows:**

18.2.3.5.6 Grade.

18.2.3.5.6.1 The gradient for a fire apparatus access road shall not exceed the design limitations of the fire apparatus of the fire department and shall be subject to approval by the AHJ.

18.2.3.5.6.2* The angle of approach and departure for any means of fire apparatus access road shall not exceed 1 ft drop in 20 ft (0.3 m drop in 6 m) or the design limitations of the fire apparatus of the fire department, and shall be subject to approval by the AHJ.

18.2.3.5.2* Surface. Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be provided with an all-weather driving surface.

- 5) **Emergency Vehicle Access / Weight Limits:** The road supports full-weight fire apparatus, including tankers and ladder trucks. **See response in Item 4 labeled 18.2.3.5.2.**
- 6) **Turning Maneuverability:** Cul-de-sac designed for safe tanker truck access and egress. **See response in Item 3 labeled 18.2.3.5.3.**
- 7) **Lot Layout / Proximity:** Houses are sited to maintain unobstructed fire access. **NFPA 1 2021 edition sections 18.2.3.1, 18.2.3.2, 18.2.3.3, 18.2.3.5.6 provide additional requirements.**
- 8) **Response / Staffing:** NFPA and State Fire Marshal guidance allow low-density private developments without additional FD resources. **NFPA 1 2021 edition does not have a specific section identifying response and staffing. Concord Fire does add additional resources such as tankers and engines for rural areas such as Hot Hole Pond Rd that are outside the hydrant district.**
- 9) **Concord Precedent:** This design meets all applicable Concord site plan regulations. Precedents include Coventry Road and Farmwood Road, which have safely served multiple homes for over 25 years with private water and cul-de-sac/dead-end configurations. **The proposed road length for 15 Hot Hole Pond Rd exceeds 1,000' required by the Site Plan Regulations. The proposed 10% grade exceeds the 5% required by NFPA 1 2021 edition section 18.2.3.5.6.2.**

Below outlines timeframes and code requirements for the aforementioned addresses referencing different adopted codes and regulations.

Farmwood Rd – Road length is approximately 2500'. Homes were built in the early 1990s (1993, 1994) when the City did not have the current site plan regulations adopted. The adopted codes for the NFPA 1 Fire Code was the 1990 edition and for NFPA 101 Life Safety was the 1988.

Coventry Rd – Road length is approximately 1200'. Homes were built in the early 2000s (2002, 2004) when the City did not have the current site plan regulations adopted. The adopted codes for the NFPA 1 Fire Code and NFPA 101 Life Safety was the 1999 edition until the adoption of 2000 edition on 10/07/02. Homes have a residential sprinkler system installed.

Below are several development projects requiring a secondary emergency egress:

Primerose Ln/Rosewood, Sonoma Ln/Cabernet Dr, Northeast Village Rd/Wedgewood Dr, Quincy St, Canton Circle/Heights Rd.