



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

Staff Report for Planning Board

February 19, 2025

Project Summary – Amendment to Minor Subdivision Lot Line Adjustment

Project: Lot line adjustment between 224 and 226 Little Pond Rd (2024-025)
Property Owners: Sean Landry, Emily Landry, R. Shep Melnick, and Joanne G. Linden
Applicant: Sean Landry
Project Address: 224 Little Pond Rd and 226 Little Pond Rd
Tax Map Lot: 67Z 29 and 67Z 28

Project Status:

On **June 18, 2024**, the application was determined complete, not a development of regional impact, and conditionally approved by the Planning Board on June 18, 2024.

On **January 6, 2025**, the applicant submitted a request to amend the conditional approval received on June 18, 2024.

Staff **recommends the Planning Board open the public hearing** for the requested amendment to the conditionally approved minor subdivision application.

Project Description:

The applicant requests an amendment to a previously conditionally approved minor subdivision for a lot line adjustment to annex 0.362 acres from 226 Little Pond Rd to 224 Little Pond Road, with no proposed new development. The site is located in the Open Space Residential (RO) District.

Compliance:

The following analysis of compliance with the Zoning Ordinance and Subdivision Regulations is based on a 1-sheet plan set dated December 2023, and revised on April 25, 2024, prepared by T.F. Bernier, Inc, and an undated, 3-sheet, waiver request form submitted with the amendment application.

1. Project Details and Zoning Ordinance Compliance

1.1 Staff determined the application as submitted conforms with the zoning ordinance.

2. Subdivision Regulations Compliance and Comments:

2.1 Per Section 35.19 *Minor and Major Amendments*, a major change to a previously approved plat shall require a new public hearing before the Board as required for a new application.

The applicant has requested changes to a previously approved subdivision plan which have been determined to be major in nature in accordance with Section 35.19(5) a change which requires a waiver from these regulations, and Section 35.19(6) A request by the applicant to modify any condition of approval.

3. Variances:

3.1 No variances are requested.

4. Waivers:

4.1 The applicant has requested a waiver from precedent conditions (a)(1)(a) through (a)(1)(i) of the June 18, 2024 Planning Board conditional approval decision:

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

1. For compliance with the Subdivision Regulations, revise the plat as follows:
 - a. Compliance with Section 12.04 requires adding a location plan with a minimum scale of 1" = 400', including all information listed in Section 12.04.
 - b. Compliance with Section 12.05 requires showing and labeling Little Pond as an additional water body on the vicinity map.
 - c. Compliance with Section 12.07 requires the signature and seal of the New Hampshire certified wetland scientist on the final lot line adjustment plat that shows the mapping of the portions of wetland, along with the date of the wetland delineation noted.
 - d. Compliance with Section 12.08(3) requires providing existing topographic conditions at a contour level of two feet at locations that are part of the lot line adjustment area.
 - e. Compliance with Section 12.08(4) requires providing identification and classification of the extent and type of soils.
 - f. Compliance with Section 12.08(13) requires noting whether or not the properties are located within the City of Concord Flood Hazard Overlay District as defined in Article 28-3-2 of the Zoning Ordinance. This can be noted in Note 4.
 - g. Compliance with Section 15.02(8) requires adding the property addresses of each of the two lots.
 - h. Compliance with Section 15.02(9) requires adding the proposed type of residential use for each lot.
 - i. Compliance with Section 15.03(1) requires showing and labeling the buildings, wells, septic systems, and property addresses for all abutters.

The applicant provided an analysis of the five waiver criteria listed in Section 35.08 of the Subdivision Regulations and New Hampshire State Statute RSA 674:36(II)(n)(1).

Staff reviewed the evidence submitted and supports the waiver requests in Item 4.1(a)(1)(a) through 4.1(a)(1)(e), 4.1(a)(1)(h), and 4.1(a)(1)(i).

Staff reviewed the evidence submitted and does not support the waiver requests for items 4.1(a)(1)(f) and 4.1(a)(1)(g), noting that the materials provided do not show compliance with either RSA 674:36(II)(n)(1) or (2) and do not meet the burden of proof for Section 35.08.

5. Conditional Use Permits:

5.1 No conditional use permits are requested.

6. Architectural Design Review:

6.1 No architectural design review is required for a minor subdivision.

7. Conservation Commission:

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

8. Recommendations:

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

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

- 8.2 **Grant the waiver** requests below from the listed sections of the Subdivision Regulations, using the criteria of RSA 674:36(II)(n)(1) and Section 35.08 of the Subdivision Regulations:
- a. Section 12.04 *Location Plan*, to not provide a location plan on the subdivision plan.
 - b. Section 12.05 *Vicinity Plan*, to not provide names and labels of all water bodies and watercourses, including Little Pond, on the vicinity plan.
 - c. Section 12.07 *Wetland Delineations*, to not require the signature and seal of the New Hampshire certified wetland scientist, or a note of the date of delineation on the final lot line adjustment plat.
 - d. Section 12.08(3) *Topography*, to not provide existing topographic conditions.
 - e. Section 12.08(4) *Soils*, to not require identification and classification of the extent and type of soils.
 - f. Section 15.02(9) *Proposed Use*, to not require a statement of the proposed type of residential use the lots.
 - g. Section 15.03(1) *Abutting Property*, to not require showing and labeling the buildings, wells, septic systems, and property addresses for all abutters.
- 8.3 **Deny the waiver** requests below from the listed sections of the Subdivision Regulations, because the request does not meet the criteria of RSA 674:36(II)(n)(1) and Section 35.08 of the Subdivision Regulations:
- a. Section 12.08(13) *Flood Hazard*, to not require a notation as to whether or not the property is located in a FH – Flood Hazard Zoning Overlay District.
 - b. Section 15.02(8) *Addresses*, to not require the property addresses of each of the two lots.
- 8.4 **Grant approval of the amendment** to the conditions of approval for the previously approved minor subdivision application for the lot line adjustment between 224 and 226 Little Pond Rd, subject to the following conditions:
- a. The application is subject to all previous remaining conditions of approval from the June 18, 2024 Planning Board decision.
 - b. Waiver(s) granted as part of this amendment request are to be noted and fully described on the plan, including the date granted and applicable section numbers of the Subdivision Regulations. Should the Board vote to deny any waivers as part of this amendment request, the applicant shall comply with said submission requirements.

Prepared by: ATB