



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

**Staff Report for Planning Board**

**Meeting on September 17, 2025**

**Project Summary – Amendment to Major Subdivision**

Project: Driveway location amendment (2024-022)  
Property Owner: Scott C. Alley  
Applicant: Scott C. Alley and Fieldstone Land Consultants, PLLC  
Project Address: 119 Sewalls Falls Road  
Tax Map Lot: 2023Z 39

**Project Description:**

The applicant is requesting an amendment to the approved and recorded subdivision plat to install a non-shared driveway along the northerly boundary of 119 Sewalls Falls Road.

For background, in 2022 the Planning Board approved a 16-lot subdivision, which established the lot at 119 Sewalls Falls Road. In 2024, the Planning Board approved a re-subdivision, which modified the boundaries of the newly-created lot at 119 Sewalls Falls Road in order to preserve a historic barn which was to be demolished per the 2022 approved plan.

Sewalls Falls Road is classified as a minor collector roadway. As noted in the Master Plan, collector roadways provide access to and from significant areas of residential, commercial, and industrial activity in the community. Access to collector roadways is controlled (i.e. driveways are limited) in order to maintain adequate levels of service and safe operating conditions. In recognition of these considerations, and in accordance with policies set forth in the Master Plan and other regulatory requirements, the City expressly desires to minimize curb cuts on Sewalls Falls Road. As such, the 2022 and 2024 approved plans included a shared driveway for 119 and 117 Sewalls Falls Road. Specifically, the curb cut was to be centered on the lot line between these two parcels.

The applicant desires to terminate requirements for a shared driveway for 117 and 119 Sewalls Falls Road. The proposed driveway for the sole use of 119 Sewalls Falls Road would be looped to provide for no backing movements into Sewalls Falls Road. The applicant has not provided any design details for the corresponding sole use driveway, which would need to be established at 117 Sewalls Falls Road.

**Compliance:**

The following analysis of compliance with the Zoning Ordinance and Subdivision Regulations is based on a 1-sheet driveway amendment exhibit, dated August 19, 2025, prepared by Fieldstone Land Consultants, PLLC.

**1. Project Details and Zoning Ordinance Compliance:**

Zoning District: Single Family Residential (RS) District  
Existing Use: Historic barn  
Proposed Use: Convert portion of the barn to dwelling

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. Comments:**

- 2.1 Section 35.19 *Minor and Major Amendments* outlines the differences between a minor and major amendment to a previously-approved subdivision plat. A change which requires a waiver, a request to modify any condition of approval, and any other substantive change which may, in the opinion of the Clerk, impact any abutter or the public interest is a major amendment. The applicant's request requires a waiver, it modifies a condition of approval from the original subdivision plat, and it will impact the abutting lot at 117 Sewalls Falls Road. Accordingly, the request is being processed as a major amendment.
- 2.2 The Assessing Department, Fire Department, and General Services Department had no comments.
- 2.3 The Engineering Services Division commented that there is an existing shared driveway easement between the subject lot and the adjacent 117 Sewalls Falls Road lot, noting that both lot owners will need to be involved for the driveway easement to be extinguished or revised. The recommendation from the Engineering Services Division is to deny the request for the following reasons: setting a bad precedent of granting individual driveways along collector streets when the Subdivision Regulations prohibit it; the possible changing of the location of the driveway apron that has already been installed for 117 Sewalls Falls Road; the extinguishment of the common driveway easement between two owners, one of whom is not the applicant; and, adding another curb cut to a collector street.
- 2.4 The major subdivision plat for the original 16-lot subdivision that created the lots addressed as 117 and 119 Sewalls Falls Road was recorded in 2022 in the Merrimack County Registry of Deeds as plan number 202200017101, and included common driveway easements as follows: 105 and 107 Sewalls Falls Road; 111 and 113 Sewalls Falls Road; 117 and 119 Sewalls Falls Road; 123 and 125 Sewalls Falls Road; 137 and 139 Abbott Road; 143 and 145 Abbott Road; and 149 and 151 Abbott Road. The minor subdivision for the lot line adjustment/re-subdivision of the five lots addressed as 117, 119, 123, 125, and 127 Sewalls Falls Road was recorded in 2024 in the Merrimack County Registry of Deeds as plan number 2024100010202. The recording included the commensurate adjustment of the existing shared driveway easements between 117 and 119 Sewalls Falls Road and 123 and 125 Sewalls Falls Road to align with the adjusted lot lines.

**3. Compliance with Subdivision Regulations:**

- 3.1 Section 19.05(10) does not require shared access, but does give the Board the authority to permit or require shared or common access from a public street for two or more lots. However, Section 19.05(11) states the following: "*Residential single family or duplex lots shall not, in general, derive access from an arterial or collector street. Where driveway access from an arterial or collector street may be necessary for several adjoining lots, the Board may require that such lots be served by a combined access drive, in order to limit possible traffic hazards on such street. Driveways shall be designed and arranged so vehicles shall not be required to back into*

*traffic onto an arterial or collector street.”*

As previously noted, Abbott Road and Sewalls Falls Road are both collector streets. As such, the 2022 and 2024 approved plans required shared driveways for 14 of the 16 lots created in order to maintain public safety and level of service on these roadways. In accordance with the 2022 and 2024 plans, and aforementioned regulation, all driveways shown on the approved plat were designed with turnarounds to eliminate backing out of driveways into these streets.

The applicant’s proposal provides for a looped driveway for 119 Sewalls Falls Road. By default, approval of this request for an individual driveway at 119 Sewalls Falls Road also approves 117 Sewalls Falls Road as having an independent driveway. Staff notes that the applicant has provided no design details for the non-shared driveway at 117 Sewalls Falls Road. As such, it is unclear whether the driveway for 117 Sewalls Falls would remain in the existing driveway easement that is partially located at 119 Sewalls Falls Road. Additionally, easement rights for the shared driveway currently in place per the 2022/2024 approvals would need to be rescinded.

Staff notes that grading, drainage, utility, and sidewalk improvements have been completed in accordance with the 2022/2024 approved plans. Specifically, these improvements include driveway aprons for all lots along Sewalls Falls Road per the previously approved plans. Changing the location of the 117/119 Sewalls Falls Road driveway will impact the installed improvements.

The applicant did not present an existing conditions plan, grading and drainage plan, or street improvement plan to account for any changes to the recently-completed existing conditions that may result from the proposal to establish separate driveways for 117 and 119 Sewalls Falls Road. The applicant also did not submit a proposal for the new location of the driveway at 117 Sewalls Falls Road or show how the existing location will provide the required driveway access solely on 117, without encroaching onto 119 Sewalls Falls Road.

**4 Variances:**

- 4.1 No variances are requested.

**5 Waivers:**

- 5.1 The applicant requests a waiver from the following section of the Subdivision Regulations:
- a. Section 19.05(11) *Access for Single Family or Duplex Lots*, to allow individual direct access for a single-family residential lot from a collector street (Sewalls Falls Rd.).

The applicant provided an analysis of the five waiver criteria listed in Section 35.08 of the Subdivision Regulations and the criteria in RSA 674:36(II)(n). Staff reviewed the criteria and does not concur with the provided analysis.

**6 Conditional Use Permits:**

- 6.1 No conditional use permits are requested.

**7 Architectural Design Review:**

- 7.1 No appearances before the Architectural Design Review Committee are necessary for this application.

**8 Conservation Commission:**

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

**9 Recommendations:**

- 9.1 Staff recommends that the Planning Board **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 motions outlined below:

- 9.2 **Deny the waiver request below** from the listed section of the Subdivision Regulations, because evidence was not provided showing that the criteria of RSA 674:36(II)(n) and Section 35.08 of the Subdivision Regulations have been met:

- a. Section 19.05(11) *Access for Single Family or Duplex Lots*, to allow individual direct access for lots addressed as 117 and 119 Sewalls Falls Road from a collector street (Sewalls Falls Road), rather than a shared driveway.

The Board makes the following findings:

1. Recognizing that Sewalls Falls Road is a collector, the Board finds that granting the waiver is contrary to access management policies and regulations for collector streets discussed in the staff report and would be detrimental to public safety, level of service, and injurious to other property, and undermine the purposes for which shared access was required in accordance with the 2022 and 2024 Planning Board approvals for the subject subdivision.
  2. The subdivision already has one individual access on Sewalls Falls Road. Approval of this waiver request would give three individual accesses on Sewalls Falls Road, along with the three shared accesses, for a total of six driveway accesses in the space of a little over 1,000 feet on a collector street.
  3. Granting the waiver, by default, will result in a non-shared driveway at 117 Sewalls Falls Road in addition to the subject property at 119 Sewalls Falls Road. This is inconsistent with the City's access management policies and regulations for collector streets. Additionally, the applicant provided no details for how a driveway would be designed and constructed, or how existing easement rights for the shared driveway would be resolved.
  4. A driveway apron for a shared driveway has already been installed at 117/119 Sewalls Falls Road which, presumably would have to be removed and replaced, presenting an unnecessary expense to the owner of 117 Sewalls Falls Road.
  5. No evidence was presented as to why the shape or topographical conditions of 119 Sewalls Falls Road present a particular and unnecessary hardship from utilizing the already-installed shared driveway. The shape and topographic conditions of 119 Sewalls Falls Road are almost identical to those of 117 Sewalls Falls Rd.
- 9.3 **Deny major subdivision amendment approval** to allow for 119 Sewalls Falls Road to have its own individual driveway along the northerly lot line, rather than a shared driveway along the southerly lot line of 119 Sewalls Falls Road.

If the Planning Board chooses to approve the waiver request and subsequently approve the major subdivision amendment request, staff recommends the motions outlined below.

- 9.4 Grant the waiver request below from the listed section of the Subdivision Regulations, based on the evidence provided by the applicant showing that the criteria of RSA 674:36(II)(n) and Section 35.08 of the Subdivision Regulations have been met:

- a. Section 19.05(11) *Access for Single Family or Duplex Lots*, to allow individual direct access for lots addressed as 117 and 119 Sewalls Falls Road from a collector street (Sewalls Falls Road), rather than a shared driveway.

- 9.5 Grant major subdivision amendment approval to allow for 119 Sewalls Falls Road to have its own individual driveway along the northerly lot line, rather than a shared driveway along the southerly lot line of 119 Sewalls Falls Road, as depicted on the proposed driveway amendment exhibit, dated August 19, 2025, subject to the following:

(a) Precedent Conditions

1. A driveway plan for both 117 and 119 Sewalls Falls Road shall be prepared and submitted for review showing compliance with the requirements of the Subdivision Regulations and Construction Standards and Details, including any needed revisions to the installed sidewalk, grading and drainage, street improvements, utilities and utility pole, and shared driveway apron along and between the frontages of 117 and 119 Sewalls Falls Road. The submitted driveway plan shall be reviewed by the Planning Division and Engineering Services Division for compliance with the Subdivision Regulations and Construction Standards and Details.
2. Upon notification from the Planning Division that the driveway plan has been approved for both driveways, submit two full-size sets of the driveway amendment exhibit and approved driveway plan with the signature and seal of the appropriate licensed professionals for signature by the Planning Board Chair and Clerk, within one year of September 17, 2025.
3. At the same time as submitting the two full-size sets for signature, also submit a copy of the executed document for recording at the Merrimack County Registry of Deeds that revises the easement between 117 and 119 Sewalls Falls Road such that the common driveway easement only benefits 117 Sewalls Falls Road. The easement document shall eliminate any easement rights that 119 Sewalls Falls Road has across 117 Sewalls Falls Road. This would alleviate 119 Sewalls Falls Road from having two driveways with not enough frontage in violation of the Zoning Ordinance. In the event that 117 Sewalls Falls Road desires to keep the shared driveway in the same location as the approved subdivision plan and possibly encroaching across 119 Sewalls Falls Road, 119 Sewalls Falls Road shall be prohibited from utilizing it as a second driveway, in addition to the relocated driveway that is being proposed.

(b) Subsequent Conditions

1. The applicant is responsible for compliance with the Code of Ordinances, Site Plan Regulations, Subdivision Regulations, and Construction Standards and Details unless a variance, waiver, or conditional use permit is granted.
2. Using the approved and signed driveway plan referenced in precedent condition 2, apply for and obtain a driveway permit prior to driveway installation for 117 Sewalls Falls Road and 119 Sewalls Falls Road.