



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

Staff Report for Planning Board

Meeting on January 21, 2026
Project Summary – Minor Subdivision

Project: Two-lot subdivision (2025-120)
Property Owner: Douglas and Patricia Hicks
Applicant: Richard D. Bartlett & Associates, LLC
Project Address: 131 Shaker Rd
Tax Map Lot: 28/Z 34

Determination of Completeness:

Per Section 9.06 of the Subdivision Regulations, a complete application will contain the information listed in Section 15.01 *Required Information* and Section 15.02 *Plat Requirements* of the Subdivision Regulations and will be legible and competently prepared. When determining if an application is complete, the Board shall consider the written recommendation of the Planning Division, as well as 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 the 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.

Section 35.16(1) of the Subdivision Regulations provides additional language regarding the determination of completeness, and states that a completed application shall contain all required information for each stage of the application process; shall be legible and properly prepared; shall accurately portray existing conditions; shall be accompanied by copies of special investigative studies; and shall contain sufficient information and detail for a full review and action by the Board.

The Planning Division reviewed the application for completeness based upon the criteria of the Subdivision Regulations and concludes that the application does contain sufficient information and detail for a full review and subsequent action by the Board.

Based upon the Planning Division's review of the application, the Planning Division recommends that the Board move to:

- Determine the application complete;
- State that the project does not meet the criteria for a development of regional impact per RSA 36:55; and
- Open the public hearing.

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). The 65-day period shall commence upon the date of the regular meeting of the Board at which the application was accepted as complete. If the Board determines

the application complete on January 21, 2026 then the 65-day review period would end on **March 27, 2026**. If the applicant has not demonstrated compliance with the Site Plan Regulations by the end of the statutory timeline (**March 27, 2026**), the applicant may request a postponement or the Board may approve, approve conditionally, or deny the application based on the information provided.

Project Description:

The parcel has a total area of 14.73 acres with 959.68 feet of road frontage. A lot line adjustment with the Shaker Road School (lot 33) was approved in 2023. The applicant proposes to subdivide the property to create one addition lot having an area of 40,061 sq. ft. and 200.05 feet of frontage.

Compliance:

The following analysis of compliance with the Zoning Ordinance and Subdivision Regulations is based on an undated narrative submitted October 14, 2025, prepared by Richard D. Bartlett & Associates, LLC, an agreement to convey an easement prepared by Richard D. Bartlett and Associates, and a 1-sheet subdivision plat, dated September 2025, prepared by Richard D. Bartlett & Associates, LLC.

1. Project Details and Zoning Ordinance Compliance:

Zoning District:	Medium Density Residential (RM) District
Existing Use:	Single – Family Dwelling
Proposed Use:	Create an additional single-family dwelling lot
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

Zoning Code Item	Required	Lot 1	Proposed Lot 2
Minimum Total Area	40,000 square feet	601,699 square feet or 13.81 acres	40,061 square feet or 0.92 acres
Minimum Buildable Land	20,000 square feet	Not provided	29,355 square feet
Minimum Lot Frontage	200 feet	More than 200 feet	More than 200 feet
Minimum Front Yard	25 feet	House is over front setback	Undeveloped
Minimum Rear Yard	25 feet	Not provided	Undeveloped
Minimum Side Yard	15 feet	Not provided	Undeveloped
Maximum Lot Coverage	20%	Not provided	Undeveloped
Maximum Building Height	35 feet	Not provided	Undeveloped

1.1 As proposed, and following the granting of a variance by the Zoning Board of Adjustment for the front setback of the existing structure on January 7, 2026, the project complies with the Zoning Ordinance.

2. Comments:

- 2.1 Per Section 6.01(4) *Conformity with Zoning*, for an application to be determined complete, the proposed application must be in conformity with the Zoning Ordinance, at the time the notices are mailed to the abutters notifying them of the Board's consideration of completeness. Notices were mailed on April 29, 2025, for the Board's consideration of completeness on May 21, 2025.
- 2.2 The project does not require any conditional use permit applications per Section 6.01(5) *Conditional Use Permits*.
- 2.3 Per Section 9.02 *Minor Subdivision Application Requirements*, the applicant shall file certain items for a completed application. The application included requests from waivers as described in Item 5 of this staff report.
- 2.4 The Clerk may allow the applicant to submit topographic information for only that portion of the site to be developed, redeveloped, or where site construction may occur, pursuant to Section 12.08(3) *Topography*. The submitted plat shows topography on the undeveloped 0.92 -acre lot proposed for future houses, but does not show topography on the parent lot (the remaining 13.81 acres). Staff notes that the parent lot is not proposed to be further developed. Additionally, the applicant requests a waiver to allow providing topography for only the 0.92-acre lots rather than the entire site.
- 2.5 The Planning Department is aware of an intent to cut (25-099-11-T) that was filed with the City's Assessing office. Per Section 28.03 Land Clearing, no trees shall be removed from any subdivision nor any change of grade of the land affected, until approval of the subdivision plat has been granted. Grading and clearing should be minimized, so as to avoid creating undue erosion or interruption of natural drainage ways. Construction methods which cause the least disturbance to the environment as possible shall be used, and only manageable portions of the property as specified in the phasing plan shall be disrupted at any one time. NHDES AOT standards per Chapter Env-Wq 1500 shall be used by the City Engineer to define manageable portions of the property to be cleared in each phase. If the applicant wishes to clear the property prior to final approval a waiver shall be submitted to the planning board for consideration.
- 2.6 The Assessing Department commented that the area depicted on the plan as proposed/new lot appears to be enrolled into current use and development of that area, and/or change in ownership of the new parcel once subdivided, would trigger a LUCT (Land Use Change Tax). Also, the deed reference for the parent parcel shows Bk 1280/Pg 1096. The correct deed reference for when the Taxpayers obtained ownership is Bk 1280/Pg 1093 (recorded 09/21/1976).
- 2.7 The Fire Department and General Services Department reviewed the application and had no comments.
- 2.8 The Engineering Services Division general comments are noted in the attached memo to Alec Bass from Paul Gildersleeve dated October 22, 2025.

3. Compliance with Subdivision Regulations:

The following items from Section 12, 13, and/or 15 of the Subdivision Regulations are missing from the application, all of which are minimum components necessary to determine the application complete.

- 3.1 Per Section 12.02 requires that the name and address of the owner and applicant be provided in the title block. The address of the owner appears to missing from the title block and shall be added prior to final approval.
- 3.2 Per Section 12.03(5) *Wetland*, wetland boundaries shall be delineated by a New Hampshire certified wetland scientist who shall sign and seal the plan upon which the wetland boundaries are mapped. The subdivision plat shows the wetland boundaries, but the required signature and seal of the New Hampshire certified wetland scientist who prepared the delineation is missing from the plat. The applicant shall provide a waiver request from providing the signature and seal of the certified wetland scientist or shall provide it prior to final approval.
- 3.3 Per Section 12.08 (7) *Buildings and Structures*, the location, layout, and use of existing buildings and structures with exterior dimensions shall be shown on the plat. Staff notes that the applicant does show the existing house on the parent lot but the exterior dimensions are missing from the plat. A waiver shall be requested to not show exterior dimensions or the plat shall provide the exterior dimensions prior to final approval.
- 3.4 Per Section 12.08(22) and 15.03 (1) *Abutting Properties*, existing abutting properties shall be shown, including intersecting property lines, buildings, driveways, wells, and septic systems. The subdivision plat shows the intersecting property lines, but seems to be missing buildings, and driveways, but the wells and septic systems on existing abutting property. The applicant shall request a waiver or provide the information prior to final approval.
- 3.5 Per Section 15.02(8) *Addresses*, the address of each existing and proposed lot shall be noted on the plat as approved by the City Engineer. Proposed addresses are not noted on the plat, the applicant shall label the lot 34-1 as 135 Shaker Road.
- 3.6 Per Section 15.02(9) *Proposed Use*, each plat shall include a statement of proposed type of residential use of any (single-family, duplex, multi-family, townhouse) and all uses other than residential proposed by the applicant. Staff notes that a statement is missing on the plat explaining the proposed use. Staff does recognize the identification box located on the parcel does call out for a single-family dwelling. The applicant shall revise the plat prior to final submission to include the use statement.

The items below are missing from the application, but they are not required as part of the determination of completeness and are, therefore, allowed to be addressed as conditions of approval.

- 3.7 Per Section 13.01(6) *State and Federal Permits* and Section 13.02(10) *State and Federal Permits*, a copy of any application made to a state or federal agency required for the approval of this subdivision, including those required for the development of the individual lots, shall be provided.
- 3.8 Section 13.02(9) *Agreement to Convey a Private Easement* requires an agreement to convey a private easement shall be provided where easements or common facilities are to benefit the future owners of the individual lots including, but not limited to, vehicular and pedestrian access, drainage, utility, and access for maintenance purposes. The subdivision results in a portion of the 75-foot wellhead protection radius serving 131 Shaker Road to fall within the property of the proposed 135 Shaker Road. An agreement to convey a private easement, benefiting 131 Shaker Road, to protect the wellhead radius shall be provided for review and approval by the Clerk of the

Planning Board and City Solicitor prior to recording with the Merrimack County Registry of Deeds.

- 3.9 The Assessing Department, Fire Department, and General Services Department reviewed the application and had no compliance requirement comments.
- 3.10 The Engineering Services Division reviewed the application and are noted in the attached memo to Alec Bass from Paul Gildersleeve dated October 22, 2025.

4 Variances:

- 4.1 A variance request from Article 28-4 Development Design Standards, Section 28-4-1(d) Minimum Yard Requirements/Front Setback (h) Table of Dimensional Regulations was granted on January 7, 2026.

5 Waivers:

- 5.1 The applicant requests waivers from the following sections of the Subdivision Regulations:
 - a. Section 12.07 *Wetland Delineations*, to not provide the signature and seal of the certified wetland specialist on the subdivision plat;
 - b. Section 12.08 *Existing Conditions*, to not provide any information required by this section other than what is shown in the subdivision plat submitted for the hearing on January 21, 2026;
 - c. Section 12.08(3) *Topography*, to not show existing topographic conditions on the remaining parcel
 - d. Section 12.08(20) *Existing Vegetation*, to not show existing vegetation
 - e. Section 12.08(23) *Tabulation*, to not provide tabulation data because a full survey was not done of the property;
 - f. Section 15.03(4) *Topography*, to not provide topography information for the large remnant lot;

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)(2).

Staff reviewed the evidence submitted and supports the waiver requests.

6 Conditional Use Permits:

- 6.1 No conditional use permits are requested.

7 Architectural Design Review:

- 7.1 Architectural design review is not 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 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 motions outlined below:

9.2 **Grant the waiver requests below** from the listed sections of the Subdivision Regulations, based on the evidence provided showing that the criteria of RSA 674:36(II)(n)(2) and Section 35.08 of the Subdivision Regulations are met:

- a. Section 12.07 Wetland Delineations, to not provide the signature and seal of the certified wetland specialist on the subdivision plat;
- b. Section 12.08 *Existing Conditions*, to not provide any information required by this section other than what is shown in the subdivision plat submitted for the hearing on January 21, 2026;
- c. Section 12.08(3) *Topography*, to not show existing topographic conditions on the remaining parcel
- d. Section 12.08(20) *Existing Vegetation*, to not show existing vegetation
- e. Section 12.08(23) *Tabulation*, to not provide tabulation data because a full survey was not done of the property;
- f. Section 15.03(4) *Topography*, to not provide topography information for the large remnant lot;

9.3 **Grant minor subdivision approval** for the three-lot subdivision of Tax Map Lot 28Z 35, unaddressed Shaker Road, subject to the following precedent and subsequent conditions:

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

1. For compliance with the Subdivision Regulations, revise the subdivision plat as follows:
 - a. Per Section 12.02 the address of the owner shall be added to the title block prior to final approval
 - b. Per Section 12.03(5) *Wetland*, the required signature and seal of the New Hampshire certified wetland scientist who prepared the delineation shall be added to the plat prior to final approval.
 - c. Per Section 12.08 (7) *Buildings and Structures*, the location, layout, and use of existing buildings and structures with exterior dimensions shall be shown on the plat prior to final approval.
 - d. Per Section 12.08(22) and 15.03 (1) *Abutting Properties*, existing abutting properties shall be shown, including intersecting property lines, buildings, driveways, wells, and septic systems prior to final approval.
 - e. Per Section 13.02(9) *Agreement to Convey a Private Easement* a private easement, benefiting 131 Shaker Road, to protect the wellhead radius shall be provided for review and approval by the Clerk of the Planning Board and City Solicitor prior to recording with the Merrimack County Registry of Deeds.
 - f. New Lot 34-1 will have an address of 135 Shaker Rd. This address needs to be added to the subdivision plat.
 - g. Per Section 15.02(9) *Proposed Use*, shall include a statement of proposed type of residential use of any (single-family, duplex, multi-family, townhouse) and all uses other than residential proposed by the applicant. A statement shall be added prior to final approval.

2. Revise the plan for compliance with the Subdivision Regulations and Construction Standards and Details as noted in the attached memo to Alec Bass from Paul Gildersleeve dated October 22, 2025.
 3. Per Section 13.01(6) *State and Federal Permits* and Section 13.02(10) *State and Federal Permits*, a copy of any application made to a state or federal agency required for the approval of this subdivision, including those required for the development of the individual lots, shall be provided.
 4. Per Section 13.02(13) *Recording Fees*, the applicant is responsible for the recording fees required by the Merrimack County Registry of Deeds, or the State of New Hampshire, for all plans and documents to be recorded.
 5. Per Section 15.02(12) *Registry Requirements*, the applicant is responsible for ensuring that the plat to be recorded complies with the current standards of the Merrimack County Registry of Deeds.
 6. Per Section 19.04 *Monuments*, a New Hampshire licensed land surveyor shall place permanent reference monuments in the subdivision, as required in the Subdivision Regulations and as approved by the City Engineer. All monuments shall be inspected by the City of Concord. All such monuments shall be set flush with the proposed grade and planted in such a manner that they will not be removed by frost. All monuments shall be properly set prior to the time of the release of the performance guarantee per the Subdivision Regulations. However, recognizing the unique characteristics of this application, a performance guarantee will not be required; therefore, all monuments shall be set in accordance with Section 19.04(1) *Street Right-of-Way Monuments*, Section 19.04(2) *Lot Monuments*, and Section 19.04(3) *Boundaries and Blazing of Conservation Easements*, as applicable, prior to final approval.
 7. Upon notification from the Planning Division that the subdivision plat complies with Planning Board precedent conditions, the Zoning Ordinance, and Subdivision Regulations, the applicant shall deliver to the Planning Division one mylar, and one full sized plan for signature by the Planning Board Chair and Clerk of the Planning Board. The subdivision plat shall contain the signature and seal of the appropriate licensed professionals as outlined in Section 12.03 and Section 15.02(1) of the Subdivision Regulations.
- (b) **Subsequent Conditions** – to be fulfilled as specified:
1. This approval notwithstanding, the applicant is responsible for full knowledge of, and compliance with, the municipal code, Subdivision Regulations, and Concord Construction Standards and Details for the project, unless a variance, waiver, or conditional use permit is granted.
 2. Per Section 4.03, no building permit or certificate of occupancy shall be issued for any parcel or plat of land which was created by subdivision after the effective date of, and which is not in conformity with, the provisions of the Subdivision Regulations.
 3. Per Section 9.08(10) *Building Permits and Certificates of Occupancy*, no building permit shall be issued within a subdivision until the plat has been approved, the conditions of plat approval have been satisfactorily addressed, and the plat recorded in the Merrimack County Registry of Deeds.



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

Michael S. Bezanson, PE
City Engineer

MEMORANDUM

TO: Alec Bass, Assistant City Planner
FROM: Paul Gildersleeve, PE
DATE: October 22, 2025
SUBJECT: 2-Lot Subdivision of 131 Shaker Road- Minor Subdivision and Waivers--
Engineering Review
131 Shaker Road; Map 28Z, Lots 34 and 34-1; City Project 2025-120

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

- Project Narrative by Richard D. Bartlett & Associates, LLC, received October 14, 2025
- Waiver Requests by Richard D. Bartlett & Associates, LLC, received October 14, 2025
- Subdivision Plat by Richard D. Bartlett & Associates, LLC, dated October 6, 2025
- Agreement to Convey Easement

As a supplement to any comments offered by the Planning Division, Engineering offers the following design related comments. With subsequent submissions, the applicant shall provide a response letter that acknowledges or addresses each of these comments and discusses any additional changes to the plans.

1. General Comments

- a. Please show the location of the proposed house. The proposed driveway appears to lead to the proposed septic area.
- b. Show the non-municipal utilities, such as gas, telephone, and electricity, that might serve the house, pursuant to City of Concord Subdivision Regulations (CCSR) 12.08(11).
- c. Show Lot 35-1 and Lot 35-2, and the easement referenced in the Agreement to Convey Easement document.
- d. Please show the 50-foot wetland set back, pursuant to CCSR 14.02(4)(e).
- e. Proposed Lot 34-1 will have an address of 135 Shaker Road. Please add this information to the plan view within the lot.

2. Waivers

- a. The applicant is applying to waive the CCSR 12.08(3) and 15.03(4) requiring existing topography conditions to be shown. This request is recommended for approval since the topography of proposed lot 34-1 does show existing topography. A waiver request addressing CCSR 36.08 was submitted.
- b. The applicant is applying to waive the CCSR 12.08 requiring existing conditions to be shown. This request is recommended for denial since non-municipal utilities need to be shown on the plan. A waiver request addressing CCSR 36.08 was submitted.

State/Federal Permits

The project will require the following state and/or federal permit(s) associated with the site design:

- NHDES Septic Permit
- NHDES Water Well Permit

Per Site Plan Regulation 13.02 (8) and/or Subdivision Regulation 13.02 (10), a copy of the State and Federal permit(s) shall be submitted to the City prior to final approval.

Post-Approval/Pre-Construction Requirements

The following items are required prior to the start of construction:

1. Per Subdivision Regulation 28.06 and 30.08, establish a financial guarantee (letter of credit, or cash deposit) for site stabilization.
2. The following permit(s) will need to be obtained from the Engineering Services Division:
 - Driveway Permit; and
 - Permits deemed necessary by the City Engineer for documentation of work.

Please note that all Engineering permits must now be applied for online using the City's new Citizen Self Service (CSS) Permit Portal, which can be found here:

<http://concordnh.gov/1915/Engineering-Permits-Fees>

3. Per Subdivision Regulation 31.05, the Applicant is responsible for paying engineering permit inspection fees to ensure work is consistent with City standards and the Approved Plans.

Prior to scheduling the pre-construction meeting, the Applicant should apply for the required Engineering permits listed above and provide an estimate of the anticipated number of inspections for review by Engineering. The Applicant shall provide a project schedule when applying for the required permits.

The permit fees shall be paid prior to scheduling the pre-construction meeting.

4. Establish a performance surety (bond, letter of credit, or cash deposit) for work within the Right-of-Way and proposed public improvements or common private improvements per Subdivision Regulation 10.09, prior to subdivision plat signature, and Subdivision Regulations 13.02 (7) and 30.01. An engineer's cost estimate, prepared by the Applicant and based on the current NHDOT weighted average unit prices, shall be submitted a minimum of two weeks prior to scheduling the pre-construction meeting.
5. When above requirements have been met, request to set up a pre-construction meeting with the Engineering Services Division to discuss construction requirements, site inspections, associated fees, schedules, etc. Engineering permits will not be authorized (unless explicitly stated otherwise) until final revised plans have been submitted and approved to the satisfaction of Planning and Engineering.

Construction Requirements

1. Shop drawings/submittals shall be submitted to Engineering for the proposed water, sewer, drainage improvements as applicable.
2. Per Subdivision Regulation 31.10, prior to issuance of a Certificate of Occupancy (CO), the contractor shall submit digital as-built drawings that are to the satisfaction of Engineering and conforming to the Engineering as-built checklist. A copy of the as-built drawing requirements is available on the Engineering Services Division section of the City of Concord website.
3. Retaining wall design drawings (stamped Structural Engineer licensed in the State of NH) shall be submitted to Engineering for proposed retaining walls that are greater than 4 feet high. In addition, walls greater than 48 inches require a Building Permit from the Code Administration Office.