



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

Staff Report for Planning Board

Meeting on July 17, 2024
Project Summary – Minor Subdivision

Project: Two-lot subdivision of 61 Mountain Rd (2024-043)
Property Owner: Thomas and Allison Kuepper
Applicant: Richard D. Bartlett & Associates, LLC
Project Address: 61 Mountain Rd
Tax Map Lot: 411Z 1

Determination of Completeness:

Per Section 9.06 of the Subdivision Regulations, a completed application will contain the required 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 application is determined complete, the Board shall then open the public hearing. An application which is determined to be incomplete may be revised and resubmitted to a subsequent meeting of the Board for consideration.

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 all criteria for completeness have been met, or will be met with conditions of approval, and that the application contains 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 the application complete;**
- **State that the project does not meet the criteria for a development of regional impact per New Hampshire RSA 36:55; and,**
- **Open the public hearing.**

If the Board chooses to deem the application incomplete, the Board would move to:

- Determine that the application is incomplete;
- State the reasons why and list the items needed for a complete determination; and,
- Continue the completeness determination to a date certain of the next Board meeting.

The Board has 65 days within which to consider and act on the application once the application is determined complete, per New Hampshire 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 on July 17, 2024, and end on **September 20, 2024**. If the applicant has not demonstrated compliance with the Subdivision Regulations by the end of the statutory timeline (**September 20, 2024**), 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 applicant is proposing to subdivide a single 15.24-acre lot into two residential lots of 2.61 acres and 12.62 acres, respectively. The site contains an existing structure that will remain on the larger lot (future lot 1) at existing 61 Mountain Rd.

Compliance:

The following analysis of compliance with the Zoning Ordinance and Subdivision Regulations is based on a narrative dated June 19, 2024, prepared by Richard D. Bartlett & Associates, LLC; a 1-sheet re-subdivision plan, dated June 2024, prepared by Richard D. Bartlett & Associates, LLC; and, a 1-sheet topographic subdivision plan, dated June 2024.

1. Project Details and Zoning Ordinance Compliance:

Zoning District: Single Family Residential (RS) District
 Existing Use: House and barn
 Proposed Use: Two lots – one with the existing house and barn
 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	Remaining Lot 1	Proposed New Lot 2
Minimum Total Area	12,500 square feet	549,654 square feet	114,027 square feet
Minimum Buildable Land	6,250 square feet	18,242 square feet	18,776 square feet
Minimum Lot Frontage	100 feet	155.96 feet	100 feet
Minimum Front Yard	25 feet	Not Provided	Not Provided
Minimum Rear Yard	25 feet	25 feet	25 feet
Minimum Side Yard	15 feet	Not Provided	Not Provided
Maximum Lot Coverage	40%	No more than 40%	No more than 40%
Maximum Building Height	35 feet	No taller than 35 feet	Not Provided

2. Subdivision Regulations Compliance and Comments:

2.1 Staff notes that, per Section 4.02, no land shall be subdivided or portions of a lot transferred within the corporate limits of the City of Concord, until a subdivision plat for said land has been

prepared in accordance with these regulations, approved by the Board, endorsed by the Chair and Clerk of the Planning Board, and filed at the Merrimack County Registry of Deeds.

- 2.2 Staff notes that, per Section 6.01(4), 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. The code administrator determined that the application conforms with the Zoning Ordinance, and that determination was made prior to the abutter notifications being mailed on July 3, 2024.
- 2.3 Staff notes that, per Section 6.03(1), there is only a final plat stage for minor subdivisions.

The following items from Section 11, 12, 13, and/or 15 of the Subdivision Regulations appear to be missing from the application, all of which are minimum components necessary to determine the application complete.

- 2.4 Compliance with Section 12.02(3) and (4) requires that standard notes as set forth in Appendix B and conditions of Planning Board approval remaining to be fulfilled after the recording of plat shall be noted on the plat.
- 2.5 Per Section 12.02(3) *All Plans*, please revise Note 4 to the correct zoning designation of Single Family Residential (RS) District. Setbacks in Note 4 and shown on the plat shall be revised to be compliant with the RS District as shown in Article 28-4-1(h) *Table of Dimensional Regulations* of the Zoning Ordinance.
- 2.6 Per Section 12.02(3) *All Plans*, please add a note on the plat indicating the source of sanitary sewer and potable water supply for the new lot.
- 2.7 Per Section 12.02(3) *All Plans*, please combine the subdivision plat and topographical plan into a 2-sheet plan set, adding a note that only sheet 1 of 2 will be recorded and sheet 2 of 2 is available at the City of Concord Planning Division.
- 2.8 Per Section 12.03(3) *Planning Board Approval Block*, please provide the Planning Board approval block on the subdivision plat. Staff can provide a template as a .pdf, .dwg, or .jpg if requested.



- 2.9 Per Section 12.04(9) *Location Plan*, please provide zoning district designation and boundaries on the location plan.
- 2.10 Per Section 12.05 *Vicinity Plan*, please revise the vicinity plan to a scale between 1 inch = 1,000 feet and 1 inch = 2,000 feet.

- 2.11 Per Section 12.06(1) *Certificate of Ownership*, please add Allison Kuepper to note 3 as an additional owner of record.
- 2.12 Per Section 12.06(3) *Existing Restrictions*, please add a note to the final plat identifying that the land being subdivided is in current use and the proposed subdivision will result in a portion which will need to be removed from current use. Additionally, staff recommends that the applicant create or amend the deeds of the properties to make it easier to understand the remaining portion of current use for the existing lot.
- 2.13 Per Section 12.07 *Wetland Delineations*, the NH Certified Wetland Scientist shall sign and seal the subdivision plat.
- 2.14 Per Section 12.08(4) *Soils*, please add to one of the two plan sheets the identification and classification of the extent and type of soils using USDA Natural Resources Conservation Service System.
- 2.15 Per Sections 12.08(10) *Municipal Utilities*, 15.03(11) *Municipal Sewer*, and 15.03(13) *Municipal Water Supply*, please add the location, size, and material of existing and proposed sanitary sewer and water services if serving the subdivision.
- 2.16 Per Sections 12.08(12) *Wells and Septic Systems* and 15.03(12) *Septic Systems*, please add the location of existing wells and septic systems on the property and immediately adjacent property if new wells or septic systems are proposed. Where municipal sewer service is not available, soil data and test results sufficient to submit an application for subdivision approval to the State of New Hampshire Department of Environmental Services shall be provided and the required 4,000-square-foot septic drainfield area shall be shown on the subdivision plat.
- 2.17 Per Sections 12.08(12) *Wells and Septic Systems* and 15.03(14) *Wells*, please add the location of existing wells and septic systems on the property and immediately adjacent property if new wells or septic systems are proposed. Where municipal water system is not available, the location of all existing and proposed wells, and required wellhead protection radii on the site and abutting properties shall be shown on the plat.
- 2.18 Per Section 12.08(13) *Flood Hazard*, please add to Note 7 that the parcel also is, or is not, located within the Concord FH-Flood Hazard Zoning Overlay District as described in Article 28-3-2 of the Zoning Ordinance.
- 2.19 Per Section 12.08(19) *Setbacks and Buffers*, please add the wetland line type to the legend for each sheet to make clear the purpose of the shown 50-foot buffer.
- 2.20 Per Section 12.08(22) *Abutting Properties*, please provide the location of existing buildings and driveways for abutting properties.
- 2.21 Per Section 15.02(7) *Lot Numbers*, please provide a sequentially numbered lot number for the existing and proposed new lots.
- 2.22 Per Section 15.02(8) *Addresses*, please provide addresses for both the existing and proposed new lots on the plat as approved by the City Engineer.
- 2.23 Per Section 15.03(5) *Monumentation*, please provide the type of required monuments. Monuments set shall be in accordance with Section 19.04.

3. Variances:

3.1 No variances are requested.

4. Waivers:

4.1 The applicant requests waivers from the following sections of the Subdivision Regulations:

- Section 15.01(3) *Required Information*, to not provide wetland delineation in the rear of the large parcel where no development is proposed; and,
- Section 15.03(4) *Required Information* to not provide topographic information on the area of both parcels beyond what is necessary to show that both lots meet the requirements for buildable and useable area.

The applicant provided an analysis of the five waiver criteria listed in Section 35.08 of the Subdivision Regulations, and RSA 674:36(II)(n)(2).

Staff reviewed the evidence submitted and supports the waiver requests.

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 motions outlined below:

8.2 **Grant the waiver requests below from the listed sections of the Subdivision Regulations**, using the criteria of New Hampshire RSA 674:36(II)(n)(2) and Section 35.08 of the Subdivision Regulations:

- Section 15.01(3) *Required Information*, to not provide wetland delineation in the rear of the large parcel and where no development is proposed; and,
- Section 15.03(4) *Required Information*, to not provide topographic information on the area of both parcels beyond what is necessary to show that both lots meet the requirements for buildable and useable area.

8.3 **Grant minor subdivision approval** for the two-lot subdivision at 61 Mountain 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 plat as follows:
 - a. Per Section 12.02(3) *All Plans*, please revise Note 4 to the correct zoning designation of Single Family Residential (RS) District. Additionally, setbacks in Note 4 and shown on the plat shall be revised to be compliant with the RS District as shown in Article 28-4-1 (h) *Table of Dimensional Regulations* of the Zoning Ordinance.
 - b. Per Section 12.02(3) *All Plans*, please add a note on the plat indicating the source of sanitary sewer and potable water supply for the new lot.
 - c. Per Section 12.02(3) *All Plans*, please combine the subdivision plat and topographical plan into a 2-sheet plan set, adding a note that only sheet 1 of 2 will be recorded and sheet 2 of 2 is available at the City of Concord Planning Division.
 - d. Per Section 12.03(3) *Planning Board Approval Block*, please provide the Planning Board approval block on the subdivision plat. Staff can provide a template as a .pdf, .dwg, or .jpg if requested.
 - e. Per Section 12.04(9) *Location Plan*, please provide zoning district designation and boundaries on the location plan.
 - f. Per Section 12.05 *Vicinity Plan*, please revise the vicinity plan to a scale between 1 inch = 1,000 feet and 1 inch = 2,000 feet.
 - g. Per Section 12.06(1) *Certificate of Ownership*, please add Allison Kuepper to note 3 as an additional owner of record.
 - h. Per Section 12.06(3) *Existing Restrictions*, please add a note to the final plat identifying that the land being subdivided is in current use and the proposed subdivision will result in a portion which will need to be removed from current use. Additionally, staff recommends the applicant create or amend the deeds of the properties to make it easier to understand the remaining portion of current use for the existing lot.
 - i. Per Section 12.07 *Wetland Delineations*, the New Hampshire certified wetland scientist shall sign and seal the subdivision plat.
 - j. Per Section 12.08(4) *Soils*, please add on one of the two plan sheets the identification and classification of the extent and type of soils using USDA Natural Resources Conservation Service System.
 - k. Per Sections 12.08(10) *Municipal Utilities*, 15.03(11) *Municipal Sewer*, and 15.03(13) *Municipal Water Supply*, please add the location, size, and material of existing and proposed sanitary sewer and water services if serving the subdivision.
 - l. Per Sections 12.08(12) *Wells and Septic Systems* and 15.03(12) *Septic Systems*, please add location of existing wells and septic systems on the property and immediately adjacent property if new wells or septic systems are proposed. Where municipal sewer service is not available, soil data and test results sufficient to submit an application for subdivision approval to the State of New Hampshire Department of Environmental Services shall be provided and the required 4,000squarefoot septic drainfield area shall be shown on the subdivision plat.
 - m. Per Sections 12.08(12) *Wells and Septic Systems* and 15.03(14) *Wells*, please add the location of existing wells and septic systems on the property and immediately adjacent property if new wells or septic systems are proposed. Where municipal water system is not available, the location of all existing and proposed wells, and required wellhead protection radii on the site and abutting properties shall be shown on the plat.
 - n. Per Section 12.08(13) *Flood Hazard*, please add to Note 7 that the parcel also is, or is not, located within the Concord FH-Flood Hazard Zoning Overlay District as described in Article 28-3-2 of the Zoning Ordinance.

- o. Per Section 12.08(19) *Setbacks and Buffers*, please add the wetland line type to the legend for each sheet to make clear the purpose of the shown 50-foot buffer.
 - p. Per Section 12.08(22) *Abutting Properties*, please provide the location of existing buildings and driveways for abutting properties.
 - q. Per Section 15.02(7) *Lot Numbers*, please provide a sequentially numbered lot number for the existing and proposed new lots.
 - r. Per Section 15.02(8) *Addresses*, please provide addresses for both the existing and proposed new lots on the plat as approved by the City Engineer.
 - s. Per Section 15.03 (5) *Monumentation*, please provide the type of required monuments.
2. An agreement to convey an easement shall be provided for the benefit of future owners of the lots and shall be recorded with the Merrimack County Registry of Deeds with the subdivision plat. The agreement shall be reviewed by staff and prepared in accordance with Section 13.02(9) and Appendix C of the Subdivision Regulations, and may include, but is not limited to, vehicle and pedestrian access, drainage, utility, and access for maintenance purposes.
3. The plat shall list all approved variances, waivers, and conditional use permits, with the section numbers and description, and date of approval.
4. Per Section 9.02(6), Section 13.01(6), and Section 13.02(10) of the Subdivision Regulations, copies of permit applications to state and federal agencies shall be submitted to the Planning Division. For clarification, list the required state and federal permits for the project on the plat. If none, add a note to the plat stating that the project does not require any state or federal permits.
5. A note shall be added to the final plat submitted for recording that states: “The project must comply with all subsequent conditions from Case 2024-043 For compliance with Section 12.02(4), Section 15.04(17), and Appendix B of the Subdivision Regulations.”
6. Prior to the recording of the plat and as required by Section 12.09 of the Subdivision Regulations, digital information from the plat shall be provided to the City Engineer for incorporation into the City of Concord Geographic Information (GIS) and tax maps. The digital information shall be submitted in a format and media conforming to standards promulgated by the City Engineer. Layers (see 12.09(1) through (8)) shall be submitted referencing New Hampshire State Plane Grid Coordinates and shall be based on National American Vertical Datum 1988 (NAVD 88).
7. Address comments listed in the memorandum from the Engineering Division, dated July 5, 2024, to show compliance with the applicable section or standard.
8. Per Section 13.02(1), (2), (3), (4), (5), (6), (9), (11), and (12) of the Subdivision Regulations, the documents shall be submitted to the Planning Division for review and approval prior to the endorsement of the plat by the Chair and the Clerk of the Planning Board. Once approved by the Clerk, the City Engineer, and the City Solicitor as to form and content, property executed documents and agreements shall be submitted for recording with the plat.
9. Upon notification from the Planning Division that the final plat complies with Planning Board conditions, the Zoning Ordinance, and Subdivision Regulations, the applicant shall deliver to the Planning Division one mylar, one full-size plan set, and one 11x17 plan set for endorsement by the Planning Board Chair and Clerk and subsequent recording of the mylar at the Merrimack County Registry of Deeds. The plans 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.
10. Per Section 13.02(13) of the Subdivision Regulations, the applicant is responsible for submittal of recording fees required by the Merrimack County Registry of Deeds for the plat and deeds to be recorded.

(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 9.08(10) of the Subdivision Regulations, 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.
3. Monuments shall be set in accordance with Section 19.04 of the Subdivision Regulations.
4. Per Section 24.05 of the Subdivision Regulations, if individual private wells are provided, they shall comply with all standards of the New Hampshire Department of Environmental Services, and the construction of which shall comply with the applicable standards of the New Hampshire Water Well Board.
5. Per Section 25.04 of the Subdivision Regulations, sanitary sewage disposal, if individual waste disposal systems for each dwelling unit are provided, they shall be located on a lot and located on lots of sufficient size to assure an area appropriate for two leaching fields for each system, which meets requirements of the New Hampshire Department of Environmental Services.
6. Per Section 28.07 of the Subdivision Regulations, wetland buffers shall be clearly and permanently marked before, during, and after construction. Building permits shall not be issued until the wetland buffers are marked.

Prepared by: ATB



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

Michael S. Bezanson, PE
City Engineer

MEMORANDUM

TO: AnneMarie Skinner, AICP, Acting City Planner
FROM: Pete Kohalmi, PE, Associate Engineer
DATE: July 5, 2024
SUBJECT: 61 Mountain Rd–Minor Site Plan - Engineering Review
Map411Z, Lot 1; City Project # 2024-043

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

- Subdivision Plat prepared by Richard Bartlett, Inc dated June 2024
- Project Narrative prepared by Richard Bartlett, Inc dated June 18, 2024

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) Assuming a house is proposed on the new lot, what will be the proposed driveway grade? There are steep slopes on the lot which would make driveway construction difficult. Would a slope easement be required to construct it?
- b) How would sewerage be handled for a new house? If a septic system is to be utilized, where would it be placed?
- c) How would water be provided to a new house? Would a well be utilized or City water? Where would the connection be? Would an easement be required?
- d) The proposed lot will have the address of 59 Mountain Road. Please add this info to the plan view.
- e) Please increase the text height for the Line Table for L1 and L2.