



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

Staff Report for Planning Board

Meeting on August 20, 2025
Project Summary – Minor Subdivision

Project: Two-lot subdivision (2025-093)
Property Owner: Seth J. Hipple
Applicant: Seth J. Hipple
Project Address: 45 Concord St
Tax Map Lot: 7414Z 127

Determination of Completeness:

To determine completeness of a minor subdivision application, the Board shall consider the requirements of Sections 9.06, 15.01, 15.02, and 35.16(1) 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 then open the public hearing on said 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.

The Planning Division reviewed the application for completeness based upon the criteria of the Subdivision Regulations and concluded that, even though the criteria for completeness are not totally met, 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 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). Provided the Board determines the application complete, the 65-day period shall commence on August 20, 2025, and end on **October 24, 2025**. If the applicant has not demonstrated compliance with the Subdivision Regulations by the end of the statutory timeline (**October 24, 2025**), the applicant may waive the requirement for Planning Board action within the 65-day time period and consent to an extension of the public hearing as may be mutually agreeable, or the Board may approve, approve conditionally, or deny the application based on the information provided at that time.

Project Description:

The 0.15-acre site currently contains two single-family detached dwellings as allowed by a variance that was granted in 1986. The 1986 variance was from Section 28-14-3(e) to allow resumption of a nonconforming use, specifically two single-family detached dwellings on a single lot, which use had been discontinued for a period greater than six years. In researching past assessment information and previous tax maps and deeds, the site had been assessed as containing only one single-family detached dwelling built in 1900 until the granted variance in 1986. Since 1986, the nonconforming use of two principal uses on one lot has continued uninterrupted. At this time, the current property owner seeks to split the lot into two so that each dwelling will reside on its own lot. Both lots will have frontage on both Concord St and Beaver St.

Compliance:

The following analysis of compliance with the Zoning Ordinance and Subdivision Regulations is based on a 1-sheet subdivision plat, dated June 2025, revised July 28, 2025, prepared by Richard D. Bartlett & Associates, LLC and a 1-paragraph narrative, undated, prepared by Richard D. Bartlett & Associates, LLC.

1. Project Details and Zoning Ordinance Compliance:

Zoning District:	Downtown Residential (RD) District
Existing Use:	Two single-family detached dwellings on one lot
Proposed Use:	Two-lot subdivision for the existing dwellings
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

Zoning Code Item	Required	Lot 127-1	Lot 127
Minimum Total Area	7,500 square feet	3,519 square feet	2,763 square feet
Minimum Buildable Land	5,000 square feet	3,519 square feet	2,763 square feet
Minimum Lot Frontage	75 feet	Less than 75 feet	Less than 75 feet
Minimum Front Yard	10 feet	Less than 10 feet	Less than 10 feet
Minimum Rear Yard	20 feet	No rear yard	No rear yard
Minimum Side Yard	10 feet	Less than 10 feet	Less than 10 feet
Maximum Lot Coverage	60%	29%	39%
Maximum Building Height	35 feet	1 ½-story building	1 ½-story building
Off-street Parking	2 spaces per dwelling unit	2 spaces	2 spaces

- 1.1 The proposed lots do not meet the minimum requirements for total area, buildable land, lot frontage, or yards. Information regarding the heights of the existing buildings was not given in feet but in stories, with each building being a 1 ½-story building. Allowing for 10 feet per story, the approximate height of each building is 15 feet, which is below the maximum. Variances for noncompliance with lot area, yards, and lot coverage were granted by the Zoning Board of Adjustment as more specifically detailed in Item 4 of the staff report, and no new construction, expansions, or additions are proposed. Both lots are able to provide the minimum two off-street

parking spaces as required by the current Zoning Ordinance, noting that effective September 13, 2025, municipalities are prohibited from requiring more than one off-street parking space per dwelling unit (2025 Senate Bill 284). As of that date, then, only one off-street parking space is required per dwelling unit. As presented and with the approved variances, the project complies with the Zoning Ordinance.

2. General Comments:

- 2.1 Section 6.01(4) *Conformity with Zoning* requires compliance with the Zoning Ordinance at the time the abutter notifications were mailed. With the approved variances, staff was unaware of any nonconformities with the Zoning Ordinance at the time of the mailing.
- 2.2 Section 6.01(5) *Conditional Use Permits* requires submittal of a completed conditional use permit application, if one is required, at the same time as the subdivision application. Staff reviewed for compliance and determined that no conditional use permits are required, noting that the site has an existing legally nonconforming driveway that does not meet the separation distance requirement from the existing driveway to the east. Due to the legally nonconforming status of the site's existing driveway and because no changes are proposed that will increase the nonconformity, no conditional use permit approval is required for driveway separation distance.
- 2.3 Per Section 6.02(2) *Minor Subdivisions*, a subdivision is classified as a minor subdivision where it contains three or fewer lots fronting on an existing street, not involving the creation of any new street or road, the extension of municipal facilities, or the creation of any public improvements and does not adversely affect the remainder of the parcel or adjoining property. The submitted plat shows that the site is being divided into two lots, each fronting on existing streets, and with no extension of municipal facilities or creation of any public improvements. Staff notes that the site is fully developed with no need for extensions or creation of public improvements. Accordingly, the project is a minor subdivision.
- 2.4 Per Section 9.02 *Minor Subdivision Application Requirements*, the applicant shall file certain items for a completed application. The application form, owner authorization, application fee, and abutters list were submitted as required. An assessment of compliance with Section 15 *Minor Subdivision Requirements* follows in Item 3 of this staff report, no conditional use permits are required, no state or federal agency permits are required, and requested waivers are described in Item 5 of this staff report.
- 2.5 Staff comments 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 The Assessing Department, Engineering Services Division, Fire Department, and General Services Department reviewed the application and had no general comments.

3. Subdivision Regulations Determination of Completeness:

The items below are missing from the submittal and **the Subdivision Regulations REQUIRE the items for the application to be deemed complete (unless a waiver from the requirement is otherwise approved).**

- 3.1 Section 12.08 *Existing Conditions Plan* allows for placement of existing conditions on the subdivision plat for a minor subdivision if the existing and new information can be legibly and

clearly shown. In accordance with this section, the existing conditions are provided on the subdivision plat. All required information is present except the following:

- 12.08(7) *Building and Structures* requires the location, layout, use, and exterior dimensions of existing buildings and structures. While the subdivision plat does show the location, layout, and use, the exterior dimensions of the existing buildings on the site are missing from the subdivision plat, and a **waiver is requested**.
- 3.2 Section 15.03 *Information to be Provided on Final Plat* requires certain information to be accurately shown or noted on the plat drawing. All required information is present except the following:
- 15.03(11) *Municipal Sewer* requires showing the location, size, rim, and invert elevations of existing and proposed sanitary and storm sewers including manholes, catch basins, and culverts. Staff notes that the site is fully developed with two existing detached dwellings, both of which have existing municipal sewer service. No sanitary or storm sewer manholes, catch basins, or culverts are proposed, and the existing sewer main in Concord St is depicted on the plat. Showing the location, size, rim, and invert elevations of existing sanitary and storm sewers is not necessary for the division of this fully developed site into two lots, and a **waiver is requested**.
- 15.03(13) *Municipal Water Supply* requires showing the location and size of all existing and proposed water mains including hydrants, gates, valves, and blow-offs on the subdivision plat drawing. Staff notes that the site is fully developed with two existing detached dwellings, both of which have existing water service. No water mains are proposed, and the existing water main in Concord St with service to the house addressed as 45 Concord St is shown as required. Showing the existing hydrants, gates, valves, and blow-offs is not necessary for the division of this fully developed site into two lots, and a **waiver is requested**.
- 15.03(15) *Other Utilities* requires showing the location and size of all existing and proposed underground and overhead nonmunicipal utilities. Staff notes that the site is developed with two existing detached dwellings, both of which have electric services as evidenced by the electric meter for each that is depicted on the plat drawing. No underground or overhead nonmunicipal utilities are proposed as part of the project. Portions of existing nonmunicipal utilities are shown, including the aforementioned electric meters. The plat drawing is not showing the overhead wires, but a **waiver is requested**.

Subdivision Regulations Compliance:

The submittal was found to be compliant with all other sections of the Subdivision Regulations except as listed below, noting that the items below are missing as required for full compliance but are **not required for the determination of completeness**.

- 3.3 Per Section 13.02 *Documentation Required Prior to Recording of Plans* and Section 15.01(2), certain documents are required to 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 Planning Board Clerk, City Engineer, and the City Solicitor as to form and

- content, the properly executed documents shall be submitted for recording with the plat. Section 13.02(9) *Agreement to Convey a Private Easement* requires that an agreement to convey a private easement shall be provided where easements are to benefit the future owners of the individual lots. The subdivision plat shows a proposed private maintenance easement for the benefit of both lots. The agreement to convey this easement was missing from the original submittal. Staff notes that, while not shown, a common access easement is necessary to provide legal access to each lot, since the existing driveway now encompasses both lots. Staff further notes that one or more easements for utilities may also be necessary.
- 3.4 Section 15.02(7) *Lot Numbers* requires all lots shall be sequentially numbered. The subdivision plat drawing shows the two lots as 127 and 127-1. However, the subdivision synopsis lists the lots incorrectly as 27 and 27-1. The required information is provided for completeness, but needs to be corrected for total compliance.
- 3.5 Section 15.03(3) *Tabulations* and Section 19.05 *General Design Standards for Lots* (4) *Useable Lot Area Rectangle* requires a minimum contiguous area of useable land with requirements for the shape, dimensions, and size. The subdivision plat does not provide a useable lot area rectangle for either of the proposed lots, but a **waiver from providing this information is requested**.
- 3.6 Sections 15.03 *Information to be Provided on Final Plat* (5) *Monumentation* and 19.04 *Monuments* require showing the type and location of existing and required monuments. While the location of existing and required monuments is shown on the subdivision plat, which allows for a determination of completeness, the type of monuments to be set is not shown. The applicant indicated to staff that the type of monument to be set will be determined by the site conditions at the time of placement and will be noted accordingly on the final subdivision plat prior to recording.
- 3.7 Per Sections 20.08 *Access* and 20.09 *Residential Single-Family Driveways*, no subdivision shall be approved unless each lot has access from a public street, and each lot shall have safe, independent, and direct access from a public street. Section 20.09 provides further requirements including minimum and maximum lengths, maximum slopes, minimum and maximum widths, driveway separation requirements, and sight distance requirements. The subdivision plat, while identifying a gravel parking area that encompasses both lots, does not clearly show or label existing or proposed driveways with dimensions for either lot, nor does the plat identify any common access easements, so as shown neither lot has safe, independent, or direct access from a public street.
- 3.8 Per Section 24.03(11) *Piggy Back Service Connections*, piggy back service connections are prohibited. The submitted subdivision plat shows water service to the house addressed as 45 Concord St, but does not show a water service to the house addressed as 1 Beaver St. Information needs to be provided to show either the existing individual water service to 1 Beaver St that is not a piggy back service connection or to show the proposed location for the new individual water service from the water main in Concord St to the house addressed as 1 Beaver St.
- 3.9 Per Section 25 *Sanitary Sewage Disposal* and Section 9-6-6(d) *Separate Building Sewers Required* of the General Code, a separate and independent building sewer shall be provided for every building. It is unclear from the submitted subdivision plat how each building has a separate and independent sewer service. Information needs to be provided to show either the existing individual sewer services to each house or to show the proposed location for the new individual sewer services from the sewer main in Concord St to each individual house.

- 3.10 The Assessing Department reviewed the application and noted the incorrect lot numbers as previously addressed in 3.4 above.
- 3.11 The Engineering Services Division reviewed the application and noted that plans must be submitted showing compliance with Sections 24.03(11) and 25 of the Subdivision Regulations and Section 9-6-6(d) of the General Code for individual water and sewer services for each dwelling.
- 3.12 The Fire Department and General Services Department reviewed the application and had no compliance requirements.

4 Variances:

- 4.1 At the meeting held on June 4, 2025, the Zoning Board of Adjustment granted the applicant's requested variances as follows:

- Section 28-4-1(b) *Minimum Lot Size/(h) Table of Dimensional Regulations*, to allow two proposed lots of less than the required 7,500-square-foot area minimum;
- Section 28-4-1(c) *Minimum Lot Frontage/(h) Table of Dimensional Regulations*, to allow two proposed lots with less than the required 75 feet of lot frontage;
- Section 28-4-1(d) *Minimum Yard Requirement/(h) Table of Dimensional Regulations*, to allow structures on two proposed lots that do not meet the minimum setback requirements of 10 feet front, 20 feet rear, and 10 feet sides; and
- Section 28-4-1(e) *Maximum Lot Coverage/(h) Table of Dimensional Regulations*, to allow two proposed lots with more lot coverage than the 60% allowed maximum.

5 Waivers:

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

- a. Section 12.07 *Wetland Delineations*;
- b. Section 12.08(7) *Buildings and Structures*;
- c. Section 15.03(3) *Tabulations*;
- d. Section 15.03(11) *Municipal Sewer*;
- e. Section 15.03(13) *Municipal Water Supply*;
- f. Section 15.03(15) *Other Utilities*; and
- g. Section 19.05(4) *Useable Lot Area Rectangle*

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). Staff reviewed the criteria and found the criteria to be satisfactorily addressed for a, b, c, and g, noting that the site does not have any wetland so a wetland delineation by a New Hampshire certified wetland scientist is not required, regardless of the waiver request. The criteria are not satisfactorily addressed for d, e, and f.

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 minor subdivisions.

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 **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) and Section 35.08 of the Subdivision Regulations are met.
- a. Section 12.07 *Wetland Delineations* to not provide a wetland delineation prepared by a New Hampshire certified wetland scientist with a signature and seal on the existing condition plan and subdivision plat;
 - b. Section 12.08(7) *Buildings and Structures* to not show and label exterior dimensions of existing structures;
 - c. Section 15.03(3) *Tabulations* to not note and show the area of contiguous buildable land for each lot;
 - d. Section 19.05(4) *Useable Lot Area Rectangle*, to not provide a minimum contiguous area of useable land on each lot in the shape, size, and dimensions required.
- 9.3 **Deny the waiver requests below** from the listed sections of the Subdivision Regulations, based on not meeting the criteria of either RSA 674:36(II)(n) or Section 35.08 of the Subdivision Regulations.
- a. Section 15.03(11) *Municipal Sewer* to not show the location, size, rim, and invert elevations of existing sanitary and storm sewers, manholes, catch basins, and culverts;
 - b. Section 15.03(13) *Municipal Water Supply* to not show the location and size of all existing water mains, hydrants, gates, valves, and blow-offs;
 - c. Section 15.03(15) *Other Utilities* to not show the location and size of all existing and underground and overhead non-municipal utilities;
- 9.4 **Grant minor subdivision approval** for the two-lot subdivision of 45 Concord St, subject to the following precedent and subsequent conditions:
- (a) **Precedent Conditions** – to be fulfilled within one year and prior to signature of the subdivision plat by the Chair and Clerk of the Planning Board, unless otherwise specified.
- 1. Revise the subdivision plat as follows:
 - a. List the granted waivers on the subdivision plat, with the date granted, code section title, and a description of what was granted (Section 12.02(3));
 - b. Show and clearly label the location and layout, with dimensions, of existing driveways and curb cuts on both lots (Sections 12.08(8), 12.08(22), and 15.03(9));
 - c. Show and clearly label all municipal sewer, municipal water supply, and other utilities information required by the Subdivision Regulations (Sections 15.03(11), (13), and (15));

- d. Correct the lot numbering in the subdivision synopsis to 127 and 127-1 (Section 15.02(7));
 - e. Label the type of monuments to be set (Section 15.03(5));
 - f. Show and label access for both lots that meets the requirements of Sections 20.08 and 20.09. Include labels and dimensions for a common access easement, as applicable; and
 - g. Show and label the location of either existing or proposed individual sewer and water services for each house. If proposed, include the size and type of proposed materials. Include labels and dimensions for any necessary utility easements. Piggy back services are not allowed. (Sections 24.03(11) and 25, General Code Section 9-6-6(d)).
 2. Submit to the Planning Division for review and approval an agreement to convey a private easement for the proposed maintenance easement, a common access easement if applicable, and any applicable utilities easements. (Sections 13.02(9), 15.01(2), and 19.02)).
 3. At the time of recording, provide the recording fees required by the Merrimack County Registry of Deeds for all plans and documents to be recorded. (Section 13.02(13))
 4. Ensure that the subdivision plat to be recorded complies with the current standards of the Merrimack County Registry of Deeds, including materials, font size, plan size, margins, and plat layout. (Section 15.02(12))
 5. A New Hampshire licensed land surveyor shall place permanent reference monuments in the subdivision, as required by the Subdivision Regulations and as approved by the City Engineer. Notify the Planning Division once set for inspection prior to signing of the subdivision plat. (Section 19.04)
 6. Upon notification from the Planning Division that the project complies with the precedent conditions, Zoning Ordinance, and Subdivision Regulations, deliver to the Planning Division for signature one mylar of the subdivision plat that contains the signature and seal of the appropriate licensed professionals as required by the Subdivision Regulations. (Section 9.08(7))
- (b) **Subsequent Conditions**
1. The applicant is responsible for compliance with the municipal code, Subdivision Regulations, and Construction Standards and Details for the project, including obtaining necessary variances, waivers, and conditional use permits.

Prepared by: AMS