



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

Staff Report for Planning Board

Meeting on April 15, 2026
Project Summary – Minor Subdivision

Project: Condominium Conversion (2026-026)
Property Owner: Ryan Taber
Applicant: Ryan Taber, Eastern Development
Property Address: 3 Palm St
Tax Map Lot: 494Z 3

Determination of Completeness:

Per Section 9.06 *Determination of Completeness* 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. In making a determination of completeness, 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.**

An application which is determined to be incomplete may be revised and resubmitted to a subsequent hearing of the Board for another determination of completeness. If it is determined that the application is complete, only then shall the Board open the public hearing on said application.

Section 35.16(1) *Determination of Completeness* 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 not** contain sufficient information and detail for a full review and action by the Board. Additional staff comments regarding this recommendation can be found in General Comment 2.1 below.

Based upon staff's review of the application, it is recommended that the Board move to:

- Determine the application incomplete;
- Advise the applicant that a new application (including new application fees) which addresses the incomplete items noted in this staff report is required in order for the

Planning Board to consider the merits of the application.

Project Description:

The applicant is seeking minor subdivision approval for a condominium conversion at 3 Palm St in the Neighborhood Residential (RN) District. The site is identified as Tax Map Lot 494Z 3. The intent of the application is to create a condominium prior to the construction of an approved duplex for the purposes of selling the property.

Compliance:

The following analysis of compliance with the Zoning Ordinance and Subdivision Regulations is based on a narrative, submitted March 18, 2026; a 1-sheet (*edited by the applicant and not a design professional*) PDF file modifying an Existing Conditions Plan, dated July 2025, previously prepared by Richard Bartlett and Associates LLC; a 7-sheet plan set of architectural drawings, prepared by Eastern Development; 27-sheet Declaration of Condominium; and a 14-sheet By-Laws of the 3 St Condominium.

1. Project Details and Zoning Ordinance Compliance:

Zoning District: Neighborhood Residential (RN) District

Existing Use: Construct a Duplex

Proposed Use: Convert Duplex to Condominiums

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	Proposed
Minimum Total Area	10,000 square feet	15,755 square feet
Minimum Buildable Land	5,000 square feet	Not provided
Minimum Lot Frontage	80 feet	150 feet
Minimum Front Yard	15 feet	Within the 15-foot setback
Minimum Rear Yard	25 feet	Within the 25-foot setback
Minimum Side Yard	10 feet	Within the 10-foot setback
Maximum Lot Coverage	50%	Not provided

2. General Comments:

2.1 Staff contacted the applicant about the submission of the materials for this application (and the applicant's other condominium subdivision which is also on the 4/16 agenda) raising concern regarding the use of previously prepared plans for a different purpose, the lack of professional endorsements, and the modification of those previously professionally prepared plans for this application. Staff informed the applicant that based on the submitted materials a recommendation to find the application incomplete was going to be presented to the Planning Board. Staff offered the applicant the opportunity to withdraw

the applications, submit properly prepared plans from a licensed professional prior to invoicing the applications for the April 15 agenda.

Staff further informed the applicant that if he were to proceed with the current submissions, and if the Board were to find the applications incomplete, then new applications and new fees would be assessed for any future applications (whereas if the applications were withdrawn and resubmitted with licensed, professionally prepared plans the fees would not be re-assessed upon resubmission). The applicant has chosen to disregard the advice of City Staff and proceed with the submissions as currently presented.

NH State law and local regulations require subdivisions to be prepared by a licensed land surveyor. The applicant has not provided such plans as part of the application. Staff from the Engineering Division contacted the licensed land surveyor responsible for the plans when they were previously used for a different purpose in 2025, and confirmed that the applicant did not utilize their services for the current applications, and that they had no role in the applications currently before the Planning Board.

For these reasons primarily, but also the numerous deficiencies noted in the review comments found below, staff has no choice but to recommend the Planning Board find the applications incomplete, as they do not meet the minimum requirements nor contain sufficient information and detail necessary for the Board to be able to reasonably act of the applications.

- 2.2 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 such 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. For reasons stated below, the application submitted by the applicant was not prepared in accordance with the regulations.
- 2.3 Per Section 4.04, the Subdivision Regulations shall apply to re-subdivisions, minor lot line adjustments, and condominiums. Since the applicant is requesting approval for a condominium, the Subdivision Regulations apply.
- 2.4 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 March 4, 2026, for the Board's consideration of completeness on March 18, 2026.
- 2.5 Per Section 6.02 *Classification of Subdivisions* this subdivision application has been classified as a minor subdivision by the Clerk.
- 2.6 Per Section 6.03(1), there is only a final plat stage for minor subdivisions.
- 2.7 Per Section 9.02 *Minor Subdivision Application Requirements*, the applicant shall file certain items for a completed application. These items are a completed application form endorsed by the owner or submitted by the owner's agent with written authorization from the owner; application fee; abutters list; copies of the final plat meeting the requirements in Section 15 *Minor Subdivision Requirements*; complete conditional use permit applications, where applicable; copies of permit applications to state and federal agencies, where applicable;

and, any requests for waivers from Subdivision Regulations as set forth in Section 35.11 *Waiver Petition*.

Staff notes that 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. No conditional use permit applications were required. No permit applications to state and federal agencies are necessary. The applicant did not request waivers for the application.

- 2.8 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. As noted below, staff finds that the application as presented to the Planning Board is not complaint with local and state requirements, and raises concerns about the preparation of materials required under state law to be performed by a licensed professional land surveyor or professional engineer.
- 2.9 The Engineering Services Division's general requirements are noted in the attached memo to Kearsten O'Brien from Pete Kohalmi, dated April 7, 2026.

3 Subdivision Regulations Determination of Completeness:

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

- 3.1 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 is be incorrect and shall reflect the name and address of the current owner and applicant, the title of the plan, the date of the plan and date of subsequent revisions, and the name, address, seal and signature of the license professional who prepared the plan or plat.
- 3.2 Section 12.02(4) *Conditions of Planning Board Approval* and Section 15.03(17) *Conditions of Approval* require listing conditions of approval which remain to be fulfilled after plat recording. There do not appear to be any indications on the condominium site plan regarding conditions of approval. For compliance with these sections, a note shall be added to the condominium site plan that states: "The development is subject to all subsequent conditions of Planning Board approval granted on INSERT ACTUAL DATE HERE for application 2026-026."
- 3.3 Section 12.03 (2) *Plats*, states that a NH Licensed Land Surveyor shall prepare the subdivision plat and shall certify the Error of Closure. This item appears to be missing from the plat. A licensed NH Land Surveyor is required to certify the Error of Closure. As confirmed by the City Surveyor, the licensed land surveyor that prepared the Conditional Use Permit Plan did not prepare any of the information shown on the submitted plan for the condominium subdivision. The plans provided by the applicant were modified in Adobe Acrobat software by the applicant, who is not a licensed land surveyor.
- 3.4 Section 12.03 (3) and 15.02 (5) *Planning Board Approval Block*, shall be provided on all subdivision plats, but is not required for construction plans and details. The subdivision plat is missing the Planning Board Approval Block.
- 3.5 Section 12.04 *Location Plan*, shall be provided on the subdivision plat. The subdivision plat is missing the location plant and shall be added prior to final approval.'

- 3.6 Section 12.05 *Vicinity Plan*, each subdivision application shall have on the subdivision plat or the cover sheet a vicinity plan prepared at a scale between 1" = 1000' and 1" = 2000' clearly show the location of the subdivision plat; and Streets, water bodies, city limits, parks, schools, and other significant physical and man-made features. The vicinity plan was not prepared at the correct scale and the applicant shall adjust the scale to be between 1" = 1000' and 1" = 2000'.
- 3.7 Section 12.06 *Plan References*, the following plan references shall be included on the subdivision plat; certificate of ownership, easements, existing restrictions, prior subdivisions or surveys, and other plans. The plan references are missing from the plat.
- 3.8 Section 12.08 (4) *Soils*, the identification and classification of the extent and type of soils using the USDA Natural Resources Conservation Service system shall be shown on the plat. The information is missing from the plat.
- 3.9 Section 12.08 (7) *Buildings and Structures*, requires the location, layout, and use of existing buildings and structures with exterior dimensions be shown on the subdivision plat. The plat is missing the building and structure exterior dimension and shows a 1- story brick pump house.
- 3.10 Section 12.08 (9) and 15.03(16) *Easements or Right-of-way*, requires the location, dimensions, and purpose of any easements or rights-of-way within or adjacent to the subdivision. This item appears to be missing and will need verification through plan reference. If there are now easements or right -of- ways then the applicant should add a note stating as such.
- 3.11 Section 12.08 (21) *Restrictions*, requires that each subdivision shall contain notations of all covenants, easements, self-imposed restrictions, and any other restrictions in place at the time of application shall be provided on the plat. The information appears to be missing and will need verification through plan references. If there are restrictions on the property the applicant shall add them to the plat or add a note stating there are no restrictions on the property.
- 3.12 Section 12.08 (22) and 15.03(1) *Abutting Properties*, requires the abutting properties, including intersecting property lines, buildings, driveways, wells, and septic systems be shown on the plat. The plat only shows the ownership of the abutters and is missing all other components to the requirement.
- 3.13 Section 12.08(23)(b) requires that the square footage of each existing building broken down by floor and use category. This information is missing from the plat.
- 3.14 Section 12.08(23)(c) requires the impervious surface coverage in square feet and percent be shown on the plat. This information is missing from the plat.
- 3.15 Section 12.08(23)(d) requires that the usable land area calculations for residential development. This information is missing from the plat.
- 3.16 Section 15.02 *Licensed Land Surveyor*, requires the final plat shall be prepared, signed and stamped by a NH Licensed Land Surveyor in a format suitable for filing in the Merrimack County Registry of Deeds. The plat is not signed by a licensed land surveyor (See item 3.3 above).
- 3.17 Section 15.02 (6) *Error of Closure*, shall not be less than 1 in 10,000. The plan does not show an error of closure.

- 3.18 Section 15.02 (9) *Proposed Use*, requires that each plat shall include a statement of the proposed type of residential use of any lot (single-family, duplex, multi-family, townhouse) and all uses other than residential proposed by the applicant. The proposed use is not provided on the submitted plat.
- 3.19 Section 15.02 (10) Easements and Restrictions, requires that each plat shall contain notations of all easement's covenants, self-imposed restrictions, and any other restrictions or notations required by the Board. A note shall be provided if there are easements or restrictions on the property.
- 3.20 Section 15.03(5) *Monumentation*, requires the type and location of existing and required monuments (bounds) at the corners of lots, at points of curvature, tangency, and deflection points along the street rights-of-way. The plat shows a monument to be set but does not specify the type of monument to be set.

The items below appear to be missing from the application, but they are not required as part of the determination of completeness and could be addressed as conditions of approval (if the application were to be determined complete).

- 3.21 Section 17.03(1) floor plans shall be prepared, signed, and stamped by a NH Licensed Land Surveyor, a NH Licensed Architect, or a NH Licensed Professional Engineer in a format suitable for filing in the Merrimack County Registry of Deeds. The plans are not prepared, signed and stamped by a NH Licensed Surveyor, Architect or Professional Engineer.
- 3.22 Section 17.03 (2) requires the floor plans to include a standard Planning Board approval block. The standard Planning Board approval block is not provided on the floor plans.
- 3.23 Section 17.04 (2) requires the location, dimension and purpose of each common area, and limited common area shall be shown on the plat. The common areas are shown in square feet but dimensions are not provided, nor are any bearings and distances prepared by a licensed land surveyor indicated for any of the proposed common areas.
- 3.24 Section 17.04(3) requires acceptable means for water metering, water service, and sewer service including existing and proposed water and service connections; The applicant has noted that the layout elevations are "subject to change" and therefore the acceptable means for how the condominium will manage the sanitary sewer service and water service has not been demonstrated.
- 3.25 Section 26.02(1) requires that non-municipal utilities shall be placed underground throughout the subdivision. The applicant shall either place the utilities underground or request a waiver to allow for overhead utilities.

4 Variances:

- 4.1 No variances are requested.

5 Waivers:

- 5.1 The applicant did not request waivers.

6 Conditional Use Permits:

- 6.1 No conditional use permits are requested.

7 Architectural Design Review:

7.1 No architectural design review is required for a subdivision.

8 Conservation Commission:

8.1 No appearances before the Conservation Commission are necessary.



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Michael S. Bezanson, PE
City Engineer

MEMORANDUM

TO: Kearsten O'Brien, Senior Planner
FROM: Pete Kohalmi, PE, Associate Engineer
DATE: April 7, 2026
SUBJECT: Minor Subdivision and Condominium Conversion
Engineering Review
3 Palm Street, Map 392Z, Lot 22; City Project 2026-026

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

- Plan partially prepared by RD Bartlett & Assoc., dated June, 2025
- Project Narrative submitted March 18, 2026
- Declaration of Condominium submitted March 18, 2026
- Condominium Bylaws submitted March 18, 2026

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

- a. Routing of proposed underground power/cable utilities shall be shown on the plan per Section 26.02 of the Subdivision Regulations. Otherwise, the applicant will need to obtain a waiver from the Planning Board for overhead utilities.
- b. Certain proposed features on the plan are noted to be finalized in the field. It is noted that while some latitude is allowed to make minor adjustments, major changes must be approved by the Engineering Division prior to construction.

- c. The proposed water service call-out is overlaid on top of the Legend. Please revise this note.
- d. Engineering has reviewed the Existing Conditions Plat as prepared by Richard D. Bartlett & Associates, which has apparently been modified by the applicant by adding engineering information and condominium information. The Declaration of Condominium also makes a specific reference to the existing conditions plan. We consulted Richard D. Bartlett & Associates, a division of Nobis Engineering, to inform them of the modification of their original plan, and they responded: "Richard D Bartlett & Assoc., a division of the Nobis Group has not been consulted nor prepared the condominium plan for Mr. Taber." According to the NH Office of Professional Licensure and Certification, Mr. Taber is neither a licensed architect, engineer, nor a licensed land surveyor, and is not qualified to prepare either an engineered site plan or a condominium plan.