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603.772.4746 - JonesandBeach.com

October 16, 2024

Revision #1: February 19, 2025

Concord Planning Board
Attn. Richard Woodfin, Chair
Concord City Hall
41 Green Street
Concord, NH 03301

**RE: Minor Site Plan Application
Shaker Road, Concord, NH
Tax Map 411Z, Lot 49
JBE Project No. 24022**

Dear Mr. Woodfin,

Jones & Beach Engineers, Inc. respectfully submits a Minor Site Plan Application and Lot Line Adjustment Application for the above-referenced parcel on behalf of our client & owner, Aaron LeClerc and Cara Scala. The intent of this project is to construct a single-family home and detached workshop building for a home business. Both structures will be served by an on-site well and septic and underground power. The Lot Line Adjustment is necessary for the project's driveway to avoid impact to the wetlands. The subject lot exists as vacant land with a wetland system that extends across the front (west) end of the lot.

In May 2024, the applicant received a variance for a manufacturing use and two principal uses on the property. This variance was required as the home business did not fit within the City's limitations on Minor or Major Homes Businesses.

We are requesting several waivers which are described in the waiver request narrative, included with our submission.

The following are provided in support of this application with the following items:

1. Minor Site Plan Checklist.
2. Minor Subdivision Checklist (for LLA)
3. Waiver Request Narrative.
4. Letters of Authorization
5. Current Deed.
6. Abutters List.
7. Project Plan Set.
8. Drainage Analysis
9. Wetland Report & Functional Assessment
10. Vernal Pool Report

If you have any questions or need any additional information, please feel free to contact our office. Thank you very much for your time.

Very truly yours,

JONES & BEACH ENGINEERS, INC.



Ian MacKinnon, P.E.

Associate Principal | Project Manager

cc: Aaron LeClerc and Cara Scala (via email)



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Planning Division

Waiver Request Form – Subdivision Regulations

Instructions:

1. List the section for which the waiver is being requested, along with a brief explanation of the request.
2. Explain how the waiver request complies with each criterion.

Section 35.08 Waivers: Where the Planning Board finds that extraordinary hardships or practical difficulties may result from strict compliance with these regulations and/or the purposes of these regulations may be served to a greater extent by an alternative proposal, it may approve waivers to these subdivision regulations so that substantial justice may be done and the public interest secured, provided that such waiver shall not have the effect of nullifying the intent and purpose of these regulations...

Waiver from Section 12.04 - requiring depiction of the Location Plan.
The location plan is depicted on the accompanying Minor Site Plan.

and further provided the Planning Board shall not approve waivers unless it shall make findings based upon the evidence presented to it in each specific case that:

- (1) The granting of the waiver will not be detrimental to the public safety, health, or welfare or injurious to other property;*

The location plan is depicted on the accompanying Minor Site Plan.

Therefore, granting the waiver not be detrimental to the public safety, health, or welfare, or injurious to other properties.

(2) *The conditions upon which the request for a waiver is based are unique to the property for which the waiver is sought and are not applicable generally to other property;* _____

The location plan is depicted on the accompanying Minor Site Plan, which are not
generally submitted at the same time.

(3) *Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular and unnecessary hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations are carried out;* _____

The location plan is depicted on the accompanying Minor Site Plan, which are not
generally submitted at the same time, therefore providing it on the LLA would
create an unnecessary hardship.

(4) *Specific circumstances relative to the subdivision or conditions of the land in such subdivision indicate that the waiver will properly carry out, or not be contrary to, the spirit and intent of the regulations; and* _____

The location plan is depicted on the accompanying Minor Site Plan, which are not
generally submitted at the same time, therefore it is not contrary to the spirit and intent.

(5) *The waiver will not in any manner vary the provisions of the Zoning Ordinance, Master Plan Reports, or Official Map.* _____

Granting the waiver will not vary the provisions listed.

Finally, note if the waiver complies with RSA 674:36(II)(n)(1) or (2) below and explain how.

- (1) Strict conformity would pose an unnecessary hardship to the applicant and waiver would not be contrary to the spirit and intent of the regulations _____

The location plan is depicted on the accompanying Minor Site Plan, which are not generally submitted at the same time, therefore providing it on the LLA would create an unnecessary hardship. The information is provided, therefore, it would not be contrary to the spirit and intent of the regulations.

OR

- (2) Specific circumstances relative to the site plan, or conditions of the land in such site plan, indicate that the waiver will properly carry out the spirit and intent of the regulations _____



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Waiver from Section 12.08(1) - requiring existing property lines be depicted for the properties.
A full boundary survey was not completed on Map 28Z / Lot 43, therefore dimensions
are not available. Sufficient survey was completed to complete the LLA.

and further provided the Planning Board shall not approve waivers unless it shall make findings based upon the evidence presented to it in each specific case that:

(1) The granting of the waiver will not be detrimental to the public safety, health, or welfare or injurious to other property;

The proposed LLA will remove only 6,538 sq.ft. from the existing 21+ acres lot.
After the LLA both lots will continue to meet the zoning requirements therefore,
granting the waiver not be detrimental to the public safety, health, or welfare,
or injurious to other properties.

(2) *The conditions upon which the request for a waiver is based are unique to the property for which the waiver is sought and are not applicable generally to other property;* _____

The existing lot is greater than 21 acres and only 6,538 sq.ft being transferred, which is less than 1% of the total parent lot these conditions make this a unique request which is not generally applicable to other property.

(3) *Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular and unnecessary hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations are carried out;* _____

The existing lot is greater than 21 acres and only 6,538 sq.ft being transferred, these conditions make this a unique request which is not generally applicable to other property. The proposed transfer consists of less than 1% of the total lot area. Requiring wetland delineation and complete survey of the 21.8 acre parcel would create an unnecessary hardship.

(4) *Specific circumstances relative to the subdivision or conditions of the land in such subdivision indicate that the waiver will properly carry out, or not be contrary to, the spirit and intent of the regulations; and* _____

It is apparent the parent lot, Map 28Z / Lot 43, will meet zoning requirements after the proposed transfer, therefore granting the waiver will not be contrary to the spirit and intent of the ordinance.

(5) The waiver will not in any manner vary the provisions of the Zoning Ordinance, Master Plan Reports, or Official Map. _____

Granting the waiver will not vary the provisions listed.

Finally, note if the waiver complies with RSA 674:36(II)(n)(1) or (2) below and explain how.

- (1) Strict conformity would pose an unnecessary hardship to the applicant and waiver would not be contrary to the spirit and intent of the regulations _____

The proposed transfer consists of less than 1% of the total lot area.

Requiring wetland delineation and complete survey of the 21.8 acre parcel would create an unnecessary hardship.

It is apparent the parent lot, Map 28Z / Lot 43, will meet zoning requirements after the proposed transfer, therefore granting the waiver will not be contrary to the spirit and intent of the ordinance.

OR

- (2) Specific circumstances relative to the site plan, or conditions of the land in such site plan, indicate that the waiver will properly carry out the spirit and intent of the regulations _____



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2. Explain how the waiver request complies with each criterion.

Section 35.08 Waivers: Where the Planning Board finds that extraordinary hardships or practical difficulties may result from strict compliance with these regulations and/or the purposes of these regulations may be served to a greater extent by an alternative proposal, it may approve waivers to these subdivision regulations so that substantial justice may be done and the public interest secured, provided that such waiver shall not have the effect of nullifying the intent and purpose of these regulations...

Waiver from Section 12.08(23)(d) - requiring useable land area calculations.
Wetlands delineation was not completed on Map 28Z / Lot 43, therefore definitive
calculations of useable area are not available. This lot is in excess of 21 acres and appears
to contain minimal wetlands. It appears to contain much greater than the required 20,000 sq.ft. of useable upland.

and further provided the Planning Board shall not approve waivers unless it shall make findings based upon the evidence presented to it in each specific case that:

(1) The granting of the waiver will not be detrimental to the public safety, health, or welfare or injurious to other property;

The proposed LLA will remove only 6,538 sq.ft. from the existing 21+ acres lot, the
vast majority of which appears to be upland. Therefore, granting the waiver will
not be detrimental to the public safety, health, or welfare, or injurious to other
properties.

(2) *The conditions upon which the request for a waiver is based are unique to the property for which the waiver is sought and are not applicable generally to other property;* _____

The existing lot is greater than 21 acres and only 6,538 sq.ft being transferred,
these conditions make this a unique request which is not generally applicable
to other property.

(3) *Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular and unnecessary hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations are carried out;* _____

The existing lot is greater than 21 acres and only 6,538 sq.ft being transferred,
these conditions make this a unique request which is not generally applicable
to other property. The proposed transfer consists of less than 1% of the total lot area.
Requiring wetland delineation and complete survey of the 21.8 acre parcel would
create an unnecessary hardship.

(4) *Specific circumstances relative to the subdivision or conditions of the land in such subdivision indicate that the waiver will property carry out, or not be contrary to, the spirit and intent of the regulations; and* _____

It is apparent the parent lot, Map 28Z / Lot 43, will meet zoning requirements after
the proposed transfer, therefore granting the waiver will not be contrary to the
spirit and intent of the ordinance.

(5) The waiver will not in any manner vary the provisions of the Zoning Ordinance, Master Plan Reports, or Official Map. _____

Granting the waiver will not vary the provisions listed.

Finally, note if the waiver complies with RSA 674:36(II)(n)(1) or (2) below and explain how.

- (1) Strict conformity would pose an unnecessary hardship to the applicant and waiver would not be contrary to the spirit and intent of the regulations _____

The proposed transfer consists of less than 1% of the total lot area.

Requiring wetland delineation and complete survey of the 21.8 acre parcel would create an unnecessary hardship.

It is apparent the parent lot, Map 28Z / Lot 43, will meet zoning requirements after the proposed transfer, therefore granting the waiver will not be contrary to the spirit and intent of the ordinance.

OR

- (2) Specific circumstances relative to the site plan, or conditions of the land in such site plan, indicate that the waiver will properly carry out the spirit and intent of the regulations _____



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Waiver from Section 15.03(2) - requiring dimensions of all existing property lines.
A full boundary survey was not completed on Map 28Z / Lot 43, therefore dimensions
are not available. Sufficient survey was completed to complete the LLA.

and further provided the Planning Board shall not approve waivers unless it shall make findings based upon the evidence presented to it in each specific case that:

- (1) The granting of the waiver will not be detrimental to the public safety, health, or welfare or injurious to other property;*

The proposed LLA will remove only 6,538 sq.ft. from the existing 21+ acres lot.
After the LLA both lots will continue to meet the zoning requirements therefore,
granting the waiver not be detrimental to the public safety, health, or welfare,
or injurious to other properties.

(2) *The conditions upon which the request for a waiver is based are unique to the property for which the waiver is sought and are not applicable generally to other property;* _____

The existing lot is greater than 21 acres and only 6,538 sq.ft being transferred, which is less than 1% of the total parent lot these conditions make this a unique request which is not generally applicable to other property.

(3) *Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular and unnecessary hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations are carried out;* _____

The existing lot is greater than 21 acres and only 6,538 sq.ft being transferred, these conditions make this a unique request which is not generally applicable to other property. The proposed transfer consists of less than 1% of the total lot area. Requiring a complete boundary survey of the 21.8 acre parcel would create an unnecessary hardship.

(4) *Specific circumstances relative to the subdivision or conditions of the land in such subdivision indicate that the waiver will properly carry out, or not be contrary to, the spirit and intent of the regulations; and* _____

It is apparent the parent lot, Map 28Z / Lot 43, will meet zoning requirements after the proposed transfer, therefore granting the waiver will not be contrary to the spirit and intent of the ordinance.

(5) The waiver will not in any manner vary the provisions of the Zoning Ordinance, Master Plan Reports, or Official Map. _____

Granting the waiver will not vary the provisions listed.

Finally, note if the waiver complies with RSA 674:36(II)(n)(1) or (2) below and explain how.

- (1) Strict conformity would pose an unnecessary hardship to the applicant and waiver would not be contrary to the spirit and intent of the regulations _____

The proposed transfer consists of less than 1% of the total lot area.

Requiring a complete boundary survey of the 21.8 acre parcel would create an unnecessary hardship.

It is apparent the parent lot, Map 28Z / Lot 43, will meet zoning requirements after the proposed transfer, therefore granting the waiver will not be contrary to the spirit and intent of the ordinance.

OR

- (2) Specific circumstances relative to the site plan, or conditions of the land in such site plan, indicate that the waiver will properly carry out the spirit and intent of the regulations _____



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Waiver from Section 15.03(3) - Tabulation requiring useable land area calculations.
Wetlands delineation was not completed on Map 28Z / Lot 43, therefore definitive
calculations of useable area are not available. This lot is in excess of 21 acres and appears
to contain minimal wetlands. It appears to contain much greater than the required 20,000 sq.ft. of useable upland.

and further provided the Planning Board shall not approve waivers unless it shall make findings based upon the evidence presented to it in each specific case that:

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(2) *The conditions upon which the request for a waiver is based are unique to the property for which the waiver is sought and are not applicable generally to other property;* _____

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The existing lot is greater than 21 acres and only 6,538 sq.ft being transferred,
these conditions make this a unique request which is not generally applicable
to other property. The proposed transfer consists of less than 1% of the total lot area.
Requiring wetland delineation and complete survey of the 21.8 acre parcel would
create an unnecessary hardship.

(4) *Specific circumstances relative to the subdivision or conditions of the land in such subdivision indicate that the waiver will properly carry out, or not be contrary to, the spirit and intent of the regulations; and* _____

It is apparent the parent lot, Map 28Z / Lot 43, will meet zoning requirements after
the proposed transfer, therefore granting the waiver will not be contrary to the
spirit and intent of the ordinance.

(5) The waiver will not in any manner vary the provisions of the Zoning Ordinance, Master Plan Reports, or Official Map. _____

Granting the waiver will not vary the provisions listed.

Finally, note if the waiver complies with RSA 674:36(II)(n)(1) or (2) below and explain how.

- (1) Strict conformity would pose an unnecessary hardship to the applicant and waiver would not be contrary to the spirit and intent of the regulations _____

The proposed transfer consists of less than 1% of the total lot area.

Requiring wetland delineation and complete survey of the 21.8 acre parcel would create an unnecessary hardship.

It is apparent the parent lot, Map 28Z / Lot 43, will meet zoning requirements after the proposed transfer, therefore granting the waiver will not be contrary to the spirit and intent of the ordinance.

OR

- (2) Specific circumstances relative to the site plan, or conditions of the land in such site plan, indicate that the waiver will properly carry out the spirit and intent of the regulations _____



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Waiver from Section 15.03(11) - Requirement to depict the existing sewer information.
Applicant is requesting to utilize on-site septic system, therefore, obtaining the
existing sewer information in the roadway is unnecessary.

and further provided the Planning Board shall not approve waivers unless it shall make findings based upon the evidence presented to it in each specific case that:

*(1) The granting of the waiver will not be detrimental to the public safety, health, or welfare or injurious to other property;*_____

Applicant requests to utilize on-site septic system, therefore, granting the waiver
will not be detrimental to the public safety, health, or welfare, or injurious to
other properties.

(2) *The conditions upon which the request for a waiver is based are unique to the property for which the waiver is sought and are not applicable generally to other property;* _____

There is no sewer along the frontage and the properties proposed to utilize
on-site septic systems.

(3) *Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular and unnecessary hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations are carried out;* _____

These properties propose to utilize on-site septic systems, therefore
obtaining this information is unnecessary and the cost involved would
represent a hardship to the applicant.

(4) *Specific circumstances relative to the subdivision or conditions of the land in such subdivision indicate that the waiver will properly carry out, or not be contrary to, the spirit and intent of the regulations; and* _____

These properties propose to utilize on-site septic systems, therefore granting the
waiver is not contrary to the spirit and intent of the regulations.

(5) *The waiver will not in any manner vary the provisions of the Zoning Ordinance, Master Plan Reports, or Official Map.* _____

Granting the waiver will not vary the provisions listed.

Finally, note if the waiver complies with RSA 674:36(II)(n)(1) or (2) below and explain how.

- (1) Strict conformity would pose an unnecessary hardship to the applicant and waiver would not be contrary to the spirit and intent of the regulations _____

These properties propose to utilize on-site septic systems, therefore obtaining this information is unnecessary and the cost involved would represent a hardship to the applicant.

These properties propose to utilize on-site septic systems, therefore granting the waiver is not contrary to the spirit and intent of the regulations.

OR

- (2) Specific circumstances relative to the site plan, or conditions of the land in such site plan, indicate that the waiver will properly carry out the spirit and intent of the regulations _____



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Waiver from Section 15.03(13) - Requirement to depict the existing water information.
Applicant is requesting to utilize on-site well for water, therefore, obtaining the
existing water information in the roadway is unnecessary.

and further provided the Planning Board shall not approve waivers unless it shall make findings based upon the evidence presented to it in each specific case that:

*(1) The granting of the waiver will not be detrimental to the public safety, health, or welfare or injurious to other property;*_____

Applicant requests to utilize on-site well for water, therefore, granting the waiver
will not be detrimental to the public safety, health, or welfare, or injurious to
other properties.

(2) *The conditions upon which the request for a waiver is based are unique to the property for which the waiver is sought and are not applicable generally to other property;* _____

There is no water along the frontage and the properties proposed to utilize on-site wells.

(3) *Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular and unnecessary hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations are carried out;* _____

These properties propose to utilize on-site wells, therefore obtaining this information is unnecessary and the cost involved would represent a hardship to the applicant.

(4) *Specific circumstances relative to the subdivision or conditions of the land in such subdivision indicate that the waiver will properly carry out, or not be contrary to, the spirit and intent of the regulations; and* _____

These properties propose to utilize on-site wells, therefore granting the waiver is not contrary to the spirit and intent of the regulations.

(5) *The waiver will not in any manner vary the provisions of the Zoning Ordinance, Master Plan Reports, or Official Map.* _____

Granting the waiver will not vary the provisions listed.

Finally, note if the waiver complies with RSA 674:36(II)(n)(1) or (2) below and explain how.

- (1) Strict conformity would pose an unnecessary hardship to the applicant and waiver would not be contrary to the spirit and intent of the regulations _____

These properties propose to utilize on-site wells, therefore
obtaining this information is unnecessary and the cost involved would
represent a hardship to the applicant. As water will be provided, granting the waiver will not be contrary to the
spirit and intent of the regulation.

OR

- (2) Specific circumstances relative to the site plan, or conditions of the land in such site plan, indicate that the waiver will properly carry out the spirit and intent of the regulations _____
