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

Staff Report for Planning Board

Meeting on May 21, 2025

Project Summary – Minor Subdivision and Conditional Use Permit

Project: Two-lot subdivision (2025-047)
Property Owner: Braydin R. and Kelsey E. Clouthier
Applicant: Wilcox & Barton, Inc.
Project Address: Unaddressed Curtisville Rd
Tax Map Lot: 42Z 28

Determination of Completeness:

Per Section 9.06 of the Subdivision Regulations, a complete application will contain the information listed in Section 15.01 *Required Information* and Section 15.02 *Plat Requirements* of the Subdivision Regulations and will be legible and competently prepared. When determining if an application is complete, the Board shall consider the written recommendation of the Planning Division, as well as any written communications from the applicant, abutters, and parties of interest; **however, no hearing shall be opened nor shall testimony be received on a determination of completeness.** If it is determined that the application is complete, the Board shall then open the public hearing on the application. An application which is determined to be incomplete may be revised and resubmitted to a subsequent meeting of the Board for another determination of completeness.

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

The Planning Division reviewed the application for completeness based upon the criteria of the Subdivision Regulations and concludes that the application does contain sufficient information and detail for a full review and subsequent action by the Board. Staff notes that much of the information required for a determination of completeness is required to be on the subdivision plat, and that required information is shown on the existing conditions plan rather than the subdivision plat. Since the information is present for review, staff feels the determination of completeness can proceed with conditions that the required information be added to the subdivision plat in addition to its presence on the existing conditions plan.

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

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

The Board has 65 days within which to consider and act on the application once the application is determined complete, per RSA 676:4(I)(c). The 65-day period shall commence upon the date of the regular meeting of the Board at which the application was accepted as complete on March 19, 2025, and end on **July 25, 2025**. If the applicant has not demonstrated compliance with the Subdivision Regulations by the end of the statutory timeline (**July 25, 2025**), 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 property owner proposes dividing the undeveloped 11.63-acre site into two lots with one being 6.33 acres and the other being 5.29 acres. Both lots have the required frontage on Curtisville Rd. The site contains wetlands, and disturbance to the wetland buffer will be necessary to create driveways for the two new lots. The required conditional use permit application was submitted with the minor subdivision application for concurrent processing.

Compliance:

The following analysis of compliance with the Zoning Ordinance and Subdivision Regulations is based on an undated narrative, prepared by Wilcox & Barton Inc.; a 1-sheet wetland impact plan, dated April 16, 2025, prepared by Wilcox & Barton Inc.; and a 2-sheet subdivision plan, dated March 2025, prepared by Hoyle Tanner.

1. Project Details and Zoning Ordinance Compliance:

Zoning District:	Open Space Residential (RO) District
Existing Use:	Undeveloped
Proposed Use:	Two-lot subdivision with the lots intended for houses
Overlay Districts:	
Flood Hazard (FH) District	None
Shoreland Protection (SP) District	None
Historic (HI) District	None
Penacook Lake Watershed (WS) District	None
Aquifer Protection (AP) District	None

Zoning Code Item	Required	Lot 1	Lot 2
Minimum Total Area	87,120 square feet	275,929 square feet	230,665 square feet
Minimum Buildable Land	20,000 square feet	10,020 square feet	10,020 square feet
Minimum Lot Frontage	200 feet	481.10 feet	620.86 feet
Minimum Front Yard	50 feet	Undeveloped	Undeveloped
Minimum Rear Yard	50 feet	Undeveloped	Undeveloped
Minimum Side Yard	40 feet	Undeveloped	Undeveloped
Maximum Lot Coverage	10%	Undeveloped	Undeveloped
Maximum Building Height	35 feet	Undeveloped	Undeveloped

1.1 As proposed, the project complies with the Zoning Ordinance.

2. Comments:

2.1 Per Section 2.02, land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood, or other menace, and land shall not be subdivided until adequate public facilities, open space, public safety services, and transportation facilities exist and proper provisions have been made for stormwater drainage,

- sewage disposal, portable water supply, and capital improvements such as parks, recreation facilities, transportation improvements, and public safety facilities.
- 2.2 Per Section 2.03, the existing and proposed public improvements shall conform to and be properly related to the proposals shown in the Master Plan and Official Map of the municipality, and it is intended that the regulations shall supplement and facilitate the enforcement of the provisions and standards contained in building and housing code, health codes, and zoning ordinances.
- 2.3 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.
- 2.4 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.
- 2.5 Per Section 6.01(5) *Conditional Use Permits*, where conditional use permits are required in conjunction with a proposed subdivision, a completed conditional use permit application shall be made at the same time as the subdivision application. Where a conditional use permit is required, no subdivision application may be considered complete without a complete conditional use permit application. The project requires a conditional use permit application for disturbance to wetland buffers, and the required application was submitted at the same time as the subdivision application.
- 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 in Item 3 of this staff report. The required conditional use permit application was submitted. The application included requests for waivers as described in Item 5 of this staff report.
- 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.
- 2.9 The Assessing Department reviewed the application and had no comments.
- 2.10 The Fire Department reviewed the application and had no comments.
- 2.11 The Engineering Services Division reviewed the application and had no comments.

2.12 The General Services Department reviewed the application and had no comments.

3. Compliance with Subdivision Regulations:

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

- 3.1 Per Section 12.02(4) *Conditions of Planning Board Approval*, the plat shall contain a note regarding conditions of Planning Board approval which remain to be fulfilled after the recording of the plat. The required note is missing. For a determination of completeness, the following note shall be added to the subdivision plat: “The development is subject to all subsequent conditions of Planning Board approval granted on INSERT DATE HERE for application 2025-047.”
- 3.2 Per Section 12.04(9) *Location Plan*, the subdivision plat or a cover sheet shall contain a detailed location plan that clearly shows the zoning district designations and boundaries. The required location plan is present, but it’s not on a cover sheet or the subdivision plat. Additionally, the location does not clearly show and label the zoning district designations and boundaries. For a determination of completeness, the location plan shall be moved to the subdivision plat and the zoning district designations and boundaries shall be added to the location plan and clearly labeled.
- 3.3 Per Section 12.06(3) *Existing Restrictions*, deed reference and statement of any existing recorded covenants or restrictions relating to the use of the land proposed to be subdivided shall be included on the subdivision plat. The required statement regarding existing restrictions is missing from the subdivision plat and shall be added for a complete determination.
- 3.4 Per Section 12.08(12) *Wells and Septic Systems*, the location of existing wells and surface waste disposal systems on the property and on immediately adjacent property, if new wells and septic systems are proposed, shall be shown on the existing conditions plan. The property is undeveloped, so there are no existing wells or surface waste disposal systems to show. However, new wells and septic systems are proposed for the two new lots, and the existing conditions plan does not show the location of the existing well and septic system on the immediately adjacent property. This information shall be added to the existing conditions plan for a complete determination.
- 3.5 Per Section 12.08(22) *Abutting Properties*, existing abutting properties shall be shown on the existing conditions plan, including intersecting property lines, buildings, driveways, wells, and septic systems. The existing conditions plan shows the intersection property lines, but buildings, driveways, wells, and septic systems on the abutting properties are not shown and shall be added to the existing conditions plan for a complete determination.
- 3.6 Per Section 12.08(24) *Zoning*, the zoning district boundary lines, including overlay districts, with labels shall be shown on the existing conditions plan. The existing conditions plan is missing this required information, and it shall be added to the existing conditions plan for a complete determination.
- 3.7 Per Section 15.02(8) *Addresses*, the address of each existing and proposed lot shall be noted on the plat as approved by the City Engineer. Proposed addresses are not noted on the plat as

required for a complete determination. The Engineering Services Division provided the new addresses as:

- New Lot 28 – 28 Curtisville Rd
- New Lot 28-1 – 42 Curtisville Rd

The addresses shall be added to the subdivision plat for a complete determination.

- 3.8 Per Section 15.02(10) *Easements and Restrictions*, the subdivision plat shall contain notations of all easements, covenants, and self-imposed restrictions. There is no note on the subdivision plat regarding easements, covenants, or self-imposed restrictions, or lack thereof, and such a note shall be added to comply with this requirement for a complete determination.
- 3.9 Per Section 15.03(1) *Abutting Property*, the subdivision plat shall show the existing abutting properties including property lines, buildings, wells, septic systems, owner's names and addresses, property addresses, and tax map lot numbers. The subdivision plat shows some of this information but not all as required. For a complete determination, the location of buildings, wells, and septic systems on existing abutting properties shall be shown and labeled on the subdivision plat.
- 3.10 Per Section 15.03(4) *Topography*, the subdivision plat shall show the existing topographic conditions. While this information is shown on the existing conditions plan, it is not shown on the subdivision plat as required by this section and shall be added for a complete determination.
- 3.11 Per Section 15.03(7) *Zoning*, the subdivision plat shall show the zoning district boundary lines, including overlay districts, with labels. The subdivision plat is missing this required information, and it shall be added for a complete determination.
- 3.12 Per Section 15.03(9) *Access and Driveways*, all existing and proposed driveways along the subdivision frontage, on abutting properties, and on the opposite sides of the streets shall be shown on the subdivision plat. This required access and driveway information is not shown on the subdivision plat, and shall be added for a complete determination.
- 3.13 Per Section 15.03(10) *Site Improvements*, the location of existing and proposed improvements on the site and on abutting properties including, but not limited to, driveways, parking, buildings, and structures shall be shown on the subdivision plat. The required site improvement information on the abutting properties is missing from the subdivision plat and shall be added for a complete determination.
- 3.14 Per Section 15.03(12) *Septic System*, where municipal sewer service is not available, soil data and test results sufficient for submittal of an application for subdivision approval to New Hampshire Department of Environmental Services (NHDES), including a plan showing the location of test pits, the soil profiles, ground water elevation, and seasonal high-water table elevation at each test pit shall be shown on the subdivision plat. The required 4,000-square-foot septic drain field area required by NHDES shall also be shown on the subdivision plat. None of the information required by Section 15.03(12) *Septic System* is shown on the subdivision plat as required for a complete determination.
- 3.15 Per Section 15.03(14) *Wells*, where the 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 subdivision plat. None of the information required by Section 15.03(14) *Wells* is shown on the subdivision plat as required for a complete determination.

- 3.16 Per Section 15.03(17) *Conditions of Approval*, those conditions of approval which remain to be fulfilled after the recording of the plat shall be duly noted on the plat. The note regarding conditions of approval is missing from the subdivision plat, and shall be added for a complete determination. “The development is subject to all subsequent conditions of Planning Board approval granted on INSERT DATE HERE for application 2025-047.”

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

- 3.17 Per Section 13.01(6) *State and Federal Permits* and Section 13.02(10) *State and Federal Permits*, a copy of any application made to a state or federal agency required for the approval of this subdivision, including those required for the development of the individual lots, shall be provided. Accordingly, copies of applications to the New Hampshire Department of Environmental Services for any wells or septic systems on the new lots shall be submitted to the Planning Division.
- 3.18 Per Section 13.02(13) *Recording Fees*, the applicant is responsible for the recording fees required by the Merrimack County Registry of Deeds, or the State of New Hampshire, for all plans and documents to be recorded.
- 3.19 Per Section 15.02(12) *Registry Requirements*, the applicant is responsible for ensuring that the plat to be recorded complies with the current standards of the Merrimack County Registry of Deeds.
- 3.20 Per Section 19.04 *Monuments*, a New Hampshire licensed land surveyor shall place permanent reference monuments in the subdivision, as required in the Subdivision Regulations and as approved by the City Engineer. All monuments shall be inspected by the City of Concord. All such monuments shall be set flush with the proposed grade and planted in such a manner that they will not be removed by frost. All monuments shall be properly set prior to the time of the release of the performance guarantee per the Subdivision Regulations. However, recognizing the unique characteristics of this application, a performance guarantee will not be required; therefore, all monuments shall be set in accordance with Section 19.04(1) *Street Right-of-Way Monuments*, Section 19.04(2) *Lot Monuments*, and Section 19.04(3) *Boundaries and Blazing of Conservation Easements*, as applicable, prior to final approval.
- 3.21 Per Section 19.04(3) *Buildable Lot Area*, the minimum buildable lot area for each of the new lots, as set forth in the Zoning Ordinance, shall be shown on the subdivision plat prior to the Clerk’s signature on the plat for recording.
- 3.22 Per Section 19.04(4) *Useable Lot Area Rectangle*, the required useable lot area rectangle shall be shown and labeled on the subdivision plat prior to the Clerk’s signature on the plat for recording.
- 3.23 Per Section 19.04(14) *On-site Septic Disposal*, the applicant shall demonstrate that each lot can be served by an individual waste disposal system, which complies with the construction standards and specifications of New Hampshire Department of Environmental Services (NHDES). The

- required 4,000-square-foot septic drain field area required by NHDES shall be shown on the subdivision plat along with test pit locations and corresponding test pit logs.
- 3.24 Per Section 19.04(15) *On-site Water Supply*, the applicant shall demonstrate that each lot can be served by a private well, which complies with the current construction standards and specifications of the New Hampshire Water Well Board. Wellhead protection radii and separation from wetlands and waste disposal facilities shall be shown on the subdivision plat prior to the Clerk's signature on the plat for recording.
- 3.25 Per Section 20.09 *Residential Single-Family Driveways*, each lot shall have safe, independent, and direct access from a public street. The driveway serving the new houses shall have a slope no greater than 10%; a landing area at the intersection of the driveway and public street with a minimum length of 20 feet and a slope not exceeding 2%; minimum width of 10 feet and maximum width of 24 feet; driveway separation of 40 feet from existing and proposed driveways and intersections; maximum length of 1,000; and conformance to sight distances set forth in the most recent edition of the AASHTO Highway Safety Design and Operations Guide. A driveway plan shall be submitted showing compliance with Section 20.09 *Residential Single-Family Driveways*.
- 3.26 Per Section 24.05 *Design Standards for Non-municipal Water Supply*, individual private wells shall be provided which shall comply with all the standards of NHDES, and the construction of which shall comply with applicable standards of the New Hampshire Water Well Board. The location of each well along with the required NHDES' 75-foot wellhead protection radius shall be shown on the subdivision plat. The wellhead protection radius shall be shown entirely on the lot the well is serving.
- 3.27 Per Section 24.06 *State and Federal Permits*, the applicant shall obtain all state and federal water system permits where required. The applicant shall conform to the requirements and conditions of all state and federal permits in addition to the requirements contained in the Subdivision Regulations.
- 3.28 Per Section 25.04 *Non-Municipal Sanitary Sewage Disposal*, where a municipal sanitary sewer system is not required, sanitary sewage disposal shall be provided by individual waste disposal systems for each dwelling unit located on a lot and located on lots of sufficient size to assure an area appropriate for two leaching fields for each system, which meet requirements of NHDES. The required 4,000-square-foot septic drain field area required by NHDES shall be shown on the subdivision plat, along with test pit locations and corresponding test pit logs. Community sewerage systems, which serve more than a single lot or an individual dwelling unit are expressly forbidden in the City of Concord. Each dwelling unit not served by the municipal sanitary sewer system shall be provided with its own individual waste disposal system.
- 3.29 Per Section 26.01 *General Requirements*, all subdivisions shall make adequate provision for non-municipal utilities as may be necessary and appropriate for the subdivision. The applicant is responsible for all coordination with the utility companies to assure that non-municipal utilities are installed in accordance with plans approved by the Planning Board pursuant to the Subdivision Regulations.
- 3.30 Per Section 26.02 *Design Standards*, the following standards shall govern the design and construction of the non-municipal utilities for a subdivision: except in the Industrial (IN) Zoning District, all utility facilities including, but not limited to, gas, steam, electric power, telephone,

telecommunication, and CATV cables, shall be located underground throughout the subdivision. Whenever existing utility facilities are located above ground on the property proposed for subdivision, the above ground utilities shall be removed and placed underground; and utilities shall be located within street rights-of-way in accordance with the typical street cross-sections, as contained in Section 20, *Street Layout and Access Standards* and Section 21, *Design Standards for Streets and Private Drives*. The applicant requests a waiver from the underground requirement.

- 3.31 The Assessing Department reviewed the application and had no compliance requirement comments.
- 3.32 The Fire Department reviewed the application and had no compliance requirement comments.
- 3.33 The Engineering Services Division reviewed the application and provide the following compliance requirement comment:
 - a. The abutter to the south is incorrectly identified and needs to be revised to correctly show as Clattenburg Revocable Trust, 15 Frost Rd, Map 471Z Lot 22.
- 3.34 The General Services Department reviewed the application and had no compliance requirement comments.

4 Variances:

- 4.1 No variances are requested.

5 Waivers:

- 5.1 The applicant requests a waiver from the following section of the Subdivision Regulations:
 - a. Section 26.02(1) *Non-Municipal Utilities*, to allow overhead utilities to be installed for the two new lots.

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

Staff reviewed the evidence submitted and supports the waiver request.

6 Conditional Use Permits:

- 6.1 The applicant requests approval for a conditional use permit in accordance with Section 28-4-3(d) *Conditional Use Permits Required for Certain Disturbance of Wetland Buffers* of the Zoning Ordinance to allow for the disturbance of wetland buffers in conjunction with the installation of a driveway. The applicant provided a narrative addressing the criteria of approval.

Staff reviewed the narrative, found the criteria satisfactorily addressed, and supports granting the conditional use permit for disturbance of wetland buffers.

7 Architectural Design Review:

- 7.1 Architectural design review is not necessary for this application.

8 Conservation Commission:

- 8.1 The applicant appeared before the Conservation Commission on May 14, 2025. The Conservation Commission recommended approval as submitted.

9 Recommendations:

- 9.1 Staff recommends that the Planning Board discuss and adopt the findings of fact, which include information provided in staff reports; the applicant's submission materials; testimony provided during the public hearing; and/or, other documents or materials provided in the public hearing.

Based on the adopted findings of fact, staff recommends that the Planning Board make the motions outlined below:

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

- a. Section 26.02(1) *Non-Municipal Utilities*, to allow overhead utilities to be installed for the two new lots.

- 9.3 **Grant the conditional use permit** from Section 28-4-3(d) *Conditional Use Permits Required for Certain Disturbance of Wetland Buffers*, to allow for disturbance of wetland buffers in conjunction with the installation of a driveway at Tax Map Lot 42Z 28, because all of the criteria of Section 28-4-3(d)(1) through (5) and Section 28-9-4(b)(4)(a) through (g) have been met.

- 9.4 **Grant minor subdivision approval** for the two-lot subdivision of Tax Map Lot 42Z 28, unaddressed Curtisville Rd, subject to the following precedent and subsequent conditions:

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

1. For compliance with the Subdivision Regulations, revise the subdivision plat as follows:
 - a. Per Section 12.02(4) *Conditions of Planning Board Approval*, the plat shall contain a note regarding conditions of Planning Board approval which remain to be fulfilled after the recording of the plat. The required note is missing. For a determination of completeness, the following note shall be added to the subdivision plat: "The development is subject to all subsequent conditions of Planning Board approval granted on INSERT DATE HERE for application 2025-047."
 - b. Per Section 12.04(9) *Location Plan*, the subdivision plat or a cover sheet shall contain a detailed location plan that clearly shows the zoning district designations and boundaries. The required location plan is present, but it's not on a cover sheet or the subdivision plat. Additionally, the location does not clearly show and label the zoning district designations and boundaries. For a determination of completeness, the location plan shall be moved to the subdivision plat and the zoning district designations and boundaries shall be added to the location plan and clearly labeled.
 - c. Per Section 12.06(3) *Existing Restrictions*, deed reference and statement of any existing recorded covenants or restrictions relating to the use of the land proposed to be subdivided shall be included on the subdivision plat. The required statement regarding existing restrictions is missing from the subdivision plat and shall be added for a complete determination.

- d. Per Section 12.08(12) *Wells and Septic Systems*, the location of existing wells and surface waste disposal systems on the property and on immediately adjacent property, if new wells and septic systems are proposed, shall be shown on the existing conditions plan. The property is undeveloped, so there are no existing wells or surface waste disposal systems to show. However, new wells and septic systems are proposed for the two new lots, and the existing conditions plan does not show the location of the existing well and septic system on the immediately adjacent property. This information shall be added to the existing conditions plan for a complete determination.
- e. Per Section 12.08(22) *Abutting Properties*, existing abutting properties shall be shown on the existing conditions plan, including intersecting property lines, buildings, driveways, wells, and septic systems. The existing conditions plan shows the intersection property lines, but buildings, driveways, wells, and septic systems on the abutting properties are not shown and shall be added to the existing conditions plan for a complete determination.
- f. Per Section 12.08(24) *Zoning*, the zoning district boundary lines, including overlay districts, with labels shall be shown on the existing conditions plan. The existing conditions plan is missing this required information, and it shall be added to the existing conditions plan for a complete determination.
- g. Per Section 15.02(8) *Addresses*, the address of each existing and proposed lot shall be noted on the plat as approved by the City Engineer. Proposed addresses are not noted on the plat as required for a complete determination. The Engineering Services Division provided the new addresses as: New Lot 28 – 28 Curtisville Rd and New Lot 28-1 – 42 Curtisville Rd.
- h. Per Section 15.02(10) *Easements and Restrictions*, the subdivision plat shall contain notations of all easements, covenants, and self-imposed restrictions. There is no note on the subdivision plat regarding easements, covenants, or self-imposed restrictions, or lack thereof, and such a note shall be added to comply with this requirement for a complete determination.
- i. Per Section 15.03(1) *Abutting Property*, the subdivision plat shall show the existing abutting properties including property lines, buildings, wells, septic systems, owner's names and addresses, property addresses, and tax map lot numbers. The subdivision plat shows some of this information but not all as required. For a complete determination, the location of buildings, wells, and septic systems on existing abutting properties shall be shown and labeled on the subdivision plat.
- j. Per Section 15.03(4) *Topography*, the subdivision plat shall show the existing topographic conditions. While this information is shown on the existing conditions plan, it is not shown on the subdivision plat as required by this section and shall be added for a complete determination.
- k. Per Section 15.03(7) *Zoning*, the subdivision plat shall show the zoning district boundary lines, including overlay districts, with labels. The subdivision plat is missing this required information, and it shall be added for a complete determination.
- l. Per Section 15.03(9) *Access and Driveways*, all existing and proposed driveways along the subdivision frontage, on abutting properties, and on the opposite sides of the streets shall be shown on the subdivision plat. This required access and driveway information is not shown on the subdivision plat, and shall be added for a complete determination.

- m. Per Section 15.03(10) *Site Improvements*, the location of existing and proposed improvements on the site and on abutting properties including, but not limited to, driveways, parking, buildings, and structures shall be shown on the subdivision plat. The required site improvement information on the abutting properties is missing from the subdivision plat and shall be added for a complete determination.
- n. Per Section 15.03(12) *Septic System*, where municipal sewer service is not available, soil data and test results sufficient for submittal of an application for subdivision approval to New Hampshire Department of Environmental Services (NHDES), including a plan showing the location of test pits, the soil profiles, ground water elevation, and seasonal high-water table elevation at each test pit shall be shown on the subdivision plat. The required 4,000-square-foot septic drain field area required by NHDES shall also be shown on the subdivision plat. None of the information required by Section 15.03(12) *Septic System* is shown on the subdivision plat as required for a complete determination.
- o. Per Section 15.03(14) *Wells*, where the 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 subdivision plat. None of the information required by Section 15.03(14) *Wells* is shown on the subdivision plat as required for a complete determination.
- p. Per Section 15.03(17) *Conditions of Approval*, those conditions of approval which remain to be fulfilled after the recording of the plat shall be duly noted on the plat. The note regarding conditions of approval is missing from the subdivision plat, and shall be added for a complete determination. “The development is subject to all subsequent conditions of Planning Board approval granted on INSERT DATE HERE for application 2025-047.”
- q. Per Section 13.01(6) *State and Federal Permits* and Section 13.02(10) *State and Federal Permits*, a copy of any application made to a state or federal agency required for the approval of this subdivision, including those required for the development of the individual lots, shall be provided. Accordingly, copies of applications to the New Hampshire Department of Environmental Services for any wells or septic systems on the new lots shall be submitted to the Planning Division.
- r. Per Section 19.04(3) *Buildable Lot Area*, the minimum buildable lot area for each of the new lots, as set forth in the Zoning Ordinance, shall be shown on the subdivision plat prior to the Clerk’s signature on the plat for recording.
- s. Per Section 19.04(4) *Useable Lot Area Rectangle*, the required useable lot area rectangle shall be shown and labeled on the subdivision plat prior to the Clerk’s signature on the plat for recording.
- t. Per Section 19.04(14) *On-site Septic Disposal*, the applicant shall demonstrate that each lot can be served by an individual waste disposal system, which complies with the construction standards and specifications of New Hampshire Department of Environmental Services (NHDES). The required 4,000-square-foot septic drain field area required by NHDES shall be shown on the subdivision plat along with test pit locations and corresponding test pit logs.
- u. Per Section 19.04(15) *On-site Water Supply*, the applicant shall demonstrate that each lot can be served by a private well, which complies with the current construction standards and specifications of the New Hampshire Water Well Board. Wellhead protection radii and separation from wetlands and waste

- disposal facilities shall be shown on the subdivision plat prior to the Clerk's signature on the plat for recording.
- v. Per Section 20.09 *Residential Single-Family Driveways*, each lot shall have safe, independent, and direct access form a public street. The driveway serving the new houses shall have a slope no greater than 10%; a landing area at the intersection of the driveway and public street with a minimum length of 20 feet and a slope not exceeding 2%; minimum width of 10 feet and maximum width of 24 feet; driveway separation of 40 feet from existing and proposed driveways and intersections; maximum length of 1,000; and conformance to sight distances set forth in the most recent edition of the AASHTO Highway Safety Design and Operations Guide. A driveway plan shall be submitted showing compliance with Section 20.09 *Residential Single-Family Driveways*.
 - w. Per Section 24.05 *Design Standards for Non-municipal Water Supply*, individual private wells shall be provided which shall comply with all the standards of NHDES, and the construction of which shall comply with applicable standards of the New Hampshire Water Well Board. The location of each well along with the required NHDES' 75-foot wellhead protection radius shall be shown on the subdivision plat. The wellhead protection radius shall be shown entirely on the lot the well is serving.
 - x. Per Section 25.04 *Non-Municipal Sanitary Sewage Disposal*, where a municipal sanitary sewer system is not required, sanitary sewage disposal shall be provided by individual waste disposal systems for each dwelling unit located on a lot and located on lots of sufficient size to assure an area appropriate for two leaching fields for each system, which meet requirements of NHDES. The required 4,000-square-foot septic drain field area required by NHDES shall be shown on the subdivision plat, along with test pit locations and corresponding test pit logs. Community sewerage systems, which serve more than a single lot or an individual dwelling unit are expressly forbidden in the City of Concord. Each dwelling unit not served by the municipal sanitary sewer system shall be provided with its own individual waste disposal system.
 - y. The abutter to the south is incorrectly identified and needs to be revised to correctly show as Clattenburg Revocable Trust, 15 Frost Rd, Map 471Z Lot 22.
- 2. Per Section 13.02(13) *Recording Fees*, the applicant is responsible for the recording fees required by the Merrimack County Registry of Deeds, or the State of New Hampshire, for all plans and documents to be recorded.
 - 3. Per Section 15.02(12) *Registry Requirements*, the applicant is responsible for ensuring that the plat to be recorded complies with the current standards of the Merrimack County Registry of Deeds.
 - 4. Per Section 19.04 *Monuments*, a New Hampshire licensed land surveyor shall place permanent reference monuments in the subdivision, as required in the Subdivision Regulations and as approved by the City Engineer. All monuments shall be inspected by the City of Concord. All such monuments shall be set flush with the proposed grade and planted in such a manner that they will not be removed by frost. All monuments shall be properly set prior to the time of the release of the performance guarantee per the Subdivision Regulations. However, recognizing the unique characteristics of this application, a performance guarantee will not be required; therefore, all monuments shall be set in accordance with Section 19.04(1) *Street Right-of-Way Monuments*, Section 19.04(2) *Lot Monuments*, and Section 19.04(3) *Boundaries and Blazing of Conservation Easements*, as applicable, prior to final approval.

5. Per Section 28.07 *Wetland Buffer Marking*, wetland buffers shall be clearly and permanent marked before construction. Recognizing the unique characteristics of this application in that there will be no overall subdivision construction (i.e., public improvements, common private infrastructure), all wetland buffers shall be clearly marked prior to final approval.
 6. Upon notification from the Planning Division that the subdivision plat complies with Planning Board precedent conditions, the Zoning Ordinance, and Subdivision Regulations, the applicant shall deliver to the Planning Division one mylar for signature by the Planning Board Chair and Clerk of the Planning Board. The subdivision plat shall contain the signature and seal of the appropriate licensed professionals as outlined in Section 12.03 and Section 15.02(1) of the Subdivision Regulations.
- (b) **Subsequent Conditions** – to be fulfilled as specified:
1. This approval notwithstanding, the applicant is responsible for full knowledge of, and compliance with, the municipal code, Subdivision Regulations, and Concord Construction Standards and Details for the project, unless a variance, waiver, or conditional use permit is granted.
 2. Per Section 4.03, no building permit or certificate of occupancy shall be issued for any parcel or plat of land which was created by subdivision after the effective date of, and which is not in conformity with, the provisions of the Subdivision Regulations.
 3. Per Section 9.08(10) *Building Permits and Certificates of Occupancy*, no building permit shall be issued within a subdivision until the plat has been approved, the conditions of plat approval have been satisfactorily addressed, and the plat recorded in the Merrimack County Registry of Deeds.
 4. Per Section 19.01 *Conformance to Applicable Laws, Rules, and Regulations*, all subdivision applications shall comply with all applicable state statutes and federal law and all rules and regulations promulgated in accordance with such statutes and laws; the zoning and health ordinances, building and housing codes, and all other applicable ordinances and regulations of the City of Concord; and the Master Plan, Official Map, and CIP of the City of Concord.
 5. Per Section 24.06 *State and Federal Permits*, the applicant shall obtain all state and federal water system permits where required. The applicant shall conform to the requirements and conditions of all state and federal permits in addition to the requirements contained in the Subdivision Regulations.
 6. Per Section 26.01 *General Requirements*, all subdivisions shall make adequate provision for non-municipal utilities as may be necessary and appropriate for the subdivision. The applicant is responsible for all coordination with the utility companies to assure that non-municipal utilities are installed in accordance with plans approved by the Planning Board pursuant to the Subdivision Regulations.
 7. Per Section 28.03 *Land Clearing Restriction*, no trees shall be removed from any subdivision nor any change of grade of the land affected, until approval of the subdivision plat has been granted.
 8. Per Section 28.07 *Wetland Buffer Marking*, wetland buffers shall be clearly and permanently marked during and after construction on the land proposed for subdivision. Building permits shall not be issued until the wetland buffers are marked.

Prepared by: KOB