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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**

Project: Lot Line Adjustment (2025-017)  
Property Owner: Aaron Leclerc & Cara Scala and Ralph W. & Jeanne M. A. Wilson Trust  
Applicant: Jones & Beach Engineers, Inc.  
Property Address: Unaddressed Shaker Rd and 68 Shaker Rd  
Tax Map Lot: 411Z 49 and 28Z 43

**Determination of Completeness:**

At the applicant's request, the Planning Board voted to continue the determination of completeness for this application from April 16, 2025, to a date certain of May 21, 2025.

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.** If the application is determined complete, the Board shall 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) *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 all criteria have been met, and that the application contains sufficient information and detail for a full review and action by the Board.

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

- **Determine the application complete;**
- **State that the project does not meet the criteria for a development of regional impact per**

**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. If the Board determines the application complete on May 21, 2025, then the 65-day review period would 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 applicant is seeking minor subdivision approval for a lot line adjustment to annex 6,358 square feet from 68 Shaker Rd (Tax Map Lot 28Z 43) to unaddressed Shaker Rd (Tax Map Lot 411Z 49) in the Medium Density Residential (RM) District. The lot line adjustment is necessary to avoid impact to wetlands for the construction of a driveway to serve a single-family dwelling and home occupation structure related to a separate minor site plan application (Case 2024-074) at the unaddressed Shaker Rd (Tax Map Lot 411Z 49) property.

**Compliance:**

The following analysis of compliance with the Zoning Ordinance and Subdivision Regulations is based on a narrative dated October 16, 2024, revised on February 19, 2025, prepared by Jones & Beach Engineers, Inc; an undated, 21-page waiver request form; and, a 1-sheet plan titled “Line Adjustment Plan” dated February 19, 2025, with revisions through April 17, 2025, prepared by Jones & Beach Engineers, Inc.

**1. Project Details and Zoning Ordinance Compliance:**

Zoning District:	Medium Density Residential (RM) District (w/o sewer)
Existing Use:	411Z 49 – vacant 68 Shaker Rd – single-family dwelling
Proposed Use:	411Z 49 – single-family dwelling and manufacturing, fabrication, and assembly industries 68 Shaker Rd – no change in use
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	Existing	Proposed
Minimum Total Area	40,000 square feet	411Z 49 – 656,373 square feet 68 Shaker Rd- 21.8 +/- acres	411Z 49 – 662,731 square feet 68 Shaker Rd- 21.65 +/- acres
Minimum Buildable Land	20,000 square feet	411Z 49 – Not provided 68 Shaker Rd – Not provided	411Z 49 – 291,055 square feet 68 Shaker Rd – Not provided
Minimum Lot Frontage	200 feet	411Z 49 – 374 +/- feet 68 Shaker Rd-549 +/- feet	411Z 49 – 456 +/- feet 68 Shaker Rd- 467.2 +/- feet

Minimum Front Yard	25 feet	411Z 49 – N/A 68 Shaker Rd – Not provided	411Z 49 – 248 feet 68 Shaker Rd – Not provided
Minimum Rear Yard	25 feet	411Z 49 – N/A 68 Shaker Rd – Not provided	411Z 49 – 100 feet 68 Shaker Rd- Not provided
Minimum Side Yard	15 feet	411Z 49 – N/A 68 Shaker Rd – Not provided	411Z 49 – 27 feet 68 Shaker Rd – Not provided
Maximum Lot Coverage	20%	411Z 49 – N/A 68 Shaker Rd – Not provided	411Z 49 – 4% +/- 68 Shaker Rd – Not provided

1.1 Staff determined that the application as submitted conforms 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, potable water supply, and capital improvements such as schools, 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 4.04, the Subdivision Regulations shall apply to re-subdivisions, minor lot line adjustments, and condominiums. Since the applicant is requesting approval for a lot line adjustment, 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 27, 2025, for the Board's consideration of completeness on April 16, 2025. The applicant requested to continue the determination of completeness from April 16, 2025, to May 21, 2025, and has provided plan revisions which staff has determined conform with the Zoning Ordinance.
- 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 does not require any conditional use permit applications, and no conditional use permit applications were submitted.
- 2.6 Section 6.02 *Classification of Subdivisions* identifies the classification of subdivisions as minor or major subdivisions. Subdivisions not classified as a minor subdivision shall be major subdivisions. Existing developments proposed for conversion to condominiums, where there will

be no change in the use of land and no change in the site layout shall be classified as minor subdivisions. Developments proposed for conversion to condominiums involving a change of use of the land or a change in the site layout shall be classified as major subdivisions. Staff notes this application shall be classified as a minor subdivision as a lot line adjustment. One parcel is to be developed under a separate minor site plan application (Case 2024-074).

- 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*.

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 are required. No permit applications to state and federal agencies are necessary. The application included requests from 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 Engineering Services Division reviewed this application and commented that a complete boundary survey should be conducted.
- 2.10 The Fire Department did not review this application.
- 2.11 The Assessing Department reviewed the application and commented that the 6,100 square feet (0.14 acre) being added to parcel 10873 is in current use; and, parcel 10873 is all in current use.
- 2.12 The General Services Department reviewed this application and had no comments.

### 3. Compliance with Subdivision Regulations:

**The following items from Sections 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 Staff has determined that the applicant has provided, or requested a waiver from providing, all items required in Sections 12, 13, and 15 of the Subdivision Regulations.

**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.**

- 3.2 Staff has determined that the applicant has provided, or requested a waiver from providing, all other information required by the Subdivision Regulations.

**4. Variances:**

- 4.1 No variances are requested.

**5. Waivers:**

- 5.1 The applicant requests waivers from the following sections of the Subdivision Regulations:
- a. Section 12.04 *Location Plan*, to not provide a location plan on the lot line adjustment plan, as one has been provided with a concurrent minor site plan application (PL-SPM-2024-0021);
  - b. Section 12.08(1) *Property Lines*, to allow for only a partial boundary survey of property lines to be provided where all property lines are normally required;
  - c. Section 12.08(23)(d), to not require useable land area calculations;
  - d. Section 15.03(2) *Dimensions*, to not require the dimensions and bearings of all existing property lines;
  - e. Section 15.03(3) *Tabulations*, to not require lot area, and area of contiguous buildable land calculations for the 68 Shaker Rd parcel (Tax Map Lot 28Z 43);
  - f. Section 15.03(11) *Municipal Sewer*, to not require the location, size, rim, and invert elevations of existing and proposed sanitary and storm sewers; and
  - g. Section 15.03(13) *Municipal Water Supply*, to not require the location and size of all existing and proposed water mains, including hydrants, gates, valves, and blowoffs.

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).

Staff reviewed the evidence submitted and supports the waiver requests in Item 5.1(a) through 4.1(g).

**6. Conditional Use Permits:**

- 6.1 No conditional use permits are requested.

**7. Architectural Design Review:**

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

**8. Conservation Commission:**

- 8.1 No appearances before the Conservation Commission are necessary for this application.

**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, 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 12.04 *Location Plan*, to not provide a location plan on the lot line adjustment plan, as one has been provided with a concurrent minor site plan application (PL-SPM-2024-0021);
- b. Section 12.08(1) *Property Lines*, to allow for only a partial boundary survey of property lines to be provided where all property lines are normally required;
- c. Section 12.08(23)(d), to not require useable land area calculations;
- d. Section 15.03(2) *Dimensions*, to not require the dimensions and bearings of all existing property lines;
- e. Section 15.03(3) *Tabulations*, to not require lot area, and area of contiguous buildable land calculations for the 68 Shaker Rd parcel (Tax Map Lot 28Z 43);
- f. Section 15.03(11) *Municipal Sewer*, to not require the location, size, rim, and invert elevations of existing and proposed sanitary and storm sewers; and
- g. Section 15.03(13) *Municipal Water Supply*, to not require the location and size of all existing and proposed water mains, including hydrants, gates, valves, and blowoffs.

9.3 **Grant minor subdivision approval** for the lot line adjustment between 68 Shaker Rd (Tax Map Lot 28Z 43) and unaddressed Shaker Rd (Tax Map Lot 411Z 49) in the Medium Density Residential (RM) District, as submitted, 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. The plat shall list all approved variances, waivers, and conditional use permits with the section numbers and description, and date of approval. Any item for which a variance, waiver, or conditional use permit has not been specifically requested and specifically granted shall be shown on the plan set as fully complying with the applicable requirement, standard, detail, or regulation.
  2. Prior to the recording of the plat and as required by Section 12.09 *Electronic Submission* of the Subdivision Regulations, digital information from the plat shall be provided to the City Engineer for incorporation into the City of Concord Geographic Information (GIS) and tax maps. The digital information shall be submitted in a format and media conforming to standards promulgated by the City Engineer. The layers listed in Section 12.09(1) through (8) shall be submitted referencing New Hampshire State Plane Grid Coordinates and shall be based on National American Vertical Datum 1988 (NAVD 88).
  3. Upon notification from the Planning Division that the final plat complies with Planning Board conditions, the Zoning Ordinance, and Subdivision Regulations, the applicant shall deliver to the Planning Division one mylar and one full-size plan set for endorsement by the Planning Board Chair and Clerk and subsequent recording of the mylar at the Merrimack County Registry of Deeds. Per Section 15.02(1) *Licensed Land Surveyor*, the final plat drawings shall contain the signature and stamp of the New Hampshire licensed land surveyor who prepared the plat.
  4. Per Section 13.02(13) *Recording Fees*, the applicant is responsible for submittal of required recording fees.

5. 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.
- (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 4.02, no land shall be subdivided or portions of a lot transferred within the corporate limits of the City, until a subdivision plat for said land has been prepared in accordance with the regulations, approved by the Board, endorsed by the Chair and Clerk of the Planning Board, and filed at the Merrimack County Registry of Deeds.
  3. Per Section 4.03 of the Subdivision Regulations, 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.
  4. Per Section 9.08(10) *Building Permits and Certificates of Occupancy*, in accordance with Section 31.12 *Issuance of Building Permits*, no building permit or certificate of occupancy 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.

Prepared by: ATB