



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

Staff Report for Planning Board

Meeting on May 20, 2026
Project Summary – Minor Subdivision

Project: Condominium Conversion (2026-027)
Property Owner: Eastern Development LLC
Applicant: Ryan Taber, Eastern Development & Annie Kenney, RE-NVST LLC
Property Address: 184 Sewalls Falls Rd
Tax Map Lot: 202Z 21

Determination of Completeness:

Per Section 9.06 *Determination of Completeness* of the Subdivision Regulations, 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, only then shall the Board open the public hearing on said application.

The Planning Division reviewed the application for completeness based upon the criteria of the Subdivision Regulations and concluded that the application contains sufficient information and detail for a full review and action by the Board.

Based upon staff's review of the application, it is recommended 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.**

Project Description:

The applicant is seeking minor subdivision approval for a condominium conversion at 184 Sewalls Falls Rd in the Single-Family Residential (RS) District. The site is identified as Tax Map Lot 202Z 21. The intent of the application is to create a condominium prior to the construction of an approved duplex for the purposes of enabling the sale of the two units individually.

Compliance:

The following analysis of compliance with the Zoning Ordinance and Subdivision Regulations is based on a narrative, submitted April 27, 2026; a 1-sheet Condominium Site Plan, dated April 2026, prepared by Richard Bartlett and Associates LLC, a division of Nobis Engineering; a 7-sheet plan set

of architectural drawings, prepared by Eastern Development and provided in March 2026; and a 30-page Declaration of Condominium for 184 Sewalls Falls Rd submitted on April 27, 2026.

1. Project Details and Zoning Ordinance Compliance:

Zoning District: Single-Family Residential (RS) District
 Existing Use: Vacant lot pending construction of a Duplex
 Proposed Use: Convert future Duplex to Condominium form of ownership

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	12,500 square feet	134,811 square feet
Minimum Buildable Land	6,250 square feet	Not provided
Minimum Lot Frontage	100 feet	320.12 feet
Minimum Front Yard	25 feet	Pending Construction*
Minimum Rear Yard	25 feet	Pending Construction*
Minimum Side Yard	15 feet	Pending Construction*
Maximum Lot Coverage	40%	Pending Construction*

* Duplex not yet constructed, will be built in compliance with requirements based on presented design

2. General Comments:

- 2.1 Unless otherwise noted in this memo, staff has determined that this application is compliant with the City’s land use regulations.
- 2.2 The applicant’s revised plans and information provided after the Board’s April 15 meeting addressed the significant concerns about the preparation of the application without the services of a licensed land surveyor as required by the regulations and state statute. A licensed land surveyor has prepared the revised plans currently before the Board.
- 2.3 The application is subject to the City’s Subdivision Regulations and various NH state laws relative to condominium conversions. Applicable comments relative to compliance with these requirements (including legal review of the condominium documents) are included in the proposed conditions of approval outlined in item 9.2 below.
- 2.4 The Engineering Services Division’s comments are noted in the attached memo to Kearsten O’Brien from Pete Kohalmi, dated May 11, 2026.

3. Subdivision Regulations Determination of Completeness:

The following items from Sections 12, 13, and 15 of the Subdivision Regulations (all of which are components of a determination of completeness) **were provided, however the regulatory requirements were only partially complied with. Provision of these items allows the Board to determine the application complete, and the corrections can be addressed as conditions of approval.**

- 3.1 Per Section 12.03 (5) and Section 12.07, the wetland boundaries are mapped and indicated on the plan, however the NH Certified Wetland Scientist signature and seal are missing from the plan and the date of the wetland delineation is not provided.
- 3.2 Per Section 12.08(23)(c) the impervious surface coverage in square feet and percentage are missing from the plat.
- 3.3 Per Section 15.03(3) the plat does not contain the contiguous buildable land information.

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

- 3.4 Per Section 17.03(1) the floor plans shall be revised/updated to be signed and stamped by a NH Licensed Surveyor, Architect or Professional Engineer.
- 3.5 Per Section 17.03 (2) the standard Planning Board approval block shall be provided on the floor plans.
- 3.6 Per Section 17.04(3) shall comply with the City's requirements and the Engineering Division's comments relative to provision of acceptable means for how the condominium will manage the sanitary sewer service and water service.

4 Variances:

- 4.1 The applicant received a use variance to allow a Duplex dwelling in the RS and RO Districts on September 3, 2025.

5 Waivers:

- 5.1 None requested.

6 Conditional Use Permits:

- 6.1 The applicant received a Conditional Use Permit on August 20, 2025 for the disturbance of the wetland buffer for a residential driveway and utilities.

7 Architectural Design Review:

- 7.1 Not Applicable.

8 Conservation Commission:

- 8.1 No appearances before the Conservation Commission are necessary.

9 Recommendations:

- 9.1 Staff recommends that the Planning Board adopt the findings of fact, which include information provided in staff reports; the applicant's submission materials; testimony provided during the public hearing; and, 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 minor subdivision approval** for the duplex condominium conversion of 184 Sewalls Falls Road, subject to the following precedent and subsequent conditions:

- (a) Precedent Conditions – to be fulfilled within one year and prior to signature of the subdivision plat by the Chair and Clerk of the Planning Board, unless otherwise specified:
1. Revise the subdivision plat as follows:
 - a. Per Section 12.02(4) and Section 15.03(17) the “Planning Board Conditions” note shall be updated with the case number (2026-027) and date of approval (May 20, 2026).
 - b. Per Section 12.03 (5) and Section 12.07 the applicant shall provide the required NH Certified Wetland Scientist signature and seal are and the date of the wetland delineation on the final plat.
 - c. Per Section 12.08(23)(c) the applicant shall provide the proposed impervious surface coverage in square feet and percentage on the plat.
 - d. Per Section 15.02(8) the addresses of the two units shall be labeled as 184 Sewalls Falls Road, Unit 1, and 184 Sewalls Falls Road, Unit 2.
 - e. Per Section 15.03(3) the applicant shall provide the contiguous buildable land information on the plat.
 - f. Per Sections 17.04 and 17.05 the applicant shall revise the plans to indicate that one water and one sewer service from the main lines may serve the duplex in common areas, if the condominium association will be responsible for maintenance, and also with requirement that each unit have a separate sewer and water connection in their respective limited common areas with sewer clean-outs and water valves.
 - g. Note 16 is almost identical to note 9. Please remove.
 2. Revise the Construction and Floor Plans as follows:
 - a. Per Section 17.03(1) the floor plans shall be revised/updated to be signed and stamped by a NH Licensed Surveyor, Architect or Professional Engineer.
 - b. Per Section 17.03 (2) the standard Planning Board approval block shall be provided on the floor plans.
 3. Per Section 17.06 the declaration of condominium and by-laws shall be subject to review and approval by the City Solicitor and the Clerk of the Board, including, but not limited to the following:
 - a. The declaration of condominium shall also be updated to indicate maintenance responsibilities for the water and sewer services, which shall meet the approval of the Planning Board Clerk, Engineering Services Division, and City Solicitor.
 - b. Schedule A—Submitted Land of the Condominium Declaration—For Limited Common Area 2, the last leg of the area should read “...101.00 feet to the point of beginning”.
 4. The plat shall list, describe, and date all approvals, variances, waivers, and conditional use permits received. The application shall also be revised to conform with any denials made by the Board.
 5. 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).

6. Per Section 15.02(12) Registry Requirements, the applicant is responsible for ensuring that the plat, and all condominium documents to be recorded complies with the current standards of the Merrimack County Registry of Deeds
7. Upon notification from the Planning Division that the final condominium documents comply with the Planning Board conditions, the Zoning Ordinance, and Subdivision Regulations, the applicant shall deliver to the Planning Division the final and signed original condominium documents required as part of the subdivision application for recording at the Merrimack County Registry of Deeds.
8. 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, one full-size plan set, and one 11x17 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 and any other licensed professional as required by Section 9.08(7) of the Subdivision Regulations.

(b) Subsequent Conditions – to be fulfilled as specified:

1. Per Section 13.02(13) Recording Fees, the applicant is responsible for submittal of required recording fees.
2. 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.
3. Per Section 17.06 Condominium Declaration and By-Laws, the approved condominium documents shall be considered part of the official approval and shall not be altered to be inconsistent with the recorded plat, without further review and approval by the Board of a revised subdivision application.
4. Utility details were shown on the plan submitted for the Excavation Permits. Those details will need to be adhered to during construction unless otherwise approved by the Engineering Division.
5. Upon completion of the residential units indicated as “Not Yet Begun” on the plat, the applicant shall provide a copy of the final recorded condominium plans indicating the as-built condition per the requirements of the State Condominium Act.
6. 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.



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Michael S. Bezanson, PE
City Engineer

MEMORANDUM

TO: Kearsten O'Brien, Senior Planner
FROM: Pete Kohalmi, PE, Associate Engineer
DATE: May 11, 2026
SUBJECT: Minor Subdivision and Condominium Conversion
Engineering Review
184 Sewalls Falls Road, Map 202Z, Lot 21; City Project 2026-027

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

- Plan prepared by RD Bartlett & Assoc., dated April 23, 2026
- Declaration of Condominium, submitted April 24, 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. Comment addressed.
- b. Comment addressed.
- c. Comment addressed.
- d. **New Comment.** The plan shows one water line and one sewer line coming off the mains to serve the duplex. One water and one sewer service from the main lines may serve the duplex in common areas if the condominium association will be responsible for maintenance. However, each unit will need to have a separate sewer and water connection in their respective limited common areas with sewer clean-outs and water valves.

- e. **New comment:** The addresses of the two units will be 184 Sewalls Falls Road, Unit 1 and 184 Sewalls Falls Road, Unit 2.
- f. **New comment:** Schedule A—Submitted Land of the Condominium Declaration—For Limited Common Area 2, the last leg of the area should read “...101.00 feet to the point of beginning”.
- g. **New comment:** Note 16 is almost identical to note 9. Please remove.
- h. **New comment:** Utility details were shown on the plan submitted for the Excavation Permits. Those details will need to be adhered to during construction unless otherwise approved by the Engineering Division.