



AnneMarie Skinner, AICP  
City Planner

**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 Site Plan and Conditional Use Permits**

Project: Single-Family Dwelling and Home Business (2024-074)  
Property Owner: Aaron Leclerc and Cara Scala  
Applicant: Jones & Beach Engineers, Inc.  
Project Address: Shaker Rd (No assigned address)  
Tax Map Lot: 411Z 49

**Determination of Completeness:**

On October 16, 2024, the applicant submitted a minor site plan application and a conditional use permit application for impact to wetland buffers.

At the applicant's request, the Planning Board voted to continue the determination of completeness for this application from November 20, 2024, to a date certain of January 15, 2025.

On December 20, 2025, the applicant submitted a conditional use permit application for alternative parking arrangements.

At the applicant's request, the Planning Board voted to continue the determination of completeness for this application from January 15, 2025, to a date certain of February 19, 2025.

At the applicant's request, the Planning Board voted to continue the determination of completeness for this application from February 19, 2025, to a date certain of March 19, 2025.

At the applicant's request, the Planning Board voted to continue the determination of completeness for this application from March 19, 2025, to a date certain of April 16, 2025.

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 7.06 *Determination of Completeness* of the Site Plan Regulations, a completed application will contain the required information listed in Section 15 *Minor Site Plan Submittal Requirements* of the Site Plan 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 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 36.14(1) *Determination of Completeness* of the Site Plan 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 Site Plan Regulations and concludes that the criteria for completeness 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 application requests minor site plan approval, and certain waivers from the Site Plan Regulations, to construct a detached workshop building for a home-based business with an accompanying single-family dwelling, and associated site improvements. Additional approval is sought for two conditional use permits: a conditional use permit application for disturbances to wetland buffers to construct the driveway; and, a conditional use permit application for an alternative parking arrangement to defer construction of the five required parking spaces until deemed necessary.

#### **Compliance:**

The following analysis of compliance with the Zoning Ordinance and Site Plan Regulations is based on an 11-sheet plan set dated October 16, 2024, with revisions through April 16, 2025, titled "Minor Site Plan Single-Family Residence & Home Business" prepared by Jones and Beach Engineers, Inc; a 2-page narrative dated October 16, 2024, revised on February 19, 2025, prepared by Jones & Beach Engineers, Inc; a 2-page conditional use permit narrative dated October 16, 2024, prepared by Jones & Beach Engineers, Inc; a 2-page conditional use permit narrative dated December 18, 2024, revised on February 19, prepared by Jones & Beach Engineers, Inc; an undated 36-page waiver request form; a 33-page Wetland Report and Functional Assessment, dated July 8, 2024, prepared by Pond View Wetland Consultants, L.L.C; a 16-page Vernal Pool Report, dated July 8, 2024, prepared by Pond View Wetland Consultants L.L.C; and, a 47-page Erosion and Sediment Control Plan, dated December 18, 2024, revised on February 19, 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: Vacant

Proposed Use: Manufacturing, fabrication, and assembly industries and single-family dwelling

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	40,000 square feet	662,473 square feet
Minimum Buildable Land	20,000 square feet	78,670 square feet
Minimum Lot Frontage	200 feet	454 feet
Minimum Front Yard	25 feet	248+ feet
Minimum Rear Yard	25 feet	100+ feet
Minimum Side Yard	15 feet	27+ feet
Maximum Lot Coverage	20%	4% +/-
Maximum Building Height	35 feet	<35 feet
Off-street Parking	2 (single-family dwelling) plus 5 (manufacturing, fabrication, and assembly industries)	2 single-family spaces and ability to construct the 5 manufacturing spaces at a later date upon conditional use permit approval.

- 1.1 Per Section 29.2-1-2(a)(1) of the Zoning Ordinance, any person or entity which seeks to undertake new development within the City of Concord, shall pay impact fees to the City in the manner and in the amounts set forth in the ordinance. Per Section 29.2-1-2(e)(1) of the Zoning Ordinance, an applicant may apply for a waiver of all or part of the impact fees that are payable with respect to new development or redevelopment. Per Section 29.2-1-2(e)(4)(a) of the Zoning Ordinance, an applicant for the development of permitted nonresidential uses shall qualify for a waiver of the transportation facilities impact fees. The Clerk determines the impact fee at the time of building permit application. Staff notes that the waiver was requested on **December 18, 2024**, and this issue is considered resolved.
- 1.2 Staff notes that Shaker Rd was paved in 2021 from Mountain Rd to Snow Pond Rd and is subject to the practices and procedures of Section 5-1-4 *Permit Required to Excavate in or Open a Public Way*, and Section 5-1-4(d) *Protection of streets* of the Concord Code of Ordinances, as well as the City's 2009 Street Excavation Regulations. Mountain Rd is currently subject to a 5-year street excavation moratorium. However, to the extent this property will rely upon public or private utilities located within Mountain Rd, the property would be eligible for associated excavation and utility connection permits in accordance with 1.d under "Protection of Streets" within the City's 2009 Street Excavation Regulations. The applicant is, however, required to comply with special provisions regarding street damage fees as well as pavement reconstruction requirements.
- 1.3 Staff determined that the application as submitted conforms with the Zoning Ordinance.

**2. Comments:**

- 2.1 Section 2.02 states that public and private improvements shall conform to the proposals shown in the Master Plan and Official Map of the City, and the Site Plan Regulations supplement and facilitate the enforcement of the provisions and standards contained in the building and housing codes, health codes, and zoning ordinances.
- 2.2 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. As identified in Section 1.3 of this staff report, staff determined the application is conforming with the Zoning Ordinance.
- 2.3 Per Section 6.03(1) *Minor Site Plan*, the site plan application phase for minor site plans consists of the receipt of a complete site plan application; review of site plan drawings, construction plans, supporting studies and reports, and legal documents; and, consideration and action on the site plan.
- 2.4 Per Section 7.08(6) *Public Improvements*, the Planning Board may require that all public improvements be installed and dedicated prior to the issuance of a Certificate of Occupancy for a site plan. If the Planning Board requires the construction or installation of public improvements, then a financial guarantee shall be provided to secure the installation of the public improvements. Financial guarantees shall be provided in accordance with the requirements of Section 30 *Financial Guarantees* of the Subdivision Regulations, the amount of the guarantee shall be determined by the City Engineer, and the form and sufficiency shall be satisfactory to the City Solicitor.
- 2.5 Section 12.01 *Research* states that applicants shall familiarize themselves with all city, state, and federal regulations relative to zoning, site plan design and approval, 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.
- 2.6 The Engineering Services Division reviewed the application and had the following general comments.
  - a. The project requires the following state and/or federal permits:
    - EPA Notice of Intent, General Construction Permit and accompanying SWPPP (if area of disturbance is over 1 acre)
    - NHDES Alteration of Terrain (if disturbance is over 100,000 square feet)
    - NHDES Subsurface
  - b. Prior to the start of construction, the following permits may need to be obtained from the Engineering Services Division:
    1. Excavation Permit
    2. Driveway Permit
    3. Utility Connection Permits
    4. Other permits deemed necessary by the City Engineer
  - c. Prior to the start of construction or issuance of a building permit, a pre-construction meeting is required, unless otherwise waived by the City Engineer. Prior to the scheduling of a pre-construction meeting, the applicant shall contact Engineering Division for the pre-construction checklist. A pre-construction meeting shall not be scheduled all pre-construction checklist items have been provided to the satisfaction of the City Engineer and City Clerk.

- 2.7 The Fire Department performed a review of this application and has no new comments. Previous comments are no longer applicable as the box culvert has been removed from the plan.
- 2.8 The General Services Department performed a review of this application and commented that there is an ongoing drainage issue from the Bainbridge Dr/Style Dr development. The water from the retention area flows westerly towards Shaker Rd, crossing under Shaker Rd through a 15-inch reinforced concrete pipe and outlets onto the Murray property at 102 Mountain Rd causing significant flooding on the property.
- 2.9 The Assessing Department performed a review of this application and provided no new comments, but noted that previous comments pertaining to lot 49 have been addressed.

### 3. Compliance with Site Plan Regulations:

**The following items from Sections 12, 13.01, 15, 16.02, and/or 16.03 of the Site Plan 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, 13.01, 15, 16.02, and/or 16.03 of the Site Plan 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 Section 13.01(6) *State and Federal Permits* states a copy of any application made to a state or federal agency required for the approval of this site plan, including those required for the development of off-site improvements, is required for all site plan applications and shall be submitted with the application materials. A copy of the septic design permit shall be submitted prior to final approval.
- 3.3 Section 18.22 *Grades* requires slopes of parking spaces shall not exceed 5% in any direction. Sheet C3.1 *Grading and Drainage Plan* shall be revised as follows: show the location of the proposed future 5 parking spaces; grading, compliant with this section shall be provided, and as part of the construction of the workshop; and, spot elevations shall be provided demonstrating compliance and constructability of the parking spaces.
- 3.4 Section 19.01 *Compliance with Zoning Regulations* requires all driveways and common private driveways shall be constructed as set forth in Article 28-7, *Access, Circulation and Parking* of the City of Concord Zoning Ordinance, and the City of Concord Construction Standards and Details. City of Concord Construction Standard D-9 Rural Residential Drive, and the Rural Residential driveway detail provided on sheet D-1 requires driveway culvert material to be SDR-35 PVC, Reinforced Concrete Pipe (RCP), or Ductile Iron (DI). The culvert material shown on Sheets C3.1 – Grading and Drainage Plan and P1 Driveway Plan & Profile show the culvert material has HDPE and shall be revised accordingly.
- 3.5 Section 24.09 *State and Federal Permits* states the applicant shall obtain State and Federal sanitary sewer permits where required. The applicant shall conform to the requirements and conditions of all State and Federal permits, in addition to the requirements contained herein. Prior to final approval, the applicant shall provide the copy of any State or Federal permit required for sanitary sewer disposal means.
- 3.6 Section 27.09 *Erosion Control* requires all disturbed areas shall be restored pursuant to the City of Concord Construction Standards and Details, the State of New Hampshire Department of

Environmental Protection (DES) regulations, and the US Environmental Protection Agency's NPDES (National Pollution Discharge Elimination System) requirements.

Specifically, staff notes that the proposed seed mixture "C" of the Seeding Guide on sheet E1 is not compliant with the NH DOT Park Seed Type 15 required per Section 7.02.A.2 *Seed* of the City Construction Standards and Details. The applicant shall revise the proposed seed mixture to be compliant with City Standards, or show that the provided seed mix conforms or exceeds the requirements of.

3.7 The Engineering Services Division notes the following items shall be addressed:

- a. The 120-foot, 12-inch HDPE driveway culvert was analyzed in HydroCAD; however additional capacity analysis pursuant to Section 15.04(14) *Drainage and Erosion Control* of the Site Plan Regulations shall be provided for the following stormwater pipes: the 13-foot, 8-inch high-density polyethylene (HDPE) pipe from infiltration pond 1; the two 15-foot, 6-inch HDPE outlet pipes from infiltration pond 2; the 35-foot, 12-inch HDPE driveway culvert in the public right-of-way; and, the existing 18-inch reinforced concrete pipe (RCP) culvert crossing under Shaker Rd.
- b. Test pits in both infiltration ponds 1 and 2 shall be included pursuant to Section 22.07(2) *Storm Water Recharge*.
- c. The drainage analysis does not provide the calculations showing how the 3 in/hr. infiltration rate for infiltration ponds 1 and 2 was calculated using Ksat rates from test pits and shall be included to determine compliance with Section 22.07(2) *Stormwater Recharge*.
- d. The length and slope of the existing 18-inch RCP stormwater pipe shall be provided on sheets C2.1 and C3.1, pursuant to Section 16.02(12) *Grading and Drainage Plan*.
- e. The HydroCAD used as part of the stormwater analysis used 6-inch and 8-inch CPP outlet pipes with headwalls in the infiltration pond; however, Sheet C3.1 shows the outlet pipes as HDPE and Sheet D1, Infiltration Pond Detail, shows these pipes outletting without a headwall. The HydroCAD and plan sheets shall be revised to be compliant with Section 16.02(12) *Grading and Drainage Plan*.
- f. The NHDES Infiltration Practice Criteria for Pond 1 shows a depth-to-seasonal high-water table (SHWT) and to bedrock of 4 feet; however, the test pits on Sheet C3.1 show an estimated SHWT of 30 inches to 36 inches (2.5 feet to 3 feet) and do not show a depth to bedrock. The SHWT depths shall be revised to match and show how the depth to bedrock was calculated pursuant to Section 15.04(14) *Drainage & Erosion Control* of the Site Plan Regulations. Additionally, a volume of 2,865cubicfeet is shown on Sheet C3.1, but on the Table Stage-Area Storage for Pond 1, 2,776cubicfeet is shown. These values shall be revised to be compliant with Section 16.02(12) *Grading and Drainage Plan*, Section 22 *Stormwater Management*, and Concord Construction Standards and Details.
- g. The NHDES Infiltration Practice Criteria for Pond 2 shows a depth to SHWT of 1.25feet and a separation from bedrock of 1.3feet. Calculations showing how these depths were calculated shall be provided pursuant to Section 16.02(12) *Grading and Drainage Plan*, Section 22 *Stormwater Management*, and Concord Construction Standards and Details.
- h. Although the title of the report is "Drainage Analysis/Erosion Control Plan", no erosion control plan is found. For accuracy and to prevent confusion, title shall be revised if no erosion control plan will be included.

- i. A “septic drain field” label shall be added to the 4k area provided, pursuant to Section 24.08 *Non-Municipal Sanitary Sewage Disposal*.
- j. Note 8 on sheet C3-1 shall be revised to state “All drainage pipe located outside of the public right-of-way shall be non-perforated ADS N-12 or approved equal.”
- k. On sheet C3-1, stormwater pipe material in the public right-of-way shall be RCP, PVC, or DI pursuant to Section 6(2)(b)(3)(a) and Detail D-9 of the Concord Construction Standards and Details. The culvert material in the public right-of-way shall be revised from HDPE to RCP, PVC, or DI accordingly. The slope on the callout shall be corrected from 0.10 to 0.01.
- l. On sheet P1, a legend shall be included identifying all provided hatchings, including for the septic system.
- m. On Sheet D1, the woven wire fabric shown in the concrete pad detail shall be revised to have “6”x”6 W2.9xW2.9” pursuant to Section (3)(2)(D)(3) of the Concord Construction Standards and Details.
- n. On Sheets C2.1 and D1, the Cape Cod berm shown on the plan and provided details shall be removed and replaced with either sloped or vertical granite curb pursuant to Section 3(2)(C) and Details C-1 or C-2 of the Concord Construction Standards and Details, and Section 19.01 *Compliance with Zoning Regulations* which states all driveways and common private driveways shall be constructed as set forth in the Concord Construction Standards and Details.
- o. On Sheet D1, the drainage trench detail shall be replaced with or made to meet or exceed the requirements provided in details SD-1 *Storm Drain Trench* and R-15 *Trench Restoration* of the Concord Construction Standards and Details.
- p. On Sheet E1, Temporary Erosion Control Note (6) shall be revised to state all areas shall be stabilized within 21 days of initial disturbance pursuant to Section 27.09(2) *Disturbed Areas*. Ensure all the information required by Section 27.09 *Erosion Control* is included in this notes section.
- q. On Sheet E1, the stabilized construction entrance detail shall be revised to require mountable berm where grade exceeds 2% pursuant to Concord Construction Detail E-1. Additionally, note 6 shall be revised to remove the sentence beginning with “If piping is impractical...” to match Concord Construction Detail E-1.

**4. Variances:**

- 4.1 At the meeting held on May 8, 2024, the Zoning Board of Adjustment granted the applicant’s requested variance from Section 28-2-4(j)(L)(1) *Table of Principal Uses* of the Zoning Ordinance to allow two principal uses on a lot, to construct a single-family dwelling (allowed use) as well as a “manufacturing, fabrication, and assembly industries” use on a lot within the Medium Density Residential District (RM) at property located at Shaker Road (Map 411Z, lot 49) with the condition that the applicant meet the criteria of a major home occupation, except for Section 29-5-30(c)(2).

**5. Waivers:**

- 5.1 The applicant requests waivers from the following sections of the Site Plan Regulations:

- a. Section 15.04(15) *Landscape Plan*, to not provide a landscape plan, or landscaping approved by a NH licensed landscape architect;

- b. Section 23.02 *Municipal Water System*, to not extend the municipal water system nor provide municipal water service to the project parcel which is located within 1,500 feet of an existing municipal water main;
- c. Section 24.02 *Municipal Sewer System*, to not extend the municipal sanitary sewer system, nor provide municipal sanitary sewer service to the project parcel which is located within 1,500 feet of an existing municipal sanitary sewer main;
- d. Section 15.04(13) *Municipal Sewer*, to not provide the location, size and invert elevations of existing and proposed sanitary sewers;
- e. Section 15.04(17) *Municipal Water Supply*, to not provide the location and size of any existing and proposed water mains and service connections.
- f. Section 21.02 *Sidewalks Required*, to not require sidewalks adjacent to the site along projects on city streets within the Urban Growth Boundary;
- g. Section 21.03 *Connection to Public Sidewalks*, to not require sidewalk connections to be made from a public street or sidewalk to non-residential building(s) on site;
- h. Section 23.07 *Non-municipal Water Supply*, to not require each dwelling unit or each principal non-residential use be provided with its own individual well for potable water supply;
- i. Section 24.08 *Non-municipal Sanitary Sewage Disposal*, to not require each dwelling unit or each principal non-residential use not served by the municipal sanitary sewer system be provided with its own individual waste disposal system;
- j. Section 25.02(1) *Underground Utilities*, to not require all utility facilities to be located underground throughout the proposed development and allow for the power and telecom within the Shaker Rd public right-of-way to be installed overhead;
- k. Section 22.07(3) *Storm Water Design Standards for Site Storm Water Design Standards for Site Plans with Significant Impact*, to allow off-site flows to exceed pre-development conditions for both the peak and the volume; and
- l. Section 22.07(2) *Storm Water Recharge*, to not require a minimum separation of 4 feet to be maintained between the bottom of infiltration systems and the groundwater.

The applicant provided an analysis of the five waiver criteria listed in Section 36.08 of the Site Plan Regulations, and the criteria in RSA

**Staff reviewed the evidence submitted and supports the waiver requests in Item 5.1(a) through 5.1(j) and 5.1(l)**

**Staff reviewed the evidence submitted and does not support the waiver request in Item 4.1(k), noting that the materials provided do not show compliance with either RSA 674:44(III)(e) or Section 36.08 of the Site Plan Regulations.**

**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 a permanent impact of 4,550 square feet of wetland buffer to allow for driveway and utility access to the buildable portion of the lot.
- 6.2 The applicant requests approval for a conditional use permit in accordance with Section 28-7-11(b) *Construction of Fewer Parking Spaces* of the Zoning Ordinance, to allow for deferral of the required five required parking spaces until such a time when the spaces may be required.

**7. Architectural Design Review:**



7.1 No architectural design review is required for a minor site plan in a non-performance district.

**8. Conservation Commission:**

8.1 The applicant appeared before the Conservation Commission on November 13, 2024. The applicant indicated they would be continuing their application and no recommendation to the Planning Board was made.

The applicant reappeared before the Conservation Commission on January 7, 2025. The Conservation Commission recommended approval of the conditional use permit application for disturbances to wetland buffer as submitted, with the suggestion that the applicant contact the abutter about use of the abutter's property for installation of the driveway to minimize impact to the wetland and wetland buffer.

**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 Site Plan Regulations, based on the evidence provided showing that the criteria of RSA 674(III)(e) and Section 36.08 of the Site Plan Regulations are met:

- a. Section 15.04(15) *Landscape Plan*, to not provide a landscape plan, or landscaping approved by a NH licensed landscape architect;
- b. Section 23.02 *Municipal Water System*, to not extend the municipal water system nor provide municipal water service to the project parcel which is located within fifteen hundred feet of an existing municipal water main;
- c. Section 24.02 *Municipal Sewer System*, to not extend the municipal sanitary sewer system, nor provide municipal sanitary sewer service to the project parcel which is located within fifteen hundred feet of an existing municipal sanitary sewer main;
- d. Section 15.04(13) *Municipal Sewer*, to not provide the location, size and invert elevations of existing and proposed sanitary sewers;
- e. Section 15.04(17) *Municipal Water Supply*, to not provide the location and size of any existing and proposed water mains and service connections.
- f. Section 21.02 *Sidewalks Required*, to not require sidewalks adjacent to the site along projects on city streets within the Urban Growth Boundary;
- g. Section 21.03 *Connection to Public Sidewalks*, to not require sidewalk connections to be made from a public street or sidewalk to non-residential building(s) on site;
- h. Section 23.07 *Non-municipal Water Supply*, to not require each dwelling unit or each principal non-residential use be provided with its own individual well for potable water supply;
- i. Section 24.08 *Non-municipal Sanitary Sewage Disposal*, to not require each dwelling unit or each principal non-residential use not served by the municipal sanitary sewer system be provided with its own individual waste disposal system;
- j. Section 25.02(1) *Underground Utilities*, to not require all utility facilities to be located underground throughout the proposed development and allow for the power and telecom within the Shaker Rd public right-of-way to be installed overhead; and

- k. Section 22.07(2) *Storm Water Recharge*, to not require a minimum separation of 4 feet to be maintained between the bottom of infiltration systems and the groundwater.
- 9.3 **Deny the waiver request below** from the listed section of the Site Plan Regulations, because the request does not meet the criteria of RSA 674:44(III)(e), or Section 36.08 of the Site Plan Regulations. Specifically, granting of this waiver could be detrimental to the public safety, health, or welfare or injurious to other property.
- a. Section 22.07(3) *Storm Water Design Standards for Site Plans with Significant Impact Storm Off-Site Flows*, to allow off-site flows to exceed pre-development conditions for both the peak and the volume.
- 9.4 **Grant the conditional use permit** for Section 28-4-3(d) *Conditional Use Permits Required for Certain Disturbance of Wetland Buffers* of the Zoning Ordinance, to allow for a permanent impact to 4,550 square feet of wetland buffer to allow for driveway and utility access to the buildable portion of the lot at Tax Map Lot 411Z 49, 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.
- 9.5 **Grant the conditional use permit** for Section 28-7-11(b) *Construction of Fewer Parking Spaces* of the Zoning Ordinance, to allow for the deferral of the required five required parking spaces associated with the manufacturing business at Tax Map Lot 411Z 49 until such a time when the spaces may be required, because all of the criteria of Section 28-9-4(b)(4)(a) through (g) have been met.
- 9.6 **Grant minor site plan approval** for the construction of a detached workshop building for a home-based business with an accompanying single-family dwelling, and associated site improvements at Tax Map Lot 411Z 49 on Shaker Road.
- (a) Precedent Conditions** – Per Section 7.08(9) *Expiration of Approval*, approved site plans shall meet all precedent conditions and obtain the signature of the Chair and Clerk of the Planning Board within one year of the date of the Planning Board meeting where conditional final approval was granted; otherwise said plans shall be null and void. Precedent conditions are as follows:
- 1. Revise the plan set to show full compliance with the Concord Municipal Code, Site Plan Regulations, and Concord Construction Standards and Details, including but not limited to, the following:
    - a. Per Section 13.01(6) *State and Federal Permits* and Section 24.09 *State and Federal Permits*, a copy of the Septic Design permit, and any other required state or federal permits shall be submitted prior to final approval;
    - b. Per Section 18.22 *Grades*, Sheet C3.1 *Grading and Drainage Plan* shall be revised as follows: show the location of the proposed future 5 parking spaces; grading, compliant with this section shall be provided, and conducted as part of the construction of the workshop; and, spot elevations shall be provided demonstrating compliance and constructability of the parking spaces;
    - c. Per Section 19.01 *Compliance with Zoning Regulations*, the driveway culvert material along Shaker Road shall be SDR-35 PVC, Reinforced Concrete Pipe (RCP), or Ductile Iron (DI) for compliance with City Detail D-9 *Rural Residential Drive*. Sheets C3.1 *Grading and Drainage* and P1 *Driveway Plan & Profile* shall be revised accordingly; and
    - d. Per Section 27.09 *Erosion Control*, the applicant shall revise the proposed seed mixture (proposed seed mixture “C” of the Seeding Guide on Sheet E1) to either meet, or exceed the requirements of Section 7.02.A.2 Seed of the City of Concord Construction Standards and Detail.

2. Revise the plan set to show full compliance with the Concord Municipal Code, Site Plan Regulations, and Concord Construction Standards and Details, including, but not limited to the following Engineering Services Division items:
  - a. Per Section 16.02(12) *Grading and Drainage Plan*, additional capacity analysis shall be provided for the following stormwater pipes: the 13-foot, 8-inch high-density polyethylene (HDPE) pipe from infiltration pond 1; the two 15-foot, 6-inch HDPE outlet pipes from infiltration pond 2; the 35-foot, 12-inch HDPE driveway culvert in the public right-of-way; and, the existing 18-inch reinforced concrete pipe (RCP) culvert crossing under Shaker Rd.
  - b. Per Section 22.07(2) *Stormwater Recharge*, test pits in both infiltration ponds 1 and 2 shall be included to determine compliance with this section of the Site Plan Regulations.
  - c. Per 22.07(2) *Stormwater Recharge*, calculations showing how the 3 in/hr. infiltration rate for infiltration ponds 1 and 2 was calculated using Ksat rates from test pits and shall be included in the drainage analysis to determine compliance with this section.
  - d. Per Section 16.02(12) *Grading and Drainage Plan*, the length and slope of the existing 18-inch RCP stormwater pipe shall be provided on sheets C2.1 and C3.1.
  - e. Per Section 16.02(12) *Grading and Drainage Plan*, the HydroCAD and plan sheets do not provide consistent outlet pipe size and materials and shall be revised accordingly. The HydroCAD used as part of the stormwater analysis used 6-inch and 8-inch CPP outlet pipes with headwalls in the infiltration pond; however, Sheet C3.1 shows the outlet pipes as HDPE and Sheet D1, Infiltration Pond Detail, shows these pipes outletting without a headwall.
  - f. Per Section 16.02(12) *Grading and Drainage Plan*, the SHWT depths shall be revised to match and show how the depth to bedrock was calculated. The NHDES Infiltration Practice Criteria for Pond 1 shows a depth-to-seasonal high-water table (SHWT) and to bedrock of 4 feet; however, the test pits on Sheet C3.1 show an estimated SHWT of 30 inches to 36 inches (2.5 feet to 3 feet) and do not show a depth to bedrock. Additionally, a volume of 2,865 cubic feet is shown on Sheet C3.1, but on the Table Stage-Area Storage for Pond 1, 2,776 cubic feet is shown. These values shall be revised to be compliant with Section 16.02(12) *Grading and Drainage Plan*, Section 22 *Stormwater Management*, and Concord Construction Standards and Details.
  - g. Per Section 16.02(12) *Grading and Drainage Plan*, calculations showing how the depth to SHWT and bedrock for Pond 2 shall be provided. The NHDES Infiltration Practice Criteria for Pond 2 shows a depth to SHWT of 1.25 feet and a separation from bedrock of 1.3 feet.
  - h. Although the title of the report is “Drainage Analysis/Erosion Control Plan”, no erosion control plan is found. For accuracy and to prevent confusion, title shall be revised if no erosion control plan will be included.
  - i. Per Section 24.08 *Non-Municipal Sanitary Sewage Disposal*, a “septic drain field” label shall be added to the 4k area provided.
  - j. Per Section 22.02 *Construction Standards*, Note 8 on sheet C3-1 shall be revised to state “All drainage pipe located outside of the public right-of-way shall be non-perforated ADS N-12 or approved equal.”
  - k. Per Section 22.02 *Construction Standards*, the culvert material in the public right-of-way shall be revised from HDPE to RCP, PVC, or DI accordingly, pursuant to Section 6(2)(b)(3)(a) and Detail D-9 of the Concord Construction Standards and Details. Additionally, the slope on the callout on sheet C3-1 shall be corrected from 0.10 to 0.01

- l. Per Section 15.04(16) *Septic Systems*, a legend shall be included on sheet P-1 identifying all provided hatchings, including for the septic system.
  - m. Per Section 19.01 *Compliance with Zoning Regulations*, the woven wire fabric shown in the concrete pad detail on sheet D-1 shall be revised to have “6”x”6 W2.9xW2.9” pursuant to Section (3)(2)(D)(3) of the Concord Construction Standards and Details.
  - n. Per Section 19.01 *Compliance with Zoning Regulations*, the Cape Cod Berm shown on the plan and provided details (Sheets C2.1 and D1) shall be removed and replaced with either sloped or vertical granite curb pursuant to Section 3(2)(C) and Details C-1 or C-2 of the Concord Construction Standards and Details,
  - o. Per Section 22.02 *Construction Standards*, the drainage trench detail on sheet D-1 shall be replaced with, or made to meet or exceed the requirements provided in details SD-1 *Storm Drain Trench* and R-15 *Trench Restoration* of the Concord Construction Standards and Details.
  - p. Per Section 27.09(2) *Disturbed Areas*, temporary erosion control Note (6) on sheet E1 shall be revised to state all areas shall be stabilized within 21 days of initial disturbance. Ensure all the information required by Section 27.09 *Erosion Control* is included in this notes section.
  - q. Per Section 27.09 *Erosion Control*, the stabilized construction entrance detail on sheet E1 shall be revised to require mountable berm where grade exceeds 2% pursuant to Concord Construction Detail E-1. Additionally, note 6 shall be revised to remove the sentence beginning with “If piping is impractical...” to match Concord Construction Detail E-1.
  3. Either the cover sheet or the site plan sheet 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.
  4. Upon notification from the Planning Division that the plan set complies with Planning Board conditions, the Zoning Ordinance, Site Plan Regulations, and Concord Construction Standards and Details, the applicant shall deliver to the Planning Division two full-size plan sets for endorsement by the Planning Board Chair and Clerk. The plan sets shall contain the signature and seal of the appropriate licensed professionals as outlined in the Site Plan Regulations.
  5. Prior to final approval, the accompanying minor subdivision application (PL-MIS-2025-0035) for the lot line adjustment between Tax Map Lot 411Z 49 and 68 Shaker Road shall receive final Planning Board approval and shall be recorded with the Merrimack County Registry of Deeds, along with revised property deeds memorializing the permanent property line adjustment.
- (b) Subsequent Conditions** – to be fulfilled as specified:
1. This approval notwithstanding, the applicant is responsible for full knowledge of, and compliance with, the Concord Municipal code, Site Plan Regulations, and Concord Construction Standards and Details for the project, unless a variance, waiver, or conditional use permit is specifically requested and granted.
  2. Per Section 7.08(7) *Building Permits and Certificates of Occupancy*, no building permit shall be issued where site plan approval is required until the site plan has been approved by the Planning Board, and the pre-construction conditions of approval have been satisfactorily addressed as determined by the Clerk of the Planning Board. No certificate of occupancy shall be issued until all public and private improvements have been

completed, and all conditions of a site plan approval established by the Planning Board have been satisfactorily addressed as determined by the Clerk of the Planning Board.

3. Per Section 7.08(8) *Change of Use*, no change of use approved by the Planning Board shall be allowed to commence operation on a property or within a building without being in full compliance with the approved site plan, architectural design review approval, and any applicable conditional use permits.
4. Per Section 27.07(8) *Maintenance* the applicant or their successors shall be responsible for the regular maintenance of all plantings and other landscape features. Plant materials shall be maintained alive, healthy, and free from pests and disease. Tree stakes and guys shall be removed after the first growing season.
5. Per Section 27.11 *Site Stabilization Guarantee* a site stabilization guarantee shall be provided to ensure the site is properly stabilized. The guarantee shall be in a form of a cash deposit or a letter of credit from a New Hampshire bank. The City Engineer may call said financial guarantee, and stabilize a disturbed site if, upon notice, the applicant has not stabilized or restored the site.
6. Per Section 36.02 *Conditions* the applicant has the duty to comply with the approved site plan and any reasonable conditions set forth by the Planning Board for design, dedication, improvement, and restrictive use of the land.
7. Per 36.15 *Compliance with Regulations* no site construction, or change of use of land, shall occur in violation of the Site Plan Regulations and the Zoning Ordinance. No building permits may be issued for any building, structure, site improvement, or change of use prior to site plan approval and the satisfactory completion of any pre-construction conditions of Planning Board approval. The Clerk shall not approve any certificate of occupancy, nor shall any use of a building or site commence, unless the proposed improvements, and the proposed use of land or buildings, is found to comply with the approved site plan and the conditions of Planning Board approval.
8. Per 36.24 *Inspections* the Community Development Department shall be responsible for inspecting the site plan improvements for conformity with the approved plans and conditions of Planning Board approval. The City may assess the application for all or a portion of the cost, including overhead, of the necessary inspections. No certificate of occupancy shall be issued until the development has been completed according to the approved plans.
9. Per Section 36.25 *As-Built Plans* the applicant's engineer or surveyor shall submit to the City Engineer a detailed as-built survey for all site plans showing the location of buildings, structures, utilities, parking and loading areas, driveways and access, as well as for any public improvement required by the City Engineer. The as-built survey shall also be submitted in digital format and media conforming to the Engineering Division's as-built checklist.

Prepared by: ATB