



Heather Shank  
City Planner

# CITY OF CONCORD

*New Hampshire's Main Street™*  
**Community Development Department**

## Planning Board

October 16, 2019

### Project Summary – Minor Subdivision

Project: MDR Rehab & Development – Minor Subdivision Application (2019-49)  
Property Owners: MDR Rehab & Development, LLC  
Address: 64 Elm Street  
Map/Block/Lot: 141P/21

#### **Determination of Completeness:**

Determine the application complete and open the public hearing. As part of the motion, **indicate that the project meets the criteria for a Development of Regional Impact (DRI)**, per RSA 36:55, due to the proximity of the development to the Boscawen municipal boundary.

#### **Project Description:**

The applicant is proposing to subdivide a 0.68 ac lot into 2 lots consisting of 0.344 ac and 0.336 ac for single family residences with frontage on Elm Street and Chandler Street.

#### **Project Details:**

Zoning:	Neighborhood Residential (RN) District	
Existing Use:	Single Family Residence	
Lot Area Required:	10,000 sf (15,000 sf for duplex)	
Existing Lot Size:	29,610 sf (0.68 ac)	
Lot Area Proposed:	<b>Lot 21:</b> 14,593 sf (0.335 ac)	<b>New Lot 1:</b> 15,017 sf (0.345 ac)
Lot Frontage Required:	80' (120' for duplex)	
Lot Frontage Proposed:	<b>Lot 21:</b> 136.3' on Elm St. 110.01' on Chandler St.	<b>New Lot 1:</b> 122.38' on Elm St.
Building Setbacks Required:	15' front, 25' rear, 10' side	
Building Setbacks Proposed:	15' front, 25' rear, 10' side	

#### **1. General Comments**

- 1.1 The following comments pertain to a 2 sheet subdivision and topographic plan set prepared for MDR Rehab & Development, LLC, located at: 64 Elm Street, Penacook, New Hampshire, prepared by S&H Land Services, LLC, dated August 13, 2019, revised September 17, 2019.

- 1.2 The Engineering Division has reviewed the plans; all of their previous comments were addressed.
- 1.3 A portion of the lot is located within the Boscawen Town administrative boundary. This application requires Boscawen Planning Board approval and signature. The applicant went before the Boscawen Planning Board at their October 1, 2019 meeting. The Board conditionally approved the subdivision subject to approval of the Concord Planning Board.
- 1.4 The Applicant is responsible for insuring that all plans to be recorded are in compliance with the current standards of the Merrimack County Registry of Deeds.
- 1.5 The applicant has requested the following waivers:
  - Section 19.05(4) *Useable Lot Area Rectangle* of the Subdivision Regulations to permit the useable area land area on New Lot 1 to have a non-rectangular shape. The useable area provided is 8,085 sf where 7,500 sf is required and the useable land area is only slightly irregular. Therefore, staff supports the waiver request;
  - Section 24.07 *Requirements and Design Standards for Municipal Water Supply in portions of Penacook*, to not submit a plan prepared, signed and sealed by a NH Licensed Professional Engineering for the proposed water service. At this time, the applicant does not know where a new house will be located, or what the water requirements will be. The Penacook/Boscawen Water Precinct provided a letter indicating that they can provide water service to the proposed subdivided property; however, an application for the service is required prior to construction. The Precinct requires an engineered plan as part of their application and approval process. Based on feedback from the Penacook/Boscawen Water Precinct, Staff supports this request with the condition that the applicant receive approval from the Precinct prior to the issuance of a building permit.

## 2. Recommendations

- 2.1 **Grant the following waiver requests** using the criteria of RSA 674:44 III(e)(1) as guidance, indicating that strict conformity would pose an unnecessary hardship to the applicant and the waiver would not be contrary to the spirit and intent of the regulations.
  - Section 19.05(4) *Useable Lot Area Rectangle*, to allow for the useable land area to be non-standard shape.
  - Section 24.07 *Requirements and Design Standards for Municipal Water Supply in portions of Penacook*, to not submit a plan prepared, signed and sealed by a NH Licensed Professional Engineering for the proposed water service, with the condition that the applicant receive approval from the Penacook/Boscawen Water Precinct prior to the issuance of a building permit.
- 2.2 **Grant Minor Subdivision approval** for the two lot subdivision at 64 Elm Street, subject to the following conditions to be fulfilled within one year and prior to endorsement of the final plan by the Planning Board Chairman and Clerk, unless otherwise specified:
  - 1) Applicant shall add the following notes to the plan: “Prior to the issuance of a Building Permit, the Penacook/Boscawen Water precinct shall approve the application for the new water service”, and “Per City of Concord regulations, if a duplex is constructed, two separate water lines will be required to service the duplex.”

- 2) The monumentation for the proposed lot lines shall be set prior to recording.
- 3) The final plat shall be signed by the Town of Boscawen Planning Board Clerk and Chair.
- 4) Prior to the final plat being signed by the Planning Board Chair and Clerk, digital information shall be provided to the City Engineer for incorporation into the City of Concord Geographic Information System (GIS) and tax maps. The information shall be submitted in accordance with Section 12.09 of the Subdivision Regulations.
- 5) The Applicant shall submit two checks for recording the plan at the Merrimack County Registry of Deeds (including a separate check in the amount of \$25.00 for the LCHIP fee). Both checks are to be made payable to the Merrimack County Registry of Deeds.
- 6) The Applicant shall deliver to Planning, two (2) plan set(s) and one (1) mylar(s) for endorsement by the Planning Board Chairman & Clerk and recording at the Registry of Deeds.

Prepared by: BAF

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David Cedarholm, PE  
City Engineer

**MEMORANDUM**

**TO:** Beth Fenstermacher, Assistant City Planner  
**FROM:** Bryant A. Anderson, PE  
**DATE:** September 26, 2019  
**SUBJECT:** Plan Review (2), Proposed Subdivision, MDR Rehab & Development, LLC;  
Map 141P, Lot 21; (2019-49)

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

- *Subdivision Plan*, Tax Map 141, Lot P21, MDR Rehab & Development, LLC, 64 Elm Street, Penacook, New Hampshire, prepared by S&H Land Services, dated August 13, 2019 (revised thru 9/17/2019).
- *Comment Response Letter*, Robert Degan (S&H Land Services) to Heather Shank (City Planner), dated September 18, 2019.

As a supplement to any comments offered by the Planning Division, Engineering offers the following design related comments. **With subsequent submissions, the applicant should provide a response letter that acknowledges/addresses each of these comments.**

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Note: Engineering has previously reviewed this project and has submitted comments to the Planning Division in a memorandum dated September 6, 2019. Comments from our previous memorandum that have not been addressed are included and noted in the comments below.

**General Comments**

1. The applicant has addressed all of the comments in Engineering's previous review memorandum.

**Post-Approval/Pre-Construction Items**

The following items will need to occur prior to the start of construction (unless otherwise noted).

1. The monumentation for the proposed lot lines will need to be set (prior to recording the plan).

*Engineering Services*  
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