



Heather Shank  
City Planner

# CITY OF CONCORD

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

## Planning Board

July 21, 2021

### Project Summary – Major Subdivision

Project: Josiah Bartlett Road – Major Subdivision (2021-12)  
Property Owners: KRJ Finance, LLC  
Address: 462 Josiah Bartlett Road  
Map/Block/Lot: 44-Z37

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

The application was determined complete at the May 19, 2021 Planning Board meeting. Staff recommends opening the public hearing.

#### **Project Description:**

Following a three-lot minor subdivision in this location approved in February 2021, the applicant is proposing to subdivide the remaining 12.65-acre lot into a nine-unit condominium cluster development with a remaining area providing the required open space area per Article 28-4-7(g) *Open Space Standards* of the Zoning Ordinance (ZO).

#### **Project Details:**

Existing Lot Area:	12.65 ac (551,139 sf)		
Zoning:	Medium Density Residential (RM)		
Existing Use:	Single Family Residence		
Proposed Use:	Single Family Condominium Cluster Subdivision		
Building Separation Required:	40'		
Building Separation Provided:	40' +		
Open Space (OS) Required:	6.33 ac (275,569 sf)	OS Area Provided:	6.33 ac (275,695 sf)
Buildable OS (BOS) Required:	2.53 ac (110,278 sf)	BOS Provided:	4.59 ac (199,895 sf)
Contiguous BOS Required:	1.27 ac (55,139 sf)	Contiguous Provided:	1.28 ac (56,002 sf)

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

- 1.1 The following comments pertain to the 19-sheet plan set titled "458-460 Josiah Bartlett Road" prepared by TF Moran, dated March 17, 2021 and revised through June 2, 2021.
- 1.2 Please see the comments from the Engineering Division under a separate memo.
- 1.3 This application appeared before the Architectural Design Review Committee at the July 6, 2021 meeting. The Committee recommended approval the three styles of building architecture and street layout, but requested that the buildings be brought closer to the street for an increased community feel, that transformers be adequately screened with landscaping, and that where the driveway turnaround is in front of that house, it be flipped to the other side of the driveway as to not be in

front of the house. The Committee requested that the application come back to ADR with more details on materials and with revised plans addressing their comments.

The applicant has provided a revised site plan addressing ADR's comments on driveway turnarounds as well as a revised landscape plan showing additional screening around the transformers. The Applicant has stated that they are custom home builders and buyers will have the opportunity to select colors and materials from a collection, which is currently limited due to supply issues. The Applicant also shared that the location and size of septic systems limits the location and orientation of the houses. In Staff's opinion, the Applicant has adequately addressed ADR's comments

## 2. Waivers

- 2.1 The Applicant has requested a waiver from Section 20 Table 20-1 of the Subdivision Regulations (SDR): *Standards for Residential Common Private Drives* to construct a road with a pavement width of 22 feet where 26 feet is required and to not construct required sidewalks or curbing. In discussions between the Applicant and City Staff, the proposed road layout was preferable and acceptable given this is road is to remain private. **Staff supports this waiver.**
- 2.2 The Applicant is requesting an additional waiver from Section 21.16 *Street Lights* to not provide the required street light at the proposed intersection of Midmark Lane and Josiah Bartlett Road, reasoning that there are no other illuminated intersections in the general area. Staff notes that the closest street light is 130 feet away from the proposed intersection. Also, Welcome Drive, directly across from the proposed private drive, does not have a street light. Staff does not have a strong opinion on requiring the street light or granting the waiver and recommends the Board to determine whether or not to grant the waiver.

## 3. Technical Review Comments

- 3.1 Given wetlands are delineated, a NH Certified Wetland Scientist shall stamp and sign the Existing Conditions and Subdivision plat, in accordance with Section 12.07 (SDR)
- 3.2 Provide easements for the conservation open space, and for Midmark Lane, in accordance with Section 13.02 (1 & 3) (SDR), to be reviewed by City staff.
- 3.3 Provide easements for all instances where a protective well radius extends beyond the property boundaries of the lot it serves and on to an adjacent house lot, in accordance with Article 28-4-7(i)(1) of the Zoning Ordinance (ZO), to be reviewed by City staff.
- 3.4 A NH Licensed Professional Engineer shall stamp and sign the construction plans and a NH Licensed Landscape Architect shall stamp and sign the landscape plan, in accordance with Section 12.03(4) (SDR).
- 3.5 Provide condominium declaration and by-laws documents for staff review in accordance with Section 17.01 (SDR).
- 3.6 Provide a label demarking the transitions from open to closed drainage (curb, no curb) along the edge of the roadway.
- 3.7 Add the City's headwall construction detail to the detail sheets and draw the headwall accordingly on the Site Plan.

## 4. Recommendations

- 4.1 **Grant the waiver** from Section 20 Table 20-1 (SDR) to construct a common private drive with a width of 22 feet where 26 feet is required and without sidewalks or curbing which otherwise would be required, based on conversations between the applicant and Staff. Also, should the Board determine

to do so, grant the waiver from Section 21.16 *Street Lights* to not provide the required street light at the intersection of Midmark Lane and Josiah Bartlett Road, utilizing the criteria from RSA 674:36(II)(N)(2): Specific circumstances relative to the subdivision, or conditions of the land in such subdivision, indicate that the waiver will properly carry out the spirit and intent of the regulations.

4.2 **Grant ADR approval** for the building architecture styles and materials, landscaping, and site layout.

4.3 **Grant Minor Subdivision approval** for the three-lot minor subdivision at 462 Josiah Bartlett Road, 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) Address Technical Review Comments, noted above, to the satisfaction of the Planning Division.
- (2) Address Engineering Comments to the satisfaction of the Engineering Division.
- (3) Traffic and recreation fees shall be assessed for any construction on lots contained within this approved subdivision. The impact fees and procedures shall be those in effect at the time of the issuance of a building permit as set forth in the City of Concord Code of Ordinances, Title IV, Subdivision Code: Chapter 29.2, Public Capital Facilities Impact Fee Ordinance. The specific fees assessed are those contained in Section 29.2.1-1 Assessment and Collection; subsection (b) Computation of the Amount of Impact Fees; Table 2, Recreational Facilities Impact Fee per Variable Unit; and Table 3, Transportation Facilities Impact Fee per Variable Unit.
- (4) Waiver(s) granted are to be noted and fully described on the plan including date granted and applicable Article number(s) of the Zoning Ordinance. Should the Board vote to deny the Waiver(s), the applicant shall comply with said submission requirement(s).
- (5) 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.
- (6) The Licensed Land Surveyor shall sign and seal final plans and mylars.
- (7) A NH Certified Wetland Scientist shall sign and seal the final plans and mylars.
- (8) 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.
- (9) The Applicant shall deliver to Planning one (1) plan set(s) and one (1) mylar(s) for endorsement by the planning Board Chairman & Clerk and recording at the Registry of Deeds.
- (10) Prior to the issuance of any building permits, the 50' wetland buffer shall be marked with discs available at the Planning Division

Prepared by: SCD

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

David Cedarholm, PE  
*City Engineer*

**MEMORANDUM**

**TO:** Sam Durfee, Senior Planner  
**FROM:** Gary Lemay P.E., Associate Engineer  
**DATE:** July 13, 2021  
**SUBJECT:** Condo Subdivision Plan Review, 458-460 Josiah Bartlett Road;  
Map 44Z, Lot 37; (2021-012)

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

- *Site Development Plans*, 458-460 Josiah Bartlett Road, prepared by TFMoran, dated March 17, 2021
- *Stormwater Management Report*, prepared by TFMoran, dated March 17, 2021
- *Response to Engineering and Planning Comments*, prepared by TFMoran, dated June 29, 2021

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 or addresses each of these comments and discusses any additional changes to the plans.

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**General Comments**

1. The proposed private common driveway will be crossing the new City drainage easement across the property. The plan set and any other relevant documents should make it clear that the proposed culvert passing under the common driveway will be privately owned and maintained and is not the responsibility of the City of Concord.
2. The Applicant should confirm the proposed cul-de-sac conforms to the dimensions in Subdivision Regulation; when scaled the drawing appears to conform, but the labels are slightly less than City requirements.
3. Please confirm the driveway radius where it approaches Josiah Bartlett road on sheet C-03.

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458-460 Josiah Bartlett Road  
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4. Please confirm the side slopes along the proposed 36" RCP culvert and, if greater than a 3:1 slope, why guardrail is not proposed.
5. Please add the centerline alignment layer on the plan sets for ease of reviewing the plan set.
6. Engineering suggests, but does not require, the following wildlife-friendly erosion control practices:
  - a. Use temporary erosion and sediment control products that either do not contain netting, or that contain netting manufactured from 100% biodegradable non-plastic materials such as jute, sisal, or coir fiber. Degradable, photodegradable, UV-degradable, oxo-degradable, or oxo-biodegradable plastic netting (including polypropylene, nylon, polyethylene, and polyester) are not equivalent alternatives. Netting used in these products should have a loose-weave wildlife-safe design with movable joints between the horizontal and vertical twines, allowing the twines to move independently and thus reducing the potential for wildlife entanglement.
  - b. Avoid the use of silt fences reinforced with metal or plastic mesh or if possible recommend the use of erosion control berms.
  - c. When no longer required, temporary erosion and sediment control products should be removed promptly from the project site.
  - d. Use nonwoven coir fabric when a surface fabric treatment is required for erosion control and stabilization, such as 100% biodegradable coconut fiber mat or equal as reviewed and approved by the project design engineer.
  - e. Use woven coir fabric when site conditions warrant. The outer layer of woven coir fabric should be a high strength, continuously woven mat (i.e., without seams) and made of 100% coconut fiber.
7. Evaluate if the location of the forebay spillway could encourage "short circuiting" precluding sediment settling out before entering the BMP.
8. The change in direction at DMH #6 is greater than 90 degrees and may result in greater than anticipated hydraulic losses. Generally manhole turns are approximately 45 degrees, with a maximum of 90 degrees.
9. The plan set is missing pipe size, material, and slope for the pipe segment leaving DMH6. Please add this information to the plans.
10. The utility plan seems to show some potential conflicts with underground utilities/transformers and proposed landscaping; please review for conflicts.
11. One of the communication/telephone pedestals appears to be sitting in a drainage swale adjacent to a driveway; please review and address.

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12. Please work with Engineering and the gas utility company on the location of gas shutoffs for each property; the gas shutoff valves should generally be more obvious as to which house it controls when looking at the property without a map, in the event of an emergency.
13. Please confirm the utility depths shown on the cross-sections match the typical detail cross sections provided.
14. Please clarify whether relocation of the utility pole on Josiah Bartlett Road will require new underground utilities to be run across the roadway to Welcome Drive. If so, show the crossing on the plans.
  - a. The Applicant shall verify with Unitil whether the pole has capacity to handle the additional proposed risers in addition to the existing ones.
15. Please include a profile of the proposed 36" RCP culvert.
16. It's not clear the proposed grades are shown on the text for the roadway profile on sheet C-09; please confirm with Engineering.
17. Sheet C-09 appears to be missing the cul-de-sac proposed grade information.
18. Please label non-standard slopes on the cross-section sheet whether they do not meet the City's typical standard slope.
19. Please provide cross-sections every 50 feet for the steeper portion of the proposed roadway instead of every 100 feet.
20. The scale appears to be missing from sheet C-10.
21. Please also include the stopping sight distance on the plans per Section 21.09 of the subdivision regulations.
22. The riprap apron is missing gradation information.
23. Please verify that Class C stone is appropriately sized for the scour velocities that will be experienced at the proposed emergency spillway.

### **State/Federal Permits**

The project will require the following state and/or federal permit(s) associated with the site design:

- EPA Construction General Permit – Notice of Intent
- NHDES Alteration of Terrain Permit
- NHDES Subdivision Approval
- NHDES Septic Approval

A copy of the permit(s) should be submitted to the City once they are issued.

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

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

1. Set up a pre-construction meeting with the Engineering Services Division to discuss construction requirements, site inspections, associated fees, schedules, etc. Any Engineering permits will not be authorized (unless explicitly stated otherwise) until final revised plans have been submitted and approved to the satisfaction of Planning and Engineering.
2. Any monumentation for the lots lines, if necessary, will need to be set prior to recording the plan.
3. The following permit(s) will need to be obtained from the Engineering Services Division:
  - a. Driveway Permit (for the new common driveway)
  - b. Excavation Permit (for work within the City drainage easement)
4. The contractor shall submit a Temporary Traffic Control Plan (TTCP) for all work in and adjacent to the City ROW that will require lane closures or occur adjacent to the edge of road. (submit to Engineering for review and approval a minimum of two weeks prior to the pre-construction meeting)
5. Retaining wall design drawings (stamped by a licensed structural engineer) should be submitted to Engineering for proposed retaining walls that are greater than 4 feet high. In addition, walls greater than 48 inches require a Building Permit from the Code Administration Office.
6. Shop drawings/submittals should be submitted to Engineering for all proposed improvements to be used in the City ROW or City drainage easement.
7. Establish a performance surety (letter of credit, or cash deposit) for site stabilization. The surety amount for this project has been set at \$54,000 based on a 10 ac disturbance area. The surety shall be established prior to scheduling the pre-construction meeting.
8. Establish a performance surety (bond, letter of credit, or cash deposit) for work within the City right-of-way and all proposed common private improvements (per Subdivision Regulation 30.01). An engineer's cost estimate, based on the current NHDOT weighted average unit prices, should be submitted a min. of two weeks prior to scheduling the pre-construction meeting. The surety shall be established at least one week prior to the pre-construction meeting.
9. The Applicant is responsible for paying engineering inspection fees to ensure work meets City standards and is in compliance with the approved plans. An advanced deposit must be established for all anticipated site construction inspection fees.

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- a. The deposit amount is determined by Engineering based on the project schedule and estimated services; actual inspection fees are based on actual services rendered (i.e., hourly billing rate).
  - b. Prior to scheduling the pre-construction meeting, a template estimating the initial fee deposit (available upon request to engineering) shall be filled out by the Applicant for review by Engineering, as well as a project schedule and itemized cost estimate for use in establishing the deposit amount.
  - c. The deposit shall be submitted at least a week prior to the pre-construction meeting.
10. Prior to issuance of a Certificate of Occupancy (CO) for any building in the condominium subdivision, the contractor shall submit as-built drawings that are to the satisfaction of Engineering. A copy of the as-built drawing requirements can be provided upon request.