



CITY OF CONCORD

REPORT TO THE MAYOR AND CITY COUNCIL

FROM: Nancy E. Larson, City Planner

DATE: November 9, 2015

SUBJECT: Request for the discontinuance of a portion of the Mapped Line of Future Street that lies between Kyle Road and Bog Road

Recommendation:

Accept this report to direct the Planning Board to certify the revision to a portion of the mapped line of future street reducing the width and permitting public utilities and non-vehicular travel only, pursuant to Article 16-3-6 Mapping of Future Streets, of the Code of Ordinances, and RSA 674:11, Amendments to Official Map, for the Mapped Line of Future Streets.

Discussion

The Planning Board, at its regular meeting held on September 16, 2015, voted unanimously to forward the proposed revision of mapped line of future street to the City Council.

The portion of the mapped line located northeasterly of a future cul-de-sac on Map-Block-Lot 312Z-3-1 ("Private Reserve, LLC" parcel, f.k.a. "LaPierre parcel") would be constructed as a pathway intended for non-vehicular travel (Please see the attached map showing the existing location of the mapped line between Bog Road and Kyle Road). The pathway would continue easterly across land owned by R.J. Moreau Communities, LLC to be developed as Vineyards Phase IV, a multi-family and duplex style development before connecting to Sonoma Lane and Kyle Road (please refer to attached approved subdivision plan for Martha Lapierre and conceptual site plan for the Vineyards, Phase IV). While not a vehicular connection, the revision would still allow for some type of connection between the neighborhoods of Bog Road and Kyle Road and for the looping of municipal water utilities between Bog Road and Kyle Road.

Previous Staff Recommendation

At the May 20, 2015 Planning Board meeting, staff recommended that the Board reconsider the mapped line of future street located between Bog Road and Kyle Road. Planning and Engineering staff visited the site to walk the flagged wetland boundaries (see attached site photos). Based upon the prevalence of wetlands within the proposed corridor of the mapped line, the Planning and Engineering Divisions had concluded that the impact to wetlands would be

greater than previously assumed, and that the certified mapped line would not be feasible without significant impacts to the wetland resources. The total discontinuance of this mapped line as recommended by staff during the May 20th Planning Board meeting would have eliminated impacts to a large wetland complex and the abandonment of the existing mapped line would not have altered the development possibilities of the residential lots on the Private Reserve, LLC parcel or for the Vineyards Phase IV.

Board members requested that staff investigate alternatives and return to the Board with their findings. The current recommendation is a result of that investigation and discussions between Engineering, Planning, and General Services.

History of Mapped Lines – Kyle Rd to Bog Rd

The need for neighborhood connectivity in the developing residential area west of Fisherville Road between Bog Road, Borough Road, and the Great Bog was identified by the Planning Board during deliberations related to the Vineyards Planned Unit Development (PUD) in 2003 and 2004. The Planning Board granted site plan approval to the Vineyards PUD on August 18, 2004 that included the following condition: “Prior to the issuance of any Certificate of Occupancy for the last unit in Phase 2 (the 74th out of the total of 124 dwelling units), the applicant shall submit a plan suitable for adoption as a mapped line of future street for the extension of Kyle Drive (or a combination of future public streets) to Bog Road. Wetlands in the corridor shall be located and a conceptual lot layout submitted for development along the corridor.”

The applicant submitted a plan in response to this condition in the summer of 2008. Public hearings on the proposed mapped line of future street were held by the Planning Board on October 15, 2008 and December 17, 2008. In discussion, the Board noted that the proposed mapped line bisected a part of the contiguous wetland known as the Great Bog and asked the Planning Division if the mapped line of the future street could be routed southerly of the wetland. The Division advised in the affirmative and the Board directed the Division to revise the route of the mapped line of a future street southerly of the wetland peninsula along the lot line between the Vineyards property and the property immediately to the north. At the request of the Planning Board, the mapped line was certified by the City Council in 2009.

The City’s wetland mapping is based primarily on aerial photographic interpretation. While capable of readily identifying large contiguous blocks of wetlands, staff experience is that the City’s aerial wetland mapping only identifies a portion of the regulatory wetlands in areas of mixed wetlands and upland areas which characterizes the development edge of the Great Bog in this area. The developer of the Vineyards commissioned a wetland study of his property and the property to the north. As evidenced by the attached existing conditions plan prepared for R.J. Moreau Communities, L.L.C., Land of Roberta Marsh (now the site of the Vineyards, Phases 1-3), no wetlands were delineated in the northwest corner of the property or along the northern property boundary. Based on the available sources at that time, staff had determined that the proposed mapped line would have some wetland impacts, but the corridor appeared to be feasible with appropriate mitigation when the properties would be developed.

In 2015, a wetland study was completed on the vacant tract behind 84 Bog Road (f.k.a. LaPierre parcel) for a proposed residential subdivision. A copy of the approved/recorded 3-lot subdivision plan with revised wetland boundaries for Martha LaPierre is attached. R.J. Moreau Communities, and the current owner/developer of the LaPierre parcel (Private Reserve, LLC) have recently cited environmental constraints with regard to constructing their portion of the mapped line of future street due to the extensive wetland complex in this area.

Master Plan

None of the existing mapped lines of future streets in this area are specifically shown or noted in the Land Use Section, the Transportation Section, the Economic Development Section, or the Housing Section of the adopted Master Plan 2030.

Legislative Background

RSA 674:9, Mapping of Street Lines by Planning Board. This statute allows for the preservation of rights-of-way for potential new streets within a community. The mapping does not constitute the opening or establishment of any street or the taking of any land for street purposes. The mapping is effectively an encumbrance on private property. RSA 674:12 states that...“no permit shall be issued for any building or structure, or part thereof, in the bed of or on any land located between the mapped lines of any street....”.

Mapped lines of future streets are intended to implement the adopted master plan and provide for a coordinated street system when development is occurring incrementally and involves more than a single parcel.

RSA 674:10, Establishment of Official Map. Pursuant to this statute, an official map of Concord was established on January 4, 1944. Amendments to the map are made by the City Council, and by the Planning Board, upon approval and recording of a subdivision plat with a public street right-of-way dedication. By far the majority of amendments to the official map have been initiated by the Planning Board. Amendments to the map are also undertaken routinely as part of the site plan review regulations where road improvements are required as a condition of approval and right-of-way is conveyed by the developer to allow for the expanded road network.

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