



Heather Shank
City Planner

CITY OF CONCORD

New Hampshire's Main Street™
Community Development Department

Planning Board

March 16, 2022

Project Summary – Major Subdivision

Project: The Woods at East Village Subdivision (2022-08)
Property Owner: Paul O. Bofinger Family Trust of 2019
Address: Shaker Road
Map/Block/Lot: 411Z/ 49

Determination of Completeness:

This application was determined complete at the February 16, 2022, Planning Board meeting.

Project Description:

The applicant is proposing a 20-unit, no lot condominium cluster subdivision with a private road, and the extension of municipal sewer and water, on the east side of Shaker Road in the Medium Density Residential (RM) District. They are also seeking a Conditional Use Permit to allow disturbance of a wetland buffer.

Project Details:

Zoning:	Medium Density Residential (RM) District
Existing Use:	Vacant/undeveloped
Propose Uses:	Single-family and duplex residential units
Minimum Tract Area:	10 acres (with sewer)
Existing Lot Area:	15.88 acres
Maximum Density:	36.75 units (3 units per buildable acre x 12.25 acres of buildable land)
Density Proposed:	20 units total
Open Space Required:	40% of tract (6.35 acres)
Open Space proposed:	82% 13.01 acres
Minimum Lot Frontage:	100 ft
Existing Lot Frontage:	378 ft
Maximum Lot Coverage:	40%

Existing Lot Coverage: 0%
Proposed Lot Coverage: 14%

Required Parking: 40 spaces (2 per dwelling unit)
Proposed Parking: 46 spaces, including 1 ADA

1. General Comments

- 1.1 The following comments pertain to the 30-sheet subdivision plan set titled “Subdivision Improvement Plans prepared for: The Woods at East Village, Concord, New Hampshire” prepared by Northpoint Engineering, LLC, January, 2022, revised February 25, 2022.
- 1.2 Architectural Design Review (ADR) is required for Cluster developments. The Applicant went before the ADR Committee at their March 1, 2022, meeting. The Committee recommended approval as submitted with the understanding that colors and materials may change at a later date by owners; however, the quality and standards presented by the Applicant are the standard the Committee would like to see. In addition, the Committee would like to see garage doors recessed and front doors brought forward so that the emphasis is on the front door, or darker colors for the garage doors. Finally, street trees should be replaced with salt-tolerant species.
- 1.3 See comments from the Engineering Division in a separate memo from Todd Welch, dated 3/8/2022.
- 1.4 The Applicant is responsible for ensuring that all plans to be recorded are in compliance with the current standards of the Merrimack County Registry of Deeds.
- 1.5 The Applicant requests the following waivers to the Subdivision Regulations (SDR):
 - Sections 20.24 *Length of Dead-End Streets* and 21.11 *Cul-de-sacs* to construct a 1,150 linear foot cul-de-sac/dead end street, where a maximum of 1,000 feet is required. The proposed length of the street is due to constraints associated with the location of the buildable area. The purpose of the requirement is to ensure safety with regard to fire protection. The applicant has provided three fire hydrants along the length of the road, and indicates that the project will be fully compliant with NFPA requirements for fire safety. Staff supports this request.
 - 21.06 and 22.02 *Sidewalks Required*, to not provide sidewalks within the street right-of-way on Shaker Road and along the private common drive. The entire frontage along Shaker Road is wetlands, and the construction of a sidewalk on the project side of the road would require wetland impacts. Further, there is no existing sidewalk on Shaker Road, and the construction of this section would require substantial improvements to Shaker Road, including installation of curbing, and drainage improvements. Due to the impacts associated with constructing a short section of sidewalk, staff supports the request to not provide a sidewalk on Shaker Road. Regarding the sidewalks within the development, the Applicant asserts that the proposed 26-foot road width only serving 20 homes on a dead-end road does not warrant a sidewalk. Staff supports this request.
- 1.6 The City Surveyor has confirmed that Hearthstone Drive is an acceptable street name.

2. Conditional Use Permit(s)

- 2.1 The Applicant is requesting a Conditional Use Permit (CUP) in accordance with Section 28-4-3(d) of the Zoning Ordinance (ZO) to allow for the disturbance of wetland buffers associated with

the construction of the private roadway to access the proposed residential units, and drainage improvements.

- Please see the attached narrative provided by the applicant describing how the criteria of the applicable sections of the Ordinance are met, including Section 28-9-4(b) (4) (ZO), which states the criteria for the Planning Board decision. The applicant has indicated that the proposed disturbance if needed in order to access the buildable area of the parcel.
- The Conservation Commission reviewed the CUP application at their February 9, 2022 meeting and expressed concern with the extend of wetland and buffer impact associated with the road. The Commission requested that the Applicant look at alternate layouts that would relocate the road further north towards the edge of the perimeter buffer. In addition, the Conservation Commission held a site walk on March 8, 2022. The Commission did not have a quorum at their March 9, 2022 meeting and were not able to review the alternatives. The alternatives analysis is included under Supplemental information.

3. Technical Review Comments

- 3.1 Per Section 28.04(2) and (6) (SDR), the Applicant is requesting to use existing trees along the frontage to meet the street tree requirements for the frontage. A note has been added to the plan as requested by staff. Staff recommends that a label be added to the plan view to indicate the areas where this applies.
- 3.2 Per Section 28-4-7(g)(2) (ZO), provisions shall be made to ensure that common open space is permanently restricted. Per the ZO and Section 13.02(3), the Applicant shall provide draft covenants, easements, or other legal instruments for permanent protection for review and approval by the Planning Board. *Repeat Comment, Applicant will be submitting condominium documents for review.*
- 3.3 Per Section 28-4-7(j)(1), the ownership and maintenance of private roads, utilities, parking facilities, and any other accessory facilities shall be assigned to an ownership interest to be approved by the Planning Board. Per Section 17.06 (SDR), the applicant shall provide copies of all condominium documents, including the condominium declaration and bylaws for review and approval by the City Solicitor and Clerk of the Board. *Repeat Comment, Applicant will be submitting condominium documents for review.*
- 3.4 On the Existing Conditions Plats and Condominium Site Plans, please label and dimension the 50' Wetland Buffers, per Section 12.08(19) (SDR). *Repeat comment. The digital file submitted was updated; however, the hardcopies submitted did not depict the buffer and dimensions.*
- 3.5 Please revise note 7 on the Existing Conditions plat Ex-1 and Condominium Site Plan sheet S1, which currently states the intent of the plat is for a 14 lot subdivision.
- 3.6 Please add the following note to the plans: "Wetland buffers shall be clearly and permanently marked before during, and after construction in accordance with Section 28.07 of the Subdivision Regulations." *Repeat comment. Staff recognizes that this note was added to the Subdivision Plan, and recommends that the note be added to the Site Layout Plan, which will be part of the construction plans.*
- 3.7 Staff and ADRC recommend that the Applicant replace the proposed Sugar Maple tree varieties with salt-tolerant street tree species.

4. Recommendations

- 4.1 **Grant approval of the following waivers to the Subdivision Regulations**, utilizing the criteria of RSA 674:44(1) and (2), which state that strict conformity would pose an unnecessary hardship to the applicant and waiver would not be contrary to the spirit and intent of the regulations, and

specific circumstances relative to the site plan, or conditions of the land in such site plan, indicate that the waiver will properly carry out the spirit and intent of the regulations:

- Sections 20.24 *Length of Dead-End Streets* and 21.11 *Cul-de-sacs* to construct a 1,150 linear foot cul-de-sac/dead end street, where a maximum of 1,000 feet is required.
- 21.06 and 22.02 *Sidewalks Required*, to not provide sidewalks within the street right-of-way on Shaker Road and along the private common drive.

4.2 **Grant Architectural Design Review approval** for the application as submitted, with the condition that the Applicant as submitted with the understanding that colors and materials may change at a later date by owners; however, the quality and standards presented by the Applicant are the standard the Committee would like to see. In addition, the Committee would like to see garage doors recessed and front doors brought forward so that the emphasis is on the front door, or darker colors for the garage doors.

4.3 **Grant approval of the Conditional Use Permit** in accordance with Section 28-4-3(d) of the Zoning Ordinance (ZO) to allow for the disturbance of wetland buffers associated with the construction of the private roadway to access the proposed residential units, and drainage improvements.

4.4 **Grant Major Subdivision approval** for the proposed 20-unit residential condominium cluster development and associated site improvements at Shaker Road, subject to the following precedent and subsequent conditions noted below:

- (a) Precedent Conditions – to be fulfilled within one (1) year and prior to sign off by the Clerk and Chair of the Planning Board and issuance of any building permits, or the commencement of site construction, unless otherwise specified:
 - (1) Address all Review comments to the satisfaction of the Planning and Engineering Divisions. For all subsequent submissions, applicant shall provide a response memo addressing/acknowledging all comments.
 - (2) Waivers granted are to be noted and fully described on the plan including date granted, applicable Section numbers of the Subdivision Regulations, and description of the waiver. Should the Board vote to deny the waiver(s), applicant shall comply with said submission requirement(s).
 - (3) Conditional Use Permit(s) granted are to be noted and fully described on the plan including date granted and applicable Section number(s) of the Zoning Ordinance. Should the Board vote to deny the Conditional Use Permit(s), applicant shall comply with said submission requirement(s).
 - (4) Two (2) copies, and one digital copy, of all condominium documents, including the declaration of condominium and by-laws shall be provided for review and approval as to form and content by the City Solicitor and Clerk of the Board.
 - (5) The Applicant shall submit two checks for recording the plats 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. Applicant shall determine the dollar amount for recording condominium documents, which shall be recorded at the same time as the plats.
 - (6) Upon confirmation from staff that the review comments have been addressed, 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.

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

- (1) In accordance with Section 19.04(3) and 28.07 of the Subdivision Regulations, prior to the commencement of construction activity, the wetland buffers shall be marked with signs available through the Planning Division.
- (2) Prior to the commencement of construction activity, existing trees proposed to count towards the street tree requirement shall be flagged and inspected by Planning Staff.
- (3) Prior to commencement of construction activity, payment of inspection fees in an amount approved by the City Engineer shall be made.
- (4) A pre-construction meeting shall be required prior to the start of any construction activities onsite. The applicant shall pick up one (1) set of signed plans at the Planning Office to make copies for the pre-construction meeting. A total of five (5) copies of the signed plan set shall be provided by the applicant at the pre-construction meeting.
- (5) Prior to the issuance of the first Certificate of Occupancy (CO), all roadway and associated drainage and utility improvements shall be constructed, with the exception of the final pavement course. A financial guarantee for the completion of the roadway shall be provided prior to the first CO. The final pavement course shall be installed within two years after the issuance of the first CO and prior to the issuance of the last CO.
- (6) Prior to issuance of the final Certificate of Occupancy or final construction sign-off, as-built drawings shall be provided to the City Engineer in accordance with Section 31.10 of the Subdivision Regulations.
- (7) Prior to the issuance of the final Certificate of Occupancy or final construction sign-off, digital information shall be provided to the City Engineer for incorporation into the City of Concord Geographic Information System (GIS) and tax maps.
- (8) Traffic and recreation impact fees shall be assessed for any residential construction contained within the limits of the 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.
 - a. Recreational Facilities – Single-family residence
 - b. Transportation Facilities - Single-family residence

Prepared by: BAF

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

David Cedarholm, PE
City Engineer

MEMORANDUM

TO: Beth Fenstermacher, Assistant City Planner
FROM: Todd Welch., Civil Engineer/Project Manager
DATE: 3/8/2022
SUBJECT: The Woods at East Village Major Subdivision – Engineering Plan Review,
Shaker Road; Map 411Z, Lot 49; Project 2022-008

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

- *Subdivision Improvement Plans, The Woods at East Village, prepared by Northpoint Engineering, LLC., dated Jan 2022;*
- *Subdivision Improvement Plans, The Woods at East Village, prepared by Northpoint Engineering, LLC., dated February 25, 2022;*
- *Drainage Stud, NHDES Alteration of Terrain Application for The Woods at East Village, prepared by Northpoint Engineering, dated January 19, 2022;*
- *Revised Drainage Report for The Woods at East Village, prepared by Northpoint Engineering, dated February 28, 2022;*
- *Waiver Request Letter, The Woods at East Village, Prepared by Northpoint Engineer, LLC, dated February 28, 2022;*
- *Response Letter, The Woods at East Village, Prepared by Northpoint Engineering, LLC, dated February 28, 2022.*

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.

Subdivision Plans

Overview Plan

1. Comment was addressed by Northpoint Engineering.

2. Comment was addressed by Northpoint Engineering.
3. Comment was addressed by Northpoint Engineering.
4. Comment was addressed by Northpoint Engineering.
5. Please revise Note 7 accordingly.

March 8, 2022 – Comment 5 was not addressed by Northpoint Engineering.

Condominium Site Plan

6. Please revise Note 7.

March 8, 2022 – Comment 6 was not addressed by Northpoint Engineering.

7. Comment was addressed by Northpoint Engineering.
8. Comment was addressed by Northpoint Engineering.
9. Comment was addressed by Northpoint Engineering.
10. Comment was addressed by Northpoint Engineering.
11. Comment was addressed by Northpoint Engineering.
12. Comment was addressed by Northpoint Engineering.

Grading and Drainage Plan

13. Comment was addressed by Northpoint Engineering.
14. Comment was addressed by Northpoint Engineering.
15. How will the water from the first 200 feet of the driveway be handled and treated?

March 8, 2022 Comment – Please explain how you will comply with the City of Concord Subdivision Regulations Section 23.08 (4-6) for this section of roadway.

16. Comment was addressed by Northpoint Engineering.

Utility Plan

17. Comment was addressed by Northpoint Engineering.
18. Make sure there is 10 feet of separation between water and sewer. Looks like slightly less in front of Unit 5.

March 8, 2022 Comment – Please verify there will be at least 5' of separation between proposed gas and water services.

Roadway and Utility Profiles

19. Please clarify the profile around CB1, SMH1, and labels on the pipe to make it clear what is being labeled.

March 8, 2022 Comment - Add leader lines from text to structures.

20. Comment was addressed by Northpoint Engineering.
21. Comment was addressed by Northpoint Engineering.
22. Comment was addressed by Northpoint Engineering.
23. Comment was addressed by Northpoint Engineering.
24. Comment was addressed by Northpoint Engineering.
25. Comment was addressed by Northpoint Engineering.
26. Comment was addressed by Northpoint Engineering.
27. Comment was addressed by Northpoint Engineering.

Details

28. Please provide a detail or profile of the proposed 36" HDPE culvert passing under the new private roadway. Will the minimum pipe cover and roadway cross-section typical roadway base be met? Was an arch pipe considered to increase roadway cover?

March 8, 2022 Comment - Comment 28 was not addressed by Northpoint Engineering.

29. Comment was addressed by Northpoint Engineering.
30. Comment was addressed by Northpoint Engineering.
31. Comment was addressed by Northpoint Engineering.
32. Comment was addressed by Northpoint Engineering.
33. Comment was addressed by Northpoint Engineering.

Private Roadway Cross-Sections

34. Comment was addressed by Northpoint Engineering.
35. Comment was addressed by Northpoint Engineering.

Drainage Report

36. Per Subdivision Regulation 23.08 (3):

- a. Comment was addressed by Northpoint Engineering.
- b. The 10-year storm volume should be included in the results;
- c. The post-development peak flow should not increase from the pre-development condition. 2-year volume increases; 10-year volume isn't shown.

March 8, 2022 Comment – Comment 36b and c were addressed but the volume reporting in acre feet units need to be carried out to the thousandths place for clarity given the original drainage report showed an increase in post development volume after the 2 year storm when using cubic feet for units.

Please explain why the HydroCAD summary sheets report different runoff volumes than the summary table. See pages 13, 14, 26, 28.

Provide a detail with a cross section showing the infiltration elements of SWMB#2 and how it proposes to recharge the volume to satisfy subdivision regulations section 23.08 (2).

- d. Comment was addressed by Northpoint Engineering.
37. Engineering will support a waiver relative to the 10-year storm volume (23.0-8 (3) under the following conditions:
- a. All other conditions of Subdivision Regulation 23.08 are met and the Applicant can show that all reasonable means for on-site infiltration have been made.
 - b. The Applicant agrees to study the appropriate sizing needed for the culvert crossing Shaker Road where the site drains to, and replaces and/or upsizes the culvert as part of an off-site improvement associated with the subdivision.

March 8, 2022 Comment - Further dialog between Northpoint Engineering and the City is required to address comments 37a and 37b.

General Comments

- 38. Comment was addressed by Northpoint Engineering.
- 39. Comment was addressed by Northpoint Engineering.
- 40. Comment was addressed by Northpoint Engineering.
- 41. Please revise note 7 of the Existing Conditions Plat.

March 8, 2022 Comment – Comment 41 was not addressed.

- 42. Please add the following notes to the plan set, if not already incorporated:
 - a. Comment was addressed by Northpoint Engineering.

- b. Comment was addressed by Northpoint Engineering.
- c. Upon completion of construction the contractor shall submit as-built drawings to the Engineering Services Division prior to issuance of a Certificate of Occupancy.

March 8, 2022 – Fix the spelling error.

- d. Comment was addressed by Northpoint Engineering.
 - e. Comment was addressed by Northpoint Engineering.
 - f. Comment was addressed by Northpoint Engineering.
 - g. Comment was addressed by Northpoint Engineering.
 - h. Comment was addressed by Northpoint Engineering.
 - i. Comment was addressed by Northpoint Engineering.
43. Engineering encourages, but does not require, the following wildlife-friendly erosion control practices:

March 8, 2022 Comments – Comments 43a-e were not addressed.

- 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.
44. Comment was addressed by Northpoint Engineering.
45. Comment was addressed by Northpoint Engineering.
46. Comment was addressed by Northpoint Engineering.

47. Engineering would support a reduced-width driveway of 24 feet through station 5+50 (approximately) instead of the current 26-foot proposed width to reduce wetland and wetland buffer impacts.

March 8, 2022 Comments –Comment 47 was not addressed.

State/Federal Permits

March 8, 2022 Comments –State/Federal Permit comments were not addressed.

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 Sewer Connection Permit

Per Site Plan Regulation 13.02 (8) and/or Subdivision Regulation 13.02 (10), a copy of the State and Federal permit(s) shall be submitted to the City prior to final approval.

Post-Approval/Pre-Construction Items

March 8, 2022 Comments –Post Approval/Preconstruction comments were not addressed.

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

1. Prior to engineering sign-off on the building permit, the applicant/contractor shall:
 - a. 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. The monumentation for the proposed lot lines shall 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
 - b. Encumbrance Permit (for work that will encumber the ROW, public sidewalks, and/or metered parking spaces)
 - c. Excavation Permit (for work within the ROW)
 - d. Utility Connection Permits (sewer and water main extensions, plus for each individual water and sewer service; City-connected storm drain work)

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. TTCP must be submitted to Engineering for review and approval a minimum of two weeks prior to the pre-construction meeting.
5. Per Subdivision Regulation 28.06, establish a financial guarantee (letter of credit, or cash deposit) for site stabilization. The surety amount for this project has been set at \$38,000 based on a 4.5 ac disturbance area. The surety shall be established prior to scheduling the pre-construction meeting.
6. Establish a performance surety (bond, letter of credit, or cash deposit) for work within the right-of-way, all public improvements, and common private improvements per Subdivision Regulation 13.02 (7), prior to signature of the final subdivision plat.
7. Per Site Plan Regulation 36.24, the Applicant is responsible for paying engineering inspection fees to ensure work is consistent with City standards and the approved plan set. An advanced deposit must be established for all anticipated site construction inspection fees.
 - 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.
8. Water and Sewer Investment Fees will need to be paid (as part of the utility connection permit process) prior to issuance of a Certificate of Occupancy (CO) for each unit.
9. Shop drawings/submittals shall be submitted to Engineering for the proposed water, sewer, and drainage improvements.
10. Prior to the construction of any future site improvements the applicant/owner shall consult the Planning Division to determine if Site Plan Approval will be required.
11. Per Site Plan Regulation 12.09, prior to issuance of a Certificate of Occupancy (CO), the contractor shall submit digital as-built drawings that are to the satisfaction of Engineering and conforming to the Engineering as-built checklist. A copy of the as-built drawing requirements are available on the Engineering website.

Re: Review Comments (202X-xx) Appendix A: Summary of Supplemental Design
Comments (embedded into PDF)
Project, Location
Date: MM/DD/YYYY