

APPLICATION FOR CONDITIONAL USE PERMIT

CITY OF CONCORD, NH - PLANNING BOARD

GENERAL INFORMATION

OWNER'S NAME: Paul O Bofinger Family Trust of 2019, Lise Bofinger, Trustee

STREET ADDRESS: PO Box 187

CITY, STATE, & ZIP CODE: Weld, ME 04285-0187

TELEPHONE #: 603-848-3421 **EMAIL ADDRESS:** lise.bofinger@gmail.com

AGENT'S NAME (IF APPLICABLE): Northpoint Engineering, LLC

STREET ADDRESS: 119 Storrs Street, Suite 201

CITY, STATE, & ZIP CODE: Concord, NH 03301

TELEPHONE #: 603-226-1166 **EMAIL ADDRESS:** jeff@northpointeng.com

APPLICATION FEE \$ Submitted as part of Subd. Application

For the property being reviewed, please complete the following:

TYPE OF CONDITIONAL USE PERMIT REQUESTED: Section 28-4-3(d) Disturbances of Wetland Buffers

PROPERTY ADDRESS: Shaker Road (east side)

ABUTTING STREETS: 1,000 feet north of Pekoe Drive

EXISTING LOT SIZE(S): 15.88 **ACRES** **OR** 691,689 **SQUARE FEET**

ASSESSOR'S MAP/BLOCK/LOT #(s): 411Z/49/ / / /

ZONING DISTRICT(s): RM

OVERLAY DISTRICTS (CHECK ALL THAT APPLY):

HISTORIC (HI): **SHORELAND PROTECTION (SP):** **FLOOD HAZARD (FH):**

AQUIFER PROTECTION (AP): **PENACOOK LAKE WATERSHED PROTECTION (WS):**

PROJECT DESCRIPTION

Please provide a brief description of your project and the proposed Conditional Use in the space below.

Proposed 20-unit Cluster Subdivision with 1,150-foot private cul-de-sac. 9,990-sf of wetland impacts proposed
along with 24,300-sf of impacts to 50-foot wetland buffer.

REQUIRED INFORMATION

Please provide a detailed project narrative that describes the existing conditions of the property and the proposed improvements as they relate to the requested Conditional Use Permit. Include with this project narrative, photos of the existing structure and/or site from various vantage points and all required supporting information as required by the Zoning Ordinance, together with any other information that will help us understand your project.

YOUR PROJECT WILL NOT BE CONSIDERED COMPLETE WITHOUT A DETAILED PROJECT NARRATIVE.

PROFESSIONAL SUPPORT

Please provide contact information for each professional involved in the preparation of this application, including the engineer, architect, surveyor, attorney, wetland scientist, landscape architect, etc.

NAME: Northpoint Engineering, LLC **PROFESSION:** Civil Engineer

STREET ADDRESS: 119 Storrs Street, Suite 201

CITY, STATE, & ZIP CODE: Concord, NH 03301

TELEPHONE #: 603-226-1166 **EMAIL ADDRESS:** jeff@northpointeng.com

NAME: Richard D. Bartlett & Associates, LLC **PROFESSION:** Surveyor

STREET ADDRESS: 214 North State Street

CITY, STATE, & ZIP CODE: Concord, NH 03301

TELEPHONE #: 603-225-6770 **EMAIL ADDRESS:** MCSargent@richarddbartlett.com

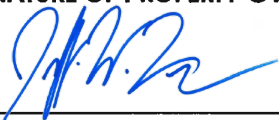
ATTACH ADDITIONAL SHEETS AS NECESSARY FOR ALL PROFESSIONALS INVOLVED WITH THE PROJECT

ENDORSEMENTS

I hereby request that the City of Concord Planning Board review this application for Conditional Use Permit approval, including all plans, documents, and information herewith. I represent to the best of my knowledge and belief that this application is being submitted in accordance with Site Plan Regulations and other applicable regulations of the City of Concord Planning Board. I also understand that submittal of this application for Site Plan Review approval shall be deemed as granting of permission for the City staff, Planning Board members, and their designees to enter onto the property for purposes of inspection and review. Permission to visit the property extends from the date an application is submitted to the Planning Division until approved work or construction is complete and any or all of the financial guarantees have been returned to the applicant, or until or the application is formally denied.

(see attached letter of authorization)

SIGNATURE OF PROPERTY OWNER



DATE

1/19/22

SIGNATURE OF AGENT (IF APPLICABLE)

Jeffrey W. Lewis, PE (Northpoint Engineering, LLC)

DATE

EXHIBIT “A”

Page 1 of 4

Conditional Use Permit associated with Subdivision Application for The Woods at East Village Located on Shaker Road (Map 411 Z Lot 49) Concord, New Hampshire

I. Proposal Outline:

The subject parcel of land is located on the east side of Shaker Road approximately 1,000-feet north of Pekoe Drive in Concord, New Hampshire. The subject parcel is approximately 15.88 acres in size with approximately 378-feet of frontage on Shaker Road. The parcel is currently undeveloped and is predominantly wooded. It is situated entirely within the RM (Medium Density Residential) Zoning District. It is bounded by existing residential properties in the RM District to the north and east. And to the south and west (across Shaker Road) it is bounded by existing residential properties in the adjacent RS (Single Family Residential) Zoning District.

The parcel contains a large wetland complex, with a seasonal stream, located directly adjacent to Shaker Road. The small stream crosses under Shaker Road in an undersized 12-inch culvert near the northwest corner of the property. The middle area of the subject parcel is comprised of a large upland area, which is the subject area of the proposed development. However, in order to access this buildable area of the parcel, the front wetland needs to be crossed.

The proposed project involves the construction of a private roadway extending from Shaker Road approximately 1,150-feet into the parcel and terminating in a cul-de-sac. This private road will provide access to a new 20-unit cluster development comprised of both single-family and duplex units which will be developed as a residential condominium. The project will be serviced by municipal water and sewer which exist in Shaker Road just to the south of the parcel and will be extended within Shaker Road along the parcel's frontage. The development will also be service with natural gas which exists in Shaker Road. All other private utilities will be installed underground within the private roadway corridor and will connect to existing infrastructure in Shaker Road.

The proposed private roadway will be constructed with a 26-foot wide paved surface. The first 250-feet of the road will extend across the existing wetland complex in order to access the buildable area of the parcel. This first section of road will not have any curb in order to limit the impact to the adjacent wetland. The remaining 900-feet of the road will have sloped granite curb on both sides and a closed drainage system with roadway catch basins. All stormwater runoff from the closed drainage system will be treated onsite in a series of stormwater management basins.

This proposed wetland impacts will require a Dredge & Fill Wetlands Permit from NHDES. The project will also require an Alteration of Terrain (AoT) Permit from NHDES as it will disturb approximately 280,000-sf of terrain.

Because the proposed roadway and drainage improvements will involve filling and dredging existing wetlands, and work within the associated 50-foot wetland buffer, the project will require the following Conditional Use Permit:

EXHIBIT “A”

Page 2 of 4

Section 28-4-3(d) Conditional Use Permit Required for Certain Disturbances of Wetland Buffers

This Conditional Use Permit application is being submitted concurrently with a Subdivision application for the proposed development. Refer to the Subdivision application which contains a more thorough Project Narrative, including photographs of the subject area of the site.

The proposed dredging and filling of the existing wetlands onsite will require a Wetlands Dredge & Fill Permit from NHDES. The Wetland Permit application will be submitted to NHDES concurrently with the Subdivision Application and CUP application to the Concord Planning Board. Any approval granted by the Planning Board on these applications would be subject to approval of the Wetlands Application from NHDES. Once approved by NHDES, and in accordance with Section 28-4-3(a)(2) of the Zoning Ordinance, the “perimeter of the wetland shall be deemed to be the new edge between the fill as placed in accordance with the permit and the remaining wetland.”

II. Standards of Review for Condition Use Permit – Z.O. Article 28-9-4(b)(4)

In submitting the attached application for a Conditional Use Permit, the applicant recognizes the need to successfully demonstrate, to the satisfaction of the City of Concord Planning Board, that each of following standards have been or will be fulfilled upon completion of the subject work. Specifically:

- a. The use is specifically authorized in this ordinance as a conditional use;*

Impacts to wetland buffers are authorized by conditional use permit under Article 28-4-3(d) of the Zoning Ordinance.

- b. If completed as proposed by the applicant, the development in its proposed location will comply with all requirements of this Article, and with the specific conditions or standards established in this ordinance for the particular use;*

The proposed development will be in compliance with all aspects of this Article. There are no other specific conditions or standards established in the ordinance for the particular use. The proposed residential cluster development will comply with all aspects of the Zoning Ordinance and the Subdivision Regulations.

- c. The use will not materially endanger the public health or safety;*

There is no reason to believe that the health or safety of the general public will be adversely affected by the proposed disturbance to the wetland buffer.

- d. The use will be compatible with the neighborhood and with adjoining or abutting uses in the area in which it is to be located;*

The proposed use, as it relates to the CUP, will have no impact on the neighborhood or adjoining uses in the area which are also residential in nature.

EXHIBIT “A”

Page 3 of 4

- e. The use will not have an adverse effect on highway or pedestrian safety;*

The proposed use, as it relates to the CUP, is needed in order to access the buildable area of the parcel. The proposed density is allowable under the Ordinance with or without the CUP.

- f. The use will not have an adverse effect on the natural, environmental, and historic resources of the City;*

The proposed use, as it relates to the CUP, involves the construction of private roadway and drainage infrastructure within the wetland buffer. No other residential uses are proposed within the buffer. There should not be any adverse impact to the natural or environmental resources of the city. The proposed use should not have any impacts at all on the historic resources of the city.

- g. The use will be adequately serviced by necessary public utilities and by community facilities and services of a sufficient capacity to ensure the proper operation of the proposed use, and will not necessitate excessive public expenditures to provide facilities and services with sufficient additional capacity.*

The proposed conditional use will not require any public utilities, facilities or services.

III. Standards of Review for Condition Use Permit – Z.O. Article 28-4-3(d)

In addition to the requirements of Article 28-9-4(b)(4) discussed above, the applicant recognizes the need to successfully demonstrate, to the satisfaction of the City of Concord Planning Board, that each of following additional standards have been or will be fulfilled upon completion of the subject work. Specifically:

- 1. The disturbance of the buffer is necessary to the establishment of an allowable principal or accessory use on the buildable land area of the lot;*

The proposed disturbance to the wetland buffer is needed in order to access the buildable area of the parcel and to provide adequate stormwater management facilities.

- 2. The proposed disturbance to the buffer cannot practicably be located otherwise on the lot to eliminate or reduce the impact to the buffer and represents the minimum extent of disturbance necessary to achieve the reasonable use of those portions of the lot consisting of buildable land;*

There is simply no other way to access the property without impacting the wetland and wetland buffer. There is not alternative that would be less impacting.

- 3. The proposed disturbance to the buffer minimizes the environmental impact to the abutting wetland, and to downstream property and hydrologically connected water and wetland resources;*

EXHIBIT “A”

Page 4 of 4

A full hydrologic and hydraulic analysis has been prepared and is included within the Stormwater Management Report that was submitted as part of the associated Subdivision application. The onsite stormwater management system has been designed to mitigate the effects of the proposed improvements in accordance with the Regulations such that there will not be any adverse effects to downstream properties or wetlands.

4. *Where applicable, wetland permits have been received or are obtained from the NHDES and USACOE;*

This project will require an NHDES Wetlands Dredge & Fill Permit which is being applied for concurrently with this CUP review process through the Planning Board. Granting of the CUP should be conditioned upon receipt of the Wetlands Permit from NHDES.

5. *Where applicable, permits for proof of compliance with all other state and/or federal regulations have been received or are obtained.*

There are no other state or federal regulations that apply to the proposed use, as it relates to the CUP.

CONDITINAL USE PERMIT APPLICATION CHECKLIST

Project Name: The Woods at East Village

Date: January 19, 2022

SECTION 12 General Requirements for All drawings

12.02 All Applications:

- (1) *Title Block:*
 - (a) Title of plan;
 - (b) Name and address of the owner and applicant;
 - (c) The date the plan was prepared and date of subsequent revisions; and
 - (d) Name, address and seal of the licensed professionals who prepared the plan.
- (2) *Scale.*
- (3) *North Arrow and Bar Scale* except for detail drawings.

12.03 Plan Certification:

- (1) A New Hampshire Licensed Land Surveyor shall prepare, sign and seal the existing condition plan.
- (2) A New Hampshire Licensed Professional Engineer shall prepare, sign and seal all plans where grading, drainage and utility information is proposed.
- (3) Landscape plans shall be prepared by a New Hampshire Licensed Landscape Architect who shall sign and seal the landscape plan(s).
- (4) Architectural elevations shall be signed or sealed by a New Hampshire Licensed Architect, or a New Hampshire Licensed Professional Engineer, as allowed by the State of New Hampshire professional licensing boards.
- (5) Where wetland boundaries are required to be delineated, the delineation shall be performed by a New Hampshire Certified Wetland Scientist who shall sign and seal the plan upon which the wetland boundaries are mapped.
- (6) Where soils are required to be identified, classified, and delineated, the identification, classification, and delineation shall be performed by a New Hampshire Certified Soil Scientist who shall sign and seal the plan upon which the soils are mapped.

12.04 Location Plan: Each site plan application shall have on the site plan, or a cover sheet, a detailed location plan prepared at a minimum scale of 1"= 400' showing clearly the following information:

- (1) Proposed property to be developed;
- (2) Property lines;
- (3) Abutter's property lines;
- (4) Names and locations of nearby and adjacent City streets;
- (5) Names and locations of adjacent water bodies and watercourses;
- (6) Names and locations of nearby and adjacent parks, schools, churches, and other significant physical and man made features;
- (7) Nearest street intersections;
- (8) The tax assessor's map, block and lot number for abutters and the properties to be developed;
- (9) Zoning district designations and boundaries; and
- (10) Other special information which may be required by the Planning Board.

12.05 Vicinity Plan: Each site plan shall have on the site plan or the cover sheet a vicinity plan prepared at a scale between 1"=1000' and 1"=2000' clearly showing the following:

- (1) The location of the property to be developed; and,
- (2) Streets, water bodies, city limits, parks, schools, and other significant physical and man-made features.

12.06 Plan References: The following references shall be included on the site plan and existing condition plan:

- (1) *Certificate of Ownership:* A certificate of ownership identifying each parcel, including which property is owned by each owner, and a deed citation for each deed from the Merrimack County Registry of Deeds;
 - (2) *Easements:* Plan or deed references for recorded easements, whether public or private, on the properties proposed for development; and existing easements on abutting properties, which are for the purposes of providing access, utilities or drainage to the properties proposed to be developed;
 - (3) *Existing Restrictions:* Deed reference and statement of any existing recorded covenants or restrictions relating to the use of the land proposed to be developed;
 - (4) *Prior Subdivisions or Surveys:* Plan references for prior recorded subdivisions or surveys on the properties proposed for development, or abutting said properties proposed to be development; and
 - (5) *Other Plans:* Plan references for applicable road, utility or site improvement plans, which are available in City records or are available to the surveyor or engineer preparing the plans.
- **12.07 Wetland Delineations:** Wetland delineations are to be prepared by a New Hampshire Certified Wetland Scientist who shall sign and seal the existing condition plan and site plan. The date of the wetland delineation shall be noted on the plans.
- **12.09 As-Built Drawings:** Prior to the issuance of a Certificate of Occupancy digital as-built drawings shall be provided conforming to the City Engineering Division's As-Built checklist.

SECTION 13 General Requirements for Documentation

13.01 All Applications: The following information is required for all site plan applications except for Preliminary Conceptual Consultation Phase:

- (1) *Authorization of the Property Owner:* The applicant for site plan review must either own the fee simple interest in the property(s) that is the subject of the review or have written permission of the fee simple owner. All applications shall include written evidence that the fee simple owner of the property has authorized the application and does not object to the application being made. Evidence shall include either the owner's signature on the application or a letter signed by the owner authorizing the submittal of the application.
- (2) *Application Form:* A completed application form endorsed by the owner, or submitted by his agent where written authorization has been provided by the owner. A copy of the owner's written authorization needs to be attached to those applications signed by the agent.
- (3) *Application Fee:* An application fee as set forth in Appendix A, Fees, which are due and payable upon submission or prior to the recording of any documents or plans.
- (4) *Abutters List:* An abutters list including a list of names and addresses of all abutters as indicated in the records of the City Tax Assessor not more than five (5) days before the filing of the application.
- (5) *Zoning Board of Adjustment Actions:* A copy of any actions by the Zoning Board of Adjustment on requests for special exceptions or variances from the City of Concord Zoning Ordinance.
- (6) *State and Federal Permits:* 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.
- (7) *Phasing Plan:* A statement describing the proposed phasing of the site plan including the time frame, percentage of total residential and non-residential uses, and the improvements and facilities provided in each phase.
- (9) *Special Investigative Studies or Third Party Reviews:* Special Investigative Studies pursuant to RSA 676:4 I(g), or Third Party Review pursuant to RSA 676:4-b for all or a portion of a site plan application, or impact study, shall be provided where required in accordance with Section 31, Special Investigative Studies – Third Party Review, of these regulations, or as may be specifically required by the Planning Board in order to satisfactorily complete its review of a proposed application.

SECTION 15 Application Requirements for Conditional Use Permit plans

34.01 General.

- (1) A narrative addressing the criteria set forth in the Zoning Ordinance for the Conditional Use Permit(s) requested, and the general criteria for the issuance of Conditional Use Permits in Article 28-9-4(b);
- (2) All items set forth in Section 14.02, Design Review Phase Requirements;

14.02 Design Review Phase Requirements.

(1) Site Analysis Plan shall show:

- (a) Natural Features: The following information both on and adjacent to the site to be subdivided:
 - i. Identification of wetlands and wetland buffers;
 - ii. Vegetation survey showing fields, swamplands, wetlands, grasses, shrubs and trees (deciduous and evergreen);
 - iii. Rock outcrops, ledges, surface water, streams, seasonal or permanent water bodies or water courses including any known flood elevations, as well as identification of high water marks;
 - iv. Important views of and from the site;
 - v. Orientation to the sun and direction of prevailing winds;
 - vi. Contour lines at a minimum of two (2) foot intervals with ten (10) foot contour intervals highlighted;
 - vii. Slopes in excess of fifteen percent (15%) and in excess of twenty five percent (25%);
 - viii. Identification of bluffs and buffers to bluffs;
 - ix. Identification and classification of the extent and types of soils using the USDA Natural Resource Conservation Service System;
 - x. Wellhead protection areas;
 - xi. Wetland Delineation;
 - xii. Wetland buffers; and
- (b) Man-made Features: The following items, both on and adjacent to the site to be developed, are required to be shown at a minimum, but are not exclusive:
 - i. Location of utilities including any specific rights-of-way; the size of sanitary sewers; water mains, storm sewers, including surface and subsurface drainage systems; and non-municipal utilities including overhead transmission lines;
 - ii. Identification of municipal special district boundaries;
 - iii. Location and purpose or use of building and structures;
 - iv. Location of walls, fences and wells;
 - v. Location of existing conservation and open space easements, and easements for utilities, storm drainage, slopes, vehicular and pedestrian access;
 - vi. Public streets and highways and mapped future streets as defined on the Official Map;
 - vii. Railroad tracks and rights-of-way, and airport approach zones;
 - viii. Driveways, curb cuts, and parking lots;
 - ix. Any historic structures or sites listed or eligible for the National or State Registers of Historic Places, and any historic markers;
 - x. Any cemeteries, stone walls or foundations, or known archeological sites; and
 - xi. Public and private recreation areas, parks and open space.
- (c) Proposed highways or other major public improvements planned by public authorities for future construction on or in proximity to the site;
- (d) Planned private improvements on or in proximity to the site, including any previously approved subdivision or adjacent site plan;
- (e) Any other significant man-made or natural features which have relevance to the development of the site; and
- (f) Photographs of the site showing existing features and conditions. Notes shall be made of camera locations, direction, view, and key numbers.

(2) Proposed Site Layout Plan: A proposed site layout plan shall show:

- (a) The approximate location, number, and type of parking spaces, the location of loading areas, interior landscaping, access aisles and storage or display areas for motor vehicles;
- (b) The approximate location of pedestrian and/or bicycle facilities including those along the frontage of the property;
- (c) All driveway and access locations including approximate locations of interconnected parking lots, or other shared access;
- (d) The approximate location and size of buildings and structures;

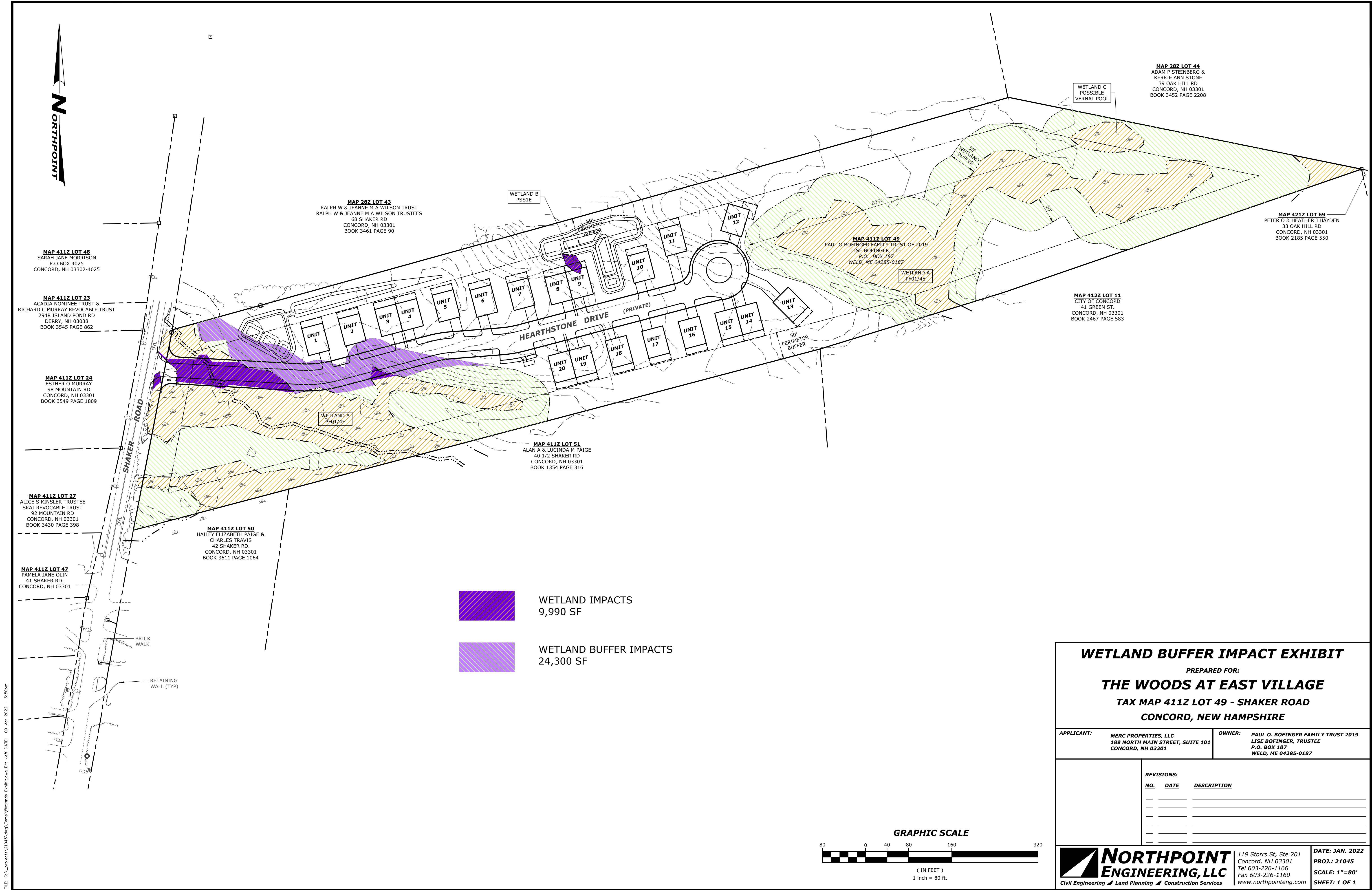
- (e) The location of perimeter yards, buffer yards and fences, and other landscape or open space areas;
- (f) Tabulations of the gross land area and buildable land area, approximate lot coverage of buildings and impervious surfaces, parking lot area including aisles and driveways, required open space, number of dwelling units, residential density, square footage of non-residential uses, and ; and
- (g) Any proposed impacts to wetlands and bluffs, buffers to bluffs and wetlands, Shoreland Protection (SP) District buffers, and Aquifer Protection Areas.

(3) Site Utility and Drainage Layout Plan: A site utility and drainage layout plan shall show the following:

- (a) The location of existing sanitary sewers and/or septic systems, water mains and/or potable wells, culverts, and existing utility poles;
- (b) Existing utility rights-of-way;
- (c) Existing drainage facilities and the approximate layout of all proposed storm drainage facilities, including detention and retention ponds and drainage swales;
- (d) Preliminary proposals for connection with existing water supply and sanitary sewage systems or alternative means of providing water supply and sanitary waste treatment and disposal; and
- (e) Existing non-municipal utilities on, or adjacent to the site, and the approximate layout of non-municipal utilities proposed.

- **(4) Other Requirements:** The Board may require further detailing of information and additional meetings, before advising the applicant to proceed with a formal application for a major site plan.

FILE: C:\projects\21045\Draw\Temp\Wetlands Exhibit.dwg BY: Jeff DATE: 09 Mar 2022 3:50pm



WETLAND BUFFER IMPACT EXHIBIT

PREPARED FOR:
THE WOODS AT EAST VILLAGE
TAX MAP 4112Z LOT 49 - SHAKER ROAD
CONCORD, NEW HAMPSHIRE

APPLICANT: MERC PROPERTIES, LLC
189 NORTH MAIN STREET, SUITE 101
CONCORD, NH 03301

OWNER: PAUL O. BOFINGER FAMILY TRUST 2019
LISE BOFINGER, TRUSTEE
P.O. BOX 187
WELD, ME 04285-0187

REVISIONS:

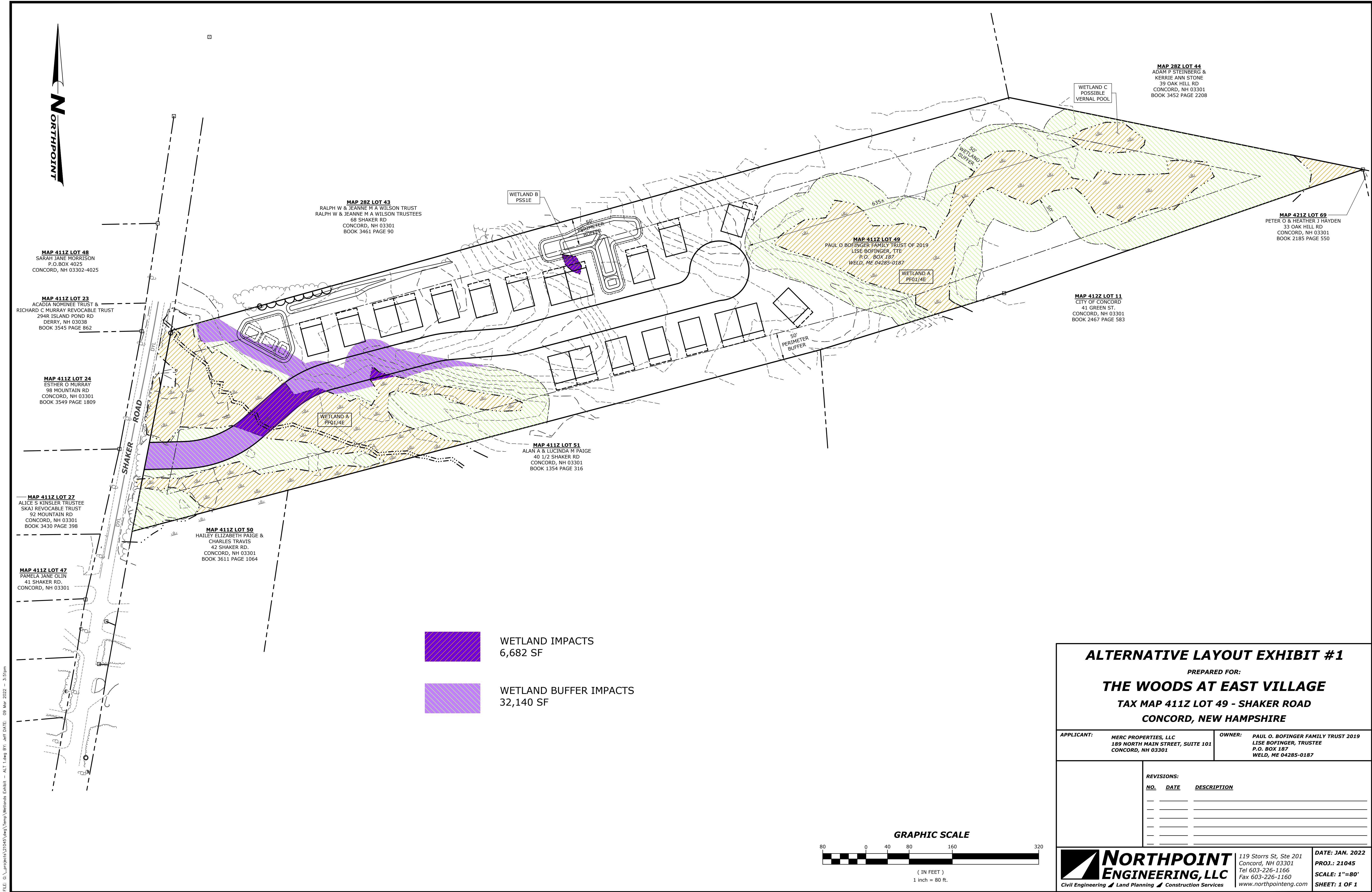
NO.	DATE	DESCRIPTION

DATE: JAN. 2022
PROJ.: 21045
SCALE: 1"=80'
SHEET: 1 OF 1

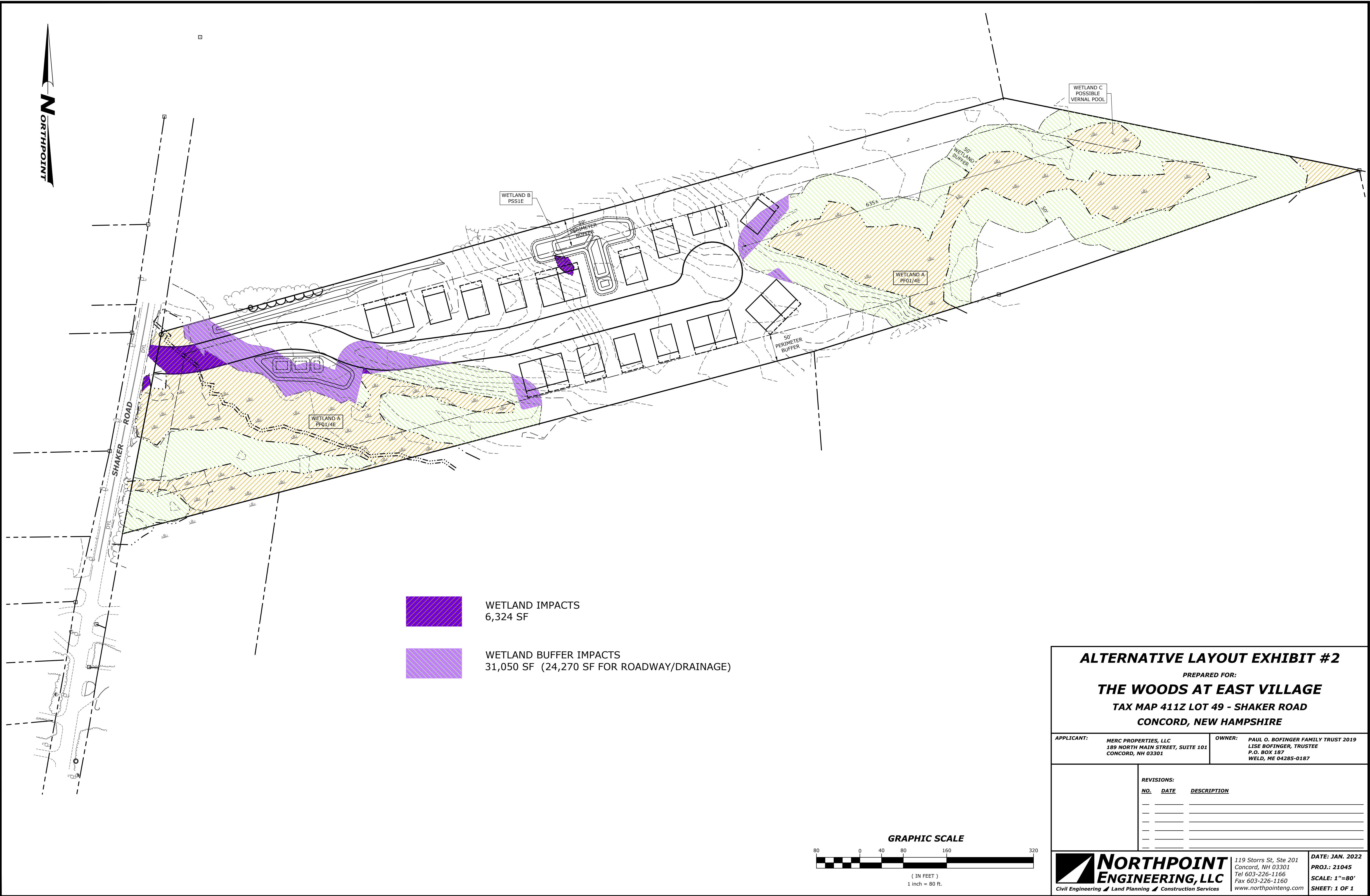
**NORTHPOINT
ENGINEERING, LLC**
Civil Engineering Land Planning Construction Services

119 Storrs St, Ste 201
Concord, NH 03301
Tel 603-226-1166
Fax 603-226-1160
www.northpointeng.com

FILE: C:\projects\21045\dwg\Temp\Wetlands Exhibit - ALT 1.dwg BY: jef DATE: 08 Mar 2022 - 3:51pm



FILE: C:\projects\21045\dwg\Temp\Wetlands Exhibit - ALT 2.dwg BY: jef DATE: 09 Mar 2022 - 4:03pm



ALTERNATIVE LAYOUT EXHIBIT #2
PREPARED FOR:
THE WOODS AT EAST VILLAGE
TAX MAP 411Z LOT 49 - SHAKER ROAD
CONCORD, NEW HAMPSHIRE

APPLICANT:	MERC PROPERTIES, LLC 189 NORTH MAIN STREET, SUITE 101 CONCORD, NH 03301	OWNER:	PAUL O. BOFINGER FAMILY TRUST 2019 LISE BOFINGER, TRUSTEE P.O. BOX 187 WELD, ME 04285-0187
-------------------	-------------------------------------------------------------------------------	---------------	-----------------------------------------------------------------------------------------------------

REVISIONS:		
NO.	DATE	DESCRIPTION

NORTHPOINT
ENGINEERING, LLC
Civil Engineering Land Planning Construction Services

119 Storrs St, Ste 201
Concord, NH 03301
Tel 603-226-1166
Fax 603-226-1160
www.northpointeng.com

DATE: JAN. 2022
PROJ.: 21045
SCALE: 1"=80'
SHEET: 1 OF 1