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CITY OF CONCORD

New Hampshire's Main Street™
Community Development Department

Planning Board

March 21, 2018

Project Summary – Major Subdivision Amendment

Project: Oxbow Bluff Condominium Development (2005-67)
Property Owners: Oxbow Realty Trust
Address: Richmond Dr., Jonathon Dr., Nickerson Dr., & Dempsey Dr.
Map/Block/Lot: 202Z/6

Project Description:

The applicant is requesting an amendment to a previously approved Major Subdivision to a condition of approval for the Oxbow Bluff Condominium development, off Manor Road in the Residential Single Family (RS) District. The Applicant is requesting to obtain building permits for units in Phase 3 prior to the completion of Phases 1 and 2 in order to take advantage of equipment already located on site and to start house construction before paving and landscaping season begins (see the attached request letter for additional information). They are not requesting to amend the timeline for the issuance of Certificates of Occupancy (CO).

Discussion:

The Planning Board granted conditional final subdivision approval for a three phased single-family 63-unit cluster condominium development near Manor Road on May 31, 2006. Since the initial approval, the Applicant has been before the board five times to request extensions due to the recession and the unanticipated slowdown in the sale/construction of the units. The latest Planning Board action was in November 2017, at which time the Board approved an amendment to extend the timeline of phasing as follows: Phase 1 and Phase 2 roadway paving to be completed and signed off by May 31, 2018. Phase 2 - including site work, landscaping, and units - to be completed and signed off by May 31, 2018, with the exception of the completion of the roundabout. The roundabout construction shall commence by June 1, 2018, and be completed by September 30, 2018. Phase 3 to be completed and signed off by November 15, 2019.

1. General Comments

- 1.1 The Applicant is requesting to amend the following condition approved by the Board in November 2017: *No building permits for Phase 3 shall be issued until construction of Phase 2 is complete, with the exception of the roundabout.*
- 1.2 As of March 13, 2018, 45 building permits and 41 COs have been issued:
 - Phase 1 (26 units): 26 building permits, 26 COs
 - Phase 2 (19 units): 19 building permits, 16 COs
 - Phase 3 (18 units): 0 building permits, 0 COs

- 1.3 As of March 13, 2018, the following work remains to be completed in Phases 1 and 2:
- Complete construction of 3 units in Phase 2
 - Final wearing course and sidewalk paving in Phases 1 and 2
 - Completion of landscaping and seeding in the recreation area
 - Installation of site amenities, including benches and street lights
- 1.4 The City Engineering Division has on file a financial guarantee in the amount of \$80,300 to insure the final completion of road work in Phase 1 and roadwork, grading and landscaping in Phase 2.

2. Discussion

- 2.1 The following conditions of approval from the original and amended applications remain to be addressed:
1. No building permits for Phase 3 shall be issued until construction of Phase 2 is complete, with the exception of the roundabout. (**Applicant is requesting to amend**)
 2. No COs for buildings in Phase 3 shall be issued until roundabout construction has commenced.
 3. No COs for Phase 3 shall be issued until utilities and base course for the Phase 3 portion of Richmond Drive is complete.
 4. Payment of inspection fees in an amount approved by the City Engineer to cover the roundabout construction.
 5. Prior to the release of a financial guarantee for any public improvement, an as built plan shall be provided to the City Engineer in form and content acceptable to the City Engineer.
 6. Prior to the issuance of a Certificate of Occupancy for the 45th unit, the common recreation areas shall be complete.
 7. Payment of inspection fees in an amount approved by the City Engineer to cover inspection of Phase 3 construction.
 8. Provide a copy of the new or extended NH Department of Environmental Services Alteration of Terrain (Site Specific) Permit.
 9. Corrective action to the satisfaction of the City Engineer shall be taken in the areas of cracking pavement prior to placing the wearing course in Phases 1 and 2.
- 2.2 The developer has provided information indicating that a contractor is under agreement to complete Phase 1 and 2 paving, Phase 3 road construction, and the roundabout construction. Phase 1 and 2 paving will occur as soon as asphalt plants open in April.
- 2.3 Engineering and Planning staff met with the developer and contractor in February 2018 to review the roundabout construction. Staff emphasized that the contractor/developer must coordinate with Unitil to relocate utility poles, per the construction plans. Staff has concerns that as of March 13, 2018, the developer has not made contact with Unitil.

3. Recommendations

- 3.1 Staff recommends that the Board grant the amendment to the condition as follows:

1. A maximum of three building permits for Phase 3 may be issued prior to the completion of Phases 1 and 2, with the exception of the roundabout, with the condition that the developer provide confirmation that Unitil has been contacted, and relocation of the poles can occur within the previously agreed upon roundabout construction timeline.
- 3.2 Staff recommends that the Board indicate that all conditions of the original approval, extension, and amendments shall remain in full force and effect, unless otherwise amended.

Prepared by: BAF

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