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City Planner

CITY OF CONCORD

New Hampshire's Main Street™
Community Development Department

Planning Board

December 19, 2018

Project Summary – Minor Subdivision

Project: Interchange Development and Whitney Property Lot Line Adjustment (2018-61)
Property Owner: Interchange Development LLC and Bradley Whitney & Jennifer Habel
Address: 1 Whitney Road
Map/Block/Lot: 6P/5 and 6P/6

Determination of Completeness:

Determine this application complete and open the public hearing.

Project Description:

The applicant is proposing to annex 9.76 acres from Tax Map 6P Lot 6 to Lot 5 at 1 Whitney Road in the Gateway Performance (GWP) and Industrial (IN) Districts. As the applicant is proposing a subdivision in a Performance District, approval of a Comprehensive Development Plan is also required, per Section 28-9-4(e) of the Zoning Ordinance.

Project Details:

| | | |
|------------------------|---|---------------------------------------|
| Zoning: | Gateway Performance (GWP) and Industrial (IN) (portion of Lot 6 only) | |
| Existing Use: | Lot 5: Gas Station/Retail | Lot 6: Vacant |
| Lot Area Existing: | Lot 5: 427,087 sf (9.805 ac) | Lot 6: 1,447,315 sf (33.23 ac) |
| Lot Area Proposed: | Lot 5: 852,360 sf (19.568 ac) | Lot 6: 1,022,042 sf (23.47 ac) |
| Lot Frontage Required: | 300' | |
| Lot Frontage Proposed: | Lot 5: 422.52' | Lot 6: 361.37' |

1. General Comments

- 1.1 The following comments pertain to the 2 sheet plan set titled "Re-Subdivision Plat, Lands of Bradley Whitney and Jennifer Habel, Interchange Development LLC, Whitney Road, Concord, NH, Merrimack County, Tax Map 06P Lots 5 & 6" prepared by FWS Land Surveying PLLC, dated November 16, 2018.
- 1.2 Please see the attached Engineering comments.
- 1.3 The Applicant has requested a waiver to the Subdivision Regulations (SDR) to not show topography and spot elevations for the entirety of Lot 6 based on the nature of the application as a lot line adjustment and sufficient topography provided for the front of the lot. The waiver will

properly carry out and not be contrary to the spirit and intent of the regulations. Requiring these features will not enhance this application nor vary the provisions of the Zoning Ordinance or Master Plan, and sufficient information is provided to determine buildable and useable land area. Staff supports this waiver with the understanding that topography will be provided when Lot 6 is developed as shown in the future phasing of the Comprehensive Development Plan for the site.

2. Comprehensive Development Plan

- 2.1 As the applicant is proposing a subdivision in a Performance District, approval of a Comprehensive Development Plan (CDP) is required, per Section 28-9-4(e) (ZO). Per Section 18.07 of the Subdivision Regulations (SDR), where no new lots are proposed, a combined minor subdivision application and CDP can be submitted.
- 2.2 The CDP outlines a 3-phased non-residential development. The timeframe is currently unknown. Phase 1 will involve the construction of a supermarket and attached retail, with associated infrastructure. Phase 2 will involve retail development and associated infrastructure. Phase 3 will consist of industrial development with associated infrastructure.
- 2.3 The CDP is in line with the concept site master plan that was submitted for the re-zoning hearing in 2018. While the proposed use and subdivision conforms to the provisions of the Zoning Ordinance, and adequate provisions have been made for common facilities for each unit and common area, Staff feels there are several issues to be resolved prior to development, including the Whitney Road/Hoit Road intersection and site layout. Therefore, Staff recommends approval of the CDP with the following conditions:
 1. Improvements for the intersection of Whitney Road and Hoit Road to be addressed to the satisfaction of NHDOT and the City, including completion of any traffic related studies needed and design of off-site improvements. The off-site improvements shall be designed prior to, or as part of, the Phase 1 site plan application.
 2. Applicant shall continue to work with Planning and Engineering staff to address the site layout, including circulation and the location of driveways and buildings, as part of the Site Plan application process.
 3. Applicant shall submit an amended CDP with revised phasing timelines and layout changes for approval as part of future site plan applications.

3. Technical Review Comments

- 3.1 Per Section 12.08(19), setbacks shall be dimensioned. The frontage for Lot 6 are within the GWP District, therefore, the GWP dimension for front yard setback applies. Please revise.
- 3.2 Per Section 15.03(10), the proposed driveway access for Lot 6 shall be shown. Confirm that the proposed driveway access is in compliance with existing easements along the frontage.
- 3.3 Per Section 15.03(11) and (13), provide location for existing municipal sewer, stormwater, and water utilities.
- 3.4 Per Section 19.05(4) (SDR), useable land area rectangles shall be shown for both lots.

4. Recommendations

- 4.1 **Grant Comprehensive Development Plan approval** for the proposed lot line adjustment associated with a commercial and industrial redevelopment at 1 Whitney Road in the GWP

District, subject to the following conditions:

1. Improvements for the intersection of Whitney Road and Hoit Road to be addressed to the satisfaction of NHDOT and the City, including completion of any traffic related studies needed and design of off-site improvements. The off-site improvements shall be designed prior to, or as part of, the Phase 1 site plan application.
 2. Applicant shall continue to work with Planning and Engineering staff to address the site layout, including circulation and the location of driveways and buildings, as part of the Site Plan application process.
 3. Applicant shall submit an amended CDP with revised phasing timelines and layout changes for approval as part of future site plan applications.
- 4.2 **Grant the request for the waiver to Section 12.08(3) to not provide topography for the entirety of Lot 6**, 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.
- 4.3 **Grant Minor Subdivision approval** for the lot line adjustment at 1 Whitney Road, subject to the following precedent conditions to be fulfilled within one year and prior to endorsement of the final plan by the Planning Board Chairman and Clerk and issuance of any building permit, unless otherwise specified:
1. Address Engineering Review Comments to the satisfaction of the Engineering Division.
 2. Address Technical Review Comments to the satisfaction of the Planning Division.
 3. 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.
 4. Monumentation for new lot lines shall be set.
 5. The Licensed Land Surveyor and Wetland Scientist shall sign and seal final plans and mylars.
 6. The Applicant shall deliver to Planning, two plan sets and one (1) mylar(s) for endorsement by the Planning Board Chairman & Clerk and recording at the Registry of Deeds.
 7. 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.

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: Bryant A. Anderson, PE
DATE: December 11, 2018
SUBJECT: Plan Review, Bradley Whitney, Jennifer Habel, and Interchange Development, LLC, Whitney Road; Map 06P, Lots 5 and 6; (2018-61)

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

- *Re-Subdivision Plat*, Bradley Whitney and Jennifer Habel, Interchange Development, LLC, Whitney Road, prepared by FWS Land Surveying, PLLC, dated November 16, 2018
- *Comprehensive Development Plan*, 1 Whitney Road, Concord, NH, Interchange Development, LLC, prepared by TFM, dated, December 7, 2018.

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/addresses each of these comments.**

General Comments

1. The City's assessing website lists the Boston & Maine R.R. as owned by the State of New Hampshire, with a Map and Lot of Map 06P Lot 1. Engineering suggests that this information should be included as an abutter to the project.
2. Please label the 1 story convenience building on Lot 5 as 1 Whitney Road.
3. In the event that Lot 5 moves forward with a site plan for further development, additional address numbers along Whitney Road will be assigned at that time.
4. In the event that Lot 6 is developed in the future, an address number along Whitney Road will be assigned at that time.

Engineering Services
City Hall • 41 Green Street • Concord, NH 03301 • (603) 225-8520
engineering@concordnh.gov

Re: Review Comments (2018-61)
Re-Subdivision, Whitney, Habel & Interchange Development, LLC
Date: 12/11/2018

5. The Comprehensive Development Plan appears to meet the common facility requirements of Section 18 of the Subdivision Regulations. However, the development shown on the plan will require significant improvements to the intersection of Whitney Road and Hoit Road (Route 4); and potentially additional improvements along the Route 4 corridor in the vicinity of the I-93 southbound on-ramp as had been required by the NHDOT in its prior review of the Hoit/Whitney intersection permit.

Post-Approval/Pre-Construction Items

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

1. The monumentation for the proposed lot lines will need to be set (prior to recording the plan).