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City Planner

CITY OF CONCORD

New Hampshire's Main Street™
Community Development Department

Planning Board

July 17, 2019

Project Summary – Minor Subdivision

Project: CC Tomatoes Minor Subdivision Application (2019-39)
Property Owners: ADN Realty Trust & ABS Realty Trust
Address: 217-219 Fisherville Road
Map/Block/Lot: 43Z/6 and 43Z/7

Determination of Completeness:

Determine the application complete and open the public hearing. As part of the motion, indicate that the project does not meet the criteria for a Development of Regional Impact (DRI), per RSA 36:55.

Project Description:

The applicant is proposing to subdivide the existing 3.06 acre lot into two lots with Lot 3 retaining 1.794 acres and the existing retail plaza and with new Lot 3-1 consisting of 1.263 acres and the existing CC Tomatoes restaurant.

Project Details:

Zoning:	CG (General Commercial)	
Existing Use:	Commercial	
Required Lot Size:	25,000 sf	
Existing Lot Size:	133,179 sf (3.057 ac)	
Proposed Lot Size:	Lot 3: 78,162 sf (1.794 ac)	New Lot 3-1: 55,017 sf (1.263 ac)
Frontage Required:	150'	
Frontage Provided:	Lot 3: 221.43' Fisherville Rd 275.85' Borough Rd	New Lot 3-1: 150' Fisherville Rd
Setbacks Required:	30' front; 30' rear; 25' side	
Setbacks Provided:	30' front; 30' rear; 25' side	

1. General Comments

- 1.1 The following comments pertain to a 1-sheet subdivision plan set titled “Subdivision Plat Lands of AND Realty Trust and ABS Realty Trust” prepared by FWS Land Surveying PLLC, dated June 14, 2019.
- 1.2 Please see the Engineering Division comments in a separate memo.
- 1.3 The Applicant is responsible for insuring that all plans to be recorded are in compliance with the current standards of the Merrimack County Registry of Deeds.
- 1.4 The subdivision results in Lot 3 having an odd shape as the owner wishes to retain the existing cell tower on the same lot as the retail plaza. The result is a 4 foot wide, roughly 230 foot strip of land connecting the cell tower area with the retail plaza. Staff recognizes this is an unconventional shape and was unable to find a regulation that would prevent such a lot shape from being created via subdivision, but just wants to make the Board aware of this.

2. Waivers

- 2.4 The applicant has requested waivers to Sections 16.03(13), 15.03(13) & 15.03(15) of the Subdivision Regulations (SDR) to not provide the location, size, and invert elevations of existing and proposed sanitary and storm sewers, existing water mains, and all non-municipal utilities. Given the applicant only proposing a subdivision and no construction at this time, **Staff supports these waiver requests.**

3. Technical Review Comments

- 3.1 On the Location Map, remove the “RM” label west of the Fire Station as that zone is UT which is correctly labeled to the south.
- 3.2 Correct the setback numbers identified under the Zoning Requirements note to; Side – 25 feet and Rear – 30 feet.
- 3.3 Relabel the “30’ Rear Structure Setback Line” located on the west side of the Lot 3 building to “25’ Side Structure Setback Line” as the property line from which the setback is being measured is a side property line, not a rear property line. The dimension should also be reduced to 25’ on the plan.
- 3.4 Label the 30’ rear setback from the new property line with the cell tower.
- 3.5 Dimension the existing curb cuts on Fisherville and Borough Road, in accordance with Section 12.08(8) or the Subdivision Regulations (SDR).
- 3.6 Provide a parking summary that demonstrates that there are sufficient parking spaces to satisfy the parking requirements for each site.
- 3.7 Per the applicant’s parking summary, the restaurant and retail spaces have a combined parking demand of 111 spaces. There are currently 106 striped parking spaces on site. Five additional spaces should be striped in accordance with Article 28-7-2 f the Zoning Ordinance.

4. Recommendations

- 4.1 Staff recommends that the Board **grant the following waivers**, based on the fact the applicant is not proposing any further development at this time, 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:

- a) Section 16.03(13) – the location size and invert elevations of existing and proposed sanitary and storm sewers including manholes, catch basins, and culverts
- b) Section 15.03(13) – the location and size of all existing and proposed water mains including hydrants, gates, valves, and blow-offs, and service connections.
- c) Section 15.03(15) – the location of all existing non-municipal utilities including electric, telephone, gas, steam, and CATV system, along with fire alarm cables, both on-site and within abutting rights-of-way.

4.2 **Grant Minor Subdivision approval** for the Minor Subdivision at 217-219 Fisherville 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, unless otherwise specified:

- 1. Address Technical Review Comments, noted in Section 3 above, to the satisfaction of the Planning Division.
- 2. Address Review Comments from Bryant Anderson, P.E., to the satisfaction of the Engineering Division.
- 3. Any waiver(s) granted are to be noted and fully described on the plan including date granted and applicable Section number(s) of the Subdivision Regulations. Should the Board vote to deny the waiver request(s), applicant shall comply with said submission requirement(s).
- 4. Prior to the final plat being signed by the Planning Board Chair and Clerk, digital information shall be provided to the City Engineer for incorporation into the City of Concord Geographic Information System (GIS) tax maps. The information shall be submitted in accordance with Section 12.09 of the Subdivision Regulations.
- 5. 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.
- 6. The Applicant shall deliver to Planning, one plan set and mylar(s) for endorsement by the Planning Board Chairman & Clerk and recording at the Registry of Deeds.

Prepared by: SCD

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Community Development Department

David Cedarholm, PE
City Engineer

MEMORANDUM

TO: Sam Durfee, Senior Planner
FROM: Bryant A. Anderson, PE
DATE: June 29, 2019
SUBJECT: Plan Review, Proposed Subdivision, 209-219 Fisherville Road;
Map 2019, Lot 3; (2019-39)

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

- *Subdivision Plat*, AND Realty Trust and ABS Realty Trust, 201-219 Fisherville Road, Village of Penacook, City of Concord, Tax map 201P, Lot 3, prepared by FWS Land Surveying, PLLC, dated June 14, 2019.

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. A parking summary should be provided on the plan to confirm that each lot has sufficient number or parking spaces to satisfy its required parking.
2. The portion of the site that houses the existing cell tower is connected to Lot 3 by a proposed 4 foot strip of land that is approximately 230 feet long. The applicant should provide documentation that this lot configuration meets the requirements of Section 19.05 of the Subdivision Regulations and will not create difficulties in the future for the property owners.

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).

Engineering Services
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