



Heather Shank  
City Planner

# CITY OF CONCORD

*New Hampshire's Main Street™*  
**Community Development Department**

## Planning Board

**September 18, 2019**

### **Project Summary – Major Site Plan and Cluster Subdivision**

Project: Glen Ellen Phase 2 Cluster Subdivision (2019-44 and -45)  
Property Owner: Strategic Contracting Company, LLC  
Address: Hoit Road  
Map/Block/Lot: Tax Map 7Z; Lot 48

#### **Determination of Completeness:**

The application was determined complete at the August 21, 2019 Planning Board meeting.

#### **Project Description:**

The applicant is requesting Major Site Plan and Major Subdivision approval to create a 13 single family detached condominium cluster subdivision on Hoit Road in the Open Space Residential (RO) District.

#### **Project Details:**

Zoning: RO - Residential Open Space District

Existing Use: Undeveloped Vacant Land  
Proposed Use: Residential Cluster Subdivision

Existing Lot Area: 100.78 acres (4,388,534 sf)  
Min. Tract Area Required: 4.00 ac\* (see Comment 1.1)

## **1. Background**

1.1 This application is for Phase II of a cluster subdivision that was approved in 2008 and expired in May 2016. The land is under new ownership, and minor revisions to the previous plan are proposed. The lot was created in 2012, to meet all of the minimum dimensional requirements, including frontage, open space, buffers, setbacks, and buildable and useable area requirements. That information is provided on the plan that was recorded in October 2012. The purpose of this application is to record the condominium subdivision plan for the 13 single family units, and to renew the site plan approvals for construction.

- Phase I was approved for the subdivision of 5 single family residential frontage lots, and was completed in 2012.
- Per Section 28-4-7(l), the Conservation Easement was recorded in October 2012 at the time of the recording of Phase I to meet the open space requirements for the entire development.
- Phase II was approved for the construction of 13 detached single family condominium units and a private drive, and expired in May 2016.

- Phase III was approved for the construction of 17 detached single family condominium units and private drive, and expired in May 2018.
- The project has received State of NH Subdivision Approval, which does not expire.

## 2. General Comments

- 2.1 The following comments pertain to a 22 sheet plan set titled “Glen Ellen – Phase II Major Residential Subdivision Plan” prepared for Links Realty Trust, prepared by The Dubay Group, Inc., dated July 17, 2019, revised August 30, 2019.
- 2.2 Please see the attached Engineering comments in a memo from Bryant Anderson, dated September 10, 2019.
- 2.3 The Applicant went before the Architectural Design Review (ADR) Committee at their September 3, 2019 meeting. The Committee recommended approval as submitted with the condition that the applicant return to the Committee with definitive information relative to the proposed materials, proposed styles and sizes of the potential houses including the utility building, and include samples of colors and finishings proposed.
- 2.4 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.

## 3. Technical Review Comments

- 3.1 The correct nomenclature for lot referencing is Map 07Z Lot ## (there are no blocks, just map and lot numbers). Please revise for all lots on all plans, title blocks, and notes. *Repeat comment; please confirm that all map references for all lots include a ‘0’ in the map number, for example 07Z and 02Z.*
- 3.2 Please revise the title of the plan set to be “Major Site Plan and Condominium Subdivision”.
- 3.3 On Sheet 2, Note 6 (formerly Note 8), revise “Town” to “City”. *Repeat comment.*
- 3.4 Per Section 17.02 (SDR), the condominium site plan shall be prepared by a NH Registered Land Surveyor, and shall meet the requirements of NH RSA 356-B:20. In addition, revise the Condominium Plan as follows:
  - Per Section 17.04(2) (SDR), the location, dimension and purpose of each common area and limited common area shall be shown on the Condominium Plan.
  - Revise the purpose of the plan in Note 4.
  - Revise Note 8, should be “City”, not “Town”
  - Label the Conservation Easement area, and indicate the boundary is for an existing easement, including MCRD reference information.
  - As this plan will be recorded independently, staff recommends that the Plan References and Notes 9 through 12 from the Existing Conditions Overview Plan (Sheet 2) be included, as well as any other pertinent information for context. Staff also recommends that the Applicant confirm with MCRD that the plan will be acceptable showing only an enlargement of the Phase II condominium area and not the entire lot.
- 3.5 Staff recommends that the applicant consider providing a sidewalk on at least one side of the street for safe pedestrian access throughout the development. *Repeat comment. Applicant explains that the sidewalk would only benefit internal site pedestrian access as there is no existing sidewalk on Hoit Road. Further, the traffic volume would be very low and pedestrian access can*

*be accommodated on the 24 ft wide roadway. Staff requests that the Planning Board make a determination on this request.*

- 3.6 The Applicant is proposing to plant *Spiraea japonica* 'Little Princess'. This cultivar has shown invasive tendencies in many areas of the Eastern U.S. As the development is located adjacent to conservation areas which are vulnerable to invasive species, the applicant shall replace *Spiraea* species with a native shrub species.
- 3.7 There is a callout for a 4x4 utility building on Sheet 11 referencing a detail, which is missing from the plan set. Please provide the detail.

#### 4. Conditional Use Permit (CUP)

- 4.1 The Applicant has requested a CUP per Section 28-4-3(d) of the ZO for the Disturbance to a Wetland Buffer. The proposed layout will disturb approximately 2,000 sf of the buffer, for site grading and stormwater improvements. The Applicant asserts that wetland buffer impacts are required to treat the stormwater runoff to meet NHDES guidelines, and to infiltrate the runoff prior to discharging to the wetland. No impacts to the wetland are proposed.

The Applicant went before the Conservation Commission at their August 14, 2019, meeting. The Commission recommended approval of the CUP.

- 4.2 The narrative provided by the applicant (see attached) describe how the criteria of all applicable sections of the ordinance are met, including Section 29-4-4(d) (ZO), which states the criteria for the Planning Board decision.

#### 5. Recommendations

- 5.1 **Grant ADR approval** for the application as submitted with the condition that the applicant return to the ADR Committee with definitive information relative to the proposed materials, proposed styles and sizes of the potential houses including the utility building, and include samples of colors and finishings proposed.
- 5.2 **Grant approval of the Conditional Use Permits**, Section 28-4-3(d) to disturb approximately 2,000 sf of wetland buffer for the construction of a drainage swale, utilizing the criteria from Section 28-9-4(b) (ZO).
- 5.3 **Grant Major Site Plan** approval for the proposed 13-unit cluster residential development and associated site improvements at Hoit 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) Applicant shall return to the ADR Committee to provide the additional requested materials.
    - (3) Condition 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) Final plans shall be signed and sealed by the NH Registered Land Surveyor, Landscape Architect, and Professional Engineer.
  - (5) 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.
  - (6) Submit three (3) copies of fully revised plans for sign off by the Clerk and Chair of the Planning Board.
- (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 and conservation easement boundaries shall be marked with signs available through the Planning Division.
  - (2) Prior to commencement of construction activity, payment of inspection fees in an amount approved by the City Engineer shall be made.
  - (3) 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.
  - (4) 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.
  - (5) 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 12.09 of the Site Plan Regulations. The as-built drawings shall be surveyed on NH State Plane coordinates and NAVD 88 Datum.
  - (6) 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. The information shall be submitted in accordance with Section 12.08 of the Site Plan Review Regulations and all information shall be converted to a vertical datum of NAVD 88.

Prepared by: BAF

S:\Plan\Development Review\Project Files\2019\2019-45\_Glen\_Ellen\_SPM\GlenEllenPh2\_Report.docx



**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:** September 10, 2019  
**SUBJECT:** Plan Review (2), Glen Ellen Phase II, Hoit Road;  
Map 7Z, Lot 48; (2019-44 & 2019-45)

---

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

- *Subdivision and Site Plans*, Glen Ellen – Phase II, Major Residential Subdivision Plan, Map 07, Block Z, Lot 48, Hoit Road, Concord, NH, prepared by The Dubay Group, Inc., dated July 17, 2019 (revised thru 8/30/2019).
- *NHDES Alteration of Terrain Permit Application and Drainage Analysis*, Glen Ellen – Phase II, Major Residential Subdivision Plan, Map 123, Block 1, Lot 7, Hoit Road, Concord, New Hampshire, prepared by The Dubay Group, Inc., dated July 17, 2019 (revised thru 8/30/2019).
- *Comment Response Letter*, Doug MacGuire (Dubay Group) to Beth Fenstermacher (Planning), dated September 4, 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.**

---

Note: Engineering has previously reviewed this project and has submitted comments to the Planning Division in a memorandum dated August 8, 2019. Comments from our previous memorandum that have not been addressed are included and noted in the comments below.

**Site Plans**

**Cover Sheet**

1. Within the Vicinity Map on the Cover Sheet, Map 07 should be Map 07Z, Map 8 should be Map 08Z, and Map 2 should be Map 02Z.

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

## Existing Conditions Overview Plan

2. Within the plan view, all of the lots on Map 2Z should be Map 02Z, and all of the lots on Map 8 should be Map 08Z. Comment 3 in our previous review memorandum did not clearly reflect the correct map numbers.

This comment also applies to the Existing Conditions Plans (Sheets 4-7).

3. The plan should reference and delineate, at a minimum, the following deeds: Book 3342, Page 1005; Book 3342, Page 1023; Book 3342, Page 1026; Book 3342, Page 1029; and Book 3342, Page 1032. ***(Repeat Comment from August 8, 2019)***

Notes 10 and 11 were added to the plan for Book 3342, Page 1026 and Book 3342, Page 1032, however Book 3342, Page 1023 and Book 3342, Page 1029, both encumbering Map 07Z, Lot 49, should also be added to the plan, particularly since drainage is being proposed across Gorham Drive and will impact Lot 49. In addition, these public easements should be delineated within the plan view in the same manner that the private drainage & slope easement is delineated across Lot 49.

This comment also applies to the Existing Conditions Plans (Sheets 4 -7)

## Condominium Plan

4. Please add the following note to the plan: “The ways shown on this plan and labeled as Gorham Drive and Shelburne Lane are intended by the applicant Strategic Contracting Company, LLC, its heirs, successors, and assigns, and the City of Concord Planning Board, to remain as private ways. In addition, the recording of this plan shall not be construed as an offer of dedication of those ways as public highways under the New Hampshire common law of dedication and acceptance. In addition, the recording of this plan shall not be construed as the required prior approval by the Planning Board of those ways as public streets pursuant to NH RSA 674:40.”

This note should also be added to the Site Plan (Sheet 9 of 22).

5. The street address for each unit (included on the Site Plan) should be added to the plan view of the Condominium Plan.

## Site Plan

6. The following note should be added to the plan: “All roadway and associated drainage and utility improvements shall be constructed prior to the issuance of the first Certificate of Occupancy (CO) for Phase II with the exception of the final pavement course. A bond shall be provided for the completion of the final pavement course if it is not completed 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 for

Phase II. Landscaping shall be installed to the satisfaction of the Planning Division prior to the issuance of each CO”

### **Grading, Drainage, & Utilities Plan**

7. Additional spot grades and grading information should be provided around the cul-de-sac. ***(Repeat Comment from August 8, 2019)***
8. All of the public easements, which include Book 3342, Page 1026, Book 3342, Page 1032, Book 3342, Page 1023, and Book 3342, Page 1029, should be delineated within the plan view.

### **Roadway Profile**

9. CB A is not shown on the profile.

### **Site Details**

10. The Street Sign Detail should ~~reference MUTCD standards and~~ include a private street designation. ***(Repeat Comment from August 8, 2019)***

### **State/Federal Permits**

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 Subdivision Approval

A copy of the permit(s) should be submitted to the City once they are issued.

### **Post-Approval/Pre-Construction Items**

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

1. The applicant/contractor shall set up a pre-construction meeting with the Engineering Services Division to discuss construction requirements, site inspections, associated fees, schedules, etc.
2. The following permit(s) will need to be obtained from the Engineering Services Division:
  - a. Driveway Permit
3. Performance surety (bond, letter of credit, or cash deposit) for site stabilization. The surety amount for this project has been set at \$32,000 based on an 8.3 ac disturbance area. (establish surety prior to pre-construction meeting)
4. Advanced deposit for site construction inspection fees (initial deposit amount determined by Engineering based on the project schedule and estimated services, final inspection fee to be adjusted based on actual services rendered). A project schedule

Re: Review Comments (2019-44 & 2019-45)  
Glen Ellen Phase II, Hoit Road  
Date: 9/10/2019

should be submitted a min. of two weeks prior to the pre-construction meeting for use in establishing the deposit amount. (submit deposit a min. of three days prior to pre-construction meeting)