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CITY OF CONCORD

New Hampshire's Main Street™
Community Development Department

Planning Board

September 18, 2019

Project Summary – Conditional Use Permit

Project: Nadler Conditional Use Permit (2019-50)
Owner: Kate Nadler
Address: 89 District No. 5 Road
Map/Block/Lot: 55Z/3

Determination of Completeness:

Determine this application complete and open the public hearing.

Project Description:

The applicant is requesting a Conditional Use Permit (CUP) in accordance with Article 28-4-3(d) to allow for disturbance of the 50-foot wetland buffer for the construction of a driveway for a proposed single family residence at 89 District No. 5 Road in the Open Space Residential (OS) District.

1. General Comments

- 1.1 The following comments pertain to a 3 sheet site plan set titled “New Residential Driveway, Conditional Use Permit for Disturbance to Wetland Buffer, 98 District 5 Road, Concord, NH”, dated August 19, 2019, prepared by Wilcox & Barton, Inc.
- 1.2 This work performed under this CUP involves the construction of a driveway to provide access to a proposed single family residence. The lot was created as part of a 2006 subdivision; the entire lot frontage is encumbered with either wetlands or wetland buffer. The approved subdivision plan depicted a proposed driveway that would require a CUP for wetland buffer disturbance at the time of construction. The CUP application shows the driveway further west than the original location to reduce impacts to the historic stone wall; however, the total wetland buffer impacts do not appear to be any more significant.
- 1.3 This application was reviewed by Conservation Commission at their regularly scheduled September 11, 2019 meeting. The Commission recommended approval of the CUP with the understanding that the Engineering Services Division would review the grading for the driveway for drainage.
- 1.4 The narrative provided by the applicant (see attached) describes how the criteria of all applicable sections of the ordinance are met, including Section 29-4-4(b) (4) (ZO), which states the criteria for the Planning Board decision. The project cannot practicably be located otherwise, and the approach minimizes environmental impact as well as minimizes impacts to the historic stone

wall.

- 1.5 Comments from Engineering Services Division are included in Section 2 below.

2. Staff Review Comments

- 2.1 The correct Tax Map number is May 55Z Lot 3, or 55Z/3. Please revise the title block on all sheets which states 55Z/3/1, and the Location Plan which has 55/Z/3.
- 2.2 Within the plan view and the title blocks, the address and street name should be District No. 5 Road.
- 2.3 Reference Note 3 refers to Sheet CO.2; there is no Sheet C0.2.
- 2.4 The plan shall specify that a 10 ft paved driveway apron be provided.
- 2.5 It appears from the cross section that portions of the driveway will be lower than the existing ground in the wetland area. Staff recommends that the driveway be raised so that it is higher than the existing wetland elevation.

3. Recommendations

- 3.1 **Grant Conditional Use Permit approval** to allow for the disturbance of the 50-foot wetland buffer for the construction of a driveway at 98 District No. 5 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 the commencement of site construction, unless otherwise specified:

- (1) Address Staff review comments to the satisfaction of the Planning Division.
- (2) Provide a copy of the wetland permit approval.
- (3) Submit two (2) 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) Prior to commencement of construction activity, the limits of clearing shall be flagged and approved by City staff.
- (2) Per Section 28.07 of the Subdivision Regulations, the wetland buffers shall be clearly and permanently marked before, during, and after construction, with the exception of the existing buffer proposed to be impacted. Building permits shall not be issued until the wetland buffer is marked.
- (3) A Driveway Permit will need to be obtained from the Engineering Services Division.
- (4) Prior to final construction sign-off, staff shall be contacted to inspect the wetland area.

Prepared by: BAF

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