



Heather Shank
City Planner

CITY OF CONCORD

New Hampshire's Main Street™
Community Development Department

Planning Board

October 21, 2020

Project: Abbott Village (2010-48)
Property Owners: Abbot Farm LLC
Address: Callaway Drive, Cleveland Avenue, and Camelia Avenue

Applicant Request:

The Applicant is requesting approval of previous Planning Board conditions to release the remaining Building Permits and Certificates of Occupancy within the Abbott Village Development, at Callaway Drive and Cleveland Avenue in the Neighborhood Residential (RN) District.

Project Background:

The Planning Board has conditionally approved the issuance of building permits and certificates of occupancy (CO) in Phases 5 and 6 of the Abbott Village Condominium Development subject to addressing the future development of the Abbott House, which was required to be completed prior to the completion of Phase 4. Below is a summary of recent approvals:

- At the March 25, 2019 meeting, the Board conditionally approved the issuance of building permits in Phase 5, subject to additional analysis of the structure of the Abbott House
- At the September 18, 2019 meeting, the Board conditionally approved the issuance of 8 COs in Phase 5, subject to four conditions addressing the future development of the Abbott House
- At the March 30, 2020 meeting, the Board voted to authorize the issuance of the 8 COs, subject to the condition that no additional building permits or CO's be issued until the remaining condition (condition #4) of the September 18, 2019 Board decision was addressed. Condition 4 stated that no additional COs or building permits shall be issued in the development until the applicant submits a plan agreeable to the Planning Board for the future development of the Abbott House.
- At the April 15, 2020 meeting, the Board reviewed the Applicant's proposed concept to subdivide the Abbott House. The Board agreed to the concept, and approved the issuance of building permits for 12 units with no additional building permits or COs to be issued. The Board conditioned the release of the remaining building permits and COs subject the Applicant submitting a Subdivision application along with a Site Plan Amendment in accordance with the Zoning Ordinance and applicable regulations. The Board further stated that the subdivision should include provisions for covenants in the deed that require the Abbott House to be

maintained as a historic building, and a preservation easement should be considered. The building permits for 5 and 11 Callaway Drive were issued in June 2020, and construction is nearing completion. These are the final units in Phase 5.

Discussion

In September 2020, the applicant submitted a Minor Site Plan application to subdivide the Abbott House from the Abbott Village Condominium Association. The applicant proposes to convey the parcel to a third party to preserve the historic features and/or perform historic restoration on the Abbott House, subject to restrictive covenants. The applicant contemporaneously filed an Amendment to a Major Site Plan to add an additional unit to 2 Cleveland Avenue, which will be the 80th condominium unit. The site plan amendment is proposed to avoid altering the existing Abbott Village Condominium documents, as the Abbott House was originally the 80th unit. The proposed plans, narrative, and deed covenants are included under Supplemental Information.

Upon review of the submitted documents, it was determined that a variance to Section 28-4-8(f) *Perimeter Buffers* of the Zoning Ordinance (ZO) is required. The ZO requires a perimeter buffer of 50 ft for two-story residential structures, and 75 ft for residential structures of three stories or more. The addition of a lot line around the Abbott House will create a non-conformity for the proposed buildings at 2 and 8 Cleveland Avenue, where only 10 to 15 feet of buffer will be provided. The building setbacks will be met. The variance application is scheduled to be heard at the November 4, 2020, Zoning Board of Adjustment (ZBA) hearing. The Planning Board public hearing for the subdivision and site plan amendment will be held November 18, 2020, pending ZBA approval.

Recommendations

Staff recommends the following:

1. Authorize the issuance of 12 COs for 5 and 11 Callaway Drive as part of Phase 5.
2. Prior to the authorization of Phase 6 building permits, the applicant shall: (1) complete Phase 5; and (2) be granted a variance from Section 28-4-8(f) *Perimeter Buffers* of the Zoning Ordinance.
3. Prior to the authorization of a building permit for Unit 5 at 2 Cleveland Avenue, the proposed Site Plan Amendment must be approved by the Planning Board.
4. As part of the motions, state that all conditions of the original approval, extension, and amendments shall remain in full force and effect.

Prepared by: BAF

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