



Heather Shank
City Planner

CITY OF CONCORD

New Hampshire's Main Street™
Community Development Department

Planning Board

December 16, 2020

Project Summary – Major Condominium Subdivision

Project: Interchange Development and Whitney Property Lot Line Adjustment (2020-41)
Property Owner: Interchange Development LLC and Bradley Whitney & Jennifer Habel
Address: 1 Whitney Road
Map/Block/Lot: 06P/5 and 6P/6

Determination of Completeness:

The application was determined complete by the Planning Board at the November 18, 2020 meeting.

Project Description:

The applicant is proposing to merge Tax Map 06P Lot 6 and Map 06P Lot 5, and create 5 condominium land units at 1 Whitney Road in the Gateway Performance (GWP) and Industrial (IN) Districts. The Applicant has contemporaneously submitted a Major Site Plan application for a 3 phase multi-use commercial development, which is addressed under a separate report (2020-40).

Project Details:

Zoning: Gateway Performance (GWP) and Industrial (IN)
Existing Use: Lot 5: Gas Station/Retail Lot 6: Vacant
Propose Uses: Land Unit 1: Mixed Use Commercial/Retail
Land Unit 2: Industrial
Land Unit 3: Grocery Store
Land Unit 4: Retail
Land Unit 5: Gas Station/Retail (existing)

Lot Area Existing: Lot 5: 852,360 sf (19.568 ac) Lot 6: 1,022,042 sf (23.47 ac)
Lot Area After Merger: 1,874,402 sf (43.04 ac)
Condominium Land Units: Land Unit 1: 270,388 sf (6.21 ac)
Land Unit 2: 745,051 sf (17.10 ac)
Land Unit 3: 435,476 sf (10.00 ac)
Land Unit 4: 121,130 sf (2.78 ac)
Land Unit 5: 87,070 sf (2.00 ac)
Common Area: 191,072 sf (4.39 ac)
Limited Common Area (Units 2 & 3): 34,229 sf (0.79 ac)

1. General Comments

- 1.1 The following comments pertain to the 1 sheet plan set titled “Condominium Site Plan, Lands of Bradley Whitney and Jennifer Habel, Interchange Development LLC, Whitney Road, Concord, NH” prepared by FWS Land Surveying PLLC, dated November 20, 2020.

- 1.2 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. At the December 19, 2018 meeting, the Board conditionally approved the Comprehensive Development Plan for the site. An amended CDP was submitted for review, and comments are included under the review of the Major Site Application (2020-40).
- 1.3 See comments from the Engineering Services Division in a separate memo.
- 1.4 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.
- 1.5 Per Section 17.06 of the Subdivision Regulations (SDR), the Applicant shall provide the Condominium Declaration and By-Laws for review by the City Solicitor and Clerk of the Planning Board.

2. Technical Review Comments

- 2.1 Revise Note 8, it should be 5 condominium land units, not 6.
- 2.2 Provide a Location Plan per Section 12.04 (SDR). **Repeat Comment**
- 2.3 The text in the Easement Plan is not legible, please revise.
- 2.4 Provide Zoning District boundaries per Section 12.08(24) (SDR). **Repeat Comment**
- 2.5 Revise overlapping text throughout the plan.
- 2.6 It is difficult to decipher the different lines along the western boundary. Please revise to make the plan more legible.
- 2.7 The sum of square footage and acreage provided for each land unit and the common areas does not equal the total lot acreage. Please revise.

3. Recommendations

- 3.1 **Grant Major Subdivision approval** for the lot merger and 5-unit condominium subdivision at 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, unless otherwise specified:
 1. Address Planning Review Comments to the satisfaction of the Planning Division.
 2. Address Engineering Review Comments to the satisfaction of the Engineering Division.
 3. Condominium documents, including declaration of condominium and by-laws, shall be submitted to and approved by the City Solicitor, City Assessor, and Clerk of the Board.
 4. Upon transfer of the property, Applicant shall provide a copy of the deed(s). The mylar will not be signed until the two lots are owned by the same entity.
 5. The Licensed Land Surveyor shall sign and seal final plans and mylars.
 6. The Development Agreement for off-site improvements between the Applicant and City of Concord for off-site improvements shall be approved by the City Council and fully executed.
 7. No plans shall be signed or recorded until after April 1, 2021, and the Penacook Village TIF District is amended.

8. The Applicant shall deliver the following to Planning:
 - a. Two plan sets and one mylar(s) of the Condominium Subdivision Plan for endorsement by the Planning Board Chairman & Clerk and recording at the Registry of Deeds.
 - b. Final condominium documents, to be recorded at the same time as the Condominium Subdivision Plan.
 - c. Checks for recording the plan and condominium documents 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.
9. 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.

Prepared by: BAF

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Community Development Department

David Cedarholm, PE
City Engineer

MEMORANDUM

TO: Beth Fenstermacher, Assistant City Planner
FROM: Gary Lemay, P.E., Associate Engineer
Paul Gendron, L.L.S., City Surveyor
DATE: 12/10/2020
SUBJECT: Condominium Subdivision Plan, Interchange Development LLC, 1;
Whitney Rd Concord, NH 03301
Map 06, Block P, Lot 5 & 6; (2020-41)

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

- Condominium Subdivision Plan, prepared by FWS Land Surveying, dated November 20, 2020.
- Response letter from TFM on the previous subdivision document, dated November 25, 2020.

As a supplement to any comments offered by the Planning Division, Engineering offers the following design related comments. **With subsequent submissions, the applicant shall provide a response letter that acknowledges/addresses each of these comments.**

General Comments

1. It should be noted that the plan being reviewed has now been prepared by FWS Land Surveying, PLLC, and not TFM. Also the plan is now called a “Condominium Site Plan,” as opposed to a “Condominium Subdivision Plan”.
2. Many of the bearings, distances, and curve data are obscured by condo lines, contours, etc. This plan as prepared and submitted may not be acceptable for recording at the Merrimack County Registry of Deeds.

Engineering Services
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engineering@concordnh.gov

3. Note 8 indicates that the purpose of the plan is to create 6 condominium land units; it should state 5 condominium units.
4. The plan has two Notes numbered 8.
5. Please identify the zoning district line and the two districts: GWP and IN.
6. Within the note regarding the ways shown on this plan, Merchant Way should be Merchants Way.
7. After printing a hard copy of this map, the text in the Whitney Road Easement Plan detail is unreadable. Also, is the scale of the Whitney Road Easement Plan detail correct (1" = 100')?
8. A previous comment included the following:

“The Common Area (Merchants Way), Condo Land Unit 1, and Condo Land Unit 5 need to be altered at the intersection of Merchants Way and Whitney Road, so that a portion of each parcel is conveyed to the City as a Public Highway Right-of-Way Easement. The purpose of this modification is to ensure that the entire roundabout is located within the public right-of-way easement. This new public right-of-way easement, including the square footage / area, will be removed from each parcel and will be shown as a part of Whitney Road. In addition, the building setback lines for each parcel will now conform to the new public right-of-way easement. If Condo Land Unit 5 is subject to a mortgage, the mortgagee’s consent will be required. A sample Public Highway Right-of-Way Easement deed is attached.”

We understand VHB has sent proposed right-of-way extents to FWS and TFM on 12/9/2020. We understand that VHB is designing this roundabout, however, any new rights-of-way necessary for the project will need to be shown on a plan suitable for recording at the MCRD, including the recording of permanent easement deeds. Do we envision that the permanent rights-of-way will be shown on this Condominium Subdivision Plan?