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CITY OF CONCORD

New Hampshire's Main Street™
Community Development Department

Planning Board

October 20, 2021

Project Summary – Conditional Use Permit

Project: Rafferty Residence (2021-42)
Owner: Amy S. Rafferty Revocable Trust
Address: 16 Millstream Lane
Map/Block/Lot: 1142P/ 48

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 28-3-3(f) Zoning Ordinance (ZO) to allow disturbance of the 75-foot Vegetative Buffer in the Shoreland Protection District and Article 28-3-2(e) for Encroachments in the Floodway for the replacement of an existing retaining wall and associated re-grading of lawn at 16 Millstream Lane in the Medium Density Residential (RM) District.

1. General Comments

- 1.1 The following comments pertain to a 2-sheet site plan titled “Shoreland Plan, Map 1442P, Lot 48, 16 Millstream Lane, Penacook, New Hampshire, dated June 14, 2021, prepared by RJB Engineering, LLC.
- 1.2 This work performed under this CUP involves the removal of an existing retaining wall, construction of a new retaining wall, and minor grading improvements. The proposed wall will be located further away from the reference line than previously. No trees are proposed to be removed within the Shoreland buffer. No additional fill material will be brought on site.
- 1.3 This application was reviewed by Conservation Commission at their regularly scheduled October 13, 2021, meeting. The Commission had no comments and recommended approval of the CUP.
- 1.4 The narrative and project description 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) and 28-3-2(1) (ZO), which states the criteria for the Planning Board decision. The approach minimizes environmental impact, there will be no adverse to the flood carrying capacity of the floodway, and no increased hazard to life and property.
- 1.5 A Shoreland Impact Permit was issued by NH Department of Environmental Services on August 31, 2021.

- 1.6 Engineering Services Division has reviewed the application and does not have any additional comments.

2. Staff Review Comments

- 2.1 Add the reference lines on the plan for the Shoreland Protection Buffers per Article 28-3-3(e) to show the 75-foot Vegetative Buffer. This is in addition to the State's 50-foot Waterfront Buffer.
- 2.2 Add a note on the plan indicating that the project is located within a FH – Flood Hazard Zoning Overlay District, including the FEMA map reference. In addition, the location of the boundary line shall be shall if it transects the property.

3. Recommendations

- 3.1 **Grant Conditional Use Permit approval** to allow for the disturbance of the Shoreland Protection District buffer and Flood Hazard District, 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 Planning Staff review comments to the satisfaction of the Planning Division.
 - (2) Submit two (2) full-size paper copies of final plans for sign off by the Clerk and Chair of the Planning Board.
- (b) Subsequent Conditions – to be fulfilled as specified:
- (1) Applicant shall comply with all conditions of the NHDES Shoreland Impact Permit.
 - (2) Prior to final construction sign-off, staff shall be contacted to inspect the restoration area.

Prepared by: BAF

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