

# *City of Concord*

## *Planning Board*

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City Hall • 41 Green Street • Concord, NH 03301 • Tel: (603-225-8515) • Fax: (603-228-2701)

February 2, 2010

Jeffrey H. Taylor  
Jeffrey H. Taylor & Associates  
136 North Main Street, Suite 4  
Concord, NH 03302-0480

Re: Review process for the Concord Zoning Ordinance facilitated by Concord 20/20

Dear Mr. Taylor:

After hearing your introduction to the review process on the evening of January 20, 2010, the City Planning Board voted to forward to you the attached memorandum which the Board had received in December 2009 from the City Planning Division. The memorandum contains a summary of the key recommendations relative to land use regulatory changes from the Master Plan 2030, as adopted by the Board in 2008, and also provides a review of the efforts to date on the implementation of number of these recommendations. The Board will continue to participate in the process which you will be facilitating and will provide further commentary as they deem appropriate.

Sincerely,

Douglas G. Woodward  
Clerk



**CITY OF CONCORD**  
NEW HAMPSHIRE  
*Community Development Department*  
*Planning Division*

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**MEMORANDUM**

**To:** *Planning Board*

**From:** Douglas G. Woodward, City Planner

**Date:** 12/16/09

**Subject:** Land Use Regulatory Changes for the Implementation of the Master Plan 2030

In anticipation of the 2020 process for compiling ideas for land use regulatory changes, this memorandum contains a brief summary of the related recommendations from the Master Plan 2030, together with a review of the status of those recommended actions that have been initiated.

The following is an excerpt from **Section XII. IMPLEMENTATION** of the **Master Plan 2030**:

**B. REGULATORY AMENDMENTS**

**1. Amendments to the Zoning Ordinance**

The Zoning Ordinance is the primary regulatory device for implementing land use changes as recommended in this plan. The City adopted a completely new Zoning Ordinance in November 2001 which implemented the land use recommendations of the 1993 Master Plan and its subsequent amendments. This represented the first completely new Zoning Ordinance in almost 25 years, and much of what was adopted does not need to be changed in terms of format, administrative provisions, definitions, supplemental standards, provisions related non-conformities, and other similar features of the Ordinance. What will need to be amended in the Ordinance in order to incorporate the recommendations of this Master Plan are the sections related to the establishment of zoning districts (including overlay districts) and their related purpose statements, the zoning map, the table of uses and table of

dimensional regulations, and some related design standards. Total revision of these sections of the Ordinance would not be necessary; specific amendments to these sections would be appropriate.

Detailed recommendations are found primarily in Section III. Land Use, with some additional recommendations contained in Section V. Economic Development, and Section VII. Conservation and Open Space. Key recommendations include amendments to accomplish the following:

- Provisions for high intensity mixed use for the Northern and Central Opportunity Corridor
- Allowance of a mixed use, high residential density village in the Southern Opportunity Corridor
- Addition of a Transfer of Development Rights (TDR) program
- Inclusion of Traditional Neighborhood Development (TND) standards
- Retention of mandatory cluster development outside of the Urban Growth Boundary
- Reduction of density outside of the Urban Growth Boundary
- Enhancement of buffers between incompatible land uses
- Perpetuation of natural and environmental resource protection
- Introduction of an Aquifer Protection District
- Reservation of Garvins Falls for development pursuant to a unified, comprehensive economic development initiative
- Allowance for existing buildings in industrial areas to be converted to office use without having to add additional stories
- Re-evaluation of the City's parking requirements for various land uses to determine if a lesser standard can be employed

## 2. Other Regulatory Amendments

### a. Site Plan Review and Subdivision Regulations

The Planning Board should consider amendments to the Site Plan Review and Subdivision Regulations to address the following recommendations:

#### From Section III. Land Use

- Retention of the capacity for future rail service to and through the City by protecting rail corridors, restricting any diminution of the transportation capacity of these corridors, and promoting compatible adjacent land uses thereto

#### From Section VI. Transportation

- Explicit inclusion of connectivity, traffic calming, and access management requirements and standards.

- Continue to require landscaping along the street edge in site development projects and a street tree planting and maintenance program as a requirement for new private roads
- Continue to require that utilities be placed underground in all new development, and in the redevelopment of existing commercial and industrial development when feasible

From Section VII. Conservation and Open Space

- Require site development to take into account the natural site conditions during the design process and, where appropriate, to preserve and promote such physical and natural features as rivers, streams, ponds, marshes, wetlands, scenic vistas, steep slopes, woodlands, wildlife habitat, and special geological features.
- Require site development to minimize the destruction of natural vegetation and alteration of terrain

From Section VIII. Historic Resources

- Inclusion of a requirement for the identification of historic resources and the mitigation of impacts to the same.

### **Review of efforts to date on Implementation of the Recommendations**

Work has already begun on a number of the land use recommendations of the **Master Plan 2030**. The following is a summary of work to date:

1. A report has been prepared by a consultant on **Transfer of Development Rights (TDR)** and a public workshop on this report was held by the Planning Board on July 23, 2008. In addition to the public, the Board notified other interested City boards and commissions of the workshop, including the Municipal Housing Commission, the Conservation Commission, and the Economic Development Advisory Committee. After hearing a presentation and receiving public testimony, the Planning Board has asked the Planning Division to prepare some locally based examples to demonstrate how such an ordinance would work. The TDR report is available on the City's website.
2. A consultant prepared a report on **Traditional Neighborhood Development (TND)** and a public workshop on this report was held by the Planning Board in March. The Board requested the consultant to prepare a draft ordinance. The TND report is available on the City's website.
3. A **mandatory cluster development** ordinance was already passed by the City Council in 2007. The Conservation Commission is undertaking an evaluation of the results of the

cluster developments to date, with a particular focus on the smaller developments and the open space resulting from the same.

4. A grant was obtained to seek consultant assistance for the preparation of an **aquifer protection ordinance**. A consultant was selected and a draft ordinance was prepared and presented as the focus of a public workshop by the Planning Board in April. The draft aquifer ordinance is available on the City's website. The Council authorized an application for a second grant to finalize the draft ordinance for presentation to the Council. The grant was recently awarded and must be appropriated by the Council prior to the completion of this effort.
5. Based on the recommendations in the Master Plan 2030, the Planning Board recommended changes to the **supplemental regulations for Industrial Districts** relating to office uses and outdoor storage. The Board also recommended a **zoning map amendment** in the area of Chenell Drive and Henniker Street so as to consolidate all of the land in that area in the Industrial District. The Council adopted these amendments on March 9, 2009.
6. A draft zoning amendment to implement new statutory provisions for **small wind energy systems** was prepared and forwarded to the Planning Board for recommendation. After discussion and further amendment, the Planning Board recommended the amendment and the Council subsequently adopted it.
7. Based on the recommendations of Master Plan 2030, the Planning Division is undertaking a review of **parking standards**. To that end, new parking research from the Institute of Transportation Engineers (ITE) has been obtained and reviewed, and the Central New Hampshire Regional Planning Commission has been approached about assisting in this endeavor by completing parking occupancy counts for selected non-residential land uses in the City to both supplement as well as verify the ITE findings.
8. The Planning and Code Divisions met with the NH Floodplain Management Coordinator to review the compliance of the City's regulations with the requirements of the **National Flood Insurance Program**. As a result of that meeting, amendments to the Zoning Ordinance are being prepared for consideration by the City Council.
9. The Planning Division has prepared a draft of new **subdivision regulations**, which are undergoing interdepartmental review prior to submittal to the Planning Board for their consideration and adoption.