



CITY OF CONCORD
New Hampshire's Main Street™
Community Development Department
Planning Division

Staff Report for Planning Board

Meeting on November 20, 2024

Project Summary – Major Site Plan and Architectural Design Review

Project: Merchants Way Phase 2C (2024-047)
 Property Owner: Interchange Development, LLC
 Applicant: TFMoran
 Project Address: 10 Merchants Way
 Tax Map Lot: 06P 5/1

Determination of Completeness:

The Planning Board determined the application complete and a development of regional impact on October 16, 2024.

As a development of regional impact, the Board has 95 days within which to consider and act on the application once the application is determined complete, per RSA 676:4(I)(c). The 95-day period shall commence upon the date of the regular meeting of the Board at which the application was accepted as complete on October 16, 2024, and end on **January 19, 2025**. If the applicant has not demonstrated compliance with the Site Plan Regulations by the end of the statutory timeline (**January 19, 2025**), the applicant may request a continuance or the Board may approve, approve conditionally, or deny the application based on the information provided.

Project Description:

The applicant proposes construction of Phase 2C of the comprehensive development plan (2018-61) that was approved by the Planning Board at the meeting held on December 19, 2018. Phase 2C comprises a 7,547-square-foot building, at 10 Merchants Way, with 5,512 square feet proposed for restaurant use and 2,035 square feet for retail use, and associated site improvements.

Below is a synopsis of the comprehensive development plan:

<u>Phase</u>	<u>Address (Tax Lot)</u>	<u>Use</u>
Phase 1 Complete (2020-40)	11 Merchants Way (06P 5/4)	Retail (NH Liquor)
	15 Merchants Way (06P 5/3)	Supermarket (Market Basket)
	17 Merchants Way (06P 5/3)	Retail (HomeGoods)
Phase 2A Complete (2021-36 and 2022-10)	2 Merchants Way (06P 5/1)	Fast Food (Wendy's)
	4 Merchants Way (06P 5/1)	Restaurant (Jersey Mike's)
	6 Merchants Way (06P 5/1)	Retail
	8 Merchants Way (06P 5/1)	Bank (Service Credit Union)
Phase 2B Partially Started	1 Interchange Drive (06P 5/1)	Walk-in Care

(2023-105)	5 Interchange Drive (06P 5/1)	Medical
	7 Interchange Drive (06P 5/1)	Retail
	9 Interchange Drive (06P 5/1)	Retail
	23 Interchange Drive (06P 5/2)	Cell Tower

Phase 2C Current Application (2024-047) 10 Merchants Way (06P 5/1) Restaurant and Retail

Phase 2D Future 5-9 Merchants Way (06P 5/4) Retail

Phase 3 Future 20 Interchange Drive (06P 5/2) Industrial

The proposed construction for the new building addressed as 10 Merchants Way will take place on Tax Lot 06P 5/1, which also contains the existing buildings addressed as 2 (Wendy’s), 4 (Jersey Mike’s), 6, and 8 (Service Credit Union) Merchants Way, as well as buildings not yet constructed that are addressed as 1, 5, 7, and 9 Interchange Drive.

Based on information provided on Sheet C-3 of the applicant’s submitted plan set, off-street parking is being provided as follows:

<u>Address</u>	<u>Use</u>	<u>Square Footage</u>	<u>Requirement</u>	<u>Provided</u>
2 Merchants Way	Fast Food	2,247	1/75 = 30	
4 Merchants Way	Restaurant	1,500	1/75 = 20	
6 Merchants Way	Retail	2,750	1/250 = 11	
8 Merchants Way	Bank	2,500	1/200 = 13	
			Phase 2A = 74	65
1 Interchange Drive	Walk-in Care	4,951	1/225 = 22	
5 Interchange Drive	Medical	3,612	1/225 = 16	
7 Interchange Drive	Retail	2,562	1/250 = 10	
9 Interchange Drive	Retail	23,520	1/250 = 94	
			Phase 2B = 142	121
10 Merchants Way	Restaurant	5,512	1/75 = 74	
	Retail	2,035	1/250 = 8	
			Phase 2C = 82	97
			2A, B, C = 298	280 (06P 5/1)
5, 7, 9 Merchants Way	Retail	14,842	1/250 = 59	12
			Phase 2D = 59	12 (06P 5/4)

Major site plan approval for 4-8 Merchants Way (Case 2022-10) also included conditional use permit approval to construct 36 spaces where 44 are required, with the additional spaces “to be constructed as part of the next phase to the east.” The next phase to the east is the current project, Phase 2C at 10 Merchants Way. Based on a review of Sheet C-3, though, the construction of 4-8 Merchants Way appears to have only installed 35 spaces rather than the 36 noted in the conditional use permit approval, which means there are 9 spaces for Phase 2A that need to be accounted for in Phase 2C along with the 82 required spaces for Phase 2C itself. Phase 2C is providing 97 spaces, which is enough for the 82 required for Phase 2C, as well as the 9 for Phase 2A from Case 2022-10. Overall, though, Phases 2A, 2B, and 2C, all located on Tax Map Lot 06P 5/1 require a total of 298 spaces, all to be located on Tax Map Lot 06P

5/1, and the submitted plan set shows only 280 being provided for a deficit of 18 spaces.

Staff notes that excess parking is available on Tax Map Lot 06P 5/3 and Tax Map Lot 06P 5/4 of Phase 1 (to the northeast of Phases 2A, 2B, and 2C) of the comprehensive development plan. Phase 1 provides a total of 666 spaces with 467 spaces required; specifically, the supermarket and retail business on Tax Map Lot 06P 5/3 require 413 spaces with 554 provided, and the retail business on Tax Map Lot 06P 5/4 requires 54 spaces with 112 provided. Overall, with Phases 1, 2A, 2B, and 2C, there is a total off-street parking space requirement of 683 spaces with 852 being provided. Article 28-7-12(1)(e) of the Zoning Ordinance states that once a comprehensive development plan has been approved, the required parking spaces may be located on a separate parcel from the principal use in accordance with the comprehensive development plan, provided that the parking spaces are permanently dedicated to the principal use by easement, condominium declaration, or other similar recordable binding legal agreement. Otherwise, Article 28-7-3 of the Zoning Ordinance requires that all required off-street parking spaces be provided on the same lot as the use or uses they are intended to serve. The applicant’s submittal included a recorded declaration of easements (202400013368) that provides for land unit 1 (Phase 1) to use 45 of the parking spaces on land unit 4 (Phases 2A, 2B, and 2C). These 45 spaces eliminate the 18-space deficit.

Staff notes that the submitted materials show a future Phase 2D on Tax Map Lot 06P 5/4, to the east of Phase 1. The future retail building is shown with a future size of 14,842 square feet. This equates to a required 59 off-street parking spaces, with 12 being provided adjacent to the future building. While that is immaterial to the review or approval of the current application for Phase 2C at 10 Merchants Way, staff felt it prudent to bring it to the attention of the applicant to address in the future major site plan review application for Phase 2D in conjunction with the parking requirements and provisions for the other retail use on the same tax map lot.

Compliance:

The following analysis of compliance with the Zoning Ordinance and Site Plan Regulations is based on a 1-sheet colored landscape plan, dated July 16, 2024, revised October 24, 2024, prepared by TFMoran; a 5-sheet architectural plan set, dated October 11, 2024, and October 24, 2024, prepared by MPArchitect, PLLC; and, a 32-sheet civil plan set, dated July 16, 2024, revised September 27, 2024, and October 24, 2024, prepared by TFMoran.

1. Project Details and Zoning Ordinance Compliance:

Zoning District: Gateway Performance (GWP) District

Existing Use: Phase 2A completed. Phase 2B in building permitting process. Phase 2C undeveloped.

Proposed Use: Phase 2C one new restaurant/retail building

Overlay Districts:

Flood Hazard (FH) District	None
Shoreland Protection (SP) District	None
Historic (HI) District	None
Penacook Lake Watershed (WS) District	None
Aquifer Protection (AP) District	None

Zoning Code Item	Required	Proposed
Minimum Total Area	---	---
Minimum Buildable Land	---	---

Minimum Lot Frontage	300 feet	992.57
Minimum Front Yard	25 feet	583.4 feet
Minimum Rear Yard	25 feet	1,134.1 feet
Minimum Side Yard	25 feet	293.9 feet
Maximum Lot Coverage	85%	54%
Maximum Building Height	45 feet	25 feet
Off-street Parking	297	Requirement met with a combination of provided on-site parking and recorded declarations providing shared use of 45 parking spaces on the adjacent lot

1.1 Per Article 29.2-1-2(a)(1) of the Zoning Ordinance, any person or entity which seeks to undertake new development within the City of Concord, shall pay impact fees to the City in the manner and in the amounts set forth in the ordinance. Per Article 29.2-1-2(e)(1) of the Zoning Ordinance, an applicant may apply for a waiver of all or part of the impact fees that are payable with respect to new development or redevelopment. Per Article 29.2-1-2(e)(4)(a) of the Zoning Ordinance, an applicant for the development of permitted nonresidential uses shall qualify for a waiver of the transportation facilities impact fees. The Clerk determines the impact fee at the time of building permit application. Staff notes that the waiver was requested on September 30, 2024, and this issue is considered resolved.

2. Site Plan Regulations Compliance and Comments:

2.1 Staff notes that, per Section 6.01(4) *Conformity with Zoning*, for an application to be determined complete, the proposed application must be in conformity with the Zoning Ordinance at the time the notices are mailed to the abutters notifying of the Board’s consideration of completeness. To be determined complete where a variance is being requested from the Zoning Board of Adjustment, the site plan application must either comply with the Zoning Ordinance, or the applicant must have obtained favorable approval of the required variances prior to the time the notices are mailed to the abutters notifying of the Board’s consideration of completeness.

The original submittal on July 18, 2024, did not provide all the information necessary to show conformity with the Zoning Ordinance, so the project was continued by the applicant from August 21, 2024, to September 18, 2024, and again to October 16, 2024. Additional information and revised plans were submitted on September 30, 2024, to show conformity with the Zoning Ordinance. The application was determined complete on October 16, 2024.

2.2 Staff notes that, per Section 6.01(5) *Conditional Use Permits*, where conditional use permits are required in conjunction with the proposed site plan application, a completed conditional use permit application shall be made at the same time as the site plan application. Where a conditional use permit is required, no site plan application may be considered complete without the complete conditional use permit application.

It does not appear that any conditional use permits are required in conjunction with this major site plan application (2024-047).

2.3 Per Section 6.03(2)(c) *Site Plan*, the major site plan phase is a two-step process. The first step is a determination of the Board, after recommendation from the Clerk, that a major site plan is

- complete or incomplete. Once determined completed by the Board, the major site plan is then scheduled for a public hearing by the Board at the next regular meeting. The meeting on October 16, 2024, was the determination of completeness (first step). The public hearing is being held on November 20, 2024, as the second step in the major site plan application process.
- 2.4 The project was determined to be of regional impact as part of the comprehensive plan development approval in 2018. Accordingly, notifications were made in accordance with Section 11.06 and Section 11.08 of the Site Plan Regulations, and the applicant submitted the application package to the Towns of Boscawen and Canterbury and the Central New Hampshire Regional Planning Commission (CNHRPC). No comments were received from Boscawen, Canterbury, or the CNHRPC.
- 2.5 Staff notes that, as a development of regional impact and per New Hampshire RSA 676:4(I)(c)(1), the deadline to approve, conditionally approve, or disapprove a complete application is automatically extended by 30 days past the normal 65-day period to a deadline of January 19, 2025.
- 2.6 Per Section 15.03(22) *Existing Condition Plan Abutting Properties* the actual property address of the site shall be shown on the existing conditions plan, as well as showing the actual property addresses of abutting properties. The five sheets titled “Existing Conditions Plan” shall be revised to list the actual property address of the abutting properties to the tax map lot and owner name and address already provided.
- 2.7 Section 15.04(2) *Abutting Property* requires that the site plan show the existing abutting properties, along with the owner names and addresses, tax map lot numbers, **and the address of the properties themselves**. The site plan does not show the actual address of the abutting properties as required.
- 2.8 The index of sheets on Sheet C-1 does not match the sheet numbers and sheet titles contained in the plan set. Specifically, the index lists Sheet C-12 as “Stormwater Management Plan” and Sheet C-12 itself is titled as “Erosion Control Plan.” Additionally, the index lists under C-2 the following items: notes & legend; 2020 existing conditions plan (by others); as-built plan – Concord Crossing; and as-built plan – 8-10 Merchants Way. Sheet C-2 is titled “notes & legend” and the sheet following is the 2020 existing conditions plat prepared by others. However, what follows is five sheets that are titled “existing conditions plan.” The index needs to be revised to reflect these five sheets of existing conditions plans, rather than the listing of as-built plans. The index also lists architectural elevations, but architectural elevations are not included in the civil plan set so the listing of architectural elevations needs to be removed from the index on Sheet C-1.
- 2.9 A lighting plan was submitted in accordance with Section 18.18 *Lighting* and Section 29 *Lighting* of the Site Plan Regulations and Article 28-7 *Access, Circulation, and Parking* of the Zoning Ordinance. The submitted lighting plan, however, appears to show light trespass beyond property boundaries greater than 0.2 foot-candles and needs to be revised to be compliant with Section 29.07 *Nuisance and Glare* and not have any foot-candles greater than 0.2 beyond property boundaries. Additionally, a detail for light poles was included on Sheet C-21, but Sheet C-5 does not appear to show any proposed light poles. Confirm that the project at 10 Merchants Wy will, in fact, be installing light poles as part of the project and show the location of the proposed installations on Sheet C-5 **or** remove the light pole details from Sheet C-21.

- 2.10 Compliance with Section 18.21 *Snow Storage* requires provisions for snow storage designed to avoid damage to landscaping. Sheet C-5 shows the proposed snow storage areas in landscaped areas that contain trees and shrubs with no apparent explanation of how the snow storage area is avoiding damage to landscaping.
- 2.11 Section 20.06 *Solid Waste Facility Screening* requires a solid opaque fence not less than 6 feet nor more than 8 feet in height around the solid waste facility area. Chain link fencing with slats is not solid opaque fence. Add more information to Note 22 on Sheet C-5 to provide the height of the fence and the type of the fence around the solid waste facility for compliance with this requirement. Additionally, the detail on Sheet C-21 is for a single dumpster pad and Sheet C-5 shows two dumpsters; therefore, the M-8 detail shown on Sheet C-21 needs to be removed and replaced with the M-9 Multiple Dumpster Pad detail. Additionally, there is a second detail on Sheet C-14 for a compactor/dumpster/loading pad. This needs to be removed or a waiver needs to be requested to use a dumpster pad detail other than M-9, noting that the enclosure portion of M-9 will be utilized, and move the detail on Sheet C-14 to Sheet C-21 so both details are on the same sheet.
- 2.12 Staff notes that, as per Section 25.02 *Non-Municipal Utilities Design Standards*, all utility facilities shall be located underground throughout the proposed development. When existing utility facilities are located above ground, except where existing on public roads and rights-of-way, they shall be removed and placed underground. Service connections to the non-municipal utilities shall be constructed to Concord Construction Standards and Details, and the standards established by the private utility company responsible for the service.

It is unclear if coordination with the private utility companies has taken place regarding the proposed connections depicted on Sheet C-9. Provide communication from the applicable utility companies indicating approval with the proposed plan shown on Sheet C-9.

- 2.13 Section 26.02 *Mechanical Equipment* requires full screening from abutting properties and public rights-of-way for all roof-top and ground-mounted mechanical equipment. The architectural elevations show that roof-top mechanical equipment is proposed, but no indication is given as to the type of screening. Roof-top mechanical equipment shall be provided with solid opaque or louvered screens designed to block views, glare, and noise from abutting properties, and shall be as high as the tallest mechanical unit. The architectural elevations need to be revised to show and detail compliance with the screening requirement for the roof-top mechanical equipment.
- 2.14 Section 27.07(4) states that no more than 25% of the trees to be planted shall be of the same species. The landscape plan submitted on September 30, 2024, shows the planting of five trees, which equates to no more than one tree being of the same species. The landscape plan shows the proposed planting of two October glory red maple trees, one bloodgood London plane tree, one green pillar pin oak tree, and one crimson cloud hawthorn tree. To meet the requirement, one of the two October glory red maple trees needs to be replaced with a tree other than any other tree proposed for planting.
- 2.15 The Engineering Division provided comments addressing compliance with the Site Plan Regulations in a memorandum dated October 29, 2024, and incorporated hereinafter as part of this staff report.
- 2.16 The Fire Department noted that the revised plan set submitted on October 25, 2024, appears to meet the minimum driveway width requirements in the Fire Code.

2.17 The Assessing Department and General Services had no comments.

3. Variances:

3.1 No variances are requested.

4. Waivers:

4.1 The applicant requests waivers from the following sections of the Site Plan Regulations:

- a. Section 16.02(22) *Construction Details*, to not provide the minimum four feet of cover over the drainage system as per the Concord Construction Standards and Details and instead provide less than four feet of cover where applicable;
- b. Section 16.03(9) *Colored Rendering*, to not provide the required colored rendering showing the proposed landscaping at the time of initial planting and as expected five years after planting;
- c. Section 16.03(11) *Signs*, to not provide a master sign plan with the site plan application and instead provide prior to installation of signs as part of the sign permitting process;
- d. Section 18.17 *Tree Plantings*, to not provide the required one tree per 1,000 square feet of parking area and instead provide 1 tree per 2,000 square feet of parking area, as well as street trees;
- e. Section 18.18 *Lighting* and Section 29 *Lighting*, to allow for light trespass beyond property boundaries; and,
- f. Section 22.07(2) *Storm Water Recharge*, to not provide the required minimum separation of four feet between the bottom of an infiltration system and the groundwater and instead provide three feet of separation.

The applicant provided an analysis of the five waiver criteria listed in Section 36.08 of the Site Plan Regulations, and the criteria in New Hampshire RSA 674:44(III)(e).

Staff reviewed the evidence submitted and supports the waiver requests in Item 4.1(a) through (f).

5. Conditional Use Permits:

5.1 No conditional use permits are requested.

6. Architectural Design Review:

6.1 The applicant appeared before the Architectural Design Review Committee on November 5, 2024. The application was reviewed for conformity with the Architectural Design Guidelines; harmony and compatibility with existing architectural character of the site, district, or location; integration into site design of significant natural features on site and abutting properties; and, the integration of landscaping, parking, and site features into the overall design of the project.

The Architectural Design Review Committee recommended that the Planning Board grant architectural design review approval for the application as submitted, subject to the following conditions to enhance the environment, serve as a functional part of the development, and improve conformance with Section 5.2 *Landscape and Site Treatment* of the Architectural Design Guidelines:

- a. The planters around the outside dining area shall be increased to a height of 42 inches, excluding plant material, and made as wide as possible; and,
- b. Landscaping along the northern part of the site shall be increased to provide screening

from Merchants Way to enhance the dining experience.

7. Conservation Commission:

7.1 No appearances before the Conservation Commission are necessary for this application.

8. Recommendations:

8.1 Staff recommends that the Planning Board **discuss and adopt the findings of fact**, which include: information provided in staff reports; the applicant's submission materials; testimony provided during the public hearing; and, other documents or materials provided in the public hearing.

Based on the adopted findings of fact, staff recommends that the Planning Board make the motions outlined below:

8.2 **Grant architectural design review approval** for a full-service restaurant with an outdoor seating area, an attached retail space, and associated site improvements, subject to the following condition to enhance the environment and improve conformance with Section 5.2 *Landscape and Site Treatment* of the Architectural Design Guidelines:

- a. Low-growing evergreen plantings along the northern part of the site against the building to provide screening from Merchants Way and to increase color and vegetation in the winter months for a more aesthetically pleasing view.

8.3 **Grant the waiver requests below** from the listed sections of the Site Plan Regulations, using the criteria of New Hampshire RSA 674:44(III)(e) and Section 36.08 of the Site Plan Regulations:

- a. Section 16.02(22) *Construction Details*, to not provide the minimum four feet of cover over the drainage system as per the Concord Construction Standards and Details and instead provide less than four feet of cover where applicable;
- b. Section 16.03(9) *Colored Rendering*, to not provide the required colored rendering showing the proposed landscaping at the time of initial planting and as expected five years after planting;
- c. Section 16.03(11) *Signs*, to not provide a master sign plan with the site plan application and instead provide prior to installation of signs as part of the sign permitting process;
- d. Section 18.17 *Tree Plantings*, to not provide the required one tree per 1,000 square feet of parking area and instead provide 1 tree per 2,000 square feet of parking area, as well as street trees;
- e. Section 18.18 *Lighting* and Section 29 *Lighting*, to allow light trespass beyond property boundaries; and,
- f. Section 22.07(2) *Storm Water Recharge*, to not provide the required minimum separation of four feet between the bottom of an infiltration system and the groundwater and instead provide three feet of separation.

8.4 **Grant site plan approval** for a full-service restaurant with an outdoor seating area, an attached retail space, and associated site improvements, subject to the following precedent and subsequent conditions:

- a. Precedent Conditions – Per Section 7.08(9) *Expiration of Approval*, approved site plans shall meet all precedent conditions and obtain the signature of the Chair and Clerk of the

Planning Board within one year of the date of the Planning Board meeting where conditional final approval was granted; otherwise said plans shall be null and void.

Precedent conditions are as follows:

1. Unless a specific variance, waiver, or conditional use permit is granted stating otherwise, revise the plan set to fully comply with the Site Plan Regulations, Zoning Ordinance, and Concord Construction Standards and Details, including but not limited to the following:
 - a. Per Section 15.03(22) *Existing Condition Plan Abutting Properties*, the actual property address of the site shall be shown on the existing conditions plan, as well as showing the actual property addresses of abutting properties. The five sheets titled “Existing Conditions Plan” shall be revised to list the actual property address of the abutting properties to the tax map lot and owner name and address already provided.
 - b. Section 15.04(2) *Abutting Property* requires that the site plan show the existing abutting properties, along with the owner names and addresses, tax map lot numbers, and the address of the properties themselves. The site plan does not show the actual address of the abutting properties as required.
 - c. The index of sheets on Sheet C-1 does not match the sheet numbers and sheet titles contained in the plan set. Specifically, the index lists Sheet C-12 as “Stormwater Management Plan” and Sheet C-12 itself is titled as “Erosion Control Plan.” Additionally, the index lists under C-2 the following items: notes & legend; 2020 existing conditions plan (by others); as-built plan – Concord Crossing; and as-built plan – 8-10 Merchants Way. Sheet C-2 is titled “notes & legend” and the sheet following is the 2020 existing conditions plat prepared by others. However, what follows is five sheets that are titled “existing conditions plan.” The index needs to be revised to reflect these five sheets of existing conditions plans, rather than the listing of as-built plans. The index also lists architectural elevations, but architectural elevations are not included in the civil plan set so the listing of architectural elevations needs to be removed from the index on Sheet C-1.
 - d. A lighting plan was submitted in accordance with Section 18.18 *Lighting* and Section 29 *Lighting* of the Site Plan Regulations and Article 28-7 *Access, Circulation, and Parking* of the Zoning Ordinance. The submitted lighting plan, however, appears to show light trespass beyond property boundaries greater than 0.2 foot-candles and needs to be revised to be compliant with Section 29.07 *Nuisance and Glare* and not have any foot-candles greater than 0.2 beyond property boundaries. Additionally, a detail for light poles was included on Sheet C-21, but Sheet C-5 does not appear to show any proposed light poles. Confirm that the project at 10 Merchants Wy will, in fact, be installing light poles as part of the project and show the location of the proposed installations on Sheet C-5 or remove the light pole details from Sheet C-21.
 - e. Compliance with Section 18.21 *Snow Storage* requires provisions for snow storage designed to avoid damage to landscaping. Sheet C-5 shows the proposed snow storage areas in landscaped areas that contain trees and shrubs with no apparent explanation of how the snow storage area is avoiding damage to landscaping.
 - f. Section 20.06 *Solid Waste Facility Screening* requires a solid opaque fence not less than 6 feet nor more than 8 feet in height around the solid waste facility area. Chain link fencing with slats is not solid opaque fence. Add more information to

Note 22 on Sheet C-5 to provide the height of the fence and the type of the fence around the solid waste facility for compliance with this requirement.

Additionally, the detail on Sheet C-21 is for a single dumpster pad and Sheet C-5 shows two dumpsters; therefore, the M-8 detail shown on Sheet C-21 needs to be removed and replaced with the M-9 Multiple Dumpster Pad detail. Additionally, there is a second detail on Sheet C-14 for a compactor/dumpster/loading pad. This needs to be removed or a waiver needs to be requested to use a dumpster pad detail other than M-9, noting that the enclosure portion of M-9 will be utilized, and move the detail on Sheet C-14 to Sheet C-21 so both details are on the same sheet.

- g. Per Section 25.02 *Non-Municipal Utilities Design Standards*, all utility facilities shall be located underground throughout the proposed development. When existing utility facilities are located above ground, except where existing on public roads and rights-of-way, they shall be removed and placed underground. Service connections to the non-municipal utilities shall be constructed to Concord Construction Standards and Details, and the standards established by the private utility company responsible for the service. Additionally, it is unclear if coordination with the private utility companies has taken place regarding the proposed connections depicted on Sheet C-9. Provide communication from the applicable utility companies indicating approval with the proposed plan shown on Sheet C-9.
 - h. Section 26.02 *Mechanical Equipment* requires full screening from abutting properties and public rights-of-way for all roof-top and ground-mounted mechanical equipment. The architectural elevations show that roof-top mechanical equipment is proposed, but no indication is given as to the type of screening. Roof-top mechanical equipment shall be provided with solid opaque or louvered screens designed to block views, glare, and noise from abutting properties, and shall be as high as the tallest mechanical unit. The architectural elevations need to be revised to show and detail compliance with the screening requirement for the roof-top mechanical equipment.
 - i. Section 27.07(4) states that no more than 25% of the trees to be planted shall be of the same species. The landscape plan submitted on September 30, 2024, shows the planting of five trees, which equates to no more than one tree being of the same species. The landscape plan shows the proposed planting of two October glory red maple trees, one bloodgood London plane tree, one green pillar pin oak tree, and one crimson cloud hawthorn tree. To meet the requirement, one of the two October glory red maple trees needs to be replaced with a tree other than any other tree proposed for planting.
 - j. The Engineering Division provided comments addressing compliance with the Site Plan Regulations in a memorandum dated October 29, 2024. The plan set shall fully comply with the Zoning Ordinance, Site Plan Regulations, and Concord Construction Standards and Details prior to final approval.
2. The site plan sheet shall list all approved variances, waivers, and conditional use permits with the section numbers and description, and date of approval.
 3. Upon notification from the Planning Division that the plan set complies with Planning Board conditions, the Zoning Ordinance, Site Plan Regulations, and Concord Construction Standards and Details, the applicant shall deliver to the Planning Division two full-size plan sets and one 11x17 plan set for endorsement by

the Planning Board Chair and Clerk. The plan sets shall contain the signature and seal of the appropriate licensed professionals as outlined in the Site Plan Regulations.

- a. **Subsequent Conditions** – to be fulfilled as specified:
1. This approval notwithstanding, the applicant is responsible for full knowledge of, and compliance with, the municipal code, Site Plan Regulations, and Concord Construction Standards and Details for the project, unless a variance, waiver, or conditional use permit is granted.
 2. Per Section 4.02 no building permit shall be issued for the purposes of constructing a new building or structure unless a certificate of approval has first been issued by the Planning Board as required by the Site Plan Regulations.
 3. Per Section 7.08(7) *Building Permits and Certificates of Occupancy*, no certificate of occupancy shall be issued until all public and private improvements have been completed, and all conditions of a site plan approval established by the Planning Board have been satisfactorily addressed as determined by the Clerk of the Planning Board.
 4. Per Section 27.07(8) *Maintenance*, the applicant or their successors shall be responsible for the regular maintenance of all plantings and other landscape features. Plant materials shall be maintained alive, healthy, and free from pests and disease. Tree stakes and guys shall be removed after the first growing season.
 5. Per Section 27.11 *Site Stabilization Guarantee*, a site stabilization guarantee shall be provided to ensure the site is properly stabilized. The guarantee shall be in a form of a cash deposit or a letter of credit from a New Hampshire bank. The City Engineer may call said financial guarantee, and stabilize a disturbed site if, upon notice, the applicant has not stabilized or restored the site.
 6. Per Section 36.02 *Conditions*, the applicant has the duty to comply with the approved site plan and any reasonable conditions set forth by the Planning Board for design, dedication, improvement, and restrictive use of the land.
 7. Per 36.15 *Compliance with Regulations*, no site construction, or change of use of land, shall occur in violation of the Site Plan Regulations and the Zoning Ordinance. No building permits may be issued for any building, structure, site improvement, or change of use prior to site plan approval and the satisfactory completion of any pre-construction conditions of Planning Board approval. The Clerk shall not approve any certificate of occupancy, nor shall any use of a building or site commence, unless the proposed improvements, and the proposed use of land or buildings, is found to comply with the approved site plan and the conditions of Planning Board approval.
 8. Per 36.24 *Inspections*, the Community Development Department shall be responsible for inspecting the site plan improvements for conformity with the approved plans and conditions of Planning Board approval. The City may assess the application for all or a portion of the cost, including overhead, of the necessary inspections. No certificate of occupancy shall be issued until the development has been completed according to the approved plans.
 9. Per Section 36.25 *As-Built Plans*, the applicant's engineer or surveyor shall submit to the City Engineer a detailed as-built survey for all site plans showing the location of buildings, structures, utilities, parking and loading areas, driveways and access, as well as for any public improvement required by the City Engineer. The as-built survey shall also be submitted in digital format and media conforming to the Engineering Division's as-built checklist.
 10. Per Section 36.27 *Release of Financial Guarantees*, a release of any financial guarantee assurance shall not be undertaken until the Clerk of the Planning Board and

the City Engineer have ascertained that all site related improvements, or required public improvements, have been constructed in conformance with the approved plans and specifications.

Prepared by: AMS



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New Hampshire's Main Street™
Community Development Department

Michael S. Bezanson, PE
City Engineer

MEMORANDUM

TO: AnneMarie Skinner, AICP, City Planner
FROM: Pete Kohalmi, PE, Associate Engineer
DATE: October 29, 2024
SUBJECT: Interchange Development LLC, Phase 2C– Major Site Plan - Engineering Review
10 Merchants Way; Map 06P, Lot 5/1; City Project 2024-047

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

- Plan Set prepared by TF Moran, revision date October 24, 2024
- Engineer Comment Response Letter prepared by TF Moran dated September 30, 2024
- Waiver Request Letter prepared by TF Moran, dated September 30, 2024

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 or addresses each of these comments and discusses any additional changes to the plans.

1. General Comments

- a. Previous comment: *The proposed restaurant will have the address of 10 Merchants Way and the proposed retail will have the address of 12 Merchants Way. Please add this to all affected plans.* This should be shown on multiple sheets such as the Site Plan, Grading Plan and Utility Plan and not just sheet C-3.
- b. Previous comment addressed.

2. Waivers

- a. A waiver is requested to provide less than 4' of cover over storm drain pipes as required in the City's Construction Standards. Engineering supports this waiver if rigid board insulation is provided for pipes with 2' to 4' of cover.

Pipes under pavement need a minimum of 3' of cover. Pipes with less than 2' of cover will not be allowed. Plans shall clearly show where insulation is required.

- b. A waiver is requested from providing 4' of separation between the bottom of an infiltration system and the Seasonal High Water Table per Site Plan Regulation 22.07 (2). The waiver request letter mentions the use of a Stormtech 310 system with 18" of filter media but the design does not show this. An updated plan and Stormwater Management Report shall be submitted for review showing compliance with the Site Plan Regulations and Concord Construction Standards and Details.

3. Cover Sheet

- a. Previous comment addressed.
- b. The 'Permits/Approval' Block needs to be updated. Some permits have expired. Please send extensions to the Planning Division as part of the final approval process.
- c. Previous comment addressed.
- d. Previous comment addressed.
- e. Previous comment addressed.

4. As-Built Plans

- a. As-Built plans in the set have been updated.

5. Site Layout Plan

- a. Previous comment addressed.
- b. A pedestrian connection should be provided all the way around the back of the building across the loading area in line with the ramp on the east side of the loading area.
- c. Previous comment addressed.
- d. Previous comment addressed.
- e. The plans must depict exactly what work is being built in this phase vs another phase so there is no confusion during construction. Please ensure hatching, line-weights, etc. reflect this.
- f. Previous comment: *Pretreatment should be provided for the proposed infiltration pond.* Response from designer mentions deep-sump CBs. Are these all proposed CBs? Provide details for the proposed CBs.

- g. Previous comment addressed.
- h. Previous comment: *The five parking spaces and loading area directly next to the main drive aisle and driveway is undesirable as the backing movements will be difficult and result in conflicts. Recommend relocating these spots to eliminate a possible hazard.* It is noted that the designer is choosing to retain these parking spots.
- i. Previous comment addressed.
- j. Previous comment: *Stop signs shall be added to the northern-most aisles in the east-west direction to mitigate traffic conflicts at the driveway entrance.* No revisions are found on the plans. Please add stop signs and stop bars at CB2-13 and across the aisle (which is actually in Phase 2A).

6. Grading & Drainage Plan

- a. Previous comment addressed.
- b. From the comment response it is understood that the infiltration pond is temporary for this phase. It is noted that some of the linework appears to be proposed (DMH 3-4 to DMH 3-3, phase 2B). Gray out drainage not being constructed in this phase. Similarly, for DMH 3-1 to DMH 3-2, phase 2B.
- c. Previous comment addressed.
- d. Previous comment addressed.
- e. New comment: Is a CB not necessary on the southern curblineline of the southern driveway near the '295.66' spot grade?

7. Drainage Profiles

- a. Previous comment addressed.
- b. Previous comment addressed.
- c. As noted above, please ensure work to be constructed in this phase is clearly shown.
- d. On DMH 2-10, confirm the pipe coming in from the east was previously installed.
- e. Previous comment addressed.
- f. Previous comment addressed.
- g. Previous comment addressed.
- h. Previous comment addressed.

- i. Previous comment addressed.
- j. Profiles Storm 10 and Storm 12 still show rim elev 296.76.
- k. New comment: Are all existing pipes connected to DMH 2-10 as shown? The proposed pipe needs to be installed with an invert at least 0.10' higher than the invert OUT.
- l. New comment: Show insulation on ALL pipes with less than 4' of cover.

8. Utility Plan

- a. Previous comment: *Sanitary sewer flow calculations must be provided, including sizing calculations for the proposed grease trap meeting the Concord Construction Standards Section 4.3.E. including the 36-hour minimum hydraulic detention time.* The City awaits sewer flow calculations.
- b. Previous comment addressed.
- c. Precious comment addressed.
- d. Previous comment unaddressed.: *Suggest moving SMH-5 outside the proposed brick walkway. Adjust profiles as necessary. Similarly, the grease trap should be moved to keep the openings outside the walkway.*

9. Sewer Profiles

- a. Previous comment addressed.
- b. Previous comment: *Show location of other proposed utilities on profiles. 6" HDPE still not shown.*
- c. Previous comment addressed.
- d. Previous comment addressed.

10. Stormwater Management Plan

- a. Previous comment addressed.
- b. Previous comment addressed.
- c. Previous comment not addressed. *The proposed erosion control labels that are screened are recommended to be full strength for clarity.*

11. Construction Details

- a. Previous comment addressed.
- b. Previous comment addressed.
- c. Previous comment addressed.
- d. Previous comment addressed.

- e. Grease Trap Detail is acceptable. Please send manufacturer's detail during pre-construction phase for final approval of product.
- f. To avoid any confusion during construction please replace this detail with M-9 from the City's Construction Details.
- g. Previous comment addressed.
- h. Previous comment regarding the detention basin emergency spillway is only partially addressed. The slopes are still not shown accurately and the concrete barriers shall be shown true to size to assist the contractor during construction.

12. Stormwater Management Report

An updated Stormwater Management Report was not submitted; therefore, revisions cannot be checked. Previous comments below:

- a. A routing diagram clearly showing all of the nodes included in the analysis must be included for the previously approved post development drainage model for reference.
- b. The latest revision drawings noted in the included AoT permit are dated November 21, 2023. It should be reviewed with NHDES whether an amendment will be required for the proposed site plan changes.
- c. The report narrative for water quality references filtration basin SMA T. This stormwater basin could not be found in the included stormwater model.
- d. The method of pretreatment in the BMP worksheet shall be clarified as it lists an isolator row however the BMP is a surface infiltration basin.
- e. The infiltration testing associated with the design infiltration rate of 5.0 inches per hour shall be clarified in the report. It's not clear where the testing for the infiltration basin is provided.
- f. The routing diagram for the proposed stormwater model associated with this portion of the development is incomplete. Several subcatchment areas are not shown, some nodes do not appear to be connected and the design point Link A is not shown. Please provide an updated routing diagram that is clear, agrees with the post development drainage plan and shows all of the nodes in the model to be able to review the stormwater calculations.
- g. Pond SMA Z doesn't appear to be connected to any subcatchment areas in the model and must be removed if not used.
- h. The existing grades for test pits 6 and 8 appear to be higher than 294.5 based on the existing contours on the Grading and Drainage Plans. It is

recommended to verify the existing grades, add spot grades to the plan and adjust the estimated seasonal high water table elevations as needed.

- i. The test pit information shows 1.2 feet and 1.4 feet between the seasonal high-water table and the bottom of the filter material. Concord site plan regulation section 22.07 (2) requires 4 feet of separation for infiltration. A filter material is provided at the bottom of the infiltration pond which the NHDES AoT regulations allow a reduction to 1-foot of separation when treatment is provided. However, a waiver from the Concord Site Plan Regulations appears to be required.
- j. The infiltration testing appears to be for a different site, 10 Whitney Road. Only include the infiltration testing information that is relevant to the proposed infiltration basin for clarification.

State/Federal Permits

The project will require the following state and/or federal permit(s) associated with the site design:

- EPA General Construction Permit
- NHDES for Stormwater Infiltration to Groundwater

Per Site Plan Regulations Section 13.02(8), a copy of the State and Federal permit(s) shall be submitted to the City prior to final approval.

Post-Approval/Pre-Construction Requirements

The following items are required prior to the start of construction:

1. The following permit(s) will need to be obtained from the Engineering Services Division:
 - Excavation Permit
 - Utility Connection Permit(s)
 - Driveway Permit
 - Other permits deemed necessary by the City Engineer

Please note that all Engineering permits must be applied for online using the City's Citizen Self Service (CSS) Permit Portal, which can be found here:

<http://concordnh.gov/1915/Engineering-Permits-Fees>

2. Per Site Plan Regulations Section 36.24 the applicant is responsible for paying inspection fees.

Prior to scheduling the pre-construction meeting, the applicant needs to apply for the required Engineering permits listed above and provide an estimate of the anticipated number of inspections for review by Engineering. The applicant shall provide a project schedule when applying for the required permits.

The permit fees shall be paid prior to scheduling the pre-construction meeting.

3. When above requirements have been met, request to set up a pre-construction meeting with the Engineering Division to discuss construction requirements, site inspections, associated fees, schedules, etc. Engineering permits will not be authorized (unless explicitly stated otherwise) until final plans have been submitted and signed by the Planning Board Chair and Clerk.

Construction Requirements

1. Shop drawings/submittals shall be submitted to Engineering for the proposed water, sewer, drainage improvements as applicable.
2. Retaining wall design drawings (stamped Structural Engineer licensed in the State of NH) shall be submitted to Engineering for proposed retaining walls that are greater than 4 feet high. In addition, walls greater than 48 inches require a building permit from Code Administration.