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

Staff Report for Planning Board

Meeting on January 15, 2025

Project Summary – Determination of Completeness for Major Site Plan and Architectural Design Review Application

Project: **Determination of Completeness** – Bangor Savings Bank (2024-091)
Property Owner: Bangor Savings Bank
Applicant: Nobis Group
Property Address: 111 Loudon Road
Tax Map Lot: 631Z 5
Date of Report: January 8, 2025

Determination of Completeness:

Per Section 11.05 of the Site Plan Regulations, a completed application will contain the required information listed in Section 16 *Application Requirements for Major Site Plans* of the Site Plan Regulations and will be legible and competently prepared. In making a determination of completeness, the Board shall consider the written recommendation of the Clerk, as well as any written communications from the applicant, abutters, and parties of interest; **however, no hearing shall be opened nor shall testimony be received on a determination of completeness.** An application which is determined to be incomplete may be revised and resubmitted to a subsequent of the Board for another determination of completeness.

Section 36.14(1) provides additional language regarding the determination of completeness, and states that a completed application shall contain all required information for each stage of the application process; shall be legible and properly prepared; shall accurately portray existing conditions; shall be accompanied by copies of special investigative studies; and shall contain sufficient information and detail for a full review and action by the Board.

Project Description:

The applicant is seeking major site plan and architectural design review approvals for construction of a single-story, 3,627-square-foot Bangor Savings Bank branch facility, along with conditional use permit approval for driveway separation. The project includes paved parking and access, concrete patio and sidewalks, a dumpster, stormwater management system, and one drive-thru service window. Utilities include municipal sewer, municipal water, electricity, telecommunications, and natural gas. The site is addressed as 111 Loudon Road in the General Commercial (CG) District. The site has frontage on Loudon Road, which also serves as the site's south boundary line. North of the site is residential use in the in the High-Density Residential (RH) District. Other than to the north, the site is surrounded to the south, east, and west by the CG District and commercial uses.

Compliance:

The following analysis of compliance with the Zoning Ordinance and Site Plan Regulations is based on a narrative, dated December 18, 2024, prepared by Jon Ralphs, Project Manager, with Nobis Group; a 4-

sheet architectural plan set, dated December 11, 2024, prepared by Warrenstreet Architects; and a 23-sheet civil plan set, dated December 18, 2024, prepared by Nobis Group.

1. Project Details and Zoning Ordinance Compliance:

Zoning District: General Commercial (CG) District
Existing Use: Vacant Commercial Building
Proposed Use: Banking Facility

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	25,000 square feet	33,632 square feet (no change)
Minimum Buildable Land	12,500 square feet	Not applicable
Minimum Lot Frontage	150 feet	130.05 feet (no change) (legal nonconforming lot)
Minimum Front Yard	30 feet	62 feet
Minimum Rear Yard	30 feet	95 feet
Minimum Side Yard	25 feet	25 feet
Maximum Lot Coverage	80%	44%
Maximum Building Height	45 feet	Not provided
Parking Setback (Rear/Side Yard)	5 feet	15 feet rear/20 feet east, 5 feet west
Parking Setback (Front Yard)	10 feet when abuts collector or arterial	74 feet
Parking Spaces	One per 200 square feet gross floor area, plus five stacking spaces per window or station (3,627 divided by 200 = 18.14 or 18spaces, plus 5 stacking spaces)	19 spaces (17 standard, 1 compact, 1 ADA) 5 stacking spaces
Accessible Spaces	1	1
Driveway Separation from Driveways	200 feet	36 feet
Driveway Separation from Intersections	200 feet	No intersections

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, and the applicant must request the waiver prior to the date of the determination.

2. Site Plan Regulations Compliance and Comments:

- 2.1 Per Section 6.01(4), 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. Abutter notifications were mailed on December 30, 2024. At the time of mailing, staff was not aware of any noncompliance with the Zoning Ordinance. When preparing the staff report, staff observed that the site has 130.5 feet of frontage where the Zoning Ordinance requires 150 feet of frontage for a lot in the CG District. However, staff notes that the applicant submitted property history information indicating that the lot was existing in its current state prior to the existing Zoning Ordinance. At the time of lot creation, the frontage requirement was 100 feet; therefore, the lot is a nonconforming lot pursuant to Section 28-8-3 *Nonconforming Lots* of the Zoning Ordinance and may be developed in accordance with Section 28-8-3(c) *Conditions for Development of Nonconforming Lot* of the Zoning Ordinance.
- 2.2 Per Section 6.01(5), 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. The driveway separation requirement is 200 feet, pursuant to Section 28-7-8(c)(2) *Separation of Driveways in Nonresidential Districts* of the Zoning Ordinance, and the proposed driveway separation is 36 feet. Section 28-7-11(f) *Driveway Separation Alternatives* of the Zoning Ordinance provides relief through a conditional use permit. As outlined in Section 5 of this staff report, the required conditional use permit application was submitted with the site plan application.
- 2.3 Per Section 6.03(2)(c), the major site plan phase is a two-step process. The first step is a determination of the Planning Board, after recommendation from the Clerk, that a major site plan is complete or incomplete. Comments from all staff regarding the project and its completeness are incorporated into this staff report. 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 January 15, 2025, is the determination of completeness (first step). If the Board determines the major site plan application complete on January 15, 2025, then the public hearing (second step) will be scheduled for the following regular meeting on February 19, 2025.

The following items from Sections 11, 12, 13, 15, and/or 16 of the Site Plan Regulations appear to be missing from the application, all of which are minimum components necessary to determine the application complete:

- 2.4 Section 16.01 *Required Information*, subsections (1), (2), (3), and (4) requires all items set forth in Section 12 *General Requirements for All Drawings*, Section 13.01 *General Requirements for Documentation*, Section 15 *Application Requirements for Minor Site Plans*, and Section 16.02 *Site Plan Requirements*, respectively, be included in the major site plan. Items 2.5 through 2.31 list the information in those sections that is missing from the submitted application.

- 2.5 Section 12.02(1)(a) *All Applications Title Block Title of Plan* and (b) *All Applications Title Block Name and address of the owner and applicant* requires that the title of the plan and the name and address of the owner and applicant be included in the title block on all plans and drawings. The plan set as submitted does not provide the required information. Specifically, the title of the plan on the existing conditions plat is “existing conditions plat of the land of 95 Loudon Road, LLC” which is different than the title of “Bangor Savings Bank” in the title block on the rest of the sheets in the civil plan set. Additionally, the title block on the existing conditions plat does not list the owner and applicant or the address of the owner and applicant. The title block on the rest of the sheets in the civil plan set, while listing the name and address of the applicant, does not list the name and address of the property owner. For a complete determination, the title in the title block on the existing conditions plat needs to be consistent with the title in the title block on the rest of the sheets, the name and address of both the applicant and property owner need to be added to the title block of the existing conditions plat, and the name and address of the property owner need to be added to the title block of the rest of the sheets in the civil set.
- 2.6 Section 12.03(4) *Plan Certification* requires that the architectural elevations shall be signed or sealed by a New Hampshire licensed architect. The submitted elevations show a space for the signature and seal, but are missing the actual signature and seal. For a complete determination, the architectural elevations need to be resubmitted with the required signature and seal of the New Hampshire licensed architect.
- 2.7 Section 12.06(1) *Certificate of Ownership* requires that the owner and deed citation be listed on both the site plan and the existing conditions plan. The submitted existing conditions plat provides owner and deed citation information for a previous property owner, not the current property owner of Bangor Savings Bank. This information must be corrected on the existing conditions plat for a complete determination. Additionally, the owner and deed citation must be listed in the notes on Sheet C-2 of the civil plan set.
- 2.8 Section 12.06(2) *Easements*, Section 12.06(3) *Existing Restrictions*, Section 15.02 *Easements and Restrictions*, and Section 15.04(12) *Easements and Rights-of-way* require plan or deed references for recorded easements and deed reference and statements of any existing recorded covenants or restrictions to the use of the land proposed to be developed be shown on both the existing conditions plan and the site plan. Neither the existing conditions plat or the site plan have any references to easements or existing restrictions. If, in fact, the site does not have any recorded easements or any recorded covenants or restrictions, then for a complete determination a note needs to be added to both the existing conditions plat and Sheet C-2 stating the following: “There are no existing recorded easements on the site or on the abutting properties for providing access, utilities, or drainage to the site, nor are there any existing recorded covenants or restrictions relating to the use of the site.”
- 2.9 For compliance with Section 12.07 *Wetland Delineations*, a note needs to be added to the existing conditions plat stating that the site does not contain any wetlands.
- 2.10 For compliance with Section 13.01(6) *State and Federal Permits* and Section 13.02(8) *State and Federal Permits*, a note needs to be added to Sheet C-2 stating that neither state or federal agency permits are required for the approval of this site plan, including off-site improvements. If, in fact, there are state and/or federal permits required, then the note needs to list the permits that are required for the development of the site or the off-site improvements.

- 2.11 For compliance with Section 15.03(2) *Abutters* of Section 15.03 *Existing Condition Plan*, the existing conditions plat must show identification and classification of the extent and type of soils using the USDA Natural Resources Conservation Service system. This information appears to be missing and must added to the existing conditions plat for a determination of complete.
- 2.12 To show compliance with Section 15.03(5) *Natural Features* and Section 15.03(6) *Community Features*, for a determination of complete, a note shall be added to the existing conditions plat stating that the site does not contain any significant natural features, wetlands, bluffs, ravines, steep slopes in excess of 15%, existing adjacent public buildings, parks or open space, or any historic structures or features.
- 2.13 The existing conditions plat appears to be missing the following required information necessary for a determination of complete:
- Exterior dimensions of the existing buildings as required by Section 15.03(7) *Buildings and Structures*;
 - Dimensions of parking spaces and number of spaces identified by parking bay as required by Section 15.03(8) *Parking, Loading, and Access*;
 - For further compliance with Section 15.03(8) *Parking, Loading, and Access*, the accurate and correct depiction and location of the site and driveway location across the street from this project needs to be shown as it is inaccurate as currently shown. The existing conditions plat needs to be updated, as well as any other sheets depicting the site and driveway location across the street, to show the accurate location.
 - Note that the site does is not in a flood hazard area, aquifer protection overlay district, or shoreland protection overlay district for compliance with Section 15.03(13) *Flood Hazard*, Section 15.03(14) *Aquifers*, and Section 15.03(15) *Shoreland Protection*, respectively;
 - Notation of all covenants, easements, and restrictions in place or statement that there are none for compliance with Section 15.03(21) *Restrictions*;
 - Actual property address of the abutting properties for compliance with Section 15.03(22) *Abutting Properties*;
 - Data required by Section 15.03(23) *Tabulations*; and
 - Note stating the site does not contain any historic structures or sites listed or eligible for the National or State Registers of Historic Places or any historic markers on the site or abutting properties or rights-of-way for compliance with Section 15.03(25) *Historic Structures or Sites*.
- 2.14 The site plan, which is Sheet C-2, appears to be missing the following required information necessary for a determination of complete:
- The bearings and dimensions of the property lines, for compliance with Section 15.04(1) *Property Lines*;
 - The actual property address of the abutting property to the east and the south, for compliance with Section 15.04(2) *Abutting Property*;
 - The name and address of all property owners and the most current deed reference noting the book and page numbers from the Merrimack County Registry of Deeds, for compliance with Section 15.04(3) *Parcel Information*;
 - Clear identification of the existing use of the site as required by Section 15.04(4) *Proposed Use*;

- Listing of the building address within the building footprint as required by Section 15.04(5) *Addresses*;
- Notations of covenants and self-imposed restrictions, or notations stating none exist, for compliance with Section 15.04(7) *Restrictions*;
- Note stating that the site does not contain any significant natural features or slopes in excess of 15%, for compliance with Section 15.04(8) *Natural Features*;
- Exterior dimensions shown and labeled of the proposed building, for compliance with Section 15.04(10) *Buildings and Structures*;
- The dimensions and bearings shown and labeled for the future 895 square feet of area to be conveyed to the City, for compliance with Section 15.04(12) *Easements and Rights-of-way*;
- For a determination of complete and compliance with Section 15.04(13) *Municipal Sewer*, Section 15.04(17) *Municipal Water Supply*, and Section 15.04(19) *Other Utilities*, Sheet C-4 shall be revised as follows:
 - The leader for the sewer trench sawcut line is out of place as shown on Sheet C-4 and needs to be corrected;
 - Applicant must clearly articulate on the plan set whether the existing water service will be re-used. The City has information indicating it was installed in 2011 when the new 12-inch water main was installed in Loudon Rd;
 - If a new water service is installed, the location of the curb stop must be at the back of the proposed easement and shall be revised accordingly;
 - Add a note that natural gas will not be utilized or clearly show and label the location of the natural gas connection. Staff notes that the narrative states the use of natural gas, but neither Sheet C-2 or Sheet C-4 provide any indication of a natural gas connection; and,
 - Confirm coordination with Sheet LA101 such that there will be no conflict or future root intrusion from proposed landscaping around any utility services and add or make changes to the landscaping accordingly to both sheets.
- For a determination of complete and compliance with Section 15.04(13) *Municipal Sewer* and Section 15.04(17) *Municipal Water Supply*, Sheet C-4.1 shall be revised as follows:
 - Show and label the proposed 1-inch water service on the sewer profile;
 - Show and label the proposed 6-inch sewer service on the water profile;
 - On the water profile, show and label that the minimum cover is 5.5 feet;
 - Correct the size of the water service in the note so that it states 1", rather than the 1' currently stated; and
 - Provide a profile for the storm drain system.
- For compliance with Section 15.04(14) *Drainage & Erosion Control*, Section 16.02(12), and Section 16.02(13), Sheet C-3 shall be revised as follows:
 - Note 10 shall state that pipes with less than 4 feet of cover shall require insulation;
 - Provide a blow-up detail of the sidewalk area on the southeast corner of the building to provide more spot shots;
 - The curb reveal must be 7 inches per Concord Construction Standards and Details.
- For compliance with Section 15.04(22) *Setbacks and Buffers*, applicant shall properly depict, identify, and label the required residential district buffer along the north boundary, provide dimensions thereof, and add notation indicating which of the landscaping options is being used to meet the buffer requirement; and
- For a determination of complete and compliance with Section 15.04(27) *Tabulations*, items (a) through (r) need to be listed on Sheet C-2 in a clear and easily-read format.

- 2.15 For a determination of complete and compliance with Section 15.04(27) *Fire Suppression*, Sheets C-5 and C-5.1 shall be revised. The turning radius shown on Sheets C-5 and C-5.1 in the 15-foot-wide exit lane shows an encroachment onto the painted/curbed areas, and the lane decreases in width from 20 feet to 18 feet to 15 feet. The Concord Tower 1 truck is 46.75 feet long. Turning radii and lane widths shall be revised to show compliance with the fire code and to ensure that the Concord Tower 1 fire truck can navigate safely through the site.
- 2.16 Section 16.02(1) *Preparation* requires the signature and seal of the New Hampshire licensed architect on the elevations set. This signature and seal are missing from the submitted set of elevations and needs to be added.
- 2.17 Section 16.02(6) *Parcel Information* requires the assessor's map block lot number for the parcel along with the name and address of the property owner and the most current deed reference from the Merrimack County Registry of Deeds to be noted on the site plan. Sheet C-2 appears to be missing this information and it needs to be added to the notes for a complete determination.
- 2.18 Section 16.02(7) *Addresses* and Section 15.02(8) *Addresses* require the address of each existing and proposed building noted on the plan. For clarity, the street address of the proposed building needs to be added to the building footprint shown on Sheet C-2, underneath the square footage of the building or above the words "proposed building."
- 2.19 For compliance with Section 16.02(9) *Restrictions*, a note needs to be added to Sheet C-2 stating that the site does not contain any easements, covenants, or restrictions.
- 2.20 For a determination of complete, provide the following revisions to the Stormwater Management Report, as per Section 16.02(12) *Grading and Drainage Plan*:
- Include separate sub-catchments and links and ponds for each proposed structure or feature in the post-development portion of the drainage report;
 - The infiltration rate of 5 inches per hour was used in the report. Please clarify how this was determined. ? Were test pits conducted? Where are the results? What is the estimated seasonal highwater table?
 - Provide calculations to check the capacity of the underground storage system or the retention pond for the 100-year storm; and
 - Submit a copy of the NHDES Registration for Stormwater Infiltration.
- 2.21 Section 16.02(14) *Utility Plan* of Section 16.02 *Site Plan Requirements* requires that the location, type, dimensions, setback, and screening for any solid waste receptacles or dumpsters, including details for any pads, screening walls, or fencing be shown on the utility plan. The submitted plan set provides conflicting details for the dumpster enclosure in that the detail sheets show one detail and the landscaping sheets show a different detail. Incorrect details shall be removed, all details shown need to be consistent throughout the plan set, and all details need to be from the Concord Construction Standards and Details.
- 2.22 Section 16.02(16) *Lighting Plan* requires submittal of a lighting plan that includes all the information requested in that particular section. The package included a lighting plan, but the color of the light poles does not appear to be indicated as required. For a complete determination, the color of the light poles needs to be added to the lighting schedule table on the lighting plan sheet.

- 2.23 Section 16.02(18) *Demolition Plan* requires submittal of an accurate demolition plan. The following items need to be revised on Sheet C-1 for a determination of complete and compliance with this section:
- Show and label location and capping of existing sewer service at the property line;
 - Show disconnection of existing water service at the 12-inch water main in Loudon Rd;
 - Show removal of sidewalk and curb on Loudon Rd that will be affected by this project; and
 - Label the northern existing water main on Loudon Rd as an abandoned 8-inch pipe.
- 2.24 The application package appears to be missing the traffic control plan required by Section 16.02(19) *Traffic Control Plan* to allow a complete determination.
- 2.25 The application package appears to be missing an off-site improvement plan for the frontage improvements in the to-be-deeded public right-of-way as required by Section 16.02(20) *Off-site Improvement Plan*.
- 2.26 Section 16.02(22) *Construction Details* requires that construction details shall be provided which conform to the City of Concord Construction Standards and Details. Check all the details provided in the detail sheets and the landscaping plan sheets to confirm that all are from the Concord Construction Standards and Details, and labeled as such. There are instances where conflicting details are shown in the detail sheets versus the landscaping plan sheets. It also appears that details are provided for construction activity that is not taking place. Extraneous details need to be removed from the plan set. In addition, the following corrections must take place on Sheet C-6.2 for a determination of complete:
- The bituminous sidewalk with curb detail shall be changed to depict 6 inches of crushed gravel base, 3 inches of asphalt, and 7 inches of curb reveal, per the City of Concord's Construction Standards and Details;
 - The concrete sidewalk with curb section detail shall be revised to depict 6 inches of crushed gravel base. Sidewalk thickness is 4 inches of Class A concrete with woven (not welded) wire fabric. Curb ramp and driveway thickness is 6 inches of Class AA concrete with woven (not welded) wire fabric. Control joints shall be every 5 feet. An approved sealant is to be applied per the City of Concord's Construction Standards and Details;
 - Provide details for water and sewer connections to the mains;
 - Details that are not utilized on the project should be removed from the plan set;
 - The bioretention detail should specify the seed type;
 - The accessible ramp detail shows a 6-foot ramp transition panel but the length of that panel can vary from ramp to ramp. That dimension needs to be removed and use elevations on the Grading Plan instead.
- 2.27 Section 16.03(1) *Architectural Plans and Elevations Preparation* requires architectural elevations be signed or sealed by a New Hampshire licensed architect. The elevations do not contain either the signature or the seal of a New Hampshire licensed architect.
- 2.28 Section 16.03(5) *Windows, Doors, and Roofs* requires that the type and pitch of roofs, and the size and spacing of all windows and door openings shall be noted on the elevations. The

elevations do not appear to show and label the size and spacing of all windows and door openings.

- 2.29 Section 16.03(7) *Colors and Materials* requires that the proposed colors and materials to be used for all siding, roofs, foundations, trim, doors, windows, mechanical equipment, and all other appurtenant features shall be noted on the architectural elevations. The proposed colors are shown on the submitted elevations, but the materials to be used are not noted for anything but the mechanical equipment. For a complete determination, the elevations need to be revised to note the materials to be used for all siding, roofs, foundations, trim, doors, and windows.
- 2.30 Section 16.03(8) *Dimensions* requires that all horizontal and vertical dimensions shall be provided on the architectural elevations. It does not appear that either horizontal or vertical dimensions are noted on the elevations and both dimensions need to be clearly noted and labeled for a complete determination.
- 2.31 Section 16.03(11) *Signs* requires that the location, size, and placement of affixed and freestanding signage shall be noted on the site plan and the building elevations. Sheet C-2 shows a five-foot-wide monument sign, and the elevations show affixed signage on the proposed building. However, the building elevations do not show the five-foot-wide monument sign as required by this section, nor was anything submitted showing the height of the freestanding sign or the dimensions of the affixed signage. For a complete determination, the elevations need to show the size, height, and location of the freestanding sign, along with the size and dimensions of the affixed signage.

The items below appear to be missing from the application, but they are not required as part of the determination of completeness and can be addressed as conditions of approval.

- 2.32 As required by Section 13.02(1) *Right-of-Way Easement*, the appropriate documents shall be submitted to the Planning Division for review and approval prior to the signatures on the final plan set, for the depicted conveyance of the 895 square feet of area in the Loudon Rd right-of-way. Appropriate documents include a plan suitable for recording at the Merrimack County Registry of Deeds, as well as an easement deed. Once approved by the Clerk of the Planning Board, and the City Engineer, and the City Solicitor as to form and content, the properly executed documents shall be submitted for recording prior to the issuance of a building permit.
- 2.33 As required by Section 17.02 *Self-Imposed Restrictions*, the future 895 square feet of area to be conveyed to the City must be recorded at the Merrimack County Registry of Deeds in a form to be approved by the City Solicitor, Clerk of the Planning Board, and the City Engineer. The draft document needs to be submitted for review by staff and subsequent approval prior to recording.
- 2.34 For clarification, the address of the proposed building needs to be added to the building footprint shown on Sheet C-2 for compliance with Section 17.04 *Addressing*.
- 2.35 Section 18.08 *Stacking Spaces* provides the requirements for stacking spaces. Only one space has the required dimensions (9 feet wide by 20 feet long) shown and labeled. The remaining four spaces need to show and label the dimensions for that space. All spaces must avoid obstructing the proposed crosswalk. As presently shown, one of the stacking spaces obstructs the proposed crosswalk.

- 2.36 Section 18.12 *Perimeter Landscaping* requires that perimeter parking lot landscaping shall be provided as set forth in Article 28-7 *Access Circulation and Parking* of the Zoning Ordinance, which requires that a parking lot located within 50 feet of a residential district boundary, shall include at least one of the following features: a hedge or other dense planting at least four feet in height consisting of at least 50% evergreen shrubbery; an earth berm or change in grade of not less than four feet vertical measure above the elevation of the parking area surface; a solid wall at least four feet in height; or any combination of the above listed options which will achieve four feet in height. The rear portion of the proposed parking lot is within 50 feet of the adjacent residential district boundary. The submitted landscaping plan does not appear to meet any of the four options, and will need to be revised to meet one of the four required options.
- 2.37 Section 18.17 *Tree Plantings* requires that one tree shall be planted for each 1,000 square feet of any proposed parking area, including parking spaces, internal landscape islands, access aisles, driveways, fire lanes, and other vehicular circulation areas. Perimeter landscaping, sidewalks, patios, impervious vehicular storage areas for the sale and rental of vehicles, and paved outside storage areas, where allowed, shall not be included in the area used to determine the amount of tree planting required. Trees required shall be planted within the internal parking lot islands, around the perimeter of the parking area within 20 feet of the parking lot, or in landscaped areas between buildings and the parking field. The landscape plan did not provide the square footage of proposed parking area or the number of trees being planted per 1,000 square feet of proposed parking area. Without this information, it is unclear if the tree planting requirement is being met.
- 2.38 Section 18.21 *Snow Storage* requires that provisions shall be made for snow storage in the design of all parking areas and snow storage areas shall be shown on the site plan. Snow storage areas shall be functional and designed to avoid damage to landscaping, to not impede site drainage, to not block pedestrian ways, or hinder vehicular access or block site lines at intersections, either on or off site. Sheet C-2 does not appear to show any snow storage areas.
- 2.39 Section 18.22 *Grades* requires that slopes of parking spaces shall not exceed 5% in any direction. To help ensure compliance through construction, a note shall be added to both Sheet C-2 and Sheet C-3 stating that the slopes of parking spaces shall not exceed 5% in any direction.
- 2.40 For full compliance with Section 18 *Parking Lot Design Standards*, Section 19 *Access and Driveway Standards*, the Zoning Ordinance, and Concord Construction Standards and Details, the following revisions to Sheet C-2, and other sheets as applicable, are needed:
- Loudon Rd has previously been studied to have a future two-way left-turn lane along this section of the corridor. Accordingly, the proposed driveway shall be aligned across from the opposite driveway (currently incorrectly shown) to form a standard four-way intersection, or with a positive offset such that the mainline or driveway left turns will not conflict.
 - Sight lines for the proposed driveway shall be added to Sheet C-2 and shall be computed in the traffic study;
 - A “one-way” sign shall be added at the entrance to reinforce the need for vehicles entering to stay to the right of the building.”
 - Accessible parking spaces for vans must be a minimum of 132 inches wide. The provided space does not appear to meet that requirement.
 - The proposed curb ramps on Loudon Rd are required to be concrete, not asphalt. Also, clearly depict and label all new granite curb proposed for use along Loudon Rd.

- A detail of the fence proposed along the perimeter of the property appears to be missing from the plan set. The required detail needs to be included either on Sheet C-2 or one of the detail sheets.
 - The paint island on the east side of the drive-thru needs to be labeled.
 - Assess the need for a curb ramp at the crosswalk on the south side of the building and add if the assessment shows one is required.
 - The signs in the sign schedule need to be called out on Sheet C-2.
- 2.41 Section 20.06 *Solid Waste Facility Screening* and Section 20.07 *Solid Waste Disposal Areas* provide the screening and design requirements for the solid waste enclosure. Sheet LA104 shows a detail for a multiple dumpster pad. Sheet C-6.1 shows a detail for a single dumpster pad. Only one dumpster pad detail needs to be in the plan set, so the incorrect detail needs to be removed. Ensure that the detail used is the detail from the Concord Construction Standards and Details. Applicant shall review all the details included on Sheets LA103 and LA104 to ensure that every detail shown is a detail being utilized and remove those that are not being used, that there are no duplicates or inconsistencies with the details shown on Sheets C-6 through C-6.3, and that all details shown are from the Concord Construction Standards and Details.
- 2.42 Sheet LA101 does not appear to show the landscaping required by Section 20.06 *Solid Waste Facility Screening*. The regulations require a landscaped area with a minimum width of eight feet containing trees and shrubs planted between the solid opaque dumpster enclosure fence and the abutting residential district or residential use. Revise Sheet LA101 to clearly show and label all items that will show compliance with this requirement, including dimensions of the landscaped area and the trees and shrubs that are being planted to provide screening between the rear of the dumpster enclosure and the rear property line.
- 2.43 The site plan shows that sidewalks are being installed. To help ensure compliance with Section 21.04 *Accessibility*, a note shall be added to Sheet C-2 stating the following: “Sidewalks shall be constructed to be accessible, including curb ramps along Loudon Road at the driveway and on the site. Curb ramps shall be provided on the site in order to comply with the Architectural Barrier Free Design Code for the State of New Hampshire, and the ADA Standards for Accessible Design as most recently adopted.”
- 2.44 Sheet C-4 shows the location of a proposed installation of a riser and UGE electrical connection to power on an existing utility pole and states that the contractor is responsible to coordinate with the electric company for connection. Staff notes that, per Section 25.01 *General Requirements of Section 25 Non-Municipal Utilities*, the applicant is responsible for all coordination with the utility companies to ensure that utilities are installed in accordance with the Board-approved plans, which means that the proposed utility installations shown on Sheet C-4 must take place in the locations and manner as depicted on Sheet C-4. While the Site Plan Regulations do not require prior coordination with utility companies as part of the site plan approval process, staff notes that any changes to Sheet C-4 that take place after the Board’s public hearing and approval are subject to either administrative approval or additional approval by the Board through an amendment application; thus, staff strongly encourages that the applicant present Sheet C-4 to the electric company prior to any public hearings to ensure that there will be no changes after the public hearing.
- 2.45 To help ensure compliance with Section 25.02(1) *Underground Utilities*, the following note shall be added to Sheet C-2: “All utility facilities shall be located underground through the proposed

- development. Whenever existing utility facilities are located above ground, except where existing on public roads and rights-of-way, shall be removed and placed underground.”
- 2.46 Section 27.02 *Zoning Compliance* of Section 27 *Landscaping and Environmental Considerations*, requires landscape buffers, parking lot landscaping, and perimeter buffers in accordance with the Zoning Ordinance. Parking lot landscaping and perimeter buffers have been addressed previously in this staff report. The buffer requirement for residential district boundaries as required by Section 28-4-2 of the Zoning Ordinance has not been addressed, and Sheet LA101 does not appear to show compliance with the buffer requirements of that section. Specifically, it does not appear that any of the five buffer options are being met. Sheet LA101 shall be revised to specifically state which buffer option is being utilized with a description and depiction of compliance, including stating the height of the building used in determining the width of the buffer.
- 2.47 Section 27.03 *Landscape Plans* requires that all landscape plans shall identify the location of proposed plantings and other landscape improvements. Sheet LA101 has a legend titled “tree legend” on the right side of the sheet. However, the “tree legend” identifies shrubs and shade trees that are not identified as trees on the sheet titled “Landscape Planting Schedule”; accordingly, the title “tree legend” needs to be “tree and shrub legend” to avoid confusion.
- 2.48 There is a note on the sheet titled “Landscape Planting Schedule” that states that the above selection of plants is provided for design intent and that final installation and implementation is subject to plant availability, substitutions, time of year, phasing, and cost. Once the Planning Board approves the plan set, and the signatures of the Planning Board Chair and Clerk of the Board are obtained, any change to that final signed approved plan set, including plant substitutions, requires either administrative approval or an amendment approval from the Planning Board, as applicable, prior to installation of the changed item. Accordingly, the last sentence of the note shall be modified as follows: “It is understood that any changes to the plants listed in the planting schedule require applicable approvals from the City prior to installation.” Additionally, this note shall be placed on both Sheet C-2 and Sheet LA101: “Any changes to the final approved plans require applicable City approvals prior to installation of construction of said changes.”
- 2.49 Section 27.06(3) *Pedestrian and Vehicular Movement* of Section 27.06 *Placement of Landscape Material* requires that plant material shall be located to avoid interference with vehicular sight distance at driveways, and shall not project over sidewalks or paths below a height of eight feet and shall have a structure and growth form which prevents them from obstructing sidewalks and walkways. There is a proposed maple tree at the rear of the building adjacent to the sidewalk on one side and the drive aisle on the other. Information needs to be provided explaining how this tree will not project over the sidewalk below a height of eight feet, and how the selected tree has a structure and growth form which prevents it from obstructing the sidewalk. The acer rubrum has a shallow root system that can potentially lift sidewalks if planted too close. Sheet LA101 shows the proposed planting of three maple trees in the southwest corner of the site. This corner is adjacent to the abutter’s driveway. Distances need to provide for sight on this adjacent driveway in relation to the planting of the trees to ensure vision is not blocked for drivers on the adjacent site due to planting of these three maple trees.
- 2.50 Section 27.06(4) *Overhead Utilities* of Section 27.06 *Placement of Landscape Material* states that trees to be planted underneath overhead utilities shall be selected to avoid interference with utility lines. The landscaping plan does not appear to propose any trees being planted underneath

- overhead utilities, but to ensure compliance with this requirement the location of overhead utility lines on and adjacent to the site shall be shown and labeled on Sheet LA101 or a note shall be added to Sheet LA101 stating that there are no overhead utility lines on or adjacent to the site.
- 2.51 Section 27.06(5) *Underground Utilities* of Section 27.06 *Placement of Landscape Material* requires that no trees shall be planted within 10 feet of an existing or proposed underground utility line. To ensure compliance with this requirement, the landscaping plan shall be revised to depict and label the location of the existing and proposed underground utility lines on the site and the distance of the proposed tree plantings from such underground utility lines.
- 2.52 Section 27.07 *Required Landscaping Improvements* requires that landscaping shall be provided as required in the Site Plan Regulations and the Zoning Ordinance. Section 28-7-10 *Parking Area Landscaping Standards* requires that, if a parking lot is located within 50 feet of a residential district, then the perimeter landscaping shall include at least one of four options. The rear parking lot area is within 50 feet of a residential district, and Sheet LA101 does not show and label/clearly identify any details showing compliance with one of the four options.
- 2.53 Section 27.07(1) *Tree Plantings* of Section 27.07 *Required Landscaping Improvements* requires that evergreen trees shall be a minimum height of six feet at the time of planting. The sheet titled “Landscape Planting Schedule” shows a blue diamond spruce evergreen tree is scheduled to be planted with a planting size of 5 gallons. The requirement is a height requirement for a tree, not a gallon requirement. The plans shall be revised to include the minimum height requirement at the time of planting.
- 2.54 Section 27.07(2) *Landscape Bumpouts and Islands* of Section 27.07 *Required Landscaping Improvements* requires curbing around landscape bumpouts and islands within parking lots. Sheet LA101 needs to be revised to clearly identify and label the required curbing around the landscape bumpouts and islands.
- 2.55 Section 27.07(4) *Biodiversity* of Section 27.07 *Required Landscaping Improvements* requires no more than 25% of the trees to be planted in any development shall be of the same species. The sheet titled “Landscape Planting Schedule” shows proposed planting of six acer rubrum, one picea pungens blue diamond, and two thuja occidentalis techney for a total of nine proposed tree plantings. 25% of nine is 2.25; therefore, no more than two trees shall be of the same species. Accordingly, four of the six acer rubrum trees need to be exchanged for two trees of one species and two trees of another species for compliance with this requirement.
- 2.56 Section 28 *Fire Protection* requires that all development shall make adequate provision for fire apparatus to access buildings and structures to allow for effective emergency rescue and fire protection. The turning radius shown on Sheets C-5 and C-5.1 in the 15-foot-wide exist lane shows an encroachment onto the painted/curbed areas, and the lane decreases in width from 20 feet to 18 feet to 15 feet. The Concord Tower 1 truck is 46.75 feet long. Turning radii and lane widths shall be revised to show compliance with the fire code and to ensure that the Concord Tower 1 truck can navigate safely through the site.
- 2.57 Section 29.07 *Nuisance and Glare* of Section 29 *Lighting* prohibits light trespass beyond any property boundaries greater than two-tenths foot-candles. The lighting plan shows foot-candles greater than two-tenths beyond the south boundary line, and needs to be revised for compliance with Section 29.07 *Nuisance and Glare*.

3 Variances:

3.4 At the meeting held on December 4, 2024, the Zoning Board of Adjustment granted the applicant's requested variances as follows:

- Article 28-4-1(d) *Minimum Yard Requirements* and (h) *Table of Dimensional Regulations*, to permit a structure (refuse container and loading area enclosure) within 26 feet of the rear property line, where a minimum distance of 30 feet is required; and, Section 28-7-14(d) *Setbacks for Refuse Container Loading Areas*, to permit a refuse container and loading area within 5 feet of the property line, where a minimum distance of 10 feet is required, because all of the criteria under RSA 674:33 have been met based on the record before the Zoning Board of Adjustment, and the Zoning Board of Adjustment adopted the applicant's findings as the Board's findings of fact.

4 Waivers:

4.4 The applicant requests waivers from the following sections and subsections of the Site Plan Regulations:

- a. Section 12.03(6) *Plan Certification Soils*;
- b. Section 15.01 *Required Information*;
- c. Section 15.03(23) *Tabulations*;
- d. Section 15.04(26) *Aquifer Protection*;
- e. Section 16.01 *Required Information*;
- f. Section 16.02(13) *Erosion Control*;
- g. Section 16.02(18) *Demolition Plan*;
- h. Section 16.02(22) *Construction Details*;
- i. Section 16.03(5) *Windows, Doors and Roofs*;
- j. Section 16.03(7) *Colors and Materials*;
- k. Section 16.03 (8) *Dimensions*;
- l. Section 16.03(9) *Colored Rendering*;
- m. Section 18 *Parking Lot Design Standards*;
- n. Section 18.17 *Tree Plantings*;
- o. Section 18.20 *Construction Standards*;
- p. Section 18.21 *Snow Storage*;
- q. Section 19.04 *Non-residential Driveway and Access Standards*; and
- r. Section 28.05(3) *Signage and Markings*.

Waivers are not considered for approval or disapproval as part of the determination of completeness. However, staff notes that the applicant has requested blanket waivers from entire sections of the Site Plan Regulations without providing any specifications as to which portion of the section is requested to be waived. Accordingly, the waiver requests were not considered in staff's analysis of the determination of completeness. Additionally, staff notes that information in some of the sections for which waivers are requested has actually been provided in the submittal, thus negating a need for the waiver requested, while key elements that must be included for a full review of the site plan have not been requested to be waived. Finally, with the number of waivers requested, each individual waiver request will need to include its own individual assessment of the waiver criteria with a detailed and accurate analysis at how the waiver being requested complies with all the criteria, with special consideration being given to criterion 1, 2, and 3. Staff recommends that the applicant review the waiver requests against the application submittal and remove those waiver requests for which the information is provided, as well as providing specific

details on each waiver being requested and carefully review that waiver request in relation to the unnecessary hardship from the conditions of the land specific to the specific property, and how the conditions upon which the request for a waiver are unique to this property and are not applicable to other property.

5 Conditional Use Permits:

- 5.4 The applicant requests approval for a conditional use permit pursuant to Section 28-7-8(c)(2) *Separation of Driveways in Nonresidential Districts* of the Zoning Ordinance for a driveway located closer than 200 from the street intersection and closer than 200 feet from other existing driveways on the same or any adjacent lot.

6. Architectural Design Review:

- 6.1 The applicant will be scheduled to appear before the Architectural Design Review Committee once the application is determined to be completed by the Planning Board.

7. Conservation Commission:

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

8. Recommendation:

- 8.1 The Clerk reviewed the application for completeness based upon the criteria of the Site Plan Regulations. The Clerk concludes that all criteria for completeness have not been met because key information required a complete determination is missing from the application and, therefore, the application lacks sufficient information and details for a full review and action by the Board.

Based upon the Clerk's review of the application, it is recommended that the Board move to:

- **Determine the application incomplete because the application is missing information as outlined in Items 2.4 through 2.31, of the staff report dated January 8, 2025, that is required by the Site Plan Regulations to be included with the application in order for a determination of complete; and**
- **Advise the applicant to revise and resubmit to a subsequent meeting of the Board, along with applicable fees and in accordance with application deadlines for a new application, for another determination of completeness.**

Prepared by: AMS