



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

Staff Report for Planning Board

Meeting on December 17, 2025

**Project Summary – Major Site Plan, Architectural Design Review, and
Conditional Use Permit Applications**

Project: Unitil Substation (2025-015)
Property Owner: Unitil Energy Systems, Inc.
Applicant: Unitil Energy Systems, Inc. and TFMoran, Inc.
Property Address: 1-7 McGuire St
Tax Map Lot: 494Z 44

Determination of Completeness:

When determining the completeness of a major site plan application, the Board shall consider the requirements of Sections 11.05 and 36.14(1) of the Site Plan Regulations, the written recommendation of the Planning Division, and 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.**

While the regulations require that the determination of completeness and the public hearing be held at separate meetings for a major site plan, the applicant has requested a waiver from Sections 6.03(2)(c) and 11.05 of the Site Plan Regulations to allow for the determination of completeness and public hearing in the same meeting. If the waiver from Sections 6.03(2)(c) and 11.05 is granted and it is determined that the application is complete, the Board shall then open the public hearing on the application.

Staff reviewed the application for completeness based upon the criteria of the Site Plan Regulations, and concluded that all criteria for completeness have been met, or will be met with granting of waiver requests, and that the application contains sufficient information and detail for a full review and action by the Board.

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

- **Grant the waiver from Sections 6.03(2)(c) and 11.05 of the Site Plan Regulations based on the evidence provided showing that the criteria of RSA 674:44(III)(e) and Section 36.08 of the Site Plan Regulations are met;**
- **Determine the application complete;**
- **State that the project meets the criteria for a development of regional impact per RSA 36:55; and**
- **Open the public hearing.**

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). Provided the Board determines the application complete, the 95-day period shall commence on December 17, 2025, and end on **March 22, 2026**. If the applicant has not demonstrated compliance with the Site Plan Regulations by the end of the statutory timeline (**March 22, 2026**), the applicant may waive the requirement for Planning Board action within the 95-day time period and consent to an extension of the public hearing as may be mutually agreeable, or the Board may approve, approve conditionally, or deny the application based on the information provided at that time.

Project Description:

The applicant is seeking major site plan, architectural design review, and conditional use permit approvals for the rebuild of the existing Unitil West Concord Substation and associated pole storage yard. The applicant states that the proposed public utility infrastructure project is necessary due to the age of the existing infrastructure and the growing electrical demand in the Concord area. The site proposed for the rebuild is an existing fully developed site with office/warehouse buildings built in 1965, parking, and landscaping. The rebuilt substation is proposed in the southerly portion of the property, replacing what is now a very large area of gravel. The site does not have frontage and gains access from McGuire Street through an easement over property owned by others.

The site is in the Industrial (IN) District with various districts adjacent to it. The IN District borders the site to the north, east, and west. The Urban Transitional District borders the southwest portion of the site. The Institutional District is to the south of the site, and the Open Space Residential District is to the southeast of the site. The lot north of the site is owned by the State of New Hampshire. East of the site is the railroad owned by Northern Railroad, care of Pan Am Railways Inc, with the Merrimack River beyond the railroad. The strip of land to the northwest of the site is owned by Boston and Maine Corp, care of Pan Am Railways Inc. The lot to the southwest and south is owned by Smokestack Realty LLC. The New Hampshire State Prison and the Calvary and Blossom Hill Cemeteries are to the south of the site.

Compliance:

The following analysis of compliance with the Zoning Ordinance and Site Plan Regulations is based on a 2-page narrative, dated August 20, 2025, prepared by TFMoran; a 16-sheet plan set, dated August 20, 2025 with revisions through September 22, 2025, prepared by TFMoran; a 12-page Response to Town Comments letter, dated September 22, 2025, prepared by TFMoran; a stormwater management report, dated August 20, 2025, prepared by TFMoran; a 2-page conditional use permit – principal use narrative, dated August 20, 2025, prepared by TFMoran; and a 3-page conditional use permit – disturbance to buffers to bluff narrative, dated September 22, 2025, prepared by TFMoran.

1. Project Details and Zoning Ordinance Compliance:

Zoning District:	Industrial (IN) District
Existing Use:	Office/warehouse buildings for public utility
Proposed Use:	Addition of substation and pole storage yard
Overlay Districts:	
Flood Hazard (FH) District	None
Shoreland Protection (SP) District	Yes
Historic (HI) District	None
Penacook Lake Watershed (WS) District	None
Aquifer Protection (AP) District	Yes
Wetland:	None
Wetland Buffer:	Yes

Zoning Code Item	Required	Proposed
Minimum Total Area	40,000 square feet	377,125 square feet (no change)
Minimum Buildable Land	20,000 square feet	377,125 square feet (no change, but staff is requesting confirmation)
Minimum Lot Frontage	200 feet	0 (no change)
Minimum Front Yard	50 feet	155 feet
Minimum Rear Yard	30 feet	30 feet
Minimum Side Yard	25 feet	25 feet
Maximum Lot Coverage	85%	58%
Maximum Building Height	45 feet	Existing three buildings all less than 45 feet in height, no change to existing buildings. Height of proposed substation not provided.

- 1.1 Section 28-4-2 *Buffer Requirements for Residential District Boundaries* has buffer requirements for nonresidential uses in nonresidential districts abutting residential districts. The site is in the IN District, and the northerly portion of the boundary abuts the Open Space Residential (RO) District. However, Section 28-4-2 (b)(1) states that where the abutting residential district is the RO District, and the adjacent lots in the RO District are undeveloped and less than half of the area of the lots comprises buildable land area, no buffers are required in the adjacent nonresidential district. The abutting lot is the railroad and is not buildable land; therefore, the residential district buffer is not required.

2. General Comments:

- 2.1 Per Section 6.01(4) of the Site Plan Regulations, staff determined that the application conforms with the Zoning Ordinance as submitted, with the variances as outlined in Section 4 of this report.
- 2.2 Per Section 6.01(5) of the Site Plan Regulations, a completed conditional use permit application if required shall be made at the same time as the site plan application. This project requires two conditional use permit approvals – one for the use and one for disturbance to the bluff. Both conditional use permit applications have been submitted.
- 2.3 Per Section 12.01 *Research* of the Site Plan Regulations, applicants are responsible for familiarizing themselves with all city, state, and federal regulations relative to zoning, site plan design and approval, land sales, utilities, drainage, health, buildings, roads, and other pertinent data so that the applicants are aware of the obligations, standards expected, and documents to be submitted.
- 2.4 Per Section 25.01 *Nonmunicipal Utilities General Requirements* of the Site Plan Regulations, the applicant is responsible for all coordination with the utility companies to ensure that utilities are installed in accordance with the Board-approved plans. Staff recommends that the applicant coordinate with all nonmunicipal utilities providing services to the site to ensure the existing services are adequate. Any changes to the utilities after the Board's conditional approval will require either administrative approval or an amendment to the conditional approval depending upon the changes proposed.

- 2.5 Per Section 15.03 *Existing Condition Plan*, where minimal changes are proposed to the site, the Clerk may allow the applicant to reduce the amount or extent of the information required from Section 15.03 to be shown on the existing conditions plan provided that the proposed extent and impacts of the proposed improvements to the site, and City at large, can be satisfactorily reviewed and sufficient information is provided on the plan for the Planning Board to act on the application. Accordingly, as the majority of the site remains unchanged, the Planning Board Clerk has determined to reduce the amount or extent required from Section 15.03 as noted below:
- a. Section 15.03(8) *Parking, Loading, and Access*, to not require the applicant to provide the number of spaces identified by parking bay on the existing conditions sheet.
 - b. Section 15.03(19) *Setbacks and Buffers*, to not provide on the existing conditions plan the building setback dimensions on buildings on the site outside of the project area.
 - c. Section 15.03(7) *Buildings and Structures*, to not require the exterior dimensions of buildings and structures to be shown on the existing conditions plan.
 - d. Section 15.03(8) *Parking, Loading, and Access*, to not require the dimensions of existing parking spaces to be shown on the existing conditions plan.
 - e. Section 15.03(16) *Signs*, to not require the size of existing signs to be provided on the existing conditions sheet.
 - f. Section 15.03(17) *Solid Waste and Outside Storage*, to not provide on the existing conditions plan the type or location of existing solid waste disposal facilities and existing outside storage areas, including the dimensions, height, and types of material or equipment stored.
 - g. Section 15.03(18) *Lighting*, to not provide on the existing conditions plan the type and location of existing lighting.
 - h. Section 15.03(23) *Tabulations*, to not provide on the existing conditions plan the following information: square feet or acres devoted to existing and proposed uses; square feet of each existing building broken down by floor and use category; impervious surface coverage in square foot and percent; and, the buildable land area for nonresidential development.
- 2.6 Per Section 15.04 *Proposed Site Plan*, where minimal changes are proposed to the site, the Clerk may allow the applicant to reduce the amount or extent of the information to be required from Section 15.04 to be shown on the site plan provided that the proposed extent and impacts of the proposed use and improvements to be made to the site can be satisfactorily reviewed and sufficient information has been provided for the Planning Board to act on the application. Accordingly, and whereas the majority of the site remains unchanged, the Planning Board Clerk has determined to reduce the amount or extent required from Section 15.04 as noted below:
- a. Section 15.04(6) *Proposed Site Plan Topography*, to not require on the site plan the existing topographic conditions and all proposed changes to be shown. The applicant has provided a separate Grading and Drainage utility sheet as part of the plan set.
 - b. Section 15.04(10) *Buildings and Structures*, to not require on the site plan the exterior dimensions for existing buildings to be shown.
 - c. Section 15.04(11) *Parking, Loading, and Access*, to not require on the site plan the number of spaces by parking bay that are provided outside of the project area.
 - d. Section 15.04(21) *Signs*, to not require on the site plan the size of existing signs outside of the immediate project area.

- e. Section 15.04(24) *Solid Waste Facilities*, to not require on the site plan the location of existing waste facilities outside of the immediate project area.
- 2.7 Section 36.08 *Waivers* requires that certain criteria are met for the granting of any waiver. The applicant has provided an analysis of the waiver criteria for all waivers listed in section 5 of this report. However, in the 12-page Response to Town Comments letter, dated September 22, 2025, prepared by TFMoran, the applicant noted that they have requested multiple additional waivers without providing the required analysis of the waiver criteria for the Board's consideration in granting or denying the waiver request. If the applicant intends to request a waiver from the sections of the Site Plan Regulations listed below, they shall provide an analysis of the required waiver criteria for each waiver requested:
 - a. 15.04(6) *Proposed Site Plan Topography*.
 - b. 15.04(10) *Buildings and Structures*.
 - c. 15.04(11) *Parking, Loading, and Access*
 - d. 15.04(21) *Signs*
 - e. 15.04(24) *Solid Waste Facilities*.
 - f. 15.04(25) *Outside Storage*

Staff notes that 2.7(a) through (e) have been determined by the Clerk to allow the applicant to reduce the amount or extent of information to be provided as the site plan, as identified in Section 2.6 of this report. The Clerk has not made the same determination for Item 2.7(g), as noted in Item 3.9 of this report.

- 2.8 As a development of regional impact, the Central New Hampshire Regional Planning Commission reviewed the application and provided comments in a letter to the Planning Board, dated September 8, 2025. The Town of Pembroke's Planning Board reviewed the application on November 25th, 2025 and provided comments in a letter to the Planning Board dated December 3rd, 2025.
- 2.9 The Assessing Department, Engineering Services Division, General Services Division and Fire Department had no general comments.
- 2.10 The Engineering Services Division's general requirements are noted in the attached memo to Alec Bass from Paul Gildersleeve and Pete Kohalmi, dated October 7, 2025.

3. **Site Plan Regulations Determination of Completeness:**

The items below are missing and **the Site Plan Regulations REQUIRE the items for the application to be deemed complete (unless a waiver from the requirement is otherwise approved).**

- 3.1 Sections 12.07 *Wetland Delineation*, 15.01(1), 15.01(6), and 16.01(1) require that the date of the wetland delineation be included on both the existing conditions plan and site plan, along with the signature and seal of the New Hampshire certified wetland scientist who performed the delineation. Sheet C-05 is missing the signature and seal of the New Hampshire certified wetland scientist, and the existing conditions plan is missing the date of the wetland delineation. This required information shall be added to both sheets accordingly.
- 3.2 Section 15.03(4) *Soils* requires on the existing conditions plan, the identification and classification of the extent and type of soils using the USDA Natural Resources Conservation Service system. the legend lists soils type 26E, but the plan view has it labeled as 43E. Either the legend is incorrect, or the labeling on the plan view is incorrect and needs to be corrected.

- 3.3 Section 15.03(13) *Flood Hazard* requires on the existing conditions plan, a notation as to whether or not the property is in the City's FH – Flood Hazard Zoning Overlay District. This required notation is missing and shall be added.
- 3.4 Section 15.03(14) *Aquifers* requires on the existing conditions plan that the boundaries and label for the Aquifer Protection (AP) Overlay District be shown. The site is in the AP Overlay District, but the boundary for the district and its label are missing from the existing conditions plan. The missing information shall be added.
- 3.5 Section 15.03(19) *Setbacks and Buffers* requires on the existing conditions plan the setbacks and buffer yards shall be shown and dimensioned including wetland buffers, Shoreland Protection District buffers, buffers to bluffs, and Residential District buffers. Specifically, the existing conditions plan is not showing the bluff or the 50-foot-wide bluff buffer and both shall be added.
- 3.6 Section 15.03(22) *Abutting Properties* requires on the existing conditions plan the existing abutting properties including intersecting property lines, buildings, wells and septic systems, owners name and address, property address, and Tax Assessors Map-Block-Lot number. Specifically, the abutting properties are shown, along with the names and addresses of the property owners, however, the actual address of the abutting property is missing from the labeling and shall be added.
- 3.7 Section 15.03(24) *Zoning* requires on the existing conditions plan, the Zoning District Boundary lines, including Overlay Districts with labels be provided. This information is missing and shall be added.
- 3.8 Section 15.04(25) *Outside Storage* requires on the site plan the location of existing and proposed outside storage areas shall be shown noting dimensions, height, and types of material or equipment stored. The dimensions, setbacks and type of screening provided shall be shown along with construction details. Specifically, the applicant has provided a note on the site plan stating that materials and storage locations within the secure fencing shall be allocated as necessary to support electrical infrastructure needs. It is unclear if this note is stating that any area within the fencing should be considered as an outside storage area, or if there will be designated locations within the secure fencing. To help clarify, the locations shall be added to the plan view with labels, along with the type and dimensions of required screening.

Site Plan Regulations Compliance:

The submittal was found to be compliant with all other sections of the Site Plan Regulations, except as listed below, noting that the items below are missing as required for full compliance but are **not required to deem the application complete. determination of completeness.**

- 3.9 Sections 13.01(6) *State and Federal Permits*, 13.02(8) *State and Federal Permits*, 15.01(2), and 16.01(2) *Required Information* require that copies of permit applications to, and permits received from, state and federal agencies shall be submitted to the Planning Division. The applicant has provided copies of the NHDES Alteration of Terrain and NHDES Shoreland Permit by Notification applications. Prior to final plan approval, all required State and Federal Permits shall be provided to the City Planning Division.
- 3.10 The Assessing Department and Fire Department had no compliance requirements.
- 3.11 The General Services Division noted that access to the sewer manholes in the sewer easement will need to be maintained and no permanent structures should be built above the sewer main. Specifically, the 30-foot wide swing gate at the exit of the pole bunker area appears to restrict access to Sanitary Sewer Manhole 1038 and needs to be adjusted so that the City may access and

maintain facilities located within the sewer easement. The fence should in general, be relocated outside of the proposed sanitary sewer easement.

- 3.12 The Engineering Services Division's compliance requirements are noted in the attached memo to Alec Bass from Paul Gildersleeve and Pete Kohalmi, dated October 7, 2025.
- 3.13 Section 13.02(2) *Utility and Drainage Slope Easements* requires prior to final approval, deeds of easements for new, extended, or expanded utility and drainage rights-of-way located outside of any existing or proposed street right-of-way to be reviewed by the Planning Board Clerk, City Engineering, and City Solicitor as to form and content, properly executed, and submitted for recording. Specifically, the existing easement agreement between the City of Concord and Unitil shall be extinguished and a new deed of easement and easement plan shall be established. The easement agreement will more specifically describe the rights of each party, including what can be placed in the easement and what should not be placed in the easement. The easement agreement will need to be considered by the City of Concord City Council prior to execution by the City Manager and eventually recorded at the MCRD with the easement plan.

4. Variances:

- 4.1 At the meeting held on December 3rd, 2025, the Zoning Board of Adjustment granted the requested variances as follows:
 - a. Section 28-4-4(c)(1)(a), to permit the construction and location of an electrical control enclosure for the West Concord Substation pole storage yard within a buffer adjacent to a bluff.
 - b. Section 28-4-4(c)(2)(b), to permit the grading and recontouring of land in a bluff.

5. Waivers:

- 5.1 The applicant requests a waiver from the following section of the Site Plan Regulations:
 - a. Section 16.02(22) *Construction Details* to not use Section 3(2)(c) of the City's Construction Standards and Details to allow the use of bituminous concrete curb within the proposed project area.
 - b. Section 6.03(2)(c) *Site Plan* and Section 11.05 *Determination of Completeness*, to allow for the determination of completeness and public hearing in the same meeting.
 - c. Section 15.03(7) *Buildings and Structures*, to not require the exterior dimensions of buildings and structures to be shown on the existing conditions plan.
 - d. Section 15.03(8) *Parking, Loading, and Access*, to not require the dimensions of existing parking spaces to be shown on the existing conditions plan.
 - e. Section 15.03(16) *Signs*, to not require the size of existing signs to be provided on the existing conditions sheet.
 - f. Section 15.03(17) *Solid Waste and Outside Storage*, to not provide on the existing conditions plan the type or location of existing solid waste disposal facilities and existing outside storage areas, including the dimensions, height, and types of material or equipment stored.
 - g. Section 15.03(18) *Lighting*, to not provide on the existing conditions plan the type and location of existing lighting.
 - h. Section 15.03(23) *Tabulations*, to not provide on the existing conditions plan the following information: square feet or acres devoted to existing and proposed uses; square feet of each existing building broken down by floor and use category; impervious surface coverage in square foot and percent; and, the buildable land area for nonresidential development.
 - i. Section 20.06 *Solid Waste Facility Screening*, to not provide a solid opaque fence to screen abutting properties from the view of outside storage facilities.

- j. Section 26.02 *Mechanical Equipment*, to not provide screening, baffling, cosmetic treatments, or a combination of measures to reduce visual, glare, and noise impacts from ground mounted and unusually large equipment toward abutting properties.
- k. Section 26.03 *Screening of Outside Storage*, to not provide screening of outside storage areas to reduce the visual impacts of said equipment or material from abutting properties.

For Items 5.1(a) and (b), the applicant provided an analysis of the five waiver criteria listed in Section 36.08 *Waivers* of the Site Plan Regulations and the criteria in RSA 674:44(III)(e). Staff reviewed the criteria and found the criteria to be satisfactorily addressed and supports granting, or conditionally granting these waivers.

For Items 5.1(i) through (k), the applicant provided an analysis of the five waiver criteria listed in Section 36.08 *Waivers* of the Site Plan Regulations and the criteria in RSA 674:44(III)(e). Staff reviewed the criteria and found the criteria are not satisfactorily addressed, and does not support granting these waivers. Specifically, the applicant has stated that vegetation and opaque fencing in close proximity of the substation poses a health and safety risk, and that the abutting uses consist of commercial and the residential uses will be shielded by existing vegetation and/or buildings. Staff notes none of the noted vegetation acting as a shield is controlled by the applicant and cannot be considered as contributing screening. Additionally, while staff is understanding that certain safety considerations need to be considered due to the nature of the use, the applicant has not demonstrated possible alternatives, or what the safety regulations and constraints are pertaining to height or setback dimensions from the substation and overhead power lines. Staff feels that every effort to shield abutting properties, particularly those in the Institutional (IS) and Urban Transitional (UT) districts shall be taken.

For Items 5.1(c) through 5.1(h) staff does not recommend granting the requested waivers. Specifically, because it was determined by the Clerk of the Planning Board as not require this information on the existing conditions sheet in full or to a certain extent as noted in Item 2.5 of this staff report.

6. Conditional Use Permits:

- 6.1 The applicant requests approval for a conditional use permit pursuant to Section 28-2-4(j) *Table of Principal Uses* K.11 *Essential public utilities and appurtenances* and Section 28-9-4(b) *Conditional Use Permits* of the Zoning Ordinance to allow use of a portion of the site as a substation and associated pole storage yard (essential public utilities and appurtenances).

The applicant addressed the required criteria for Section 28-9-4(b) *Conditional Use Permits* for the principal use as follows:

- A. The use is specifically authorized in this ordinance as a conditional use;

Review: The applicant states: “A conditional use permit for the use in the Industrial district is authorized by Section 28-9-4.” **Staff notes that Section 28-2- 4(J)K.11 allows for granting of conditional use permits within the IN District for essential public utilities and appurtenances.**

- B. If completed as proposed by the applicant, the development in its proposed location will comply with the requirements of this article, and with the specific conditions of standards established in this ordinance for the particular use;

Review: The applicant states: “Rebuilding the West Concord Substation and associated pole storage yard on the grounds of the current Unutil campus, which is currently occupied by the

- existing substation and pole storage yard is the most reliable option for the project. At completion, the project will comply with all requirements of this article, and with the specific conditions of standards established in this ordinance for the particular use.” **Staff notes that the development proposed by this application is to rebuild the existing substation and associated pole storage yard. The use is compliant with the requirements of the Zoning Ordinance, provided the conditional use permit approval is granted.**
- C. The use will not materially endanger the public health or safety;
- Review:** The applicant states: “The authorization of this request would not materially endanger the public health or safety in that the project is adequately setback from the nearest public street and energized equipment will be located behind safety fence designed to National Electrical Safety Code requirements. This project will have a positive effect on the public health and safety in that it meets the growing electrical demand in the Concord area and provides further redundancy for service reliability.” **Staff is unaware of any public health or safety dangers by the proposed substation and pole storage yard.**
- D. The use will be compatible with the neighborhood and with adjoining or abutting uses in the area in which it is to be located;
- Review:** The applicant states: “The subject parcel is located in an industrial zone and has been the grounds of the existing West Concord Substation dating back to the 1940’s. As such, the land’s use is well established and may be considered compatible with the neighborhood and with adjoining or abutting uses in the area.” **Staff notes that the use of the site has been a consistent use for the last 85+ years and is compatible with the neighborhood located in the IN District and surrounding industrial and institutional uses.**
- E. The use will not have an adverse effect on highway or pedestrian safety;
- Review:** The applicant states: “The substation is located off McGuire Street, which is not subject to highway or pedestrian traffic. Vehicular traffic associated with the substation will consist of the initial construction, and monthly inspections by an electrical technician thereafter. No adverse impact is anticipated.” **Staff is unaware of any adverse impacts to highway and pedestrian safety that will occur as the result of the proposed use.**
- F. The use will not have an adverse effect on the natural, environmental, and historic resources of the City;
- Review:** The applicant states: “The project takes place entirely within areas currently utilized by Unitil to promote reliable electrical service to the Concord Area, and the proposed improvements consisting of retiring vintage substation equipment and installing new current technology will have no adverse effect on the natural, environmental, and historical resources of the City.” **Staff is unaware of any natural, environmental, or historic resources of the City upon which the proposed rebuild of the substation and pole yard storage would adversely impact.**
- G. The use will be adequately serviced by necessary public utilities and by community facilities and services of a sufficient capacity to ensure the proper operation of the proposed use, and will not necessitate excessive public expenditures to provide facilities and services with sufficient additional capacity.
- Review:** The applicant states: “The use does not require public utilities beyond electricity, which is self-serving. Community facilities and services should be enhanced by the project as it will improve the reliability of electrical service in the area.” **Staff notes that municipal**

water and sanitary sewer lines are present in McGuire Street. The proposed project will not need the use the sewer and water lines since it is a substation and pole storage yard.

- 6.2 The applicant requests approval for a conditional use permit pursuant to Section 28-4-4(d) *Conditional Use Permits Required for Certain Disturbance of Bluffs and Buffers* and Section 28-9-4(b) *Conditional Use Permits* of the Zoning Ordinance, to allow for the disturbance to buffers to bluffs to rebuild the existing Unitil West Concord Substation and associated pole storage yard.

The applicant addressed the required criteria for Section 28-4-4(d)(1) and (2)(a) through (e) as follows:

- (1) An applicant for a permit shall provide a plan showing, as applicable, the proposed vegetation removal, grading, drainage, erosion control measures, retaining walls, impervious surfaces, utilities and appurtenances, and subsurface disposal systems. The plan shall be prepared by a licensed engineer, except that in the case of the installation of skidder or logging roads or other buffer disturbances related to timber harvesting, the plan shall be prepared by a licensed forester.

Review: The applicant states “Site plans have been prepared by a licensed engineer to address the items requested. **Staff notes that the 16-sheet plan set, dated August 20, 2025 with revisions through September 22, 2025, prepared by TFMoran, has been signed and sealed by a licensed State of New Hampshire Professional Engineer.**

- (2)a The disturbance of a buffer is necessary for timber harvesting, or for the establishment of an allowable principal use on the buildable land area of the lot;

Review: The applicant states “replacing the existing substation and pole storage area on the lot in which they currently exist is the most reliable and effective option for the project. **Staff notes that essential public utilities and appurtenances use is permitted within the Industrial District by Conditional Use, which the applicant has submitted for as part of this application.**

- (2)b The proposed disturbance to a buffer represents the minimum extent of disturbance necessary to conduct a timber harvest, or to achieve the reasonable use of those portions of the lot consisting of buildable land;

Review: The applicant states “the project has been refined to propose the least impacting layout that meets the required electrical configuration based on the location of existing utility lines, connection points to existing electrical infrastructure, existing topography, and means of access.” **Staff notes the majority of the proposed buffer impacts take place on previously disturbed land.**

- (2)c Stormwater runoff and drainage system outfalls relating to the disturbance of a buffer or bluff will be directed away from the bluff;

Review: The applicant states “stormwater is directed along existing flow paths to the low point of the site where it will be attenuated and treated in accordance with City and State requirements.” **Staff notes all stormwater proposed is directed to, and collected in an infiltration basin.**

- (2)d The proposed disturbance of a buffer or bluff will not destabilize the bluff, or cause erosion of the bluff to occur at a rate in excess of that which occurs under natural conditions from wind and water; and

Review: The applicant states “The work proposed within existing disturbed areas will not destabilize the bluff but will provide for stabilization of existing disturbed areas.” **Staff notes a stormwater management plan has been provided as part of the accompanying Major Site Plan application.**

- (2)e Where applicable, permits or proof of compliance with all related state and federal regulations have been received or are obtained.

Review: The applicant states “Permits or proof of compliance with all related state and federal regulations have been or are in the process of being met at this time.” **Staff notes that prior to final approval of the accompanying major site plan application, any required State or Federal permits shall be submitted to the City of Concord Planning Staff.**

The applicant addressed the required criteria for Section 28-9-4(b) *Conditional Use Permits* for the disturbance to the buffers to bluffs as follows:

- A. The use is specifically authorized in this ordinance as a conditional use;

Review: The applicant states “A conditional use permit for disturbance of bluff buffers is authorized by Section 28-4-4(d).” **Staff concurs with the applicant statement.**

- B. If completed as proposed by the applicant, the development in its proposed location will comply with the requirements of this article, and with the specific conditions of standards established in this ordinance for the particular use;

Review: The applicant states “rebuilding the West Concord Substation and associated pole storage yard on the grounds of the current Unitil campus, which is currently occupied by the existing substation and pole storage yard is the most reliable option for the project. At completion, the project will comply with all requirements of this article, and with the specific conditions of standards established in this ordinance for the particular use.” **Staff notes that with the variances obtained on December 3, 2025, and noted in Section 4 of this staff report, the application conforms with the City of Concord Zoning Ordinance.**

- C. The use will not materially endanger the public health or safety;

Review: The applicant states “the authorization of this request would not materially endanger the public health or safety in that the project is adequately setback from the nearest public street and energized equipment will be located behind safety fence designed to National Electrical Safety Code requirements.” **Staff notes the disturbance to the buffer of the bluff will not materially endanger the public health or safety.**

- D. The use will be compatible with the neighborhood and with adjoining or abutting uses in the area in which it is to be located;

Review: The applicant states “The subject parcel is located in an industrial zone and has been the grounds of the existing West Concord Substation dating back to the 1940’s.” **Staff notes proposed use is permitted by conditional use, which the applicant has submitted for Planning Board review and decision.**

- E. The use will not have an adverse effect on highway or pedestrian safety;

Review: The applicant states “the substation is located off McGuire Street, which is not subject to highway or pedestrian traffic. Vehicular traffic associated with the substation will consist of the initial construction, and monthly inspections by an electrical technician thereafter.” **Staff notes the proposed use and impacts to the buffer to bluffs are contained entirely on site and not within the public right-of-way.**

- F. The use will not have an adverse effect on the natural, environmental, and historic resources of the City;

Review: The applicant states "...the project will follow NHDES BMPs during construction and post-construction, including but not limited to stormwater management and sediment and erosion controls. The project takes place entirely within areas currently utilized by Unitil to promote reliable electrical service to the Concord Area, and the proposed improvements consisting of retiring vintage substation equipment and installing new current technology will have no adverse effect on the natural, environmental, and historical resources of the City.

Staff notes the majority of the area to be impacted has previously been disturbed.

- G. The use will be adequately serviced by necessary public utilities and by community facilities and services of a sufficient capacity to ensure the proper operation of the proposed use, and will not necessitate excessive public expenditures to provide facilities and services with sufficient additional capacity.

Review: The applicant states "the use does not require public utilities beyond electricity, which is self-serving. Community facilities and services should be enhanced by the project as it will improve the reliability of electrical service in the area." **Staff notes no public utilities are proposed for the use, nor are any public expenditures being requested to provide facilities and services for the proposed use.**

7. **Architectural Design Review:**

- 7.1 The applicant appeared before the Architectural Design Review Committee on September 30, 2025. 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 for the relocation and construction of the existing Unitil West Concord Substation and associated pole storage yard at Tax Map Lot 494Z 44, located off of McGuire St, as submitted.

8. **Conservation Commission:**

- 8.1 The applicant appeared before the Conservation Commission on October 8, 2025. The application was reviewed for a recommendation on the conditional use permit application for the disturbance to the buffer to the bluff.

The Conservation Commission recommended that the Planning Board grant the conditional use permit application, in conjunction with a major site plan, for the disturbance to the buffer of the bluff as submitted.

9. **Recommendation:**

- 9.1 As part of the **Development of Regional Impact** made by the Planning Board, staff recommends that the Board review comments received from the Central New Hampshire Regional Planning Commission and the Town of Pembroke's Planning Board for consideration as possible additional conditions of approval to be considered.

- 9.2 Staff recommends that the Planning Board **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:

- 9.3 **Grant the waiver requests below** from the listed sections of the Site Plan Regulations, based on evidence provided showing that the criteria of RSA 674:44(III)(e) and Section 36.08 of the Site Plan Regulations are met:
- a. Section 16.02(22) *Construction Details* to not use Section 3(2)(c) of the City's Construction Standards and Details to allow the use of bituminous concrete curb within the proposed project area.
- 9.4 **Deny the waiver requests below** from the listed section of the Site Plan Regulations because evidence was not provided showing that the criteria of RSA 674:44(III)(e) and Section 36.08 of the Site Plan Regulations were met. Specifically, the spirit and intent of the regulations is not being met to not provide any screening to visually protect abutting properties from outside storage and mechanical equipment:
- a. Section 20.06 *Solid Waste Facility Screening*, to not provide a solid opaque fence to screen abutting properties from the view of outside storage facilities.
 - b. Section 26.02 *Mechanical Equipment*, to not provide screening, baffling, cosmetic treatments, or a combination of measures to reduce visual, glare, and noise impacts from ground mounted and unusually large equipment toward abutting properties.
 - c. Section 26.03 *Screening of Outside Storage*, to not provide screening of outside storage areas to reduce the visual impacts of said equipment or material from abutting properties.
- 9.5 **The applicant should withdraw, or the Board should deny the waiver requests below** from the listed section of the Site Plan Regulations because evidence was not provided showing that the criteria of RSA 674:44(III)(e) and Section 36.08 of the Site Plan Regulations were met. Specifically, the applicant has not provided, and the Clerk of the Planning Board has determined, as noted in Section 2.5 of this staff report, that the following sections are not necessary to provide to the full extent, not out of any particular hardship, but due to the fact that the applicant is seeking to redevelop a portion of a previously developed parcel, with the majority of the parcel remaining unchanged.
- a. Section 15.03(7) *Buildings and Structures*, to not require the exterior dimensions of buildings and structures to be shown on the existing conditions plan.
 - b. Section 15.03(8) *Parking, Loading, and Access*, to not require the dimensions of existing parking spaces to be shown on the existing conditions plan.
 - c. Section 15.03(16) *Signs*, to not require the size of existing signs to be provided on the existing conditions sheet.
 - d. Section 15.03(17) *Solid Waste and Outside Storage*, to not provide on the existing conditions plan the type or location of existing solid waste disposal facilities and existing outside storage areas, including the dimensions, height, and types of material or equipment stored.
 - e. Section 15.03(18) *Lighting*, to not provide on the existing conditions plan the type and location of existing lighting.
 - f. Section 15.03(23) *Tabulations*, to not provide on the existing conditions plan the following information: square feet or acres devoted to existing and proposed uses; square feet of each existing building broken down by floor and use category; impervious surface coverage in square foot and percent; and, the buildable land area for nonresidential development.

- 9.6 **Grant the conditional use permit** for Section 28-2-4(j) *Table of Principal Uses K.11 Essential public utilities and appurtenances* of the Zoning Ordinance as submitted, to allow use of a portion of the site as a substation and associated pole storage yard (essential public utilities and appurtenances).
- a. Prior to final approval, the accompanying major site plan application shall receive final approval, and the conditional use permit approval shall share the same final approval date for the purposes of establishing the date of decision by the Planning Board
- 9.7 **Grant the conditional use permit** for Section 28-4-4(d) *Conditional Use Permits Required for Certain Disturbance of Bluffs and Buffers* of the Zoning Ordinance as submitted, to allow for the disturbance to buffers to bluffs to rebuild the existing Unitil West Concord Substation and associated pole storage yard, with the following conditions:
- a. Prior to final approval, the accompanying major site plan application shall receive final approval, and the conditional use permit approval shall share the same final approval date for the purposes of establishing the date of decision by the Planning Board.
- 9.8 **Grant architectural design review approval** for the relocation and construction of the existing Unitil West Concord Substation and associated pole storage yard at Tax Map Lot 494Z 44, located off of McGuire St, as submitted, with the following conditions:
- a. Prior to final approval, the accompanying major site plan application shall receive final approval, and the architectural design review approval shall share the same final approval date for the purposes of establishing the date of decision by the Planning Board.
- 9.9 **Grant major site plan approval** for the construction of a new electrical substation, pole storage yard, and other associated site improvements at Tax Map 494Z Lot 44, addressed as 1-7 McGuire Street, in the Industrial (IN) District, as submitted, and 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.
1. Unless a specific variance, waiver, or conditional use permit is granted stating otherwise, revise the plan sheet/set to fully comply with the Site Plan Regulations, Zoning Ordinance, and Construction Standards and Details, including but not limited to the following:
- a. Per Sections 12.07 *Wetland Delineation*, 15.01(1), 15.01(6), and 16.01(1), Sheet C-05 is missing the signature and seal of the New Hampshire certified wetland scientist, and the existing conditions plan is missing the date of the wetland delineation. This required information shall be added to both sheets accordingly.
- b. Per Section 15.03(4) *Soils*, the legend lists soils type 26E, but the plan view has it labeled as 43E. Either the legend is incorrect, or the labeling on the plan view is incorrect and needs to be corrected.
- c. Per Section 15.03(13) *Flood Hazard*, the required Flood Hazard Zoning Overlay (FH) District notation on the existing conditions sheet is missing and shall be added.
- d. Per Section 15.03(14) *Aquifers*, the site is in the AP Overlay District, but the boundary for the district and its label are missing from the existing conditions plan. The missing information shall be added.
- e. Per Section 15.03(19) *Setbacks and Buffers*, the existing conditions plan is not

showing the bluff or the 50-foot-wide bluff buffer and both shall be added.

- f. Per Section 15.03(22) *Abutting Properties* on the existing conditions plan, the abutting properties are shown, along with the names and addresses of the property owners, however, the actual address of the abutting property is missing from the labeling and shall be added.
 - g. Per Section 15.03(24) *Zoning*, the Zoning District Boundary lines, including Overlay Districts with labels be provided on the site plan.
 - h. Per Section 15.04(25) *Outside Storage*, the locations to be used for materials and storage shall be added to the site plan along with labels, type, and dimensions of required screening. Details shall be provided for any screening material, or fencing to be used.
 - i. Per Sections 13.01(6) *State and Federal Permits*, 13.02(8) *State and Federal Permits*, 15.01(2), and 16.01(2) *Required Information*, prior to final plan approval, all required State and Federal Permits shall be provided to the City Planning Division.
2. The 30-foot wide swing gate at the exit of the pole bunker area appears to restrict access to Sanitary Sewer Manhole 1038 and needs to be adjusted so that the City may access and maintain facilities located within the sewer easement. The fence should also be relocated to be outside of the proposed sanitary sewer easement.
 3. Revise the plan set for compliance with the Site Plan Regulations and Construction Standards and Details as noted in the attached memo to Alec Bass from Paul Gildersleeve and Pete Kohalmi, dated October 7, 2025.
 4. Per Section 13.02(2) *Utility and Drainage Slope Easements*, a new utility easement deed and easement plan shall be prepared and submitted for review as to form and content by the Clerk of the Planning Board, City Engineer, and City Solicitor. Additionally, the existing utility easement between the City and Unitil shall be extinguished.
 5. List all approved variances, waivers, and conditional use permits, with section numbers, descriptions, and date of approval on the cover sheet or site plan sheet. Unless otherwise noted, the plan set shall comply with any waivers denied by the Planning Board.
 6. Upon notification from the Planning Division that the plan set complies with Planning Board conditions, the Zoning Ordinance, Site Plan Regulations, and Construction Standards and Details, the applicant shall deliver to the Planning Division two full-size plan sets, including civil, landscaping, lighting, and architectural plans for endorsement by the Planning Board Chair and Clerk.

(b) Subsequent Conditions – to be fulfilled as specified.

1. Unless otherwise permitted by Site Plan Regulation or New Hampshire State Statute, the site plan approval shall expire should the use or construction so authorized not be active and substantially developed, as defined by the Site Plan Regulations, within 3-years of final approval.
2. Copies of all required state and federal permits shall be submitted to the Planning Division prior to the issuance of building permits or commencement of demolition or construction. (Sections 13.01(6), 13.02(8), 23.08, and 24.09)
3. No building permit shall be issued until the site plan has been approved by the Planning Board and the pre-construction conditions of approval have been satisfactorily addressed as determined by the Clerk of the Planning Board. No certificate of occupancy shall be issued until all site and building improvements have been completed to the satisfaction of

the Clerk of the Planning Board according to the approved plans and conditions of Planning Board approval. (Section 11.09(6))

4. The applicant, successors, and assigns 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. (Section 27.07(8))
5. Existing invasive species shall be removed. All trash, construction material, and debris shall be removed. Dead and dying trees which present a potential hazard to existing and proposed structures shall be removed. (Section 27.07(10))
6. The site shall be graded and cleared in accordance with the Construction Standards and Details and Section 27.08 of the Site Plan Regulations.
7. Erosion control measures shall be installed and maintained in accordance with Section 27.09 of the Site Plan Regulations, the State of New Hampshire Department of Environmental Services, and the Construction Standards and Details. Sedimentation and erosion control measures shall be installed prior to the start of construction, and shall be monitored and maintained during construction, and removed after final site stabilization as required by Section 27.09(4) *Monitoring and Maintenance*.
8. Temporary sediment and erosion control devices shall not be removed until permanent stabilization is established for the entire site. All temporary erosion and sediment control measures shall be removed after the completion of construction. (Section 27.09(5))
9. A site stabilization guarantee shall be provided to ensure that sites are properly stabilized. 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. (Section 27.11)
10. The Clerk shall inspect the exterior appearance of sites to determine if the exterior of a building, site, and signage are in conformity with the architectural design review approval granted by the Planning Board. No certificate of occupancy may be issued prior to a determination by the Clerk that the site is consistent with the Board's approval. (Section 33.08)
11. If there is a conflict between regulations, rules, statutes, provisions or law, or the approved plan set, whichever provisions are the more restrictive or impose higher standards shall control, unless a specific waiver from the provision has been granted by the Planning Board. (Sections 36.04 and 36.05)
12. 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 shall be issued prior to satisfactory completion of pre-construction conditions of Planning Board approval. The Clerk shall not approve any certificate of occupancy unless the site is found to comply with the approved site plan and the conditions of Planning Board approval. (Sections 36.15 and 36.24)
13. Temporary certificates of occupancy are only issued under certain circumstances and only for the items outlined in Section 36.18, only in winter conditions to defer certain weather-dependent items to spring.
14. It shall be the duty of the Clerk to enforce the regulations and to bring any violations or lack of compliance herewith to the attention of the City Solicitor. (Section 36.19)
15. Prior to the issuance of a certificate of occupancy, digital as-built drawings shall be

provided conforming to the Engineering Services Division's as-built checklist. (Sections 12.09, 13.02(11), and 36.25)

16. Where a public facility, public utility, or public improvement is to be constructed, a financial guarantee shall be provided. (Sections 13.02(5) and 36.26)



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

Michael S. Bezanson, PE
City Engineer

MEMORANDUM

TO: Alec Bass, Assistant City Planner
FROM: Paul Gildersleeve, PE and Pete Kohalmi, PE
DATE: October 7, 2025
SUBJECT: Unitil West Concord Substation– Major Site Plan - Engineering Review
1-7 McGuire Street; 494Z, Lot 44; City Project 2025-105

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

- Response to Comments by TFMoran, dated September 22, 2025
- Waiver Request by TFMoran, dated September 22, 2025
- Unitil West Concord Substation site development plans by TFMoran, dated September 22, 2025

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. Comment addressed.
- b. Comment addressed.
- c. Comment addressed.
- d. Comment addressed.
- e. An easement plan and deed will need to be submitted.

2. Waivers

- a. **Comment not fully addressed.** *The applicant is applying to waive the City of Concord Construction Standards and Details (CCSD) Section 3(2)(c) to utilize bituminous concrete curb within the area of limited improvements for the West Concord Substation Rebuild and associated pole storage area. This*

request is recommended for approval as the site will only be used by employees of Unitil. A waiver request addressing City of Concord Site Plan Regulation 36.08 was submitted.

3. CUPs

- a. Engineering takes no position on either of the two CUP requests as they are non- technical in nature.

4. Sheet C-02, Notes and Legend

- a. Comment addressed.

5. Sheet C-04, Site Preparation and Demolition Plan

- a. New comment. Turn off the inlet protection symbols for the proposed storm structures.

6. Sheet C-05, Overall Site Layout Plan

- a. Show the existing sewer line inside the easement.

7. Sheet C-6, Site Layout Plan

- a. **Comment not fully addressed.** *State the type of surface used in the pole-butt and pea-stone bunkers (if it's concrete for example).* Provide section details of the bituminous concrete pavement parking lot and the gravel substation yard.
- b. Comment addressed.
- c. Comment addressed.
- d. New comment: Show the existing sewer line inside the easement.

8. Sheet C-7, Grading, Drainage, and Utility Plan

- a. Comment addressed.
- b. Comment addressed.

9. Sheet C-8, Stormwater Management Plan

- a. Comment addressed.
- b. Comment addressed.
- c. New comment: Show the existing sewer line inside the easement.

10. Sheet C-9, Landscaping Plan

- a. Comment addressed.

11. Sheet D-2, Details

- a. **Comment not fully addressed.** *Bituminous concrete curb is not allowed, pursuant to CCSD Section 3(2)(c). Please remove the detail unless a waiver has been approved by the Planning Board. The detail will be removed if the waiver is not approved.*
- b. Comment addressed.

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 Alteration of Terrain Permit

Per Site Plan Regulation 13.02 (8) and/or Subdivision Regulation 13.02 (10), 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. Per Site Plan Regulation 27.11, establish a financial guarantee (letter of credit, or cash deposit) for site stabilization.
2. The following permit(s) will need to be obtained from the Engineering Services Division:
 - Permits deemed necessary by the City Engineer for documentation of work

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

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

3. Per Site Plan Regulation 36.24, the Applicant is responsible for paying engineering permit inspection fees to ensure work is consistent with City standards and the Approved Plans.

Prior to scheduling the pre-construction meeting, the Applicant should 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.

4. Establish a performance surety (bond, letter of credit, or cash deposit) for work within the Right-of-Way and proposed public improvements or common private improvements per Subdivision Regulation 10.09, prior to subdivision plat signature, and Subdivision Regulations 13.02 (7) and 30.01. An engineer's cost estimate, prepared by the Applicant and based on the current NHDOT weighted average unit prices, shall be submitted a minimum of two weeks prior to scheduling the pre-construction meeting.
5. When above requirements have been met, request to set up a pre-construction meeting with the Engineering Services Division to discuss construction requirements, site inspections, associated fees, schedules, etc. Engineering permits will not be authorized (unless explicitly stated otherwise) until final revised plans have been submitted and approved to the satisfaction of Planning and Engineering.

Construction Requirements

1. Shop drawings/submittals shall be submitted to Engineering for the proposed water, sewer, drainage improvements as applicable.
2. Per Site Plan Regulation 12.09, prior to issuance of a Certificate of Occupancy (CO), the contractor shall submit digital as-built drawings that are to the satisfaction of Engineering and conforming to the Engineering as-built checklist. A copy of the as-built drawing requirements is available on the Engineering Services Division section of the City of Concord website.
3. 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 the Code Administration Office.