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

Staff Report for Planning Board

Meeting on December 18, 2024
Project Summary – Minor Site Plan

Project: GSA facility gut renovation (2024-073)
Property Owner: 128 Airport Road, LLC
Applicant: Loureiro Engineering Associates, Inc. and Castagna Consulting Group
Project Address: 128 Airport Rd
Tax Map Lot: 752Z 8 and 9

Determination of Completeness:

Per Section 7.06 *Determination of Completeness* of the Site Plan Regulations, a completed application will contain the required information listed in Section 15 *Minor Site Plan Submittal Requirements* 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 Planning Division, 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.** If it is determined that the application is complete, the Board shall then open the public hearing on the application. An application which is determined to be incomplete may be revised and resubmitted to a subsequent meeting of the Board for another determination of completeness.

Section 36.14(1) *Determination of Completeness* 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.

The Planning Division reviewed the application for completeness based upon the criteria of the Site Plan Regulations and concludes that, while there are minor details missing from the application, the application does contain sufficient information and detail for a full review and subsequent action by the Board.

Based upon the Planning Division's review of the application, the Planning Division recommends that the Board move to:

- Determine the application complete;
- State that the project does not meet the criteria for a development of regional impact per New Hampshire RSA 36:55; and,
- Open the public hearing.

The Board has 65 days within which to consider and act on the application once the application is determined complete, per New Hampshire RSA 676:4(I)(c). The 65-day period shall commence upon the

date of the regular meeting of the Board at which the application was accepted as complete. If the Board determines the application complete on December 18, 2024, then the 65-day review period would end on **February 21, 2025**. If the applicant has not demonstrated compliance with the Site Plan Regulations by the end of the statutory timeline (**February 21, 2025**), the applicant may request a postponement or the Board may approve, approve conditionally, or deny the application based on the information provided.

Project Description:

The applicant proposes construction of a 4,000-square-foot outdoor storage yard, along with associated site improvements, as part of the interior renovation of the existing 5,714-square-foot two-story building and landscaped site. The site is the result of a lot merger that was recorded on October 3, 2024, at 12:26 p.m. (Docket Number 202400014172, Book 3869, Page 2069). The lot consolidation merged Tax Map Lot 752Z 9 and Tax Map Lot 752Z 8 into one lot. Per the lot consolidation, the land shall for all purposes be considered a single lot. The single lot comprises 6.2 acres, with 249.42 feet of frontage on Airport Rd.

The site is in the Industrial District. The area directly abutting the site to the north is also in the Industrial District, as well as to the east to the centerline of Airport Rd. The area to the east of the Airport Rd centerline is in the Institutional District. The areas directly adjacent to both the south and west of the site are in the Single-Family Residential District. The project does not involve any exterior changes to the building, any new building construction, or any additions to the building. The site utilizes two existing accesses off of Airport Rd and an existing parking lot. The accesses will remain, with the northerly access being a one-way entrance and the southerly access being a one-way exit. The existing parking lot will also remain. The site has existing lighting, but in addition to the existing lighting, the application proposes the new installation of five light poles and two wall pack to the south side of the building.

Compliance:

The following analysis of compliance with the Zoning Ordinance and Site Plan Regulations is based on a 15-sheet plan set, dated October 16, 2024, revised October 29, 2024, November 1, 2024, and November 25, 2024; and a 110-page narrative, dated October 16, 2024, revised October 29, 2024, and revised November 25, 2024.

1. Project Details and Zoning Ordinance Compliance:

Zoning District: Industrial (IN) District

Existing Use: US GSA facility
(office/warehousing/industrial)

Proposed Use: Remain as US GSA facility with addition of outdoor storage yard
(no change to office/warehousing/industrial use)

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	40,000 square feet	6.2 acres
Minimum Buildable Land	20,000 square feet	6.2 acres
Minimum Lot Frontage	200 feet	249.42 feet

Minimum Front Yard	50 feet	A portion of the existing building is within the 50-foot front yard setback and is considered non-conforming, with no changes taking place to the building that will increase the nonconformity. The proposed outdoor storage yard is over 200 feet from the front lot line, thus meeting the front yard minimum setback requirement.
Minimum Rear Yard	30 feet	Both the existing building and the proposed outdoor storage yard are well over 30 feet from the rear property line.
Minimum Side Yard	25 feet	The existing building is more than 25 feet from the side property lines. The proposed outdoor storage yard is 25 feet from the north property line and well over 25 feet from the south side property line.
Maximum Lot Coverage	85% or 230,902.50 square feet (271,650 x 0.85 = 230,902.50 square feet)	23.38% or 53,977 square feet
Maximum Building Height	45 feet	No change to existing two-story building
Off-street Parking and Loading	Materials research and testing laboratories 1 space per 800 square feet gross floor area (2,850 divided by 800 = 3.56 or 4 spaces) Office/warehousing/industrial 1 space per 400 square feet gross floor area (8,550 divided by 400 = 21.38 or 21) Outside storage area 1 space per 5,000 square feet of outside storage area (4,000 divided by 5,000 = 0.8 or 1) 4 + 21 + 1 = 26 standard spaces 2 accessible spaces No loading spaces required	32 standard spaces 7 compact spaces 2 accessible spaces 0 loading spaces

- 1.1 Per Article 29.2-1-2(a)(1) of the Zoning Ordinance, any person or entity which seeks to undertake new development within the City of Concord, shall pay impact fees to the City in the manner and in the amounts set forth in the ordinance. Per Article 29.2-1-2(e)(1) of the Zoning Ordinance, an applicant may apply for a waiver of all or part of the impact fees that are payable with respect to

new development or redevelopment. Per Article 29.2-1-2(e)(4)(a) of the Zoning Ordinance, an applicant for the development of permitted nonresidential uses shall qualify for a waiver of the transportation facilities impact fees. The Clerk determines the impact fee at the time of building permit application. Staff notes that the waiver was requested on December 11, 2024, and this issue is considered resolved.

- 1.2 The existing use of the building as office/warehousing/industrial will continue, with the addition of a 4,000-square-foot outdoor storage yard. Both the office/warehousing/industrial use of the building and the proposed outdoor storage yard are allowed uses in the IN District. There are no changes to the existing building, so there is no impact to existing building setbacks or existing building height. Staff notes that no new principal buildings or structures are proposed, excepting the new dumpster enclosure that is outside of required setback areas. The existing site does not exceed the maximum lot coverage requirement, and the additions of the outdoor storage yard and associated site improvements do not exceed the coverage requirement.
- 1.3 The site is not in any overlay districts. The site does not contain any wetlands or wetlands buffers. The site does not contain bluffs or bluff buffers. The site is adjacent to a residential district to both the south and west, and the submitted materials show the existing site perimeter buffer between the adjacent residential district and the site's south and west boundaries.
- 1.4 The project is providing more than the required number of standard parking spaces, providing the required number of accessible spaces, and providing additional compact spaces that are not required. The size of the building and outdoor storage yard does not meet the threshold for providing loading spaces. The required parking is located on the site.
- 1.5 Staff notes that the submitted materials show the required parking perimeter lot buffer as less than five feet in width along the north boundary, and an existing one-way drive aisle width of a little more than 13 feet in width along the north boundary that does not meet the 15-foot minimum width requirement for a one-way drive. However, staff notes that the parking lot and parking lot perimeter buffer are existing and no changes to either are proposed as part of the application. Per Section 28-8-4(a) *Continuation of a Nonconforming Use or Nonconforming Characteristics of a Use* of the Zoning Ordinance, where nonconforming characteristics of a use such as off-street parking and loading, landscaping, or similar features exist, such nonconforming characteristics of a use may continue so long as it remains otherwise lawful, provided that no such nonconforming characteristic is enlarged or increased nor extended to occupy a greater area of land than was occupied at the effective date of the amendment of the ordinance. Staff notes that no nonconforming characteristic is being enlarged, increased, extended or moved in whole or in part; thus, the existing substandard parking lot perimeter buffer and one-way drive aisle widths are allowed to continue in their present state.

2. Site Plan Regulations Compliance and Comments:

- 2.1 Section 2.04 states that public and private improvements shall conform to the proposals shown in the Master Plan and Official Map of the City, and the Site Plan Regulations supplement and facilitate the enforcement of the provisions and standards contained in the building and housing codes, health codes, and zoning ordinances (New Hampshire RSA 674:3, 4, 9-11).
- 2.2 Per Section 6.01(4) *Conformity with Zoning*, for an application to be determined complete, the proposed application must be in conformity with the Zoning Ordinance, at the time the notices are mailed to the abutters notifying of the Board's consideration of completeness. To be determined complete where a variance is being requested from the Zoning Board of Adjustment, the site plan

application must either comply with the Zoning Ordinance, or the applicant must have obtained favorable approval of the required variances prior to the time the notices are mailed to the abutters notifying of the Board's consideration of completeness. Staff has determined that the application complies with the Zoning Ordinance.

- 2.3 Per Section 6.01(5) *Conditional Use Permits*, where a conditional use permit is required, no site plan application may be considered complete without a complete conditional use permit application. Conditional use permit applications will be considered concurrently with the site plan application. It does not appear that any conditional use permits are required, nor are any requested.
- 2.4 Per Section 6.03(1) *Minor Site Plan*, the site plan application phase for minor site plans consists of the receipt of a complete site plan application; review of site plan drawings, construction plans, supporting studies and reports, and legal documents; and, consideration and action on the site plan.
- 2.5 Per Section 7.02 *Minor Site Plan Application Requirements*, certain items must be submitted as part of the application. The required application form, application fee, and abutters list were all submitted. No conditional use permit applications were submitted, but none appear to be required. No copies of permit applications to state and federal agencies were submitted, but the applicant's narrative states that none are required. No waivers were requested.
- 2.6 Per Section 7.08(6) *Public Improvements*, the Planning Board may require that all public improvements be installed and dedicated prior to the issuance of a Certificate of Occupancy for a site plan. If the Planning Board requires the construction or installation of public improvements, then a financial guarantee shall be provided to secure the installation of the public improvements. Financial guarantees shall be provided in accordance with the requirements of Section 30 *Financial Guarantees* of the Subdivision Regulations. The amount of the financial guarantee shall be determined by the City Engineer, and the form and sufficiency of the financial guarantee shall be satisfactory to the City Solicitor.
- 2.7 Section 12.01 *Research* states that applicants shall familiarize 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.

The following items from Sections 12, 13.01, 15, 16.02, and/or 16.03 of the Site Plan Regulations appear to be missing from the application, all of which are minimum components necessary to determine the application complete.

- 2.8 Sections 15.01(1) and (2) require all items set forth in Section 12 *General Requirements for All Drawings* and Section 13.01 *General Requirements for Documentation* to be included in the site plan application. Section 13.01(6) *State and Federal Permits* specifically requires that a copy of any application made to a state or federal agency required for the approval of the site plan be submitted. The applicant's narrative states that no state or federal permits are required. For construction purposes, this same statement needs to be added to Sheet C-3, with the additional language that, if any state or federal permits do happen to become required over the course of the project, that copies of such shall immediately be submitted to the Planning Division.
- 2.9 Section 15.02(3) *Scale* requires that plans be submitted at a scale of one of four options. While

- the scale bar Sheet C-4 scales to a 20 scale, it shows a 30 scale, which is confusing. The scale bar needs to be changed to show and scale to 20 scale. Ensure that the scale is correct on all sheets, both shown and scaled.
- 2.10 Section 15.03(1) *Property Lines* and Section 15.04(1) *Property Lines* require that the property lines of the parcel to be developed be shown on the existing conditions plan and site plan, along with bearings and dimensions. The property lines of the full parcel are shown on Sheet C-1, but the bearings and dimensions are not likewise shown and labeled for each of the property lines as required by this section. Sheet C-1 shall clearly and legibly include the bearings and dimensions for the property lines for compliance with this section.
 - 2.11 Section 15.03(10) *Municipal Utilities*, Section 15.04(13) *Municipal Sewer*, and Section 15.04(14) *Drainage & Erosion Control* requires that both the existing conditions plan and the site plan show the location, size, material, and type of municipal utilities currently serving the site, including all structures, valves, hydrants, meters, and other appurtenances. Where applicable, grading and drainage information showing the information required in Section 16.02(12) *Grading and Drainage Plan* shall be shown on the site plan. Specifically concerning drainage, although the existing conditions plan shows a 52-inch drainage pipe, after a staff field visit to the site on November 27, 2024, this 52-inch pipe is actually a 60-inch pipe and needs to be updated accordingly on all sheets showing the 52-inch pipe, as well as added to the site plan and any utility sheets if not already shown.
 - 2.12 Section 15.03(10) *Municipal Utilities*, Section 15.04(13) *Municipal Sewer*, and Section 15.04(14) *Drainage & Erosion Control* requires that both the existing conditions plan and the site plan show the location, size, material, and type of municipal utilities currently serving the site, including all structures, valves, hydrants, meters, and other appurtenances. Where applicable, grading and drainage information showing the information required in Section 16.02(12) *Grading and Drainage Plan* shall be shown on the site plan. Revise the existing utilities on both the grading and drainage plan and the utility plan to include the information in the Plan and Profile Sheet: Airport Road, HL Turner Group, dated October 1, 1998. Ensure the 52-inch storm sewer line shown on Sheet C-4 ties into the storm manhole on Airport Rd, shown on the hatched area in the above-noted Turner Group plan. Please show the connection to this storm manhole.
 - 2.13 Section 15.04(14) *Drainage & Erosion Control* requires grading and drainage information showing the information required in Section 16.02(12) *Grading and Drainage Plan* and Section 16.02(13) *Erosion Control* on the site plan or the site plan set. For consistency, the limit of disturbance, tree protection line, approximate limit of clearing and grubbing, and the approximate area of vegetation clearing shown on Sheet C-2 all need to be replicated on Sheet C-5.
 - 2.14 Section 15.04(17) *Municipal Water Supply* and Section 16.02(14)(a) *Utility Plan* require showing on the site plan or the site plan set the location and size of all existing water mains and service connections, including hydrants, gates, valves, meter, and other appurtenances. The water service line from Airport Rd to the east side of the existing building is shown on the existing conditions plan, but it is not shown on Sheet C-3, Sheet E-1, and the other sheets that show existing utilities. For compliance with this section, this service line shall be shown on Sheet C-3, Sheet E-1, and all other sheets that show existing utilities.
 - 2.15 The construction detail for the solid waste facility screening appears to be missing as required by Section 15.04(24) *Solid Waste Facilities* and Section 16.02(14)(d) *Utility Plan*. Sheet C-3 has an

arrow pointing to a fence with the descriptor “new solid fence (see detail)” but the detail for the solid waste facility fence does not appear to be included in the detail sheets. A detail needs to be added to the detail sheets specifically for the solid waste facility fence and must show a solid opaque fence of at least six, but no more than eight, feet in height. Solid opaque fencing does not include chain link fencing with any type of covering. The detail shall include a note stating that chain link fencing of any type, with or without any type of covering, is not allowed as the solid waste facility screening.

- 2.16 Section 15.04(25) *Outside Storage* requires that the location of proposed outside storage areas be shown noting dimensions, height, and types of material or equipment stored. The screening is shown as a chain link fence with a covering. A solid opaque fence must be provided to meet the screening requirement, and chain link with a covering or slats is not a solid opaque fence. All fence details for screening shall be revised to clearly and specifically state that chain link fencing of any type, with or without any type of covering or slats, is not allowed for screening and shall not be installed.
- 2.17 Section 15.04(26) *Lighting* requires showing the type and location of existing and proposed outdoor lighting as required in Section 29 *Lighting*. Per Section 16.02(16) *Lighting Plan*, a lighting plan shall be provided that lists the size and type of fixture and wattage for all fixtures, as well as details of all fixtures, and a pole detail listing the color of the pole and the height of all light poles to the top of the fixture. Concord Construction Standards and Details has a light pole detail, but the required detail appears to be missing from the detail sheet, along with the color of the light pole being noted on said detail. The wattage for all fixtures is missing from the submitted materials as well. The lighting plan needs to include the specifications for all proposed light fixtures.

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.

- 2.18 Per Section 13.02(2) *Utility and Drainage Slope Easements*, 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 shall be submitted to the Planning Division for review and approval prior to the signatures of the Planning Board Chair and Clerk of the Board on the final plan set. The format of easements shall conform to Appendix B *Easements and Legal Documents*.
- 2.19 Per Section 13.02(8) *State and Federal Permits*, copies of all required state and federal permits shall be submitted to the Planning Division for review and approval prior to signatures of the Planning Board Chair and Clerk of the Board on the final plan set. The applicant’s narrative states that no state or federal permits are required. In addition to stating this in the narrative, for construction purposes and sake of clarity, this statement shall be added as a note to Sheet C-3 with the additional language that if over the course of the project any state or federal permits are required, then copies of such shall immediately be submitted to the Planning Division.
- 2.20 Pursuant to Section 17.02(1), easements to be conveyed to the City shall be noted or otherwise described on the site plan and shall be recorded at the Merrimack County Registry of Deeds in a form to be approved by the City Solicitor, Clerk of the Board, and the City Engineer. A drainage easement is required for the proposed catch basin proposed by the City in Airport Rd right-of-way, on the southeast corner of the site, pursuant to Sections 13.02(2) *Utility and Drainage Slope Easements*, 15.01(2), 15.04(12) *Easements and Rights-of-Way*, and 17.02(1). Ensure that the catch basin is located within the 10’x4’ easement, and ensure that the catch basin is located 32

- feet from the southeast property corner of lot 8. The current location of this catch basin is not correct. Also, the easement for the 52-inch storm sewer pipe to the south of the property is not shown in the right location and needs to be shown in the correct location. Refer to HL Turner plan. Include the 10'x4' easement and catch basins, as shown in the Minor Site Plan Narrative, Appendix F, VHB General Plans Exhibit. The centerline of the catch basins appears to be within the 30-foot residential buffer setback on Sheet C-3, so it cannot be 32 feet from the property corner. Ensure this centerline is 32 feet from the property corner of lot 8 and build the 10'x4' easement around this catch basin centerline. The required easement deed shall be prepared by the applicant and submitted to the City for review. The site plan sheet shall be updated to depict the easement and either the site plan sheet, or a separate easement plan, shall be recorded at the Merrimack County Registry of Deeds. The easement deed shall be in a form to be approved by the City Solicitor, Clerk of the Board, and City Engineer.
- 2.21 Section 20.06 *Solid Waste Facility Screening* and Section 20.07 *Design of Solid Waste Disposal Areas* requires a solid opaque fence not less than six feet high around the solid waste/dumpster area. The required solid opaque fence is missing from the plan set. Chain link fencing with a fabric covering, slats, or any other type of covering, is **not** solid opaque fencing.
- 2.22 Section 21.02 *General Requirements* states that public sidewalks shall be provided where shown on the Sidewalk Plan contained within the adopted City of Concord Master Plan or CIP. Section 21.02 *Sidewalks Required* states that sidewalks shall be required adjacent to the site along projects on city streets within the Urban Growth Boundary. The site does not contain the required sidewalk and shall be installed as required by these two sections.
- 2.23 It does not appear that any overhead utilities are proposed. However, to help ensure compliance with Section 25 *Non-Municipal Utilities*, add language to note 10 on Sheet C-3 that all utility facilities shall be located underground throughout the development and that service connections to the non-municipal utilities shall be constructed to the standards contained in the Concord Construction Standards and Details and the standards established by the private utility company responsible for the service.
- 2.24 Section 26.03 *Screening of Outside Storage* requires that outside storage areas shall be screened as set forth in Section 28-5-37 *Outside Storage of Materials and Inventory* of the Zoning Ordinance. Section 28-5-37 states that outdoor storage shall be screened from view from adjacent streets and properties by the installation solid and opaque fences, walls, or enclosures. The applicant proposes screening the outside storage area with a chain link fence covered by fabric. This is not a solid and opaque fence. The areas required to be screened (those in view of adjacent properties) shall be screened with a solid and opaque fence and the details and notes on the plan set shall be changed to show and indicate a solid and opaque fence that is **not** chain link with fabric or any other type of chain link with any type of covering or slats.
- 2.25 While it does not appear that any trees are being planted within 10 feet of any existing or proposed underground utility lines, to help ensure compliance with this requirement, a note shall be added to both Sheet C-3 and Sheet L-1 stating that no trees shall be planted within 10 feet of any existing or proposed underground utility lines.
- 2.26 Per Section 29 *Lighting*, lighting is not required but where provided shall meet the requirements of Article 28-7 of the Zoning Ordinance. Article 28-7 states that lighting shall be designed to limit any increase in off-site illumination to a maximum of 0.2 foot-candles as measured at the side and rear lot lines. Sheet E-2 shows more than 0.2 foot-candles along the north property line. The lighting

plan needs to be revised to reduce the foot-candles along the north property line to no more than 0.2 foot-candles for compliance with this section.

2.27 The Assessing Department, Fire Department, and General Services Department had no comments. Comments from the Engineering Division are interwoven into Section 2 of this staff report.

3. Variances:

3.1 No variances are requested.

4. Waivers:

4.1 No waivers are requested.

5. Conditional Use Permits:

5.1 No conditional use permits are requested.

6. Architectural Design Review:

6.1 Architectural design review is not necessary for this application.

7. Conservation Commission:

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

8. Recommendations:

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

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

8.2 Grant site plan approval for the new 4,000-square-foot outdoor storage yard, subject to the following precedent and subsequent conditions:

- (a) **Precedent Conditions** – Per Section 7.08(9) *Expiration of Approval*, approved site plans shall meet all precedent conditions and obtain the signature of the Chair and Clerk of the Planning Board within one year of the date of the Planning Board meeting where conditional final approval was granted; otherwise said plans shall be null and void. Precedent conditions are as follows:
1. **Revise the plan set to show full compliance with the Site Plan Regulations**, including but not limited to, the following:
 - a. For constructions purposes and for compliance with Sections 15.01(1) and (2), Section 12 *General Requirements for All Drawings*, and Section 13.01 *General Requirements for Documentation* add a statement to Sheet C-3 that no state or federal permits are required, and if do happen to become required over the course of the project, that copies of such shall immediately be submitted to the Planning Division.
 - b. For compliance with Section 15.02(3) *Scale* the scale bar on Sheet C-4 needs to be changed to show and scale to 20 scale. Ensure that the scale is correct on all sheets, both shown and scaled.
 - c. For compliance with Section 15.03(1) *Property Lines* and Section 15.04(1) *Property Lines*, Sheet C-1 shall clearly and legibly include the bearings and dimensions for the

- property lines of the site.
- d. Section 15.03(10) *Municipal Utilities*, Section 15.04(13) *Municipal Sewer*, and Section 15.04(14) *Drainage & Erosion Control* requires that both the existing conditions plan and the site plan show the location, size, material, and type of municipal utilities currently serving the site, including all structures, valves, hydrants, meters, and other appurtenances. Where applicable, grading and drainage information showing the information required in Section 16.02(12) *Grading and Drainage Plan* shall be shown on the site plan. Specifically concerning drainage, although the existing conditions plan shows a 52-inch drainage pipe, after a staff field visit to the site on November 27, 2024, this 52-inch pipe is actually a 60-inch pipe and needs to be updated accordingly on all sheets showing the 52-inch pipe, as well as added to the site plan and any utility sheets if not already shown.
 - e. For compliance with Section 15.03(10) *Municipal Utilities*, Section 15.04(13) *Municipal Sewer*, Section 15.04(14) *Drainage & Erosion Control*, and Section 16.02(12) *Grading and Drainage Plan*, revise the existing utilities on both the grading and drainage plan and the utility plan to include the information in the Plan and Profile Sheet: Airport Road, HL Turner Group, dated October 1, 1998. Ensure the 52-inch storm sewer line shown on Sheet C-4 ties into the storm manhole on Airport Rd, shown on the hatched area in the above-noted Turner Group plan, and show the connection to this storm manhole.
 - f. For consistency and compliance with Section 16.02(12) *Grading and Drainage Plan* and Section 16.02(13) *Erosion Control*, the limit of disturbance, tree protection line, approximate limit of clearing and grubbing, and the approximate area of vegetation clearing shown on Sheet C-2 all need to be replicated on Sheet C-5.
 - g. Section 15.04(17) *Municipal Water Supply* and Section 16.02(14)(a) *Utility Plan* require showing on the site plan or the site plan set the location and size of all existing water mains and service connections, including hydrants, gates, valves, meter, and other appurtenances. The water service line from Airport Rd to the east side of the existing building is shown on the existing conditions plan, but it is not shown on Sheet C-3, Sheet E-1, and the other sheets that show existing utilities. For compliance with this section, this service line shall be shown on Sheet C-3, Sheet E-1, and all other sheets that show existing utilities.
 - h. The construction detail for the solid waste facility screening appears to be missing as required by Section 15.04(24) *Solid Waste Facilities* and Section 16.02(14)(d) *Utility Plan*. Sheet C-3 has an arrow pointing to a fence with the descriptor “new solid fence (see detail)” but the detail for the solid waste facility fence does not appear to be included in the detail sheets. A detail needs to be added to the detail sheets specifically for the solid waste facility fence and must show a solid opaque fence of at least six, but no more than eight, feet in height. Solid opaque fencing does not include chain link fencing with any type of covering or slats. The detail shall include a note stating that chain link fencing of any type, with or without any type of covering or slats, is not allowed as the solid waste facility screening.
 - i. For compliance with Section 15.04(25) *Outside Storage*, all fence details for screening required for outside storage shall be revised to clearly show and specifically state that chain link fencing of any type, with or without any type of covering or slats, is not allowed for screening and shall not be installed.
 - j. For compliance with Section 15.04(26) *Lighting* and Section 29 *Lighting*, revise the lighting plan to list the size and type of fixture and wattage for all fixtures, as well as details of all fixtures, and the Concord Construction Standards and Details pole detail listing the color of the pole and the height of all light poles to the top of the fixture.

- k. Per Section 13.02(2) *Utility and Drainage Slope Easements*, 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 shall be submitted to the Planning Division for review and approval prior to the signatures of the Planning Board Chair and Clerk of the Board on the final plan set. The format of easements shall conform to Appendix B Easements and Legal Documents.
- l. For compliance with Section 13.02(8) *State and Federal Permits*, and for construction purposes and sake of clarity, add a note to Sheet C-3 that no state or federal permits are required now, but if over the course of the project any state or federal permits are required, then copies of such shall immediately be submitted to the Planning Division.
- m. Pursuant to Section 17.02(1), easements to be conveyed to the City shall be noted or otherwise described on the site plan and shall be recorded at the Merrimack County Registry of Deeds in a form to be approved by the City Solicitor, Clerk of the Board, and the City Engineer. A drainage easement is required for the proposed catch basin proposed by the City in Airport Rd right-of-way, on the southeast corner of the site, pursuant to Sections 13.02(2) *Utility and Drainage Slope Easements*, 15.01(2), 15.04(12) *Easements and Rights-of-Way*, and 17.02(1). Ensure that the catch basin is within the 10'x4' easement, and ensure that the catch basin is located 32 feet from the southeast property corner of lot 8. The current location of this catch basin is not correct. Also, the easement for the 52-inch storm sewer pipe to the south of the property is not shown in the right location and needs to be shown in the correct location. Refer to HL Turner plan. Include the 10'x4' easement and catch basins, as shown in the Minor Site Plan Narrative, Appendix F, VHB General Plans Exhibit. The centerline of the catch basins appears to be within the 30-foot residential buffer setback on Sheet C-3, so it cannot be 32 feet from the property corner. Ensure this centerline is 32 feet from the property corner of lot 8 and build the 10'x4' easement around this catch basin centerline. The required easement deed shall be prepared by the applicant and submitted to the City for review. The site plan sheet shall be updated to depict the easement and either the site plan sheet, or a separate easement plan, shall be recorded at the Merrimack County Registry of Deeds. The easement deed shall be in a form to be approved by the City Solicitor, Clerk of the Board, and City Engineer.
- n. Section 20.06 *Solid Waste Facility Screening* and Section 20.07 *Design of Solid Waste Disposal Areas* requires a solid opaque fence not less than six feet high around the solid waste/dumpster area. The required solid opaque fence is missing from the plan set. Chain link fencing with a fabric covering, or any other type of covering or slats, is not solid opaque fencing.
- o. Required sidewalks shall be installed as per Section 21.02 *General Requirements* and Section 21.02 *Sidewalks Required* and plans for such shall be provided in the revised plan set.
- p. To help ensure compliance with Section 25 *Non-Municipal Utilities*, add language to note 10 on Sheet C-3 that all utility facilities shall be located underground throughout the development and that service connections to the non-municipal utilities shall be constructed to the standards contained in the Concord Construction Standards and Details and the standards established by the private utility company responsible for the service.
- q. The areas required to be screened (those in view of adjacent properties) shall be screened with a solid and opaque fence and the details and notes on the plan set shall be changed to show and indicate a solid and opaque fence that is not chain link with

fabric or any other type of chain link with any type of covering for compliance with Section 26.03 *Screening of Outside Storage*.

- r. While it does not appear that any trees are being planted within 10 feet of any existing or proposed underground utility lines, to help ensure compliance with this requirement, a note shall be added to both Sheet C-3 and Sheet L-1 stating that no trees shall be planted within 10 feet of any existing or proposed underground utility lines.
 - s. The lighting plan shall be revised to show compliance with the 0.2 foot-candle maximum at the north property line as required by Section 29 *Lighting*.
 2. The plan set shall comply with all requirements as set forth in the Site Plan Regulations, Concord Construction Standards and Details, and Concord Municipal Code.
 3. Per Section 13.02(5) *Financial Guarantee for Public Improvements*, where applicable, a financial guarantee for all public improvements in the full amount approved by the City Engineer, and in a form acceptable to the City Solicitor, shall be submitted prior to the signatures of the Planning Board Chair and Clerk of the Board on the final plan set. All construction cost estimates for any public improvements shall be submitted and approved by the City Engineer prior to submission of a financial guarantee.
 4. Upon notification from the Planning Division that the plan set complies with Planning Board conditions, the Zoning Ordinance, Site Plan Regulations, and Concord Construction Standards and Details, the applicant shall deliver to the Planning Division two full-size plan sets and one 11x17 plan set for endorsement by the Planning Board Chair and Clerk. The plan sets shall contain the signature and seal of the appropriate licensed professionals as outlined in the Site Plan Regulations.
- (b) **Subsequent Conditions** – to be fulfilled as specified:
1. This approval notwithstanding, the applicant is responsible for full knowledge of, and compliance with, the municipal code, Site Plan Regulations, and Concord Construction Standards and Details for the project, unless a variance, waiver, or conditional use permit is specifically requested and granted.
 2. Per Section 4.02 of the Site Plan Regulations, no building permit shall be issued for the purposes of constructing a new or renovated building or structure, or for the purpose of making exterior alterations to an existing building or structure, or for the purpose of changing the use of an existing use of land, building, or structure, unless the certificate of approval on the final plan set has been signed by the Planning Board Chair and Clerk of the Board.
 3. Per Section 7.08(6) *Public Improvements*, the Planning Board may require that all public improvements be installed and dedicated prior to the issuance of a Certificate of Occupancy for a site plan. If the Planning Board requires the construction or installation of public improvements, then a financial guarantee shall be provided to secure the installation of the public improvements. Financial guarantees shall be provided in accordance with the requirements of Section 30 *Financial Guarantees* of the Subdivision Regulations. The amount of the financial guarantee shall be determined by the City Engineer, and the form and sufficiency of the financial guarantee shall be satisfactory to the City Solicitor.
 4. Per Section 7.08(7) *Building Permits and Certificates of Occupancy*, no building permit shall be issued where site plan approval is required 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 public and private improvements have been

- completed, and all conditions of a site plan approval established by the Planning Board have been satisfactorily addressed as determined by the Clerk of the Planning Board.
5. Per Section 7.08(8) *Change of Use*, no change of use approved by the Planning Board shall be allowed to commence operation on a property or within a building without being in full compliance with the approved site plan, architectural design review approval, and any applicable conditional use permits.
 6. Per Section 27.07(8) *Maintenance* the applicant or their successors shall be responsible for the regular maintenance of all plantings and other landscape features. Plant materials shall be maintained alive, healthy, and free from pests and disease. Tree stakes and guys shall be removed after the first growing season.
 7. Per Section 27.09(3) *Site Restoration*, grading shall be completed in accordance with the approved site plan. All disturbed land shall be recovered with loam with a minimum depth of six inches. The loam shall be fertile, natural soil, typical of the locality, free from large stones, roots, sticks, clay, peat, weeds and sod, and obtained from a naturally well drained area, nor contain toxic materials to plants. The loam shall not contain particles over two inches in diameter. Topsoil from the proposed development shall be redistributed so as to provide the required cover, when possible. All disturbed areas shall be seeded in accordance with Concord Constructions Standards and Details.
 8. Per Section 27.09(4) *Monitoring and Maintenance*, 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 in accordance with City, NHDES, and NPDES requirements.
 9. Per Section 27.09(5) *Final Stabilization*, a site shall be deemed to be stabilized when it is in a condition in which the soils on the site will not erode under the conditions of a 10-year storm. Temporary sediment and erosion control devices shall not be removed until permanent stabilization is established for the entire site or phase of the development. All temporary erosion and sediment control measures shall be removed after the completion of construction.
 10. Per Section 27.11 *Site Stabilization Guarantee* a site stabilization guarantee shall be provided to ensure the site is properly stabilized. The guarantee shall be in a form of a cash deposit or a letter of credit from a New Hampshire bank. The City Engineer may call said financial guarantee, and stabilize a disturbed site if, upon notice, the applicant has not stabilized or restored the site.
 11. Per Section 36.02 *Conditions* the applicant has the duty to comply with the approved site plan and any reasonable conditions set forth by the Planning Board for design, dedication, improvement, and restrictive use of the land.
 12. Per Section 36.15 *Compliance with Regulations*, no site construction, or change of use of land, shall occur in violation of the Site Plan Regulations and the Zoning Ordinance. No building permits may be issued for any building, structure, site improvement, or change of use prior to site plan approval and the satisfactory completion of any pre-construction conditions of Planning Board approval. The Clerk shall not approve any certificate of occupancy, nor shall any use of a building or site commence, unless the proposed improvements, and the proposed use of land or buildings, is found to comply with the approved site plan and the conditions of Planning Board approval.
 13. Per Section 36.24 *Inspections*, the Community Development Department shall be responsible for inspecting the site plan improvements for conformity with the approved plans and conditions of Planning Board approval. The City may assess the application for all or a portion of the cost, including overhead, of the necessary inspections. No certificate of occupancy shall be issued until the development has been completed according to the approved plans.

14. Per Section 36.25 *As-Built Plans* and Section 12.09 *As-Built Drawings*, the applicant's engineer or surveyor shall submit to the City Engineer a detailed as-built survey for all site plans showing the location of buildings, structures, utilities, parking and loading areas, driveways and access, as well as for any public improvement required by the City Engineer. The as-built survey shall also be submitted in digital format and media conforming to the Engineering Division's as-built checklist.
15. Per Section 36.27 *Release of Financial Guarantees*, a release of any financial guarantee assurance shall not be undertaken until the Clerk of the Planning Board and the City Engineer have ascertained that all site related improvements, or required public improvements, have been constructed in conformance with the approved plans and specifications.

Prepared by: AMS