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

**Staff Report for Planning Board**

**Meeting on April 16, 2025**

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

Project: NHSCOT (2025-015)  
Property Owner: Child & Family Services Realty Corp  
Applicant: Nobis Group and NHSCOT  
Property Address: 210 Bog Rd  
Tax Map Lot: 32Z 59

**Determination of Completeness:**

On March 19, 2025, the Planning Board determined the application complete and not a development of regional impact.

The Board has 65 days within which to consider and act on the application once the application is determined complete, per 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 (March 19, 2025) and end on **May 23, 2025**. If the applicant has not demonstrated compliance with the Site Plan Regulations by the **end of the statutory timeline on May 23, 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 is seeking major site plan and architectural design review approvals for the conversion of the abandoned youth camp at 210 Bog Rd to the headquarters for NHSCOT. The applicant also seeks approvals for conditional use permits to allow a privately-owned outdoor recreational facility, disturbance to wetland buffer, alternative parking surfacing, and construction of fewer parking spaces than the number required. The site has frontage on River Rd along the west boundary and Bog Rd along the south boundary. Each frontage has an existing driveway entry with existing driveways winding through the site. There are a number of existing buildings that were utilized as part of the youth camp and most will be utilized by NHSCOT as part of its functions. There will be no new construction or any additions to the existing buildings, but there will be improvements to the existing driveways, along with additional parking, landscaping, and associated site improvements.

The site is in the Open Space Residential (RO) District and is surrounded by the same RO District all with residential use except the nursery to the north. Municipal services are not available, and water is provided by an existing well with sewage disposal provided through an existing septic system. A portion of the site is in the flood hazard area and shoreland protection area, but no development is planned in either area. Access is provided via an existing driveway taking its approach off of Bog Rd. An emergency services access that is not open to the public is provided on the north portion from River Rd.

**Compliance:**

The following analysis of compliance with the Zoning Ordinance and Site Plan Regulations is based on an undated 2-page narrative, prepared by Nobis Groups; a 65-page turn lane warrant analysis memorandum, dated September 15, 2025, updated January 15, 2025, prepared by Vanasse & Associates, Inc.; a 34-sheet civil plan set, dated February 18, 2025, prepared by Nobis Group; a stormwater management report, dated February 18, 2025, prepared by Nobis Group; an undated 4-sheet architectural plan set, prepared by Alba Architects, LLP; and 4 undated conditional use permit application narratives, prepared by Nobis Group.

**1. Project Details and Zoning Ordinance Compliance:**

Zoning District: Open Space Residential (RO) District  
 Existing Use: Abandoned youth camp  
 Proposed Use: NHSCOT headquarters and outdoor recreational facility

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

Zoning Code Item	Required	Proposed
Minimum Total Area	2 acres	57.26 acres (no change)
Minimum Buildable Land	20,000 square feet	32.40 acres (no change)
Minimum Lot Frontage	200 feet	Bog Rd = 1,120 feet (no change) River Rd = 404 feet (no change)
Minimum Front Yard	50 feet	More than 50 feet (no change)
Minimum Rear Yard	50 feet	More than 50 feet (no change)
Minimum Side Yard	40 feet	More than 40 feet (no change)
Maximum Lot Coverage	10%	7.1% (currently the lot coverage is 3.1% and will be increasing to the stated 7.1% to accommodate the additional paved and gravel surfaces)
Maximum Building Height	35 feet	Not provided (no new construction, no changes to existing buildings)
Parking Spaces	General personal and business services – 1/250 gross floor area 11,520 square feet divided by 250 = 46.08 or 46 spaces required  Public assembly – 1/3 fixed seats	200

	600 seats divided by 3 = 200 spaces required  <b>Total Required = 46 + 200 = 246</b>	
Accessible Spaces	201 to 300 total spaces in parking area = 7 required accessible spaces, one of which must be van accessible	8 – required dimensions and signage not clearly provided

- 1.1 Per Section 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 Section 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 Section 29.2-1-2(e)(4)(a) of the Zoning Ordinance, an applicant for the development of permitted nonresidential uses shall qualify for a waiver of the transportation facilities impact fees. The Clerk determines the impact fee at the time of building permit application, and the applicant must request the waiver prior to the date of the determination. The official waiver request was received on March 11, 2025, and this issue is considered resolved.
- 1.2 On December 4, 2024, the Zoning Board of Adjustment granted a use variance to allow *Personal and Business Services* where such use is not otherwise permitted in the RO District. The Zoning Board of Adjustment also granted a variance to allow for multiple principal uses on a single lot to enable the applicant to apply for a conditional use permit application for a privately-owned outdoor recreational facility, in addition to the business services use.
- 1.3 There are portions of the site along the western boundary that are in the flood hazard area and the shoreland protection area. However, no activity is being proposed in either area, so the requirements of Section 28-3-2 *Flood Hazard (FH) District* and 28-3-3 *Shoreland Protection (SP) District* of the Zoning Ordinance are not applicable.
- 1.4 The site currently meets the dimensional standards of Section 28-4-1 *Dimensional Standards* of the Zoning Ordinance. No changes to dimensional standards are proposed, and no new construction or additions to existing structures are proposed.
- 1.5 Section 28-4-2 *Buffer Requirements for Residential District Boundaries* has buffer requirements for nonresidential uses in nonresidential districts abutting residential districts and uses in residential districts abutting nonresidential districts. However, the subject site is in a residential district and is completely surrounded by a residential district, so the requirements of this section are not applicable to the proposed project.
- 1.6 The site contains wetlands and wetland buffers, and the delineation is shown on the existing conditions plan. Disturbance of the wetland buffer is proposed and the application submittal includes a request for conditional use permit approval pursuant to Section 28-4-3 *Wetland Buffers and Setbacks* of the Zoning Ordinance.
- 1.7 Section 28-5-13 *Campgrounds, Youth Camps and Outdoor Recreational Facilities* requires conditional use permit approval from the Planning Board prior to operating as an outdoor

recreational facility. The section provides a list of approval criteria, in addition to the approval criteria of Section 28-9-4(b) *Conditional Use Permits*. The applicant submitted the required application requesting conditional use permit approval for operation of an outdoor recreational facility, along with a narrative addressing the approval criteria.

- 1.8 Sections 28-5-36 *Outside Display and Sales of Merchandise Accessory to a Principal Retail Use*, 28-5-37 *Outside Storage of Materials and Inventory*, and 28-5-40 *Fences, Walls and Hedges* have requirements for screening of outside displays, outside storage, and erection of fences, walls, and hedges, respectively. However, staff notes that the plan set shows that no outside displays are proposed, no outside storage is proposed, and no fences, walls, or hedges are proposed.
- 1.9 An analysis of compliance with Article 28-7 *Access, Circulation, Parking and Loading* follows.
  - a. The off-street parking requirement for general personal and business services is one space per 250 square feet of gross floor area. The existing building to be used for the NHSCOT headquarters is 11,520 square feet. This gives a requirement of 46 spaces for the business services use. The outdoor recreational facility parking requirement is one space per three fixed seats or one space per 40 square feet of gross floor area. In this case, there is no gross floor area for the outdoor recreational facility since it's all outdoors and no structures are involved. Additionally, no fixed seating is being provided. The estimated 600 attendees have been assigned as the fixed seats, which yields a requirement of 200 parking spaces for the outdoor recreational facility. Overall, the total off-street parking space requirement is 246 spaces, where at least seven of the 246 spaces must be accessible parking spaces. At least one of the seven accessible parking spaces must be van accessible. The project proposes to provide 200 of the 246 required parking spaces, along with a conditional use permit request pursuant to Section 28-7-11(b) *Construction of Fewer Parking Spaces*.
  - b. All standard parking spaces appear to meet the 9' x 19' dimensional requirements.
  - c. It is unclear if the accessible parking spaces meet all the federal accessible parking requirements, and that has been noted in Item 2 of the staff report to clarify.
  - d. Driveways must be at least 24 feet in width for two-way traffic and at least 12 feet in width for one-way traffic. The existing driveway is 24 feet wide. There is an existing 8-foot-wide access that is proposed to be widened to a 12-foot-wide gravel emergency services only access.
  - e. No parking is allowed within 5 feet of any lot line, and this requirement is being met. All parking areas and driveways shall have a durable and dustless paved surface, which shall be graded and drained, unless the Planning Board issues a conditional use permit pursuant to Section 28-7-11(e) *Alternative Surfacing*, and the applicant has requested such approval.
  - f. Section 28-7-7(i) *Curbing and Guardrails* requires curbing around the perimeter of parking areas containing more than five spaces. The site plan does show or label all the required curbing around all the parking areas.
  - g. The landscape plan shows at least a five-foot-wide perimeter of loam and seed around the parking areas to satisfy Section 28-7-10(a) *Parking Lot Perimeter Landscaping Required*, and no portion of the parking area is within 50 feet of abutting residential lots.
  - h. The project is providing more than 5% of parking lot interior landscaping to satisfy Section 28-7-10(b) *Parking Lot Interior Landscaping Required*.
  - i. There are no loading space requirements for the proposed use.

- j. Regarding Section 28-7-14(e) *Screening of Refuse Containers*, the submitted materials do not show how the screening requirement is being met.

## 2. Site Plan Regulations Comments and Compliance:

### Comments:

- 2.1 Pursuant to Section 4.01 of the Site Plan Regulations, the regulations apply to all land development within the corporate limits of the City. The subject site is within City limits and development is being proposed, so the Site Plan Regulations apply.
- 2.2 Per Section 6.01(4), for an application to be determined complete, the proposed application must be in conformity with the Zoning Ordinance at the time the notices are mailed to the abutters notifying of the Board's consideration of completeness. To be determined complete where a variance is being requested from the Zoning Board of Adjustment, the site plan application must either comply with the Zoning Ordinance, or the applicant must have obtained favorable approval of the required variances prior to the time the notices are mailed to the abutters notifying of the Board's consideration of completeness. The abutter notifications were mailed on March 5, 2025, and staff was not aware of any noncompliance issues at the date of the mailing.
- 2.3 Per Section 6.01(5), where conditional use permits are required in conjunction with the proposed site plan application, a completed conditional use permit application shall be made at the same time as the site plan application. Where a conditional use permit is required, no site plan application may be considered complete without the complete conditional use permit application. The applicant submitted four conditional use permit applications with the site plan application, as listed in Item 5 of this staff report. All conditional use permit applications contained the required narrative addressing the approval criteria.
- 2.4 Per Section 12.01, 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.
- 2.5 Per Section 25.01 *General Requirements* of Section 25 *Non-Municipal Utilities*, the applicant is responsible for all coordination with the utility companies to ensure that utilities are installed in accordance with the Board-approved plans. Sheet C-3.0 notes that no new utilities are proposed and no roof-top or ground-mounted mechanical equipment is proposed. Although not required, staff recommends that the applicant coordinate with all non-municipal utilities providing services to the site to ensure the existing services are adequate to support the change in use. Staff notes that 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 proposed changes, which is why staff provides the recommendation to check with non-municipal utilities prior to the public hearing.
- 2.6 The Assessing Department reviewed the application and noted that 45.86 acres of the site is in current use. Any portion of that 45.86-acre area that comes out of current use as a result of this project will be assessed a land use tax that must be paid at the time of assessment.

- 2.7 The Engineering Division reviewed the application and provided requirements for compliance with the Site Plan Regulations and Concord Construction Standards and Details as listed throughout Item 2.
- 2.8 The Fire Department reviewed the application and provided requirements for compliance with the fire code as listed in Item 2.52.
- 2.9 The General Services Department reviewed the application and had no comments.

**Compliance:**

**The items below appear to be missing from the application, but they are not required for the determination of completeness and shall instead be addressed as conditions of approval:**

- 2.9 As required by Section 11.01(7), Section 13.01(6) *State and Federal Permits*, and Section 13.02(8) *State and Federal Permits*, copies of permit applications to state and federal agencies shall be submitted to the Planning Division. Note 10 on Sheet C-3.0 lists three permits that are required by state/federal agencies, and a copy of one of the three was included with the initial submittal. The Engineering Division notes that an EPA notice of intent, general construction permit, and accompanying SWPPP are required if the area of disturbance is over one acre. These shall be added to note 10 on Sheet C-3.0 as applicable. Copies of all state and federal agency permit applications shall be submitted to the Planning Division, by uploading into the online permit portal, as required by the Site Plan Regulations.
- 2.10 Per Section 12.01(1)(a) *Title of plan*, the title of the plan must be consistently shown through the plan set. This is not the case, but **a waiver is requested** from a consistent title plan.
- 2.11 Per Section 12.02(1)(b) the name and address of both the owner and the applicant must be included in the title block on all sheets. Some of this information is missing from some of the title blocks on some of the sheets. **A waiver is requested** from showing this information.
- 2.12 Per Section 12.04(9), the zoning district designations and boundaries shall be shown on the location plan. All other information required to be shown on the location plan is included, with the exception of the zoning district designation. **A waiver is requested** from showing the zoning district on the location plan.
- 2.13 Per Section 12.07 *Wetland Delineations* and Section 15.01(6) wetland delineations are to be prepared by a New Hampshire certified wetland scientist who shall sign and seal the existing conditions plan and site plan and note the date of the wetland delineation on both plans. The required information is on the existing conditions plan. The site plan contains the delineation but does not contain the signature and seal of the certified wetland scientist who prepared the delineation. **A waiver is requested** from Section 12.07, and since the existing conditions plan shows the required information, staff assumes the waiver applies to the site plan being excused from providing the signature and seal of the certified wetland scientist.
- 2.14 Section 15.01(8) requires the submittal of architectural plans, but **a waiver is requested** from providing this information for the existing buildings, and no new buildings are proposed.

- 2.15 Section 15.02(8) *Addresses* requires that the address of each existing and proposed building or use shall be noted on the site plan, as well as addresses for abutting properties. **A waiver is requested** from noting the address for each existing building on the site.
- 2.16 Section 15.03(16) *Signs* requires that the existing conditions plan show the location and size of existing ground signs. This information is not provided on the existing conditions plan, but **a waiver is requested**.
- 2.17 Section 15.03(23)(b) requires that the existing conditions plan show the square feet or acres devoted to both existing and proposed land uses. The existing conditions plan does not contain this square footage or acres, but **a waiver is requested** from providing this required information.
- 2.18 Section 15.03(23)(e) requires that the existing conditions plan show the parking required for both existing and proposed uses. The existing conditions plan does not contain the parking tabulations, but **a waiver is requested** from providing this required information on the existing condition plan.
- 2.19 Section 15.04(5) *Addresses* requires that the address of each existing and proposed building and unit shall be noted on the site plan. Sheet C-3.0 does not note an existing and proposed address for every building on the site, but **a waiver is requested** from providing this required information on Sheet C-3.0.
- 2.20 Section 15.04(12) *Easements and Rights-of-Way* requires showing the location, width, and purpose of existing and proposed easements for road rights-of-ways, utilities, drainage, slope, open space or conservation easements and any other easement as required. The easements to be shown include both public and private easements. The dimensions and bearings shall be shown for the boundaries of all easement areas where available. Sheet C-3.0 makes note of existing easements on the site, but the noted existing easements are not actually depicted along with their boundaries, dimensions, and uses clearly labeled and called out. This required information shall be added to Sheet C-3.0.
- 2.21 Section 15.04(21) *Signs* requires that the site plan show the location and size of existing and proposed ground signs. The location of existing ground signs is shown, and **a waiver is requested** to not show the size of existing ground signs. The site plan does not show any proposed ground signs, so the assumption is no ground signs are proposed. Either a note shall be added to Sheet C-3.0 stating that the project does not propose any new ground signs or the location and size of any proposed ground signs shall be clearly shown, labeled, and called out on Sheet C-3.0.
- 2.22 Section 15.04(24) *Solid Waste Facilities* requires that the site plan show the type and location of existing and proposed solid waste disposal facilities, along with dimensions, setbacks, and type of screening. The site plan shows the existing solid waste disposal facility and property setbacks, but it does not show the type of screening and the dimensions of the screening. There is also no indication given of proposed solid waste facilities, so the assumption is the existing solid waste facilities will be utilized for the project. For confirmation and clarification, a note shall be added to Sheet C-3.0 stating that no new solid waste disposal facilities are proposed and that the existing solid waste facility will be utilized by the project. Additionally, the type and dimensions of the screening of the existing solid waste facility shall be added to Sheet C-3.0 showing that the

screening is solid and opaque (not chain link with any covering or slats) and at least 6 feet in height.

- 2.23 Section 16.02(7) *Addresses* requires that the address of each existing and proposed building and/or unit shall be noted on the plan as approved by the City Engineer. Not all existing and proposed building/unit addresses are noted on the site plan, but a **waiver is requested** to only provide the address for the main building.
- 2.24 Section 16.02 *Site Plan Requirements* requires that a description of the type of uses proposed on the site in addition to the tabulations of use and activity required is included on the site plan per (8) *Proposed Use*; that phased developments shall show the boundary of each phase and the improvements to be constructed in each phase per (11) *Phasing*; and that plans are provided for all proposed improvements per (21) *Other Improvements*. Staff notes that Sheet C-1.0 lists proposed uses as corporate office/headquarters and outdoor recreational facilities and provides use tabulations. Sheet C-3.0 lists the uses in Note 1 as new parking, driveway, and access roads for the NHSCOT headquarters. Note 11 states the project is to be constructed in one phase. However, Sheet C-3.1 shows a detail of a conceptual amphitheater location for which no mention is made of a second phase for said amphitheater; no plans or details are provided for said amphitheater; the demolition plan, grading plan, drainage plan, landscaping plans, and detail sheets do not account for said amphitheater; and the conditional use permit application for an outdoor recreational facility does not mention a proposed amphitheater. Either the detail of the conceptual amphitheater location shall be removed from the plan set or all plans and the conditional use permit application shall be revised to include all items necessary for the amphitheater, including but not limited to, an updated phasing plan, updated listing of uses and use tabulations, updated parking tabulations, elevations for the amphitheater, updated conditional use permit application for the outdoor recreational facility specifically including the amphitheater with proposed use details, updated demolition plan, grading plan, drainage plan, erosion control plan, and stormwater management report.
- 2.25 As required by Section 16.02(12) *Grading and Drainage Plan*, a grading and drainage plan was included in the submittal so the requirement is satisfied for purposes of a determination of completeness. However, for purposes of full and accurate compliance with Section 16.02(12) *Grading and Drainage Plan* and Section 22 *Stormwater Management*, the Engineering Division notes that the following revisions shall be made to Sheet C-4.0:
- a. Portions of the proposed gravel parking lots appear to flow directly into the proposed infiltration ponds based on the proposed grading. Runoff shall be directed to the forebays to minimize sediment from entering and clogging the infiltration ponds in accordance with best management practices.
  - b. There are two proposed 366 contours shown at the bottom of infiltration pond 1. Confirm that this is not in error and revise accordingly.
  - c. Extend the stone protection at the emergency spillway for infiltration pond 1 to the bottom of the proposed slope to help prevent erosion.
  - d. The proposed swale at the southerly side of parking lot B shall include additional spot grades to ensure that surface runoff is directed to the stormwater BMP and does not flow directly to the adjacent wetland.
  - e. Note 10 calls out 3 feet of cover. Revised this depth to 4 feet of cover pursuant to Section 6(3)(F)(2) of the Concord Construction Standards and Details.



- f. Add more finished grade spot shots in the proposed parking lots to enable accurate construction.
  - g. Add a callout on the existing “15” RCP Partially Functional” to clean and/or repair.
- 2.26 Section 16.02(14) *Utility Plan* requires the submittal of a utility plan at the same scale at the site plan showing the sanitary sewer information, profiles of all municipal utilities, location of all other underground or overhead utilities, and location waste receptacles. A separate utility plan was not included, but a **waiver is requested** from providing a separate utility plan.
- 2.27 Section 16.02(16) *Lighting Plan* requires a lighting plan that shows foot-candles, as well as the color and height of all light poles to the top of the fixture. The submittal included a lighting plan showing the foot-candles, as well as the types and wattages of fixtures. However, the lighting plan did not include the color of the light poles or the height of the light poles to the top of the fixture. The color of the light poles and the height of the light poles to the top of the fixture shall be added to the lighting plan.
- 2.28 As required by Section 16.02(18) *Demolition Plan*, a demolition plan was included in the submittal so the requirement is satisfied for purposes of a determination of completeness. However, for purposes of full and accurate compliance with the section, the Engineering Division notes that the following change shall take place:
  - a. Sheet C-2.0 – include a reference to the erosion control plans for the controls to be implemented prior to removal of the existing 24-inch driveway culverts near Bog Rd.
- 2.29 Section 16.02(19) *Traffic Control Plan* requires submittal of a traffic control plan as part of the site plan application. A traffic control plan was not included with the submittal, but a **waiver is requested** from providing this plan.
- 2.30 As required by Section 16.02(22) *Construction Details*, the construction details are provided on Sheets C-6.0 through C-6.4, so the requirement is satisfied for purposes of a determination of completeness. However, for purposes of full and accurate compliance with the section, the following changes shall take place:
  - a. Sheet C-6.1 – provide either Detail D-7 or Detail D-9 from the Concord Construction Standards and Details for the 24-foot-wide driveway apron on Sheet C-4.0;
  - b. Sheet C-6.1 – the concrete curb section detail shows a 6-inch curb instead of the required 7-inch curb. Revise to match Detail C-1.
  - c. Sheet C-6.1 – the concrete sidewalk concrete curb detail also needs to show a 7-inch curb and follow the requirements of Section 3(3)(D) of the Concord Construction Standards and Details.
  - d. Sheet C-6.2 – the standard headwall detail only shows one pipe, while the headwall on Sheet C-4.0 shows two 24-inch HDPE pipes. Revise the detail to match what is shown on Sheet C-4.0.
  - e. Sheet C-6.4 – note 1 in the sediment forebay detail indicates that the infiltration rate shall be not more than 8 to 10 inches per hour. Based on the design calculations, the infiltration rate should not be less than 10 inches per hour, otherwise the infiltration systems will not operate as designed. Revise note accordingly. Also, on this detail show the overflow elevation, and label the invert out for the 18-inch outlet pipe.

- f. On the emergency spillway detail, label the type and depth of the rip rap. Use callouts for the spillway elevation and the top of the berm elevation for clarification.
- 2.31 Section 16.03 *Architectural Plan and Elevations* requires submittal of a number of items. Not all of the items were included in the application package, but **a waiver is requested** from providing (4) *Elevations*, (9) *Colored Rendering*, (10) *Photographs*, and (11) *Signs*.
- 2.32 As required by Section 17.04 *Addressing*, an address shall be provided for each building shown on the site plan. A **waiver is requested** from providing addresses for all the existing accessory outbuildings.
- 2.33 Section 18.06 *Handicapped Accessible Spaces* and federal regulations provide the dimensional requirements for accessible spaces. The site plan does not provide labeled dimensions of the accessible spaces. Dimensions shall be added to the site plan for the accessible spaces showing that the required accessible spaces are at least 96 inches wide, with an access aisle at least 60 inches wide, no more than a 1.48 (2.08%) slope in all directions, have a surface that is firm, stable, and slip-resistant, and have a sign with the international symbol of accessibility on it, mounted at least 60 inches above the ground (measured to the bottom of the sign). One van accessible space must be provided that meets one of two options: 1) be at least 132 inches wide, have an access aisle at least 60 inches wide, have no more than 1.48 (2.08%) slope in all directions, provide at least 98 inches of vertical clearance (van height) for the parking space, access aisle, and vehicular route, have a surface that is firm, stable, and slip-resistant, and have two signs mounted at least 60 inches above the ground measured to the bottom of the sign (first sign international symbol of accessibility, second sign stating the space is van accessible); or 2) be at least 96 inches wide, have an access aisle at least 96 inches wide, have no more than 1.48 (2.08%) slope in all directions, provide at least 98 inches of vertical clearance for the parking space, access aisle, and vehicular route, have a surface that is firm, stable, and slip-resistant, and have two signs mounted at least 60 inches above the ground measured to the bottom of the sign (first sign international symbol of accessibility, second sign stating the space is van accessible). The site plan shall be updated to show and clearly label and call out all required dimensions and signage for all accessible spaces and accessible van spaces.
- 2.34 Section 18.09 *Parking Lot Markings and Signage* requires that parking spaces, entry and exit drives, direction of traffic flow, and pedestrian ways shall be appropriately demarcated with pavement markings and signs. Parking spaces shall be marked, at a minimum, with four-inch wide white lines. Stop bars, arrows, and crosswalks, stall lines shall be painted white and the MUTCD standards for marking and signage shall be used as guidelines for the provisions of signage and pavement marking on the site. Any signage and/or markings to be placed on public streets shall conform to the standards contained in the MUTCD and the Concord Construction Standards and Details. It is unclear from the plan set if all required signage is being provided in accordance with the MUTCD standards. It is also unclear if all required pavement markings are being provided for the paved parking areas. **A waiver from this entire section is requested.** Staff is not supportive of waiving the entire section noting that all required signage must be installed, all required markings on the paved surfaces must be installed, and an acceptable alternative to demarcating all required parking spaces on the grass and gravel parking areas other than paint must be shown on the plans (such as wheel stops at every parking space on the grass and gravel parking areas).

- 2.35 Section 18.10 *Driveway Widths* requires driveway widths of at least 20 feet for two-way traffic flow and at least 14 feet in width for one-way traffic flow. However, Section 28-7-7(f) *Driveway Widths* of the Zoning Ordinance provides the requirements for driveway widths of at least 24 feet in width for two-way traffic flow and at least 12 feet in width for one-way traffic flow. In instances of conflicting requirements, the strictest condition applies. Accordingly, the minimum width for two-way traffic flow is 24 feet, and the minimum width for one-way traffic flow is 14 feet. The existing 8-foot-wide access is proposed to be widened to a 12-foot gravel access. This does not meet the width requirement, and a conditional use permit application has not been received for a width reduction. Staff notes that a waiver is requested, but this particular requirement necessitates a conditional use permit approval rather than a waiver approval. Regardless, the applicant has verbally indicated to staff that this is not a driveway but is **only** an emergency access. Accordingly, signage shall be placed at the **beginning and end** of this 12-foot-wide emergency access only clearly stating that it's a secondary means of access for emergency services only and shall be blocked from entry by the public with a method approved by the Fire Department. The site plan shall clearly show and label the location and type of proposed signage and blockage.
- 2.36 Section 18.11 *Perimeter Buffers* requires that landscape buffers set forth in Section 28-4-2 of the Zoning Ordinance shall also be provided for non-residential uses in both residential and mixed-use zoning districts. The Zoning Ordinance does not have a buffer requirement for non-residential uses in residential zoning districts, but in cases of conflict the strictest condition applies. Accordingly, the site plan and landscaping plan sheets shall be revised to show and label the required 30-foot-wide perimeter landscape buffer around the entire perimeter of the entire site, and the landscape plan shall be revised to state the number of the buffer option (1, 2, 3, 4, or 5) being provided around the entire perimeter along with adding the required plantings to meet the selected option to the landscape plan and the planting schedule.
- 2.37 Section 18.13 *Interior Parking Lot Landscaping* requires that internal parking lot landscape islands shall be a minimum of nine feet in width. The width of the internal parking lot landscape islands is not shown or labeled on the landscaping plan sheets, and such dimensions shall be added to show compliance with this section.
- 2.38 Section 18.15 *Other Landscaped Areas* requires that all landscape areas outside the parking lot, and not associated with either the required perimeter landscaping or required residential district buffer shall be a minimum of four feet wide, and a minimum of six feet wide if trees are to be planted in the landscape area. Dimensions shall be shown and labeled on the landscape plan sheets for all landscape areas to show compliance with this section.
- 2.39 Section 18.17 *Tree Plantings* requires that tree plantings in and around parking areas shall be provided with one tree being planted for each 1,000 square feet of any proposed parking area. The submitted materials show a tree planting at a ration of 1:2,000, as required by the Zoning Ordinance, and **a waiver is requested** from this section of the Site Plan Regulations.
- 2.40 Per Section 18.19 *Curbing and Guardrails*, curbing and guardrails shall be installed as set forth in Article 28-7 *Access Circulation and Parking* of the Zoning Ordinance and the Concord Construction Standards and Details. The site plan sheets do not appear to show the required curbing around the perimeter of all parking areas and parking lot landscape islands and shall be revised to clearly label and call out on the all site plan sheets the curbing and the type of curbing around the parking lot perimeters, parking lot islands, and parking lot landscaped areas.

- 2.41 Per Section 18.22 *Grades*, slopes of parking spaces shall not exceed 5% in any direction. Some of the parking spaces exceed 5% slope. A waiver is requested from this requirement, but staff is not supportive of the waiver request, and all applicable sheets in the plan set shall be revised to graphically depict and label slopes such that no parking space exceeds 5% slope in any direction.
- 2.42 Per Section 18.24 *Alternative Parking Arrangements*, the Planning Board may establish appropriate design standards for parking lots and driveways when it issues a conditional use permit pursuant to Section 28-7-11 *Alternative Parking Arrangements* of the Zoning Ordinance. This section of the Zoning Ordinance allows for a conditional use permit for construction of fewer parking spaces than what is required and an alternate parking lot surface, both of which have been requested by the applicant as described in Item 5 of the staff report.
- 2.43 Section 20.01 *Solid Waste Facility Standards*, Section 20.06 *Solid Waste Facility Screening*, and Section 20.07 *Design of Solid Waste Disposal Areas* provide the screening and design requirements for the solid waste enclosure and required screening. The screening shall be a solid opaque fence not less than 6 feet nor more than 8 feet in height. The plan set does not appear to show the required screening, and shall be revised to show a solid opaque fence (chain link with slats or any type of covering is not solid opaque fence) at the required dimensions for the existing dumpster enclosure.
- 2.44 Section 21.03 *Connection to Public Sidewalks* requires that sidewalk connections shall be made from a public street to buildings on the site, with access being both safe and convenient for pedestrians. The site plan does not show this required sidewalk connection between Bog Rd and the main building, but a **waiver is requested** from this requirement.
- 2.45 Section 21.05(2) *Width* and Section 21.05(3) *Sidewalks* require that all sidewalks shall be a minimum of five feet in width exclusive of curbing and that all sidewalks shall have a minimum transverse slope of 2% and a maximum slope of 8%. It is not immediately clear that all sidewalks are at least five feet in width and that all sidewalks meet the minimum and maximum slopes, but a **waiver is requested** from this requirement. *All* applicable sheets in the plan set shall be revised to clearly show, label, and call out the widths and slope of all sidewalks for compliance with these sections.
- 2.46 The Engineering Division notes that the submitted stormwater management report is not fully compliant with Section 22 *Stormwater Management*, and shall be revised as follows for compliance:
- a. The test pit information is not legible on Figure 2: Post Development Drainage Area Plan. Darken the test pit symbols and numbers so they are clear, legible, and readable.
  - b. Provide a calculation of the Ksat rates from the test pits, and the infiltration/exfiltration and discarded rates used in HydroCAD. Calculate the Ksat rates according to Env-W1 1504.14. Provide the results in a table, along with the wetted area used to calculate the discarded rates.
  - c. The narrative and the infiltration feasibility report list the infiltration rate used for infiltration pond 2 within Croghan Variant soils as 2 inches per hour. However, the HydroCAD model uses 3 inches per hour for the infiltration rate at pond 2. Revise as necessary with the correct figures.

- d. List the outlet pipe rip rap and sediment forebays in the inspection and maintenance manual.
- 2.47 An erosion control plan was submitted for purposes of completeness as required by Section 15.04(14) *Drainage & Erosion Control* and Section 16.02(13) *Erosion Control*. However, the Engineering Division notes that the submitted plan is not fully compliant with Section 22.14 *Erosion Control* and Section 27.09 *Erosion Control* and shall be revised as follows for compliance:
- a. Sheet C-5.0 – information and details shall be provided to indicate how the flow of the existing brook will be maintained during the replacement of the existing 24-inch culverts;
  - b. Sheet C-5.0 – jute matting shall be shown, called out, and labeled on all slopes steeper than 3:1; and
  - c. Sheet C-5.1 – the proposed silt fence shown to the north of the existing building shall be extended to protect the limits of the proposed grading.
- 2.48 Section 23.07 *Non-municipal Water Supply* provides requirements for wells for non-residential uses. The application materials state an existing well will be utilized to serve the proposed uses. However, no documentation has been provided from New Hampshire Department of Environmental Services (NHDES) confirming that the existing well meets the NHDES standards for the proposed uses. Such documentation from NHDES shall be provided as a condition of approval.
- 2.49 Section 24.08 *Non-Municipal Sanitary Sewage Disposal* provides requirements for sanitary sewage disposal provided by individual waste disposal systems. Community sewerage systems which serve more than a single non-residential principal use are expressly forbidden in the City of Concord. The project proposes two non-residential principal uses – general personal and business services (main building headquarters) and an outdoor recreational facility. Each principal non-residential use not served by the municipal sanitary sewer system shall be provided with its own individual waste disposal system. The site plan indicates that the existing individual waste disposal system will serve the entire site. It is unclear if the outdoor recreational facility use will utilize the existing individual waste disposal system that services the main building to be used as the NHSCOT headquarters or what the provisions are for the outdoor recreational facility. Additionally, no documentation was provided from NHDES showing that the existing disposal system is adequate to meet the needs of the proposed general personal and business services. Such document from NHDES shall be provided as a conditional of approval, and the plan for waste disposal for the outdoor recreation facility shall be clearly provided as separate from the waste disposal system for the general personal and business services.
- 2.50 It does not appear that any trees are proposed to be planted underneath overhead utilities or within 10 feet any existing or proposed underground utility line. To ensure compliance, the landscaping plan sheets shall show and label all existing overhead utilities and all existing underground utility lines and show no plantings underneath overhead utilities or within 10 feet of underground utility lines.
- 2.51 The landscaping plan does not appear to show the required curbing around landscape bumpouts and islands as required by Section 27.07(2) *Landscape Bumpouts and Islands* and shall be revised

to show and label the required curbing. Required curbing shall also be shown and labeled on Sheet C-3.0.

2.52 Section 28 *Fire Protection* requires that all developments shall make adequate provision for fire apparatus to access to allow for effective emergency rescue and fire protection. To comply with this section and the fire code, the following changes shall be made to the plan set and shall be clearly shown, labeled, and called out:

- a. Emergency turnaround shall be provided for parking lots "B" and "C" per NFPA 1 2021 Edition: 18.2.3.5.4 *Dead Ends* – Dead-end fire apparatus access roads in excess of 150 ft (46 m) in length shall be provided with approved provisions for the fire apparatus to turn around; and
- b. Secondary means of egress shall be provided at the top of the driveway (need confirmation that current roadway will be the secondary emergency access) NFPA 1 2021 Edition: 18.2.3.3\* *Multiple Access Roads* – More than one fire apparatus access road shall be provided when it is determined by the AHJ that access by a single road could be impaired by vehicle congestion of terrain, climate conditions, or other factors that could limit access.
- c. Per NFPA 1 Fire Code 2021 Edition 18.2.3.5.2\* *Surface*, all driveways, access roads, and turnarounds shall be designed and maintained to support the imposed loads of fire apparatus and shall be provided with an all-weather driving surface.
- d. The grass parking areas shall be kept mowed at all times to aid in preventing heat from vehicles starting a fire. A note shall be added to all sheets of the site plan and the landscaping plan that a condition of approval of the project is that the grass parking areas shall be kept mowed at all times.

### 3 Variances:

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

- Section 28-2-4(j) *Table of Principal Uses* to allow *Services – Personal and Business use* where such use is not otherwise permitted; and
- Section 28-2-4(h) *Multiple Principal Uses on a Single Lot* to allow multiple principal uses on the same lot where only one principal use is permitted.

### 4 Waivers:

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

- a. Section 12.02(1)(a) *Title Block - Title of plan*, to not show the project title on all sheets;
- b. Section 12.02(1)(b) *Title Block - Name and address of owner and applicant*, to not show the name and address of the applicant in the title block of all sheets;
- c. Section 12.04(9) *Location Plan – Zoning district designations and boundaries*, to not show the zoning district designations and boundaries on the location plan;
- d. Section 12.07 *Wetland Delineations*, to not provide the signature and seal of the wetland scientist on the site plan;
- e. Section 15.01(8) *Architectural plans as set forth in Section 16.03 Architectural Plans and Elevations*, to only provide architectural elevations for the main building;

- f. Section 15.02(8) *Addresses*, Section 15.04(5) *Addresses*, Section 16.02(7) *Addresses*, Section 17.04 *Addressing*, to not provide individual addresses for all the buildings within the entire site;
- g. Section 15.03(16) *Signs*, to not show the size of existing ground signs;
- h. Section 15.03(23)(b) *Tabulations – Square feet or acres devoted to existing and proposed land uses*, to not provide existing and proposed square footages on the existing conditions plan;
- i. Section 15.03(23)(e) *Tabulations – Parking required for existing and proposed use*, to not provide parking calculations on the existing conditions plan;
- j. Section 15.04(21) *Signs*, to not show the size of existing ground signs;
- k. Section 16.02(14) *Utility Plan*, to not provide the required utility plan;
- l. Section 16.02(19) *Traffic Control Plan*, to not provide the traffic control plan as part of the site plan application and to instead have the contractor who is awarded the work provide the plan;
- m. Section 16.03(4) *Elevations*, to not provide architectural elevations of all sides of all buildings and to only provide elevations for the main building;
- n. Section 16.03(9) *Colored Rendering*, to not provide a colored rendering of each elevation and proposed landscaping at the time of planting and as expected in 5 years after planting;
- o. Section 16.03(10) *Photographs*, to not provide colored photographs of all existing facades, the existing site, and adjacent buildings and properties;
- p. Section 16.03(11) *Signs*, to not include the location, size, and placement of affixed and freestanding signage on the site plan and building elevations;
- q. Section 16.02(22) *Construction Details*, to not provide Detail D-7 *Drive with Sloped Granite Curb, w/o Sidewalk* to exclude the sloped curb requirement as there currently is no curbing along the right-of-way of Bog Rd;
- r. Section 18.09 *Parking Lot Markings and Signage*, to provide parking lot markings and signage only in the parking area within the main loop paved parking/driveway and to not provide parking lot markings within the gravel lots and gravel driveway;
- s. Section 18.10 *Driveway Widths*, to not provide driveway widths as required;
- t. Section 18.17 *Tree Plantings*, to not provide tree plantings at a ratio of one tree for each 1,000 square feet of proposed parking area;
- u. Section 18.22 *Grades*, to allow the 14 paved parking spaces at the top of the loop/circle to have a slope of 6.5%, rather than the maximum of 5%, in order to maintain the existing driveway grades;
- v. Section 21.03 *Connection to Public Sidewalks*, to not provide a sidewalk connection from a public street or sidewalk to buildings on the site;
- w. Section 21.05(3) *Sidewalks*, to allow the proposed 8-foot pathways connecting the gravel parking lots to the main building to have slopes greater than the 8% maximum allowed;
- x. Section 22.07(2) *Storm Water Recharge*, to not provide a minimum separation of four feet between the bottom of an infiltration system and the groundwater and to instead provide a three-foot separation as per the New Hampshire Department of Environmental Services best management practices.

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

**Staff reviewed the evidence submitted and supports waiver requests 4.1(a) through (q), partial support of (r), and 4.1(t) through (x). Staff notes that waiver request 4.1(s) is not a**

**valid waiver request.** Item 4.1(s) requires a conditional use permit, rather than a waiver. As stated earlier in this staff report in Item 2.35, the applicant has indicated that this “driveway” is not a driveway; rather, it is a secondary access for emergency services vehicles only.

## 5 Conditional Use Permits:

- 5.1 The applicant requests approval for a conditional use permit pursuant to Section 28-2-4(j) *Table of Principal Uses C5 Privately owned outdoor recreational facilities* of the Zoning Ordinance, to allow use of the site as a privately-owned outdoor recreation facility. The applicant provided a narrative addressing the criteria of approval.

**Staff reviewed the narrative, found that the criteria are not satisfactorily addressed regarding the request for a privately owned outdoor recreational facility.** Section 28-9-4(b)(4) *Hearing and Decision* of the Zoning Ordinance provides the criteria for approval of a condition use permit and states that “the Planning Board shall approve an application for a conditional use permit if it finds, based on the information and testimony submitted with respect to the application, that:

- a. The use is specifically authorized in this ordinance as a conditional use;
- b. If completed as proposed by the applicant, the development in its proposed location will comply with all requirements of this Article, and with the specific conditions or standards established in this ordinance for the particular use;
- c. The use 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;
- e. The use will not have an adverse effect on highway or pedestrian safety;
- f. The use will not have an adverse effect on the natural, environmental, and historic resources of the City; and
- 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.”

Specifically, with respect to Section 28-9-4(b)(4)(d), insufficient information has been presented to demonstrate that this criterion has been met. It is important to note that the site is immediately adjacent to approximately 10 single family dwellings located to the west and south of the site that may be negatively impacted by noise, and traffic and other issues commonly associated with large-scale adult-oriented outdoor events that will take place at the property throughout the year. The Board should consider discussing these issues with the applicant and abutters to determine how these impacts could be mitigated by the applicant to make the proposed use reasonably compatible with surrounding residential properties. Potential mitigation measures could include, but may not be limited to, limitation on the quantity of events, number of participants at events, the frequency of events, the dates and times of events, as well as physical improvements to the property to mitigate noise and buffer adjacent residential properties from proposed uses and events at the property.

- 5.2 The applicant requests approval for a conditional use permit pursuant to Section 28-4-3(d) *Conditional Use Permits Required for Certain Disturbances of Wetland Buffers*, to allow for the disturbance of a buffer in conjunction with construction or installation of roads, utilities, and drainage improvements which require the placement of impervious surfaces, and the draining,



dredging, filling, recontouring, or grading of the land within the buffer. The applicant provided a narrative addressing the criteria of approval.

**Staff reviewed the narrative, found that the criteria are satisfactorily addressed, and supports granting the requested conditional use permit.**

- 5.3 The applicant requests approval for a conditional use permit pursuant to Section 28-7-11(e) *Alternative Surfacing* of the Zoning Ordinance, to allow for complete or partial substitution of an alternative surfacing for a paved surfacing on a parking lot, for uses that function less than six months each year, provided that the Board finds that the alternative surfacing will not be detrimental to adjacent property and streets by reason of dust, the disintegration of the surfacing, or the dispersal of stormwater runoff; that the surfacing is appropriate to the intensity of vehicular movements associated with the use; and that the surfacing will support an acceptable degree of access to the property by fire department apparatus. The applicant provided a narrative addressing the criteria of approval.

**Staff reviewed the narrative, found that the criteria are satisfactorily addressed, and supports granting the requested conditional use permit.**

- 5.4 The applicant requests approval for a conditional use permit pursuant to Section 28-7-11(b) *Construction of Fewer Parking Spaces* of the Zoning Ordinance, to allow for construction of fewer parking spaces than are required by Section 28-7-2(d) *Table of Parking Requirements*, provided that a sufficient land area is allocated and shown on a site plan for the full number of spaces required. The applicant provided a narrative addressing the criteria of approval.

**Staff reviewed the narrative, found that the criteria are satisfactorily addressed, and supports granting the requested conditional use permit.**

**6. Architectural Design Review:**

- 6.1 The applicant appeared before the Architectural Design Review Committee on April 1, 2025. The Architectural Design Review Committee recommended architectural design review approval of the conversion of the site to the NHSCOT headquarters, as submitted.

**7. Conservation Commission:**

- 7.1 The applicant appeared before the Conservation Commission on March 12, 2025. The Conservation Commission recommended approval of the conditional use permit for disturbance to wetland buffer, as submitted.

**8. Recommendations:**

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

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

- 8.2 **Grant architectural design review approval** for the conversion of the site to the NHSCOT headquarters, as submitted.

- 8.3 **Deny the waiver request below** from the Site Plan Regulations because the criteria of RSA 674:44(III)(e) and Section 36.08 of the Site Plan Regulations are not met.
- a. Section 18.09 *Parking Lot Markings and Signage*, to provide parking lot markings and signage only in the parking area within the main loop paved parking/driveway and to not provide parking lot markings within the gravel lots and gravel driveway
- 8.4 **Deny the waiver request below** from the Site Plan Regulations because it is a conditional use permit per the Zoning Ordinance not a waiver, and therefore cannot be approved as a waiver.
- a. Section 18.10 *Driveway Widths*, to not provide driveway widths as required.
- 8.5 **Grant the waiver requests below** from the listed sections of the Site Plan Regulations, using the criteria of RSA 674:44(III)(e) and Section 36.08 of the Site Plan Regulations:
- a. Section 12.02(1)(a) *Title Block – Title of plan*, to not show the project title on all sheets;
  - b. Section 12.02(1)(b) *Title Block – Name and address of owner and applicant*, to not show the name and address of the applicant in the title block of all sheets;
  - c. Section 12.04(9) *Location Plan – Zoning district designations and boundaries*, to not show the zoning district designations and boundaries on the location plan;
  - d. Section 12.07 *Wetland Delineations*, to not provide the signature and seal of the wetland scientist on the site plan;
  - e. Section 15.01(8) *Architectural plans as set forth in Section 16.03 Architectural Plans and Elevations*, to only provide architectural elevations for the main building;
  - f. Section 15.02(8) *Addresses*, Section 15.04(5) *Addresses*, Section 16.02(7) *Addresses*, Section 17.04 *Addressing*, to not provide individual addresses for all the buildings within the entire site;
  - g. Section 15.03(16) *Signs*, to not show the size of existing ground signs;
  - h. Section 15.03(23)(b) *Tabulations – Square feet or acres devoted to existing and proposed land uses*, to not provide existing and proposed square footages on the existing conditions plan;
  - i. Section 15.03(23)(e) *Tabulations – Parking required for existing and proposed use*, to not provide parking calculations on the existing conditions plan;
  - j. Section 15.04(21) *Signs*, to not show the size of existing ground signs;
  - k. Section 16.02(14) *Utility Plan*, to not provide the required utility plan;
  - l. Section 16.02(19) *Traffic Control Plan*, to not provide the traffic control plan as part of the site plan application and to instead have the contractor who is awarded the work provide the plan;
  - m. Section 16.03(4) *Elevations*, to not provide architectural elevations of all sides of all buildings and to only provide elevations for the main building;
  - n. Section 16.03(9) *Colored Rendering*, to not provide a colored rendering of each elevation and proposed landscaping at the time of planting and as expected in 5 years after planting;
  - o. Section 16.03(10) *Photographs*, to not provide colored photographs of all existing facades, the existing site, and adjacent buildings and properties;
  - p. Section 16.03(11) *Signs*, to not include the location, size, and placement of affixed and freestanding signage on the site plan and building elevations;

- q. Section 16.02(22) *Construction Details*, to not provide Detail D-7 *Drive with Sloped Granite Curb, w/o Sidewalk* to exclude the sloped curb requirement as there currently is no curbing along the right-of-way of Bog Rd;
- r. Section 18.17 *Tree Plantings*, to not provide tree plantings at a ratio of one tree for each 1,000 square feet of proposed parking area;
- s. Section 18.22 *Grades*, to allow the 14 paved parking spaces at the top of the loop/circle to have a slope of 6.5%, rather than the maximum of 5%, in order to maintain the existing driveway grades;
- t. Section 21.03 *Connection to Public Sidewalks*, to not provide a sidewalk connection from a public street or sidewalk to buildings on the site;
- u. Section 21.05(3) *Sidewalks*, to allow the proposed 8-foot pathways connecting the gravel parking lots to the main building to have slopes greater than the 8% maximum allowed;
- v. Section 22.07(2) *Storm Water Recharge*, to not provide a minimum separation of four feet between the bottom of an infiltration system and the groundwater and to instead provide a three-foot separation as per the New Hampshire Department of Environmental Services best management practices.

- 8.6 **Engage in discussions with the applicant and abutters concerning the conditional use permit** from Section 28-2-4(j) *Table of Principal Uses C5 Privately owned outdoor recreational facilities* of the Zoning Ordinance because not all of the criteria from Section 28-9-4(b)(4) have been met, specifically Section 28-9-4(b)(4)(d).

The Board should determine if the conditional use permit is appropriate, and, if so, whether any mitigation must be provided by the applicant to safeguard the interests of the 10 single-family residences abutting the property. If the Board feels that application insufficiently addresses those potential concerns, or does not satisfy criteria reviewed in Item 5.1 of this report, then the Board may deny the conditional use permit.

Should the Board choose to grant the conditional use permit, staff suggests the following verbiage, which should be modified by the Board as appropriate pending its potential discussions with the applicant regarding this item:

Grant the conditional use permit from Section 28-2-4(j) *Table of Principal Uses C5 Privately owned outdoor recreational facilities* of the Zoning Ordinance, to allow use of the site as a privately-owned outdoor recreational facility, based on the information submitted and the testimony received at the public hearing showing that all criteria from Section 28-9-4(b)(4) have been met, or will be met with conditions of approval 8.6.a through 8.6.f specifically noting that Section 28-9-4(b)(4)(d) is met, with a statement of findings of fact from the Board related thereto, any mitigation the Board will require from the applicant to safeguard the interests of abutting single-family dwelling properties (if any), and any additional conditions to be required by the Board. Potential language may include the following:

- a. Outdoor events shall be limited to one per quarter of each calendar year with one event being allowed in January through March, a second event being allowed in April through June, a third event being allowed in July through September, and a fourth event being allowed in October through November.
- b. Outdoor events shall not begin until 10:00 a.m. and shall cease by 6:00 p.m.
- c. Outdoor events shall have a duration of no more than two back-to-back days.

- d. Outdoor events shall be limited to no more than 600 people, including all ages, and no more than 200 vehicles.
  - e. On or before January 1<sup>st</sup> of each calendar year, NHSCOT shall provide the Planning Division with the scheduled four outdoor events, including the two back-to-back days of each quarterly event, the start and end time for each of the two back-to-back days, the anticipated number of attendees of all ages, the anticipated number of vehicles, the purpose of the event, and the noise that can be expected. The Planning Division will disseminate this information to the abutters.
  - f. Noise from the outdoor events shall be limited such that no noise from the event is audible to any of the immediately-adjacent residents from any of their property lines.
- 8.7 **Grant the conditional use permit** from Section 28-4-3(d) *Conditional Use Permits Required for Certain Disturbances of Wetland Buffers*, to allow for the disturbance of a buffer in conjunction with construction or installation of roads, utilities, and drainage improvements which require the placement of impervious surfaces, and the draining, dredging, filling, recontouring, or grading of the land within the buffer, based on the criteria being met.
- 8.8 **Grant the conditional use permit** from Section 28-7-11(e) *Alternative Surfacing* of the Zoning Ordinance, to allow for complete or partial substitution of an alternative surfacing for a paved surfacing on a parking lot, for uses that function less than six months each year, based on the criteria being met subject to the following conditions:
- a. On or before January 1<sup>st</sup> of each calendar year, NHSCOT shall email the Planning Division the calendar of events scheduled for that calendar year, along with estimated attendance and designated parking lots for each event, such that scheduled events utilizing the alternative surfaced parking areas are occurring less than six months for that calendar year.
- 8.9 **Grant the conditional use permit** from Section 28-7-11(b) *Construction of Fewer Parking Spaces* of the Zoning Ordinance, to allow for construction of fewer parking spaces than are required by Section 28-7-2(d) *Table of Parking Requirements*, based on the criteria of the Zoning Ordinance being met, and subject to the following condition:
- a. Prior to final approval, the site plan shall be revised to show where the full number of spaces could be provided.
- 8.10 **Grant site plan approval** for the conversion of the site at 210 Bog Rd to NHSCOT headquarters, subject to the following precedent and subsequent conditions:
- (a) Precedent Conditions – Per Section 7.08(9) *Expiration of Approval*, approved site plans shall meet all precedent conditions and obtain the signature of the Chair and Clerk of the Planning Board within one year of the date of the Planning Board meeting where conditional final approval was granted; otherwise said plans shall be null and void. Precedent conditions are as follows:
    - 1. Unless a specific variance, waiver, or conditional use permit is granted stating otherwise, revise the plan set to fully comply with the Site Plan Regulations, Zoning Ordinance, and Concord Construction Standards and Details, including but not limited to, the following, and **upload revised documents for review into the online portal**:

- a. As required by Section 11.01(7), Section 13.01(6) *State and Federal Permits*, and Section 13.02(8) *State and Federal Permits*, copies of permit applications to state and federal agencies shall be submitted to the Planning Division. Note 10 on Sheet C-3.0 lists three permits that are required by state/federal agencies, and a copy of one of the three was included with the initial submittal. The Engineering Division notes that an EPA notice of intent, general construction permit, and accompanying SWPPP are required if the area of disturbance is over one acre. These shall be added to note 10 on Sheet C-3.0 as applicable. Copies of all state and federal agency permit applications shall be submitted to the Planning Division, by uploading into the online permit portal, as required by the Site Plan Regulations.
- b. Section 15.04(12) *Easements and Rights-of-Way* requires showing the location, width, and purpose of existing and proposed easements for road rights-of-ways, utilities, drainage, slope, open space or conservation easements and any other easement as required. The easements to be shown include both public and private easements. The dimensions and bearings shall be shown for the boundaries of all easement areas where available. Sheet C-3.0 makes note of existing easements on the site, but the noted existing easements are not actually depicted along with their boundaries, dimensions, and uses clearly labeled and called out. This required information shall be added to Sheet C-3.0.
- c. Section 15.04(24) *Solid Waste Facilities* requires that the site plan show the type and location of existing and proposed solid waste disposal facilities, along with dimensions, setbacks, and type of screening. The site plan shows the existing solid waste disposal facility and property setbacks, but it does not show the type of screening and the dimensions of the screening. There is also no indication given of proposed solid waste facilities, so the assumption is the existing solid waste facilities will be utilized for the project. For confirmation and clarification, a note shall be added to Sheet C-3.0 stating that no new solid waste disposal facilities are proposed and that the existing solid waste facility will be utilized by the project. Additionally, the type and dimensions of the screening of the existing solid waste facility shall be added to Sheet C-3.0 showing that the screening is solid and opaque (not chain link with any covering or slats) and at least 6 feet in height.
- d. Section 16.02 *Site Plan Requirements* requires that a description of the type of uses proposed on the site in addition to the tabulations of use and activity required is included on the site plan per (8) *Proposed Use*; that phased developments shall show the boundary of each phase and the improvements to be constructed in each phase per (11) *Phasing*; and that plans are provided for all proposed improvements per (21) *Other Improvements*. Staff notes that Sheet C-1.0 lists proposed uses as corporate office/headquarters and outdoor recreational facilities and provides use tabulations. Sheet C-3.0 lists the uses in Note 1 as new parking, driveway, and access roads for the NHSCOT headquarters. Note 11 states the project is to be constructed in one phase. However, Sheet C-3.1 shows a detail of a conceptual amphitheater location for which no mention is made of a second phase for said amphitheater; no plans or details are provided for said amphitheater; the demolition plan, grading plan, drainage plan, landscaping plans, and detail sheets do not account for said amphitheater; and the conditional use permit application for

- an outdoor recreational facility does not mention a proposed amphitheater. Either the detail of the conceptual amphitheater location shall be removed from the plan set or all plans and the conditional use permit application shall be revised to include all items necessary for the amphitheater, including but not limited to, an updated phasing plan, updated listing of uses and use tabulations, updated parking tabulations, elevations for the amphitheater, updated conditional use permit application for the outdoor recreational facility specifically including the amphitheater with proposed use details, updated demolition plan, grading plan, drainage plan, erosion control plan, and stormwater management report.
- e. As required by Section 16.02(12) *Grading and Drainage Plan*, a grading and drainage plan was included in the submittal so the requirement is satisfied for purposes of a determination of completeness. However, for purposes of full and accurate compliance with Section 16.02(12) *Grading and Drainage Plan* and Section 22 *Stormwater Management*, the Engineering Division notes that the following revisions shall be made to Sheet C-4.0:
- i. Portions of the proposed gravel parking lots appear to flow directly into the proposed infiltration ponds based on the proposed grading. Runoff shall be directed to the forebays to minimize sediment from entering and clogging the infiltration ponds in accordance with best management practices;
  - ii. There are two proposed 366 contours shown at the bottom of infiltration pond 1. Confirm that this is not in error and revise accordingly;
  - iii. Extend the stone protection at the emergency spillway for infiltration pond 1 to the bottom of the proposed slope to help prevent erosion;
  - iv. The proposed swale at the southerly side of parking lot B shall include additional spot grades to ensure that surface runoff is directed to the stormwater BMP and does not flow directly to the adjacent wetland;
  - v. Note 10 calls out 3 feet of cover. Revised this depth to 4 feet of cover pursuant to Section 6(3)(F)(2) of the Concord Construction Standards and Details;
  - vi. Add more finished grade spot shots in the proposed parking lots to enable accurate construction; and
  - vii. Add a callout on the existing “15” RCP Partially Functional” to clean and/or repair.
- f. Section 16.02(16) *Lighting Plan* requires a lighting plan that shows foot-candles, as well as the color and height of all light poles to the top of the fixture. The submittal included a lighting plan showing the foot-candles, as well as the types and wattages of fixtures. However, the lighting plan did not include the color of the light poles or the height of the light poles to the top of the fixture. The color of the light poles and the height of the light poles to the top of the fixture shall be added to the lighting plan.
- g. As required by Section 16.02(18) *Demolition Plan*, a demolition plan was included in the submittal so the requirement is satisfied for purposes of a determination of completeness. However, for purposes of full and accurate compliance with the section, the Engineering Division notes that the following change shall take place:

- i. Sheet C-2.0 – include a reference to the erosion control plans for the controls to be implemented prior to removal of the existing 24-inch driveway culverts near Bog Rd.
- h. As required by Section 16.02(22) *Construction Details*, the construction details are provided on Sheets C-6.0 through C-6.4, so the requirement is satisfied for purposes of a determination of completeness. However, for purposes of full and accurate compliance with the section, the following changes shall take place:
  - i. Sheet C-6.1 – provide either Detail D-7 or Detail D-9 from the Concord Construction Standards and Details for the 24-foot-wide driveway apron on Sheet C-4.0;
  - ii. Sheet C-6.1 – the concrete curb section detail shows a 6-inch curb instead of the required 7-inch curb. Revise to match Detail C-1.
  - iii. Sheet C-6.1 – the concrete sidewalk concrete curb detail also needs to show a 7-inch curb and follow the requirements of Section 3(3)(D) of the Concord Construction Standards and Details;
  - iv. Sheet C-6.2 – the standard headwall detail only shows one pipe, while the headwall on Sheet C-4.0 shows two 24-inch HDPE pipes. Revise the detail to match what is shown on Sheet C-4.0;
  - v. Sheet C-6.4 – note 1 in the sediment forebay detail indicates that the infiltration rate shall be not more than 8 to 10 inches per hour. Based on the design calculations, the infiltration rate should not be less than 10 inches per hour, otherwise the infiltration systems will not operate as designed. Revise note accordingly. Also, on this detail show the overflow elevation, and label the invert out for the 18-inch outlet pipe; and
  - vi. On the emergency spillway detail, label the type and depth of the rip rap. Use callouts for the spillway elevation and the top of the berm elevation for clarification.
- i. Section 18.06 *Handicapped Accessible Spaces* and federal regulations provide the dimensional requirements for accessible spaces. The site plan does not provide labeled dimensions of the accessible spaces. Dimensions shall be added to the site plan for the accessible spaces showing that the required accessible spaces are at least 96 inches wide, with an access aisle at least 60 inches wide, no more than a 1.48 (2.08%) slope in all directions, have a surface that is firm, stable, and slip-resistant, and have a sign with the international symbol of accessibility on it, mounted at least 60 inches above the ground (measured to the bottom of the sign). One van accessible space must be provided that meets one of two options: 1) be at least 132 inches wide, have an access aisle at least 60 inches wide, have no more than 1.48 (2.08%) slope in all directions, provide at least 98 inches of vertical clearance (van height) for the parking space, access aisle, and vehicular route, have a surface that is firm, stable, and slip-resistant, and have two signs mounted at least 60 inches above the ground measured to the bottom of the sign (first sign international symbol of accessibility, second sign stating the space is van accessible); or 2) be at least 96 inches wide, have an access aisle at least 96 inches wide, have no more than 1.48 (2.08%) slope in all directions, provide at least 98 inches of vertical clearance for the parking space, access aisle, and vehicular route, have a surface that is firm, stable,

- and slip-resistant, and have two signs mounted at least 60 inches above the ground measured to the bottom of the sign (first sign international symbol of accessibility, second sign stating the space is van accessible). The site plan shall be updated to show and clearly label and call out all required dimensions and signage for all accessible spaces and accessible van spaces.
- j. Section 18.09 *Parking Lot Markings and Signage* requires that parking spaces, entry and exit drives, direction of traffic flow, and pedestrian ways shall be appropriately demarcated with pavement markings and signs. Parking spaces that are paved shall be marked, at a minimum, with four-inch wide white lines. Unpaved parking spaces shall be marked with signage or another appropriate form of delineating the required spaces. Stop bars, arrows, and crosswalks, stall lines shall be painted white and the MUTCD standards for marking and signage shall be used as guidelines for the provisions of signage and pavement marking on the site. Any signage and/or markings to be placed on public streets shall conform to the standards contained in the MUTCD and the Concord Construction Standards and Details. All markings and signage shall be provided except those specifically waived in the waiver request.
- k. Section 18.10 *Driveway Widths* requires driveway widths of at least 20 feet for two-way traffic flow and at least 14 feet in width for one-way traffic flow. However, Section 28-7-7(f) *Driveway Widths* of the Zoning Ordinance provides the requirements for driveway widths of at least 24 feet in width for two-way traffic flow and at least 12 feet in width for one-way traffic flow. In instances of conflicting requirements, the strictest condition applies. Accordingly, the minimum width for two-way traffic flow is 24 feet, and the minimum width for one-way traffic flow is 14 feet. The existing 8-foot-wide access is proposed to be widened to a 12-foot gravel access. This does not meet the width requirement, and a conditional use permit application has not been received for a width reduction. Staff notes that a waiver is requested, but this particular requirement necessitates a conditional use permit approval rather than a waiver approval. Regardless, the applicant has verbally indicated to staff that this is not a driveway but is **only** an emergency access. Accordingly, signage shall be placed at the **beginning and end** of this 12-foot-wide emergency access only clearly stating that it's a secondary means of access for emergency services only and shall be blocked from entry by the public with a method approved by the Fire Department. The site plan shall clearly show and label the location and type of proposed signage and blockage.
- l. Section 18.11 *Perimeter Buffers* requires that landscape buffers set forth in Section 28-4-2 of the Zoning Ordinance shall also be provided for non-residential uses in both residential and mixed-use zoning districts. The Zoning Ordinance does not have a buffer requirement for non-residential uses in residential zoning districts, but in cases of conflict the strictest condition applies. Accordingly, the site plan and landscaping plan sheets shall be revised to show and label the required 30-foot-wide perimeter landscape buffer around the entire perimeter of the entire site, and the landscape plan shall be revised to state the number of the buffer option (1, 2, 3, 4, or 5) being provided around the entire perimeter along with adding the required plantings to meet the selected option to the landscape plan and the planting schedule.



- m. Section 18.13 *Interior Parking Lot Landscaping* requires that internal parking lot landscape islands shall be a minimum of nine feet in width. The width of the internal parking lot landscape islands is not shown or labeled on the landscaping plan sheets, and such dimensions shall be added to show compliance with this section.
- n. Section 18.15 *Other Landscaped Areas* requires that all landscape areas outside the parking lot, and not associated with either the required perimeter landscaping or required residential district buffer shall be a minimum of four feet wide, and a minimum of six feet wide if trees are to be planted in the landscape area. Dimensions shall be shown and labeled on the landscape plan sheets for all landscape areas to show compliance with this section.
- o. Per Section 18.19 *Curbing and Guardrails*, curbing and guardrails shall be installed as set forth in Article 28-7 *Access Circulation and Parking* of the Zoning Ordinance and the Concord Construction Standards and Details. The site plan sheets do not appear to show the required curbing around the perimeter of all parking areas and parking lot landscape islands and shall be revised to clearly label and call out on the all site plan sheets the curbing and the type of curbing around the parking lot perimeters, parking lot islands, and parking lot landscaped areas.
- p. Section 20.01 *Solid Waste Facility Standards*, Section 20.06 *Solid Waste Facility Screening*, and Section 20.07 *Design of Solid Waste Disposal Areas* provide the screening and design requirements for the solid waste enclosure and required screening. The screening shall be a solid opaque fence not less than 6 feet nor more than 8 feet in height. The plan set does not appear to show the required screening, and shall be revised to show a solid opaque fence (chain link with slats or any type of covering is not solid opaque fence) at the required dimensions for the existing dumpster enclosure.
- q. All sidewalks, except the 8-foot pathway, shall comply with all portions of sidewalk requirements in the Site Plan Regulations and the Concord Construction Standards and Details. *All* applicable sheets in the plan set shall be revised to clearly show, label, and call out the widths and slope of all sidewalks for compliance with these sections.
- r. The Engineering Division notes that the submitted stormwater management report is not fully compliant with Section 22 *Stormwater Management*, and shall be revised as follows for compliance:
  - i. The test pit information is not legible on Figure 2: Post Development Drainage Area Plan. Darken the test pit symbols and numbers so they are clear, legible, and readable;
  - ii. Provide a calculation of the Ksat rates from the test pits, and the infiltration/exfiltration and discarded rates used in HydroCAD. Calculate the Ksat rates according to Env-W1 1504.14. Provide the results in a table, along with the wetted area used to calculate the discarded rates;
  - iii. The narrative and the infiltration feasibility report list the infiltration rate used for infiltration pond 2 within Croghan Variant soils as 2 inches per hour. However, the HydroCAD model uses 3 inches per hour for the infiltration rate at pond 2. Revise as necessary with the correct figures; and

- iv. List the outlet pipe rip rap and sediment forebays in the inspection and maintenance manual.
- s. An erosion control plan was submitted for purposes of completeness as required by Section 15.04(14) *Drainage & Erosion Control* and Section 16.02(13) *Erosion Control*. However, the Engineering Division notes that the submitted plan is not fully compliant with Section 22.14 *Erosion Control* and Section 27.09 *Erosion Control* and shall be revised as follows for compliance:
  - i. Sheet C-5.0 – information and details shall be provided to indicate how the flow of the existing brook will be maintained during the replacement of the existing 24-inch culverts;
  - ii. Sheet C-5.0 – jute matting shall be shown, called out, and labeled on all slopes steeper than 3:1; and
  - iii. Sheet C-5.1 – the proposed silt fence shown to the north of the existing building shall be extended to protect the limits of the proposed grading.
- t. Section 23.07 *Non-municipal Water Supply* provides requirements for wells for non-residential uses. The application materials state an existing well will be utilized to serve the proposed uses. However, no documentation has been provided from New Hampshire Department of Environmental Services (NHDES) confirming that the existing well meets the NHDES standards for the proposed uses. Such documentation from NHDES shall be provided as a condition of approval.
- u. Section 24.08 *Non-Municipal Sanitary Sewage Disposal* provides requirements for sanitary sewage disposal provided by individual waste disposal systems. Community sewerage systems which serve more than a single non-residential principal use are expressly forbidden in the City of Concord. The project proposes two non-residential principal uses – general personal and business services (main building headquarters) and an outdoor recreational facility. Each principal non-residential use not served by the municipal sanitary sewer system shall be provided with its own individual waste disposal system. The site plan indicates that the existing individual waste disposal system will serve the entire site. It is unclear if the outdoor recreational facility use will utilize the existing individual waste disposal system that services the main building to be used as the NHSCOT headquarters or what the provisions are for the outdoor recreational facility. Additionally, no documentation was provided from NHDES showing that the existing disposal system is adequate to meet the needs of the proposed general personal and business services. Such document from NHDES shall be provided as a conditional of approval, and the plan for waste disposal for the outdoor recreation facility shall be clearly provided as separate from the waste disposal system for the general personal and business services.
- v. The landscaping plan sheets shall show and label all existing overhead utilities and all existing underground utility lines and show no plantings underneath overhead utilities or within 10 feet of underground utility lines.
- w. The landscaping plan does not appear to show the required curbing around landscape bumpouts and islands as required by Section 27.07(2) *Landscape Bumpouts and Islands* and shall be revised to show and label the required curbing. Required curbing shall also be shown and labeled on Sheet C-3.0.

- x. Section 28 *Fire Protection* requires that all developments shall make adequate provision for fire apparatus to access to allow for effective emergency rescue and fire protection. To comply with this section and the fire code, the following changes shall be made to the plan set and shall be clearly shown, labeled, and called out:
    - i. Emergency turnaround shall be provided for parking lots "B" and "C" per NFPA 1 2021 Edition: 18.2.3.5.4 *Dead Ends* – Dead-end fire apparatus access roads in excess of 150 ft (46 m) in length shall be provided with approved provisions for the fire apparatus to turn around;
    - ii. Secondary means of egress shall be provided at the top of the driveway (need confirmation that current roadway will be the secondary emergency access) NFPA 1 2021 Edition: 18.2.3.3\* *Multiple Access Roads* – More than one fire apparatus access road shall be provided when it is determined by the AHJ that access by a single road could be impaired by vehicle congestion of terrain, climate conditions, or other factors that could limit access;
    - iii. Per NFPA 1 Fire Code 2021 Edition 18.2.3.5.2\* *Surface*, all driveways, access roads, and turnarounds shall be designed and maintained to support the imposed loads of fire apparatus and shall be provided with an all-weather driving surface; and
    - iv. The grass parking areas shall be kept mowed at all times to aid in preventing heat from vehicles starting a fire. A note shall be added to all sheets of the site plan and the landscaping plan that a condition of approval of the project is that the grass parking areas shall be kept mowed at all times.
  2. Either the cover sheet or the site plan sheet shall list all approved variances, waivers, and conditional use permits with the section numbers and description, and date of approval. Any item for which a variance, waiver, or conditional use permit has not been specifically requested and specifically granted shall be shown on the plan set as fully complying with the applicable requirement, standard, detail, or regulation.
  3. Per Section 11.09(6) *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.
  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 for endorsement by the Planning Board Chair and Clerk. **Both the cover sheet and the site plan sheet shall contain the signature block.** The plan sets shall contain the signature and seal of the appropriate licensed professionals as outlined in the Site Plan Regulations, unless applicable waivers have been received.
- (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, unless a variance, waiver, or conditional use

- permit is granted. This includes but is not limited to, applying for an excavation permit, a driveway permit, and sign permits.
2. Deviations from the Site Plan Regulations are only authorized with a waiver approval from the Planning Board. Deviations from the Zoning Ordinance are only authorized with a variance/special exception approval from the Zoning Board of Adjustment or a conditional use permit approval from the Planning Board as applicable.
  3. Per the Concord Construction Standards and Details, all work performed in the City shall, as a minimum, conform to the requirements of the latest edition of the manual and the standards contained therein. The more stringent criteria shall apply in the case of conflicts. Deviations from the standards are only authorized with a waiver approval from the Planning Board.
  4. Per Section 11.09(6) *Building Permits and Certificates of Occupancy*, 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.
  5. Per Section 12.09 *As-built Drawings*, prior to the issuance of a certificate of occupancy digital as-built drawings shall be provided conforming to the Engineering Division's as-built checklist.
  6. Per Section 26.07 *Maintenance*, the applicant, successors, and assigns, shall be required to maintain all required buffers while the approved development, site, building, and uses in the operation including those changes of use allowed, or approved, to occur on the site where a buffer is required under the terms of the Site Plan Regulations and Zoning Ordinance.
  7. 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.
  8. Per Section 27.07(10) *Undesirable Growth and Debris*, existing invasive species shall be removed from the developed area. All trash, construction material, and debris shall be removed from the site. Dead and dying trees which present a potential hazard to existing and proposed structures shall be removed.
  9. Per Section 27.09 *Erosion Control*, erosion control measures shall be installed and maintained to prevent sediment from leaving the site, entering the City or State storm drainage system, intermittent or perennial streams, wetlands, ponds, and other surface waters. All disturbed areas shall be revegetated and all sediment shall be retained on the site. Disturbed areas shall be restored pursuant to Concord Construction Standards and Details, the State of New Hampshire Department of Environmental Protection regulations, and the US Environmental Protection Agency's National Pollution Discharge Elimination System requirements.
  10. 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. When possible, topsoil from the development shall be redistributed so as to provide the required cover. All disturbed areas shall be seeded in accordance with Concord Construction Standards and Details.

11. 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, state, and federal requirements.
12. 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.
13. 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, a letter of credit from a New Hampshire bank, or a surety bond. 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.
14. Per Section 33.08 *Inspection of Improvements*, the Clerk or authorized designee shall inspect the exterior appearances of the site to determine if modifications to 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 proposed use is consistent with the Board's approval. The Clerk may approve minor design modifications to approved plans provided that the design is consistent with the Board's approval, and does not adversely impact the appearance of the site, building, or sign.
15. 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.
16. Per 36.15 *Compliance with Regulations*, no site construction, or change of use of land, shall occur in violation of the Site Plan Regulations and the Zoning Ordinance. No building permits may be issued for any building, structure, site improvement, or change of use prior to site plan approval and the satisfactory completion of any pre-construction conditions of Planning Board approval. The Clerk shall not approve any certificate of occupancy, nor shall any use of a building or site commence, unless the proposed improvements, and the proposed use of land or buildings, is found to comply with the approved site plan and the conditions of Planning Board approval.
17. Per Section 36.17 *Minor and Major Amendments*, the Clerk may approve minor amendment to a site plan previously approved by the Planning Board, if the amendments are not substantive in nature and are fully in compliance with the standards, and are consistent with any condition imposed by the Board. Other changes shall be considered by the Planning Board at the next regular meeting as a further consideration item with appropriate abutter notice. A major change to a previously approved plan shall require a new public hearing before the Board as required for a new application.
18. Per 36.24 *Inspections*, the Community Development Department shall be responsible for inspecting the site plan improvements for conformity with the approved plans and conditions of Planning Board approval. The City may assess the application for all or a portion of the cost, including overhead, of the necessary inspections. No certificate of occupancy shall be issued until the development has been completed according to the approved plans.

19. Per Section 36.25 *As-Built Plans*, the applicant's engineer or surveyor shall submit to the City Engineer a detailed as-built survey for all site plans showing the location of buildings, structures, utilities, parking and loading areas, driveways and access, as well as for any public improvement required by the City Engineer. The as-built survey shall also be submitted in digital format and media conforming to the Engineering Division's as-built checklist.
20. Per Section 36.26 *Public Improvement Guarantees*, where a municipal utility or other public improvement is to be constructed, a financial guarantee shall be provided and the procedures for these assurances shall be those set forth for public improvements in Section 30 *Financial Guarantees* of the Subdivision Regulations.
21. 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