



Heather Shank
City Planner

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

Planning Board

July 21, 2021

Project Summary – Major Site Plan

Project Name: 264-268 Sheep Davis Road (2021-27)
Owner: Atlantic Broadband (NH-ME), LLC
Address: 264-268 Sheep Davis Rd
Map/Block/Lot: 61Z/24&25

Determination of Completeness:

Determine the application complete. As part of the motion, determine that the project does meet the criteria for a Development of Regional Impact. Staff recommends opening the public hearing.

Project Description:

The applicant is requesting Minor Site Plan approval for the construction of a public utility building and associated site improvements. The applicant is requesting a Conditional Use Permit for the construction of 5,350 sf of new impervious surfaces in the Aquifer Protection District. This project constitutes a development of regional impact as the town of Pembroke benefits from Aquifer Protection District in this area.

Project Details:

Zoning: Gateway Performance (GWP)
Existing Use: Single Family Residential
Proposed Use: Public Utility Building
Lot Area Required: No Requirement
Lot Area Provided: 143,544 sf (3.3 ac)
Lot Coverage Max: 85%
Existing Coverage: **268:** 0.3% (190 sf)
264: 3.7% (2,330 sf)
Lot Coverage Proposed: **268:** 8.8% (5,350 sf)
264: 1.1% (693 sf)
Building Setbacks Required: 25' front, 25' rear, 25' side
Building Setbacks Provided: 25' front, 25' rear, 25' side

1. General Comments

- 1.1 The following comments pertain to the 8-sheet plan set titled "Proposed Public Utility Building" prepared by Bohler, dated June 14, 2021, the 1-page Existing Conditions plan set prepared by T. F. Bernier, INC. dated June 2021, and the 2-page architectural plan set prepared by Upland Architects, Inc. dated June 15, 2021.

- 1.2 Comments from the Engineering Services Division are provided in the attached memo.
- 1.3 The applicant appeared before the Architectural Design Review Committee on July 6, 2021. The Committee recommended approval of the site layout and building design with the recommendation that the color of the roof and fence be a darker earth-tone to not stand out.
- 1.4 Minimum driveway width is 24 feet per Article 28-7-7(f) of the Zoning Ordinance.
- 1.5 A driveway permit will need to be sought from NHDOT for the change of use.

2. Conditional Use Permits

- 2.1 The Applicant has requested a Conditional Use Permit (CUP) in accordance with Article 28-3-6(d)(4) *CUP Required for Certain Uses in the Aquifer Protection District*. The Applicant is requesting this CUP because they are proposing to construct approximately 5,350 sf of new impervious surfaces in the Aquifer Protection District. The applicant has provided a complete CUP application and narrative.

The application appeared before the Conservation Commission for review of this CUP at the July 14, 2021 meeting. The Commission voted to recommend approval of this CUP with the that the applicant meet the performance standards for the Aquifer Protection District set forth in Article 28-3-6(d)(1) of the Zoning Ordinance,

For these reasons and the fact that the Town of Pembroke had no comments on the plans, **Staff supports this CUP**

- 2.2 The Applicant has requested a Conditional Use Permit in accordance with Article 28-7-7(f) *Driveway Width Reduction* to construct an 18-foot-wide driveway where a width of 24 feet is required. The Applicant states that an 18-foot wide driveway would be sufficient for this site and has provided a complete CUP application and narrative.

Planning and Engineering **staff support this CUP** based on the low volume of vehicle trips expected to be generated by this site.

3. Waiver

- 3.1 The Applicant has requested a waiver from Section 21.02 of the Site Plan Regulations (SPR) to not construct a sidewalk along the frontage of the property. The Applicant states that the project will not generate a significant number of pedestrian trips and adds that there are currently no sidewalks on Sheep Davis Road.

The regulations require sidewalks on both sides of streets within the Urban Growth Boundary, with the intent that eventually an interconnected pedestrian network will be created throughout the City. Staff also notes that it is not a matter of how many pedestrian trips any one development will generate, but rather the development of sidewalk network connectivity.

Despite the fact that the Master Plan identifies Sheep Davis Road as a future location for sidewalks, it should be noted that this corridor is outside the City's urban compact and is maintained by the State of New Hampshire. The State may need to approve any new sidewalk and—based on its past practice—it will not agree to assume maintenance of municipally required infrastructure within its right of way and will insist that these maintenance responsibilities be borne by the City. New Hampshire case law compels municipalities to provide winter maintenance to sidewalks under its purview and legal challenges have been filed against communities that are unable to meet this requirement. Any addition to the public sidewalk inventory, therefore, results in an increase in the City's maintenance and liability obligations. Stranded segments of sidewalk make providing winter maintenance with existing City resources very challenging.

Staff notes that while the construction of a sidewalk in this location would not connect to the existing network, the regulations allow the Board to accept an escrow to cover the cost, in the event sidewalk construction is not determined to be appropriate at this time. Current staff has not had any experience with this approach, therefore, we are investigating its applicability and limitations and will be prepared to discuss with the Board if needed.

4. Technical Review Comments

- 4.1 A driveway easement over Lot 61Z/26 will be required for the benefit of lot 61Z/25. Provide easement documents for Staff to review.
- 4.2 Provide the square footage, in addition to the percent lot coverage, in the zoning analysis tables on the Site Plan, in accordance with Section 15.03(23)(d) of the Site Plan Regulations (SPR).
- 4.3 Provide a Location Plan, or correct the Site Map on the cover page, to comply with the regulations set forth in Section 12.04 (SPR).

5. Recommendations

- 5.1 **Grant the Conditional Use Permits** to Article 28-3-6(d)(4) for the construction of impervious area within the Aquifer Protection District given the Conservation Commission has recommended granting the CUP with the condition that the applicant meet the performance standards for the Aquifer Protection District set forth in Article 28-3-6(d)(1) of the Zoning Ordinance, and the Town of Pembroke had no comments on the plans, and Article 28-7-7(f) for an 18-foot driveway where a 24-foot width is required given the expected low trip generation of the site.
- 5.2 **Determine whether to grant the waiver** to Section 21.02 *Sidewalks Required* of the Site Plan Regulations, utilizing the criteria from RSA 674:36(II)(N)(2): Specific circumstances relative to the subdivision, or conditions of the land in such subdivision, indicate that the waiver will properly carry out the spirit and intent of the regulations.
- 5.3 **Grant ADR approval** for the building design and site layout with the recommendation that the color of the roof and fence be a darker earth-tone.
- 5.4 **Grant Major Site Plan approval** for the proposed public utility building and associated site improvements at 264-268 Sheep Davis Road in the Gateway Performance (GWP) District, subject to the following precedent and subsequent conditions noted below:
 - (a) Precedent Conditions – to be fulfilled within one (1) year and prior to sign off by the Clerk and Chair of the Planning Board and issuance of any building permits, or the commencement of site construction, unless otherwise specified:
 - (1) Address all Review comments to the satisfaction of the Planning and Engineering Divisions. For all subsequent submissions, applicant shall provide a response memo addressing/acknowledging all comments.
 - (2) CUP(s) and Waiver(s) granted are to be noted and fully described on the plan including date granted and applicable Article number(s) of the Zoning Ordinance and Section number(s) of the Site Plan Regulations. Should the Board vote to deny the CUP(s) or Waiver(s), the applicant shall comply with said submission requirement(s).
 - (3) Final plans shall be signed and sealed by the NH Registered Land Surveyor, Landscape Architect, and Professional Engineer.
 - (4) Submit three (3) copies of fully revised plans for sign off by the Clerk and Chair of the Planning Board.
 - (b) Subsequent Conditions – to be fulfilled as specified:

- (1) Prior to commencement of construction activity, payment of inspection fees in an amount approved by the City Engineer shall be made.
- (2) A pre-construction meeting shall be required prior to the start of any construction activities onsite. The applicant shall pick up one (1) set of signed plans at the Planning Office to make copies for the pre-construction meeting. A total of five (5) copies of the signed plan set shall be provided by the applicant at the pre-construction meeting.
- (3) Prior to issuance of the final Certificate of Occupancy or final construction sign-off, as-built drawings shall be provided to the City Engineer in accordance with Section 12.09 of the Site Plan Regulations. The as-built drawings shall be surveyed on NH State Plane coordinates and NAVD 88 Datum.

Prepared by: SCD

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

David Cedarholm, PE
City Engineer

MEMORANDUM

TO: Sam Durfee, Senior Planner
FROM: Gary Lemay P.E., Associate Engineer
DATE: July 13, 2021
SUBJECT: Atlantic Broadband Minor Site Plan and Conditional Use Permit –
Engineering Plan Review, 264-268 Sheep Davis Road;
Map 61Z, Lots 25 and 25; Project 2021-027

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

- *Site Plan Documents*, Atlantic Broadband, prepared by Bohler Engineering, dated 6/14/2021

As a supplement to any comments offered by the Planning Division, Engineering offers the following design related comments. With subsequent submissions, the applicant shall provide a response letter that acknowledges or addresses each of these comments and discusses any additional changes to the plans.

General Comments

1. Please add a turnaround to the driveway so that emergency vehicles such as fire trucks may turn around on-site without having to back out into Sheep Davis Road, per Zoning Ordinance 28-7-8 (a).
2. SPR 19.04 and Table 19-2 require a minimum driveway width of 22 feet for two-way traffic for lots on an arterial road. Engineering would support a waiver of this requirement given the low-traffic nature of the proposed site and proximity to the river where reducing impervious area is highly beneficial. Any driveway design within the State ROW for Route 106 shall also comply with the DOT driveway standards.
3. Please attach a copy of Form FAA 7460-1 to Engineering covering the permanent infrastructure as well as any temporary cranes that may be used on site, or provide written confirmation from the FAA that these forms are not necessary.
4. The following notes shall be added to the plan set, if not already included:

Re: Review Comments (2021-027)
Atlantic Broadband, 264-268 Sheep Davis Road
Date: 07/13/2021

- a. All work shall be performed in accordance with the City of Concord's Construction Standards and Details (latest edition), and City standards shall take precedence in case of any details or plans in conflict.
 - b. All utilities shall be installed underground in accordance with Section 25.02(1) of the Site Plan Regulations.
 - c. Per Site Plan Regulation 12.09, upon completion of construction the contractor shall submit as-built drawings to the Engineering Services Division prior to issuance of a Certificate of Occupancy.
 - d. The contractor shall set up a preconstruction meeting with the Engineering Services Division to discuss construction requirements, site inspections, associated fees, schedules, etc.
 - e. The contractor shall obtain a Demolition Permit from the Code Administration Division for the removal of the existing building(s).
 - f. The contractor shall obtain Utility Connection Permits from the Engineering Services Division for the proposed water service and sewer service work. Individual permits will be required for each connection.
 - g. The contractor shall obtain a Driveway Permit from the Engineering Services Division for the proposed driveway.
 - h. A Temporary Traffic Control Plan (TTCP) will be required for all work in and adjacent to the City ROW that will require lane closures. The TTCP shall be submitted to the ESD for review and approval a minimum of two weeks prior to the construction activities that require the lane closure(s).
5. Please include a copy of an access/driveway easement across the lot of 268 Sheep Davis Road for the benefit of 264 Sheep Davis Road.
6. Engineering suggests, but does not require, the following wildlife-friendly erosion control practices:
- a. Use temporary erosion and sediment control products that either do not contain netting, or that contain netting manufactured from 100% biodegradable non-plastic materials such as jute, sisal, or coir fiber. Degradable, photodegradable, UV-degradable, oxo-degradable, or oxo-biodegradable plastic netting (including polypropylene, nylon, polyethylene, and polyester) are not equivalent alternatives. Netting used in these products should have a loose-weave wildlife-safe design with movable joints between the horizontal and vertical twines, allowing the twines to move independently and thus reducing the potential for wildlife entanglement.
 - b. Avoid the use of silt fences reinforced with metal or plastic mesh or if possible recommend the use of erosion control berms.

Re: Review Comments (2021-027)
Atlantic Broadband, 264-268 Sheep Davis Road
Date: 07/13/2021

- c. When no longer required, temporary erosion and sediment control products should be removed promptly from the project site.
 - d. Use nonwoven coir fabric when a surface fabric treatment is required for erosion control and stabilization, such as 100% biodegradable coconut fiber mat or equal as reviewed and approved by the project design engineer.
 - e. Use woven coir fabric when site conditions warrant. The outer layer of woven coir fabric should be a high strength, continuously woven mat (i.e., without seams) and made of 100% coconut fiber.
7. Is 262 Sheep Davis using the water line that also extends across this property? If not, then service should be capped at the main instead of the property line.
 8. Please add additional spot elevations along the proposed driveway at no more than 100-foot intervals.
 9. When there is a City of Concord detail available for a given item/detail it shall be used. The details used shall be the ones from the recently updated standards.
 10. The Drainage Report notes that there is a reduction in impervious area for the site. Please provide additional detail on these calculations; is this because the demolition of the existing house and shed offset the new building and driveway/parking area?
 11. What is the total disturbance area created by the proposed work on this project? Depending on the disturbance area, SPR 22.07 or 22.08 will apply. Please revise the drainage report to reflect the applicable requirements. In addition, the Applicant should note the following:
 - a. Either set of requirements will require evaluating the 10-year runoff volume (pre-versus post-development).
 - b. The stormwater design for this site should also include a stormwater treatment BMP for the impervious area on-site. The BMP should provide treatment for the first one inch of runoff from the total impervious area, and include pretreatment.

State/Federal Permits

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

- FAA Obstruction Evaluation/Airport Airspace Analysis (OE/AAA) – Notice of Proposed Construction or Alteration (Form FAA 7460-1)
- NHDES Wetlands Permit
- NHDES Registration and Notification for Storm Water Infiltration to Groundwater

Re: Review Comments (2021-027)
Atlantic Broadband, 264-268 Sheep Davis Road
Date: 07/13/2021

- NHDES Septic Approval
- NHDOT Driveway Permit

A copy of the permit(s) shall be submitted to the City once they are issued.

Post-Approval/Pre-Construction Items

The following items will need to occur prior to the start of construction (unless otherwise noted):

1. Prior to engineering sign-off on the building permit, the applicant/contractor shall:
 - a. Set up a pre-construction meeting with the Engineering Services Division to discuss construction requirements, site inspections, associated fees, schedules, etc. Any Engineering permits will not be authorized (unless explicitly stated otherwise) until final revised plans have been submitted and approved to the satisfaction of Planning and Engineering.
2. A Demolition Permit will be required from the Code Administration Division for removal of the existing building(s).
3. The following permit(s) will need to be obtained from the Engineering Services Division:
 - a. Driveway Permit (for driveway construction on private property)
 - b. Utility Connection Permits (water service disconnection)
4. Establish a financial guarantee (letter of credit, or cash deposit) for site stabilization, per Site Plan Regulation 27.11. The surety amount for this project has been set at \$6,000 based on a 0.7 ac (estimated) disturbance area. The surety shall be established prior to scheduling the pre-construction meeting.
5. The Applicant is responsible for paying engineering inspection fees to ensure work is consistent with City standards and the approved plan set. An advanced deposit must be established for all anticipated site construction inspection fees.
 - a. The deposit amount is determined by Engineering based on the project schedule and estimated services; actual inspection fees are based on actual services rendered (i.e., hourly billing rate).
 - b. Prior to scheduling the pre-construction meeting, a template estimating the initial fee deposit (available upon request to engineering) shall be filled out by the Applicant for review by Engineering, as well as a project schedule and itemized cost estimate for use in establishing the deposit amount.
 - c. The deposit shall be submitted at least a week prior to the pre-construction meeting.
 - d. Please contact Engineering for a spreadsheet to estimate the initial fee deposit (this is only an estimate as the fee will be based on actual time spent by Engineering inspectors for this project).

Re: Review Comments (2021-027)
Atlantic Broadband, 264-268 Sheep Davis Road
Date: 07/13/2021

6. Shop drawings/submittals shall be submitted to Engineering for the proposed water work.
7. Prior to the construction of any future site improvements the applicant/owner shall consult the Planning Division to determine if Site Plan Approval will be required.
8. Per Site Plan Regulation 12.09, prior to issuance of a Certificate of Occupancy (CO), the contractor shall submit digital as-built drawings that are to the satisfaction of Engineering and conforming to the Engineering as-built checklist. A copy of the as-built drawing requirements are available on the Engineering website.