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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 – Minor Site Plan**

Project: 313 Loudon Rd Commercial Condo Addition (2025-033)  
Property Owner: West Street Keene, LLC  
Applicant: TFMoran, Inc  
Project Address: 313 Loudon Rd  
Tax Map Lot: 46Z 63

**Determination of Completeness:**

Per Section 7.06 of the Site Plan Regulations, a completed application will contain the required information listed in Section 15 *Minor Site Plan Submittal Requirements* of the Site Plan Regulations, and will be legible and competently prepared. In making a determination of completeness, the Board shall consider the written recommendation of the Planning Division, as well as any written communications from the applicant, abutters, and parties of interest; **however, no hearing shall be opened nor shall testimony be received on a determination of completeness.** If it is determined that the application is complete, the Board shall then open the public hearing on said application. An application which is determined to be incomplete may be revised and resubmitted to a subsequent meeting of the Board for another determination of completeness.

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

The Planning Division reviewed the application for completeness based upon the criteria of the Site Plan Regulations and concludes that the criteria for completeness have been met, and that the application contains sufficient information and detail for a full review and action by the Board.

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

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

If the Board chooses to deem the application incomplete, the Planning Division recommends that the Board move to:

- Determine that the application is incomplete because the project as submitted does not meet Section 12 Section 13 and Section 15 of the Site Plan Regulations, all of which are necessary for a complete determination; and,
- State that the application may be revised and resubmitted to a subsequent meeting of the Board for another determination of completeness.

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. If the Board determines the application complete on April 16, 2025, then the 65-day review period would end on June 20, 2025. If the applicant has not demonstrated compliance with the Subdivision Regulations by the end of the statutory timeline (June 20, 2025), the applicant may request a postponement or the Board may approve, approve conditionally, or deny the application based on the information provided.

**Project Description:**

The applicant proposes construction of an 1,867-square-foot addition and certain waivers from the Site Plan Regulations, along with an accompanying minor subdivision application for a minor condominium subdivision, at 313 Loudon Road in the Gateway Performance (GWP) District.

On March 16, 2011, the Concord Planning Board conditionally approved a site plan for an 11,650-square-foot building at 313 Loudon Road (Case P0004-11). The approved building comprised two units: Unit 1 – 1,800 square feet and Unit 2 – 9,850 square feet. Only unit 2 was built at the time and now operates as a Dollar Tree retail store.

On July 16, 2003, the Concord Planning Board conditionally approved a minor site plan application for a 3-unit condominium subdivision of existing lot 111F-2-6 at 313 and 317 Loudon Road (Case 2003-066), recorded at the Merrimack County Registry of Deeds as plan 16903.

**Compliance:**

The following analysis of compliance with the Zoning Ordinance and Site Plan Regulations is based on a 10-sheet plan set, dated March 19, 2025, prepared by TFMoran, Inc; a 2-page cover letter dated March 18, 2025, prepared by TFMoran, Inc; an undated and untitled 3-page photo key; a 1-sheet colored site plan dated March 19, 2025, prepared by TFMoran, Inc; an 8-page Milano Land Condominium Owners Association Rules and Regulations document; an 8-page parking easement agreement (Book 3323 pg 13); a 2-page Easement Deed (Book 3267 pg. 820); an 18-page Amended and Restated Easement Agreement (Book 2829 pg. 1846); a 50-page Declaration of Milano Land Condominium document (Book 2666 pg. 1003); a 21-page Reciprocal Easement Agreement (Book 2635 pg. 13); a 2-page drainage study dated March 18, 2025, prepared by TFMoran, Inc; and, a 2-page waiver petition dated March 18, 2025, prepared by TFMoran.

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

Zoning District:	Gateway Performance (GWP) District
Existing Use:	Retail
Proposed Use:	Retail
Overlay Districts:	
Flood Hazard (FH) District	None

Shoreland Protection (SP) District	None
Historic (HI) District	None
Penacook Lake Watershed (WS) District	None
Aquifer Protection (AP) District	None

Zoning Code Item	Required	Proposed
Minimum Total Area	N/A	Lot 46Z 63 - 1.5 +/- acres (The full development area has not been provided)
Minimum Buildable Land	N/A	Lot 46Z 63 – 31,105-square-feet (The full development area has not been provided)
Minimum Lot Frontage	300 feet	691.15 feet (no change from existing – lot frontage is based on the recorded overall condominium plat, not the individual land units that comprise the overall condominium plat)
Minimum Front Yard	25 feet	66 feet
Minimum Rear Yard	25 feet	87 feet
Minimum Side Yard	25 feet	67 feet
Maximum Lot Coverage	85%	Lot 46Z 63 – 48.8% (The full development area has not been provided)
Maximum Building Height	45 feet	Lot 46Z 63 – 17.5 feet
Off-street Parking	<p>Lot 46Z 62 – Restaurant (317 Loudon Rd) 1/75 square feet of gross floor area – <math>7,962/75 = 106</math> spaces</p> <p>Lot 46Z63 – Retail (313 Loudon Rd) 1/200 square feet of gross floor area = <math>11,880/200 = 60</math> spaces</p> <p>Total required = 166 spaces required,</p>	<p>220 spaces provided, and shared between 313 Loudon Rd and 317 Loudon Rd via recorded condominium declaration (Book 2666 pg. 1003)</p> <p>10 accessible spaces</p>

- 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.**
- 1.2 Staff determined that the application as submitted conforms with the Zoning Ordinance.

## 2. Site Plan Regulations Comments and Compliance:

### Comments:

- 2.1 Per Section 2.04, the public and private improvements shall conform to and be properly related to the proposals shown in the Master Plan and Official Map of the municipality.
- 2.2 Per Section 4.01, the Site Plan Regulations shall apply to all land development within the corporate limits of the City.
- 2.3 Per Section 6.01(4) *Conformity with Zoning*, for an application to be determined complete, the proposed application must be in conformity with the Zoning Ordinance at the time the notices are mailed to the abutters notifying of the Board's consideration of completeness. Notices were mailed on March 27, 2025, for the Board's consideration of completeness on April 16, 2025. The application was considered by staff to conform with the Zoning Ordinance at the time of the mailing.
- 2.4 Per Section 6.01(5) *Conditional Use Permits*, where conditional use permits are required in conjunction with a 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 a complete conditional use permit application. The project does not require any conditional use permit applications, and no conditional use permit applications were submitted.
- 2.5 Per Section 6.02(1) *Classification*, threshold criteria for the classification of site plans are established in the Zoning Ordinance. The Clerk of the Board shall initially classify each application for site plan approval as either a major or minor site plan. The Planning Board shall confirm or reclassify when the application is presented to the Board.
- 2.6 Per Section 7.02 *Minor Site Plan Application Requirements*, the applicant shall file certain items for a completed application. These items are a completed application form endorsed by the owner or submitted by an agent where written authorization has been provided by the owner; application fee; abutters list; site plan and supporting plans and documents meeting the requirements set forth in Section 15 *Minor Site Plan Requirements*; complete conditional use permit applications, where applicable; copies of permit applications to state and federal agencies, where applicable; and, any requests for waivers from Site Plan Regulations, as set forth in Section 36.10 *Waiver Petition*.  
  
Staff notes that the application form, owner authorization, application fee, and abutters list were submitted as required. An assessment of compliance with Section 15 *Minor Site Plan Requirements* follows. No conditional use permit applications were required. No permit applications to state and federal agencies are necessary. The application included requests from waivers as described in Item 4 of this staff report.
- 2.7 Per Section 12.01 *Research*, the applicants shall familiarize themselves with all City, State, and Federal regulations relative to zoning, site plan design and approval, land sales, utilities, drainage, health, buildings, roads and other pertinent data so that the applicants are aware of the obligations, standards expected, and documents to be submitted.
- 2.8 Staff notes that, per Section 25.01 *General Requirements* of Section 25 *Non-Municipal Utilities*, the applicant is responsible for all coordination with the utility companies to ensure that utilities are installed in accordance with the Board-approved plans. While the Site Plan Regulations do not require prior coordination with utility companies as part of the site plan approval process, staff notes that any changes to utilities that take place after the Board's public hearing and approval are subject to either administrative approval or additional approval by the Board through

- an amendment application; thus, staff strongly encourages that the applicant present the plans to all non-municipal utility companies as/if applicable, prior to any public hearings to ensure that there will be no changes after the public hearing.
- 2.9 The Engineering Division reviewed the application and noted support of the waiver request from Section 16.02(12)(b) as discussed in Item 4.1 herein. Compliance comments from the Engineering Division are noted in Item 2.29 below.
- 2.10 The Fire Department reviewed the application and had no comments.
- 2.11 The Assessing Department reviewed the application and had no comments.
- 2.12 The General Services Department reviewed the application and had no comments.

**Compliance:**

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

- 2.13 Section 15.01(1) and Section 15.01(2) require all items set forth in Section 12 *General Requirements for All Drawings* and Section 13.01 *General Requirements for Documentation*. Information missing from those sections is noted below in numbers 2.13 through 2.26
- 2.14 Section 12.02(1)(a) *Title Block* requires that the title of the plan be included in the title block. This information is inconsistent throughout the sheets of the plan sets. Specifically, the title on the cover sheet and title block are different, then throughout the plan set, multiple titles are provided in the title block. The title and title in the title blocks shall be revised to be consistent throughout.
- 2.15 Section 12.02(1)(b) requires the name and address of the owner and applicant be provided in the title block. The name of the owner is misspelled on several sheets, including the cover sheet and shall be revised accordingly.
- 2.16 Section 12.02(1)(c) requires the date the plan was prepared and date of subsequent revisions be included as part of the title block. Different sheets provide a date of preparation of both March 19, 2025, and March 12, 2025. The title block shall be revised accordingly to provide a single and consistent date of preparation.
- 2.17 Section 12.02(3) *North Arrow and Bar Scale* requires that the north arrow and bar scale shall be provided on all sheets except the detail drawings. Sheet C-3 is missing a north arrow and shall be added. Additionally, the north arrow provided on sheet L-1 is not orientated correctly and shall be revised accordingly.
- 2.18 Section 12.05 requires that either the site plan or the cover sheet contain a vicinity plan prepared at a scale between 1" = 1000' and 1" = 2000' clearly showing the location of the subdivision plat, and streets, water bodies, city limits, parks, schools, and other significant physical and man-made features. The vicinity plan scale provided at 1" = 2,500' does not meet the requirement to have a scale between 1" = 1,000' and 1" = 2,000' and shall be revised accordingly.
- 2.19 Section 12.06(1) *Certificate of Ownership* requires that the owner of each parcel is identified in the notes on the existing conditions plan and the site plan, along with the deed citation for the deed from the Merrimack County Registry of Deeds. This information has been provided on both the existing conditions and site plan sheets; however, the cover sheet provides a reference to an owner/applicant of Christine M. Windler Trustee ROI Irrevocable Trust, which is not the listed

- owner West Street Keene LLC, nor the applicant TFMoran, Inc. Additionally, the cover sheet provides a resource list of city staff, including name and position which are no longer accurate and staff recommends updating or removing the reference to specific individuals and titles.
- 2.20 Section 13.01(6) *State and Federal Permits* and Section 13.02(8) *State and Federal Permits* require that a copy of any application made to a state or federal agency required for the approval of the site plan, including those required for the development of off-site improvements, be submitted with the application. The submittal did not include copies of any state and federal permits, nor are there any notes on the site plan indicating if any state or federal permits are required. A note shall be added to the site plan listing the required state and federal permits or stating that no such permits are required for the site or for off-site improvements.
- 2.21 Section 15.02 *Addresses* requires the address of each existing and proposed building or use shall be noted on the site plan as approved by the City Engineer. The title blocks, and on the building on sheets C-3 and sheet L-1, all show the addition of having an address of 313 Loudon Rd. This shall be confirmed by the City Engineer and changed if determined to have a different address than the current building.
- 2.22 Section 15.03(13) *Flood Hazard* requires a notation on the existing conditions plan as to whether or not the property is located in the City of Concord Flood Hazard Zoning Overlay (FH) District. The Flood Hazard (FH) District is defined in Section 28-3-2 *Flood Hazard (FH) District* of the Zoning Ordinance. Note 5 on sheet S-1 shall be revised to also include the designation if the site is or is not located in the City of Concord's Flood Hazard (FH) District.
- 2.23 Section 15.03(22) *Abutting Properties* and Section 15.04(2) *Abutting Property* require the existing condition plan and site plan both to show the abutting properties including intersecting property lines, buildings, wells and septic systems, owners name and address, property address, and Tax Assessors Map-Block-Lot number. Specifically, the property addresses where the owner address is not the same as the property address are missing from the existing conditions plan and site plan and shall be added accordingly.
- 2.24 Section 15.04(5) *Addresses* requires the address of each existing and proposed building and unit shall be noted on the plan. Both Map 46Z Lot 64 and Map 46Z Lot 63 are designated as Land Condominium Unit 1-2 on sheet CS-1. Map 46Z Lot 63 shall be revised to the correct Unit 1-3 as referenced on MCRD plan 16903.
- 2.25 Section 15.04(20) *Flood Hazard* requires a notation on the site plan as to whether or not the property is located in the City of Concord Flood Hazard Zoning Overlay (FH) District. The Flood Hazard (FH) District is defined in Section 28-3-2 *Flood Hazard (FH) District* of the Zoning Ordinance. Note 5 on sheet CS-1 shall be revised to also include the designation if the site is or is not located in the City of Concord's Flood Hazard Zoning Overlay (FH) District.
- 2.26 Section 15.04(20) *Flood Hazard* requires a notation on the site plan as to whether or not the property is located in the City of Concord Flood Hazard Zoning Overlay (FH) District. The Flood Hazard (FH) District is defined in Section 28-3-2 *Flood Hazard (FH) District* of the Zoning Ordinance. Note 6 on sheet C-3 shall be revised to also include the designation if the site is or is not located in the City of Concord's Flood Hazard Zoning Overlay (FH) District. Additionally, staff notes that Note 6 also states the subject parcel is located within a special flood hazard area, which appears to be inconsistent with Note 5 on Sheet CS-1 and Note 5 on sheet S-1 and shall be revised accordingly

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

- 2.27 Section 21.03 *Connection to Public Sidewalks* requires that, for non-residential and multifamily developments, sidewalk connections shall be made from a public street or sidewalk to building(s) on the site. The Board may allow the connection to be made from the public sidewalk to the parking lots serving the property provided that the pedestrian connection is not through a parking space. Access shall be both safe and convenient for pedestrians. Additionally, per Section 21.04 *Accessibility*, sidewalks shall be constructed, where ever possible, to be accessible including curb ramps along streets at driveways and at other locations on the site where traffic is expected. Curb ramps shall be provided on the site in order to comply with the Architectural Barrier Free Design Code for the State of New Hampshire, and the ADA Standards for Accessible Design as most recently adopted. Accordingly, an accessible sidewalk connection shall be made from a public street or sidewalk to a building on the site, with curb ramps provided in compliance with the Architectural Barrier Free Design Code for the State of New Hampshire, and the ADA Standards for Accessible Design as most recently adopted.
- 2.28 The capacity of the municipal sanitary sewer system is of concern along Loudon Road and throughout the Gateway Performance (GWP) District in the Heights neighborhood of the City. Capacity is limited due to physical constraints of certain sanitary sewer mains located within the Loudon Road sewershed, the physical capacity of the existing municipal sewer pump station located at the former Steeplegate Mall, as well as the provisions of a 1988 sewer agreement concerning allocation of capacity within the existing sewer pump station to certain properties located on the Heights.

On October 10, 2023, the City Council approved Resolution #9586 and Resolution #9587 which appropriated the sum of \$1,900,000 to design sewer improvements associated with Capital Improvement Projects 91 (sewer mains) and 275 (sewer pump stations) to increase capacity of the municipal sanitary sewer system in this area of the City. In June 2004, as part of the City's FY2025 budget, the City Council appropriated the additional sum of \$23,150,000 for Capital Improvement Projects 91 (sewer mains) and 275 (sewer pump stations), combined, to replace the existing municipal sewer pump station located at the former Steeplegate Mall, as well as to replace sewer mains located within Loudon Road, Branch Turnpike, and Pembroke Road to address capacity issues. These proposed sewer improvements are currently under design and tentatively scheduled for completion in late calendar year 2026/early 2027.

The Heights Sewer Master Plan has confirmed that insufficient sewer capacity exists to support the applicant's proposed project. However, it is presently unclear whether this property previously secured a New Hampshire Department of Environmental Services (NHDES) sewer connection permit for the property as part of the 2011 site plan approval (Case P0004-11). (No such permit is currently on file with the Community Development Department.) If the applicant, or its predecessors, had secured said permit, then the applicant would have rights to sewer capacity stipulated therein. Accordingly, the applicant shall confirm whether a NHDES sewer connection permit has been previously secured for the property, and provide a copy thereof to the Planning Division as applicable. If a NHDES sewer connection permit has been previously issued, the applicant would be limited to the maximum sewer utilization of that approval for the existing building and proposed addition, combined. If the applicant can demonstrate to the satisfaction of the City Engineer that sufficient sewer capacity currently exists to support the proposed addition in accordance with any previously issued NHDES sewer connection permit for the property, or otherwise previously approved sewer capacity for the property as compared to current utilization and additional utilization associated with the proposed 1,867-square-foot addition, then the applicant shall be eligible to connect the proposed addition to the sanitary sewer system. However, if no prior NHDES sewer connection permit exists, or there is insufficient

capacity associated with any previously issued NHDES sewer connection permit or other previously approved sewer capacity for the property, then the applicant shall be prohibited from connecting the proposed addition to the municipal sewer system until such time as sewer improvements associated with Capital Improvement Projects 91 and 275 are operational, or sufficient capacity is determined to exist within the municipal sanitary sewer system as determined by the City Engineer (whichever occurs first).

Should the Planning Board conditionally approve this application and the applicant is able to achieve final site plan approval, the applicant – subject to satisfying required building codes – shall be eligible for a building permit from the City of Concord. However, if a building permit is issued, and the applicant is unable to achieve sufficient sewer capacity for the project as outlined above, the applicant’s building permit shall be subject to the following requirements concerning sewer service:

- 1) The 1,867-square-foot addition shall not be connected to the municipal sanitary sewer system until such time as aforementioned sewer improvements associated with Capital Improvement Projects 91 and 275 are operational, or sufficient capacity is determined to exist within the municipal sanitary sewer system as determined by the City Engineer (whichever occurs first); and,
- 2) No certificate of occupancy shall be issued for the 1,867-square-foot addition until such time as aforementioned sewer improvements associated with Capital Improvement Projects 91 and 275 are operational, or the City Engineer otherwise determines that sufficient capacity exists within the municipal sanitary sewer system (whichever occurs first).

Staff notes that this approach has been used for other recent applications for projects located within the Steeplegate Mall sewer pump station service area.

Alternatively, due to lack of available sewer capacity, the Board could deny this application on the grounds that it is premature and scattered in accordance with Section 36.22 of the Site Plan Regulations due to lack of sewer capacity. However, staff believes the options laid out above provide the applicant with reasonable options for proceeding.

- 2.29 The Engineering Division notes the following items shall be addressed on the following sheets:
1. Cover Sheet
    - a. The vicinity plan incorrectly labels Loudon Road as Routes 4, 9, and 202 and shall be revised Loudon Road is NH Route 9, and Interstate Route 393 is also US Route 4 and US Route 202.
    - b. The addition will have the address of 311 Loudon Road. References of this addition as 313 Loudon Road shall be revised accordingly, including the middle of the cover sheet and title block on the lower right of the plan set.
  2. Sheet S-1 and S-2: Existing Conditions Overview Plans
    - a. A reference to the site plan conditionally approved on March 16, 2011, as cited in the drainage study cover letter included with this application shall be added.



- b. The callout on the plan for the clean out on the southwest side of the existing unit 2 shall specify if it is for sanitary or storm sewer line.
  - c. The existing building shall be labeled as “Unit 2.”
  - d. On Sheet S-1, within the plan view, the property addresses of all buildings around and abutting the subject property shall be added, pursuant to Section 15.03(22) *Abutting Properties*.
  - e. On Sheet S-1, within the plan view, Loudon Road is incorrectly labeled as Routes 4, 9, and 202 and shall be revised accordingly to be consistent with the vicinity plan. Loudon Road is NH Route 9, and Interstate Route 393 is also US Route 4 and US Route 202
  - f. On Sheet S-1, the vicinity plan incorrectly labels Loudon Road as Routes 4, 9, and 202 and shall be revised accordingly pursuant to Section 12.05(2) of the Site Plan Regulations. Loudon Road is NH Route 9, and Interstate Route 393 is also US Route 4 and US Route 202.
  - g. On Sheet S-2, the subject site is incorrectly labeled as Land Condominium Unit 1-2, and shall be labeled Land Condominium Unit 1-3.
3. Sheet CS-1
- a. On Sheet CS-1, the subject site is incorrectly labeled as Land Condominium Unit 1-2; it should be Land Condominium Unit 1-3 and shall be revised accordingly.
  - b. On Sheet CS-1, within the plan view, Loudon Road is incorrectly labeled as NH Routes 4 – 9 – 202. Loudon Road is NH Route 9 and shall be revised accordingly.
  - c. On Sheet CS-1, within the vicinity plan, Loudon Road is incorrectly labeled as Routes 4, 9, and 202 and shall be revised accordingly. Loudon Road is NH Route 9, and Interstate Route 393 is also US Route 4 and US Route 202.
  - d. The proposed condominium sub unit will have the address of 311 Loudon Road and shall be added to the plan view and included in the title block of the plan along with the address of 313 Loudon Road.
4. Sheet C-3
- a. On Sheet C-3, the existing and proposed buildings shall be labeled as “Unit 1” and “Unit 2” respectively.
  - b. On Sheet C-3, the sanitary sewer location and size for Unit 1 shall be labeled.
  - c. On Sheet C-3, the area of Unit 1 is shown as 1,867 square feet, but 1,840 square feet on Sheet CS-1 and shall be revised to be accurate and consistent through the plan set. Additionally, the area of unit 2 shall also be shown on both sheets.
  - d. On Sheet C-3, the erosion control features shall be provided, including a legend of erosion-control line types.
  - e. On Sheet C-3, the required loading area shall be both tabulated and provided pursuant to Section 20.03 *Design Standards for Loading Spaces* of the Site Plan Regulations and Article 28-7 *Access, Circulation, Parking and Loading* of the Zoning Ordinance. The Site Layout Plan dated April 13, 2011, shows a loading area located behind Proposed Unit 1.
  - f. On Sheet C-3, the proposed addition/condo unit address shall be labeled as 311 Loudon Road.

- g. The address of the title block shall be revised to reflect the correct address of 311 Loudon Road.
- 5. Sheet L-1
  - a. On Sheet L-1, the proposed addition shall be addressed as 311 Loudon Road and not 313 Loudon Road.
  - b. On Sheet L-1, the address of the title block shall be revised to reflect the correct address of 311 Loudon Road.
- 6. Sheet D-1
  - a. Callouts on the site plan shall be provided for the Dandy Bag II, Silt Sock, and Bollard details pursuant to Section 16.02(22) *Construction Details* of the Site Plan Regulations.
  - b. On Sheet D-1, the bollard detail shall be revised accordingly for conformance with Concord Construction Detail M-9. the 6-inch diameter shall be revised to 8-inch diameter for the steel and plastic pipes. The 1-foot 6-inch dimension for the concrete footing shall be revised to 1-foot 8-inches. On the bottom of the pipe, revise the 6-inch diameter dimension to 8-inch diameter dimension and the footing diameter to 1-foot 8-inches; Revise the “schedule 40 steel” reference to “schedule 40 galvanized steel.”
  - c. On Sheet D-1, the gas main trench detail shall be removed, as the “Typical Utility Conduit Installation Detail” provided on Sheet D-2 shall be used for both the gas and electric lines, pursuant to Section 16.02(22) *Construction Details* of the Site Plan Regulations.
  - d. A concrete pad detail shall be provided to accompany the callout for one provided on Sheet C-3, pursuant to Section 16.02(22) *Construction Details* of the Site Plan Regulations.
- 7. Sheet D-2
  - a. On Sheet D-2, Detail L-1 refers to Concord Detail L-9. Include Detail L-9 on this sheet, pursuant to Section 16.02(22) *Construction Details* of the Site Plan Regulations.

**3 Variances:**

- 3.1 No variances are requested.

**4 Waivers:**

- 4.1 The applicant requests a waiver from the following section of the Site Plan Regulations:
- a. Section 16.02(12)(b), to not provide a drainage study which includes 10-year and 25-year storm runoff estimates, including calculations, and instead allow an alternative drainage study that qualitatively evaluates stormwater runoff from the site.

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 the waiver request in Item 4.1(a)**

**5 Conditional Use Permits:**

- 5.1 No conditional use permits are requested.

**6. Architectural Design Review**

6.1 As a minor site plan, architectural design review is not necessary for this application. However, a building permit in the Gateway Performance (GWP) District is subject to architectural design review approval. In anticipation of this, the applicant appeared before the Architectural Design Review Committee on April 1, 2025. The Architectural Design Review Committee recommended approval of the application as submitted.

**7. Conservation Commission:**

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

**8. Recommendations:**

8.1 Staff recommends that the Planning Board discuss and adopt the findings of fact, which include: information provided in staff reports; the applicant's 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 proposed 1,867-square-foot addition and anticipated building permit within a performance district at 313 Loudon Road as submitted.

8.3 **Grant the waiver request below** from the listed sections of the Site Plan Regulations, using the criteria listed in Section 36.08 of the Site Plan Regulations, and the criteria in RSA 674:44(III)(e).

a. Section 16.02(12)(b) to not provide a drainage study which includes a 10-year and 25-year storm runoff estimate, including calculations, and instead allow an alternative drainage study that qualitatively evaluates stormwater runoff from the site.

8.4 **Grant minor site plan approval** for the proposed 1,867-square-foot addition at 313 Loudon Road, as submitted, subject to the following precedent and subsequent conditions:

(a) **Precedent Conditions** – Per Section 7.08(9) *Expiration of Approval*, approved site plans shall meet all precedent conditions and obtain the signature of the Chair and Clerk of the Planning Board within one year of the date of the Planning Board meeting where conditional final approval was granted; otherwise said plans shall be null and void. Precedent conditions are as follows:

1. Revise the plan set to show full compliance with the Concord Municipal Code, Site Plan Regulations, and Concord Construction Standards and Details, including but not limited to, the following:
  - a. Per Section 12.02(1)(a) *Title Block*, the title of the plan and title of the title block shall be revised to be consistent throughout the plan set.
  - b. Per Section 12.02(1)(b), the spelling of the name of owner shall be corrected to the correct spelling of “West Street Keene LLC” throughout the plan set title blocks.
  - c. Per Section 12.02(1)(c) the title block through the plan set shall be revised to provide a single and consistent date of preparation.
  - d. Per Section 12.02(3) *North Arrow and Bar Scale*, the north arrow shall be added to Sheet C-3 *Site, Grading, Util. & Stormwater Mgmt.*, and the north arrow on sheet L-1 *Lighting Plan* shall be reoriented correctly to north.
  - e. Per Section 12.05 *Vicinity Plan*, the scale of the vicinity plan on the cover sheet shall be revised to have a scale between 1” =1,000’ and 1” =2,000’

- f. Per Section 12.06(1) *Certificate of Ownership*, the cover sheet provides a reference to an owner/applicant of Christine M. Windler Trustee ROI Irrevocable Trust which is not the listed owner West Street Keene LLC, nor the applicant TFMoran Inc and shall be revised accordingly. Additionally, the cover sheet provides a resource list of city staff, including name and position which is no longer current and shall either be revised accordingly, or removed.
  - g. Per Section 13.01(6) *State and Federal Permits* and Section 13.02(8) *State and Federal Permits*, a note shall be added to the site plan listing the required state and federal permits, or a note shall be added stating that no such permits are required. If State permits are required, a copy of the application shall be provided prior to final approval.
  - h. Per Section 15.03(13) *Flood Hazard*, Note 5 on Sheet S-1 *Existing Conditions Overview Plan* shall be revised to also include the designation if the site is or is not located in the City of Concord Flood Hazard Overlay (FH) District.
  - i. Per Section 15.03(22) *Abutting Properties* and Section 15.04(2) *Abutting Property*, the property addresses shall be added to all abutting properties shown on the existing conditions and site plan.
  - j. Per Section 15.04(20) *Flood Hazard*, Note 5 on Sheet CS-1 *Condominium Site Plat* shall be revised to also include the designation if the site is or is not located in the City of Concord Flood Hazard Overlay (FH) District.
  - k. Per Section 15.04(20) *Flood Hazard*, Note 6 on sheet C-3 *Site, Grading, Util. & Stormwater Mgmt. Plan* shall be revised to also include the designation if the site is or is not located in the City of Concord's Flood Hazard Zoning Overlay (FH) District. Additionally, Note 6 on sheet C-3 *Site, Grading, Util. & Stormwater Mgmt. Plan* shall appear to contradict with Note 5 on Sheet CS-1 *Condominium Site Plan* and Note 5 on sheet S-1 *Existing Conditions Overview Plan* and shall be revised accordingly to provide consistent information.
  - l. Per Section 21.03 *Connection to Public Sidewalks*, an accessible route, and any applicable improvements shall be provided for a connection between the building to the sidewalk on Loudon Road.
2. Revise the plan set to show full compliance with the Concord Municipal Code, Site Plan Regulations, and Concord Construction Standards and Details, including but not limited to the following Engineering Items:
    - a. On the Cover Sheet, the Vicinity Plan incorrectly labels Loudon Road as Routes 4, 9, & 202 and shall be revised accordingly pursuant to Section 12.05(2) of the Site Plan Regulations. Loudon Road is NH Route 9, and Interstate Route 393 is also US Route 4 and US Route 202.
    - b. Engineering has determined the addition will have the address of 311 Loudon Road. References of this building as 313 Loudon Road shall be revised accordingly, including the middle of the cover sheet, on the building on sheets C-3 and sheet L-1, and the title block on the lower right throughout the plan set.
    - c. On Sheet S-1 and S-2, a reference to the site plan conditionally approved on March 16, 2011 as cited in the Drainage Study cover letter included shall be added to the plan pursuant to Section 12.06(4) *Prior Subdivisions or Surveys* of the Site Plan Regulations.
    - d. On Sheet S-1 and S-2, the callout on the plan for the clean out on the southwest side of the existing unit 2 shall specify if it is for sanitary or storm sewer line, pursuant to Section 15.03(10) *Municipal Utilities* of the Site Plan Regulations.
    - e. Sheet S-1 and S-2, the existing building shall be labeled as "Unit 2", pursuant to Section 15.02(8) *Addresses* of the Site Plan Regulations.

- f. On Sheet S-1, within the plan view, Loudon Road is incorrectly labeled as Routes 4, 9, & 202 and shall be revised accordingly to be consistent with the Vicinity Plan.
- g. On Sheet S-1, the Vicinity Plan incorrectly labels Loudon Road as Routes 4, 9, & 202 and shall be revised accordingly pursuant to Section 12.05(2) of the Site Plan Regulations.
- h. On Sheet S-2, the subject site is incorrectly labeled as Land Condominium Unit 1-2; it should be Land Condominium Unit 1-3, and shall be revised accordingly, pursuant to Section 15.04(5) *Addresses* of the Site Plan Regulations.
- i. On Sheet CS-1, the subject site is incorrectly labeled as Land Condominium Unit 1-2; it should be Land Condominium Unit 1-3 and shall be revised accordingly per Section 15.02(8) *Addresses* of the Subdivision Regulations and Section 15.04(5) *Addresses* of the Site Plan Regulations.
- j. On Sheet CS-1, within the plan view, Loudon Road is incorrectly labeled as NH Routes 4 – 9 – 202 and shall be revised accordingly to be consistent with the rest of the plan set.
- k. On Sheet CS-1, within the Vicinity Plan, Loudon Road is incorrectly labeled as Routes 4, 9, & 202 and shall be revised accordingly per Section 12.05(2) of the Subdivision Regulations and Section 12.05(2) of the Site Plan Regulations.
- l. On Sheet CS-1, the proposed condominium sub unit will have the address of 311 Loudon Road and shall be added to the plan view and included in the title block of the plan along with the address of 313 Loudon Road per Section 15.02(8) *Addresses* of the Subdivision Regulations and Section 15.04(5) *Addresses* of the Site Plan Regulations.
- m. On Sheet C-3, the existing and proposed buildings shall be labeled as “Unit 1” and “Unit 2” respectively pursuant to Section 15.04(5) *Addresses* and Section 17.04 *Addressing* of the Site Plan Regulations.
- n. On Sheet C-3, the sanitary sewer location and size for Unit 1 shall be labeled, pursuant to Section 15.04(13) *Municipal Sewer* of the Site Plan Regulations.
- o. On Sheet C-3, the area of Unit 1 is shown as 1,867 square feet on Sheet C-3, but 1,840 square feet on Sheet CS-1 and shall be revised to be accurate and consistent through the plan set. Additionally, the area of unit 2 shall also be shown on both sheets pursuant to Section 15.04(28)(b) of the Site Plan Regulations.
- p. On Sheet C-3, the erosion control features shall be provided, including a legend of erosion -control line types, pursuant to Section 15.04(14) *Drainage and Erosion Control* and Section 27.09 *Erosion Control* of the Site Plan Regulations.
- q. On Sheet C-3, the required loading area shall be both tabulated and provided pursuant to Section 20.03 *Design Standards for Loading Spaces* of the Site Plan Regulations and Article 28-7 Access, Circulation, Parking and Loading of the Zoning Ordinance. The Site Layout Plan dated April 13, 2011, shows a loading area located behind Proposed Unit 1.
- r. On Sheet C-3, the proposed addition / condo unit address shall be labeled as 311 Loudon Road pursuant to Section 15.04(5) *Addresses* and Section 17.04 *Addressing* of the Site Plan Regulations.
- s. Callouts on the site plan shall be provided for the Dandy Bag II, Silt Sock, and Bollard details pursuant to Section 16.02(22) *Construction Details* of the Site Plan Regulations.
- t. On Sheet D-1, the bollard detail shall be revised accordingly for conformance with City of Concord Construction Detail M-9: the 6-inch diameter shall be revised to 8-inch diameter for the steel and plastic pipes; The 1-foot 6-inch dimension for the concrete footing shall be revised to 1-foot 8-inches; on the bottom of the pipe, revise

- the 6-inch diameter dimension to 8-inch and the footing diameter to 1-foot 8-inches; and, revise the “schedule 40 steel” reference to “schedule 40 galvanized steel”.
- u. On Sheet D-1, the gas main trench detail shall be removed, as the “Typical Utility Conduit Installation Detail” provided on Sheet D-2 shall be used for both the gas and electric lines, pursuant to Section 16.02(22) *Construction Details* of the Site Plan Regulations.
  - v. A concrete pad detail shall be provided to accompany the callout for one provided on Sheet C-3, pursuant to Section 16.02(22) *Construction Details* of the Site Plan Regulations.
  - w. On Sheet D-2, Detail L-1 refers to Concord Detail L-9. Please Include Detail L-9 on this sheet, pursuant to Section 16.02(22) *Construction Details* of the Site Plan Regulations.
3. 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.
  4. Upon notification from the Planning Division that the plan set complies with Planning Board conditions, the Zoning Ordinance, Site Plan Regulations, and Concord Construction Standards and Details, the applicant shall deliver to the Planning Division two full-size plan sets and one 11x17 plan set for endorsement by the Planning Board Chair and Clerk. The plan sets shall contain the signature and seal of the appropriate licensed professionals as outlined in the Site Plan Regulations.
  5. The applicant shall confirm whether a NHDES sewer connection permit has been previously secured for the property, and provide a copy thereof to the Planning Division as applicable. If a NHDES sewer connection permit has been previously issued, the applicant shall be limited to the maximum sewer utilization of that approval for the existing building and proposed addition, combined. If the applicant demonstrates to the satisfaction of the City Engineer that sufficient sewer capacity currently exists to support the proposed addition in accordance with any previously issued NHDES sewer connection permit for the property, or any other previously approved sewer capacity for the property as compared to current utilization and additional utilization associated with the proposed 1,867-square-foot addition, then the applicant shall be eligible to connect the proposed addition to the sanitary sewer system. However, if no prior NHDES sewer connection permit exists, or there is insufficient capacity associated with any previously issued NHDES sewer connection permit or other previously approved sewer capacity for the property, then the applicant shall be prohibited from connecting the proposed addition to the municipal sewer system until such time as , if applicable, until such time as aforementioned sewer improvements associated with Capital Improvement Projects 91 and 275 are operational, or sufficient capacity is determined to exist within the municipal sanitary sewer system as determined by the City Engineer (whichever occurs first).
  6. Prior to final approval, the accompanying minor subdivision application (PL-MIS-2025-0037) for the condominium conversion for sub units 1 and 2 located at 311 and 313 Loudon Road (Map Block Lot 46Z 63) shall receive final Planning Board approval and recorded with the Merrimack County Registry of Deeds.
- (b) **Subsequent Conditions** – to be fulfilled as specified:
1. This approval notwithstanding, the applicant is responsible for full knowledge of, and compliance with, the Concord Municipal code, Site Plan Regulations, and Concord

- Construction Standards and Details for the project, unless a variance, waiver, or conditional use permit is specifically requested and granted.
2. Should insufficient sewer capacity exist to serve the property under previously approved NHDES sewer connection permit, or other previously approved capacity for the property, the applicant – subject to receiving final site plan approval and satisfying required building codes – shall be eligible for a building permit from the City of Concord. However, if a building permit is issued, and the applicant is unable to achieve sufficient sewer capacity for the project as outlined in Precedent Condition 5 herein, the applicant’s building permit shall be subject to the following requirements concerning sewer service:
    - a. The 1,867-square-foot addition shall not be connected to the municipal sanitary sewer system until such time as aforementioned sewer improvements associated with Capital Improvement Projects 91 and 275 are operational, or sufficient capacity is determined to exist within the municipal sanitary sewer system as determined by the City Engineer (whichever occurs first); and,
    - b. No certificate of occupancy shall be issued for the 1,867-square-foot addition until such time as aforementioned sewer improvements associated with Capital Improvement Projects 91 and 275 are operational, or the City Engineer otherwise determines that sufficient capacity exists within the municipal sanitary sewer system (whichever occurs first).
  3. Per Section 7.08(7) *Building Permits and Certificates of Occupancy*, no building permit shall be issued where site plan approval is required until the site plan has been approved by the Planning Board, and the pre-construction conditions of approval have been satisfactorily addressed as determined by the Clerk of the Planning Board. No certificate of occupancy shall be issued until all public and private improvements have been completed, and all conditions of a site plan approval established by the Planning Board have been satisfactorily addressed as determined by the Clerk of the Planning Board. Certificate of Occupancy shall be further subject to Subsequent Condition 2 herein, as applicable.
  4. Prior to the start of construction or issuance of a building permit, a preconstruction meeting shall be held, unless otherwise waived by the City Engineer. Prior to the scheduling of a preconstruction meeting, the applicant shall contact Engineering Services Division for the Pre-Construction checklist document and provide all required items. A preconstruction meeting shall only be held once all preconstruction items have been provided to the satisfaction of the City Engineer and City Clerk.
  5. Per Section 7.08(8) *Change of Use*, no change of use approved by the Planning Board shall be allowed to commence operation on a property or within a building without being in full compliance with the approved site plan, architectural design review approval, and any applicable conditional use permits.
  6. Per Section 27.07(8) *Maintenance*, the applicant or their successors shall be responsible for the regular maintenance of all plantings and other landscape features. Plant materials shall be maintained alive, healthy, and free from pests and disease. Tree stakes and guys shall be removed after the first growing season.
  7. Per Section 27.11 *Site Stabilization Guarantee* a site stabilization guarantee shall be provided to ensure the site is properly stabilized. The City Engineer may call said financial guarantee, and stabilize a disturbed site if, upon notice, the applicant has not stabilized or restored the site.
  8. 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.

9. 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.
10. 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.
11. 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.
12. 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: ATB