



# CITY OF CONCORD

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

## Staff Report for Planning Board

Meeting on September 17, 2025

### Project Summary – Amendment to Major Site Plan

Project: Convenience store and car wash (2024-022)  
Property Owner: ROI Irrevocable Trust – Windler Christine Trustee  
Applicant: TFMoran and ROI Irrevocable Trust  
Project Address: 30 and 32 Manchester Street  
Tax Map Lot: 781Z 29

#### **Project Description:**

The applicant is requesting an amendment to the approved major site plan for the new construction of a convenience store at 30 Manchester Street and a car wash located at 32 Manchester Street to expand the sizes of the convenience store to 6,873 square feet and the car wash to 3,409 square feet. There are no proposed changes to the layout itself, just an increase in size to the convenience store and car wash.

#### **Compliance:**

The following analysis of compliance with the Zoning Ordinance and Site Plan Regulations is based on phase 1A gas/convenience store traffic update report, dated 19 August 2025, prepared by TFMoran; a 30-page civil plan set, with 12 revisions dates the latest of which is 8/20/2025, prepared by TFMoran; a 2-sheet architectural elevation set of the car wash, dated August 8, 2025, prepared by Samyn-D'Elia Architects, P.A.; a 2-sheet architectural elevation set of the convenience store, dated August 8, 2025, prepared by Samyn-D'Elia Architects, P.A.; a 361-page amended preface materials stormwater management report, printed 8/5/2025, prepared by TFMoran; and a 1-sheet colored landscape plan, dated March 20, 2024, latest revision date of 8/20/2025, prepared by TFMoran.

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

Zoning District:	Gateway Performance (GWP) District
Existing Use:	None
Proposed Use:	Convenience store and car wash
Overlay Districts:	
Flood Hazard (FH) District	Yes
Shoreland Protection (SP) District	None
Historic (HI) District	None
Penacook Lake Watershed (WS) District	None
Aquifer Protection (AP) District	None
Wetland:	None
Wetland Buffers:	None

#### **2. General Comments:**

- 2.1 Section 36.17 *Minor and Major Amendments* outlines the differences between a minor and major amendment to a previously-approved major site plan. Any increase in floor area of more than 2%

or 1,000 square feet, whatever is greater, is a major amendment. Since the project is increasing the floor area of the convenience store and car wash by more than 1,000 square feet (which is greater than 2% of the floor area), the request is a major amendment.

- 2.2 The major site plan for the original 5,750-square-foot convenience store, addressed as 30 Manchester Street, and the 2,730-square-foot single-bay car wash, addressed as 32 Manchester Street, was conditionally approved by the Planning Board on May 15, 2024, and received final approval on March 10, 2025. The off-site improvements involving Manchester Street, Black Hill Road, and utilities have been completed. The private driveway for the benefit of both this project and the future development phases to the south of Black Hill Road has also been constructed and is not part of this project. The bus stop shelter shown on the site plan will not be installed as part of this project; rather, it will be installed as part of the first multifamily structure constructed in a future phase. All landscaping on the entire tax lot, including the landscaping to the west of the private driveway will be installed as part of this project.
- 2.3 The Assessing Department, Engineering Services Division, and General Services Department had no general comments.
- 2.4 The Fire Department provided the following comments: “1. Page 24 – Turning vehicle template show vehicle crossing into other lanes. 2. Page 24 – Template showing vehicle having back to out of a drive aisle from car wash parking – outline apparatus exiting from the car wash exit.”
3. **Compliance with Site Plan Regulations:**
  - 3.1 Section 11.10(2) *Phasing of Major Site Plans Timeframe* states that no phase shall exceed two years in duration, and no phasing plan shall exceed six years in total. Sheet C04 has an inset depicting a phase 2 future drive-through. However, no dates have been provided for the onset or completion of construction for either phase 1 or phase 2. Dates of construction will need to be provided on sheet C04 showing that each phase will be completed in compliance with this section.
  - 3.2 Section 12.03(3) *Plan Certification* requires that the landscape plans shall be prepared, signed, and sealed by a New Hampshire licensed landscape architect. Sheet C09 is titled as the landscape plan, but it is missing the signature and seal of the New Hampshire licensed landscape architect as required and needs to be added for compliance with this section.
  - 3.3 Section 13.01(5) *Zoning Board of Adjustment Actions* requires copies of any actions by the Zoning Board of Adjustment to be submitted with the site plan application. The Zoning Board of Adjustment granted use variance approval for the car wash on February 7, 2024. This approval expires on February 7, 2026. A copy of the action was submitted with the original site plan application, and the use variance is noted on sheet C01. However, no expiration date is listed on sheet C01 and needs to be revised to add the expiration date of February 7, 2026.
  - 3.4 Section 13.01(6) *State and Federal Permits* and Section 13.02(8) *State and Federal Permits* requires a copy of any application made to a state and federal agency required for the approval of this site plan. Sheet C01 notes a sewer connection permit and an alteration of terrain permit, neither of which were submitted with the amendment request. Copies of both the sewer connection permit and alteration of terrain permit shall be submitted with the revised plan set.
  - 3.5 Section 13.01(7) *Phasing Plan* and Section 16.02(11) *Phasing* requires that a statement describing the proposed phasing, including the timeframe and the improvements and facilities

- provided in each phase, be provided on the site plan. Sheet C04 is missing the required statement that clearly describes what will be accomplished in phase 1, and when, and what will be accomplished in phase 2, and when. For clarity, a separate sheet identified as sheet C04.1 shall be added to the plan set showing the entire site plan as phase 2 and the phase 2 inset shall be removed from sheet C04. The current inset is not clear how or what will be changed to the site as part of phase 2, and how the changes will impact the parking layout, loading area, and drive aisles/drive-thru/bypass lane for the convenience store. This clarity can be provided by having a separate sheet for phase 2.
- 3.6 Section 15.04(2) *Abutting Property* requires that sheet C04 show the full names and address of all abutters, along with the abutting property addresses themselves. This required information is missing from sheet C04.
- 3.7 Section 15.04(4) *Proposed Use* requires that sheet C04 include a note clearly identifying both the existing and proposed use. Note 3 states the proposed use, but does not include any indication of the existing use or status of the site, including any offsite improvements or utilities previously constructed/installed.
- 3.8 Sections 15.04(5) *Addresses*, 16.02(7) *Addresses*, and 17.04 *Addressing* require the address of each proposed building noted on the site plan. Sheet C04 has the address of the car wash listed in the building footprint, but the address of the convenience store of 30 Manchester Street is missing and needs to be added to the building footprint for compliance with this section.
- 3.9 Sections 15.04(7) *Restrictions*, (12) *Easements and Rights-of-way*, and 16.02(9) *Restrictions*, requires that each site plan contain notations of all covenants, imposed restrictions, and any other restrictions, or easements. Add note 15 to sheet C04 listing all the restrictions, covenants, and easements on the site, with a description of each. If there are any, they also need to be depicted in the plan view on sheet C04. If none exist, the note shall state as much. Specifically include any easements or restrictions pertaining to future phases of the ROI Black Hill Road development, including recording dates, and book and page information.
- 3.10 Section 15.04(9) *Streets and Right-of-Way* requires that the site plan show the location, right-of-way, and travel way widths of all existing and proposed streets. Sheet C04 shows a proposed access easement for the private driveway. The recording information for this access easement needs to be added to sheet C04. The widths and centerlines of Manchester Street and the private driveway are missing. It appears that the private driveway is shown as proposed on sheet C04, and the private driveway actually now exists. Sheet C04 needs to be updated to clearly identify and label those items shown that are existing, including the existing private driveway and the existing paving of Black Hill Road. The bus stop shelter needs to be labeled as intended for future construction as part of the future multifamily development phase and is not part of the improvements to be constructed for the convenience store/car wash project.
- 3.11 Section 15.04(10) *Buildings and Structures* requires that the exterior dimensions of the proposed buildings and structures be shown on the site plan. Sheet C04 is missing the exterior dimensions of the convenience store and the car wash, and the car wash does not include labeling of one bay or two bays.
- 3.12 Section 15.04(21) *Signs* requires that the location and size of existing and proposed freestanding signs be shown on the site plan. Sheet C04 shows what is assumed to be a proposed freestanding sign, without clear indication of existing or proposed, or the size and height of the sign. All this

information shall be added as required. For clarity, also add a note to sheet C04 stating that no other freestanding signs are proposed other than the one shown. If the height and size are not known, the note shall state as much with the additional statement that a sign plan shall be submitted at a later date for architectural design review.

- 3.13 Section 15.04(27) *Fire Suppression* requires that proposed fire alarm service and fire suppression system shall be noted on the site plan. Sheet C04 does not have any notes stating proposed fire alarm or fire suppression systems as required.
- 3.14 Section 15.04(28) *Tabulations* requires certain square footages and percentages to be noted on the site plan. Sheet C04 contains some of the required information, but not all. For compliance with the section, the following numbers need to be stated: ground coverage of only the buildings and structures in square footage and percent; ground coverage for parking and loading areas only in square feet and percent; and square feet of internal parking landscaping, with percent of internal parking landscaping versus the total parking and loading area square footage.
- 3.15 Section 16.02(13) *Erosion Control* requires submittal of an erosion control and planting plan showing methods to control erosion and stormwater runoff during construction, as well as permanent methods to revegetate disturbed areas. The submitted erosion control plan is outdated and does not reflect current conditions or what is proposed for the site. Accordingly, sheet C03 needs to be updated to reflect the current conditions and the proposed project, including showing the existing private driveway and Black Hill Road as already being installed.
- 3.16 Section 16.02(18) *Demolition Plan* requires submittal of a demolition plan. Whereas the submitted plan set includes the required demolition plan identified as sheet C03, it is outdated and needs to be revised to be reflective of what will occur on the site for the project, not what has already occurred.
- 3.17 Section 18.03 *Required Parking* states that parking spaces shall be provided in the amount set forth in Article 28-7 *Access, Circulation, and Parking*. The convenience store at 6,873 square feet requires 28 spaces (one space per 250 gross square feet floor area), two spaces are required for the automatic car wash (two per bay), and 12 spaces for the gas pumps (one space for each pump), for a total of 42 required spaces. The parking tabulations on sheet C4.0 are incorrect. The tabulations list 52 required spaces for phase 1, and list the retail sale of gasoline, the convenience store, and a restaurant with drive-through service. The car wash is not listed in the tabulations, and the project does not contain a restaurant with drive-through service. A separate sheet for phase 2 needs to be provided, and sheet C4.0 needs to be revised to only show phase 1 parking and stacking requirements, with phase 2 parking and stacking requirements being provided on the new separate sheet.

The one-bay car wash requires five stacking spaces, with 13 being provided, whereas the gas pumps require 18 stacking spaces and only 16 are being provided. As presented, the stacking space requirement for the gas pumps is not being met and needs to be revised for compliance. Additionally, the typical dimensions of the stacking spaces need to be labeled with the required dimensions of 9 feet wide and 20 feet long.

- 3.18 Section 18.07 *Parking Lot Aisles* sets forth the required minimum aisle width for two-way traffic as 24 feet in width. The drive aisle in the northwest portion of the site is labeled as 32 feet in width, but that width includes the nine-foot width of the stacking space leaving only 23 feet for the drive aisle. Accordingly, this two-way drive aisle does not meet the minimum width

required by this section and shall be revised.

- 3.19 Section 18.08 *Design of Stacking Spaces* sets forth the number of stacking spaces required for drive-in or drive-through lanes, as measured from the ordering window or station. The section also requires an eight-foot-wide bypass lane for a drive-up facility. While phase 1 has no drive-up facilities, the inset shown on sheet C04 for phase 2 shows a future drive-up facility but it is unclear from what is depicted how the requirements are being met for the number of stacking spaces and bypass lane. For clarity, remove the inset from sheet C04 and add a separate sheet C04.1 that clearly depicts and labels all items required for phase 2, including uses, updated tabulations, parking spaces, stacking spaces, and bypass lanes.
- 3.20 Section 18.10 *Driveway Widths* states the required driveway widths connecting parking lots to streets, as well as providing the minimum and maximum driveway radii at the public street. The proposed driveway at the southeast portion of the site off of Black Hill Road shows 30-foot radii on both sides. The maximum allowed by this section is 25 feet, so sheet C4.0 needs to be revised accordingly, as well as all other sheets pertaining to this width.
- 3.21 Section 18.13 *Interior Parking Lot Landscaping* requires landscaped open space within the perimeter of the parking lot where 50 or more parking spaces are required. Staff calculates a requirement of 42 parking spaces, which would mean interior parking lot landscaping is not required. However, sheet C4.0 states there is a parking requirement of 52 spaces, which staff believes is inaccurate. The applicant needs to confirm the parking calculations and revise note 8 on sheet C4.0 as applicable. If there is a requirement of 52 parking spaces, then the landscaping plan must be revised to state the gross square footage of the parking lot area, five percent of that gross square footage, and then illustrate in the plan view the landscaped five percent of the parking area. As submitted, the landscaping plan states that less than 50 parking spaces are required, which does not align with note 8 on sheet C4.0.
- 3.22 The landscaping plan does not appear to show any nonorganic mulch, stone, or landscape fabric in the required landscape areas. However, to ensure compliance with Section 18.16 *Restrictions in Required Landscape Areas*, add a note to sheet C09 stating that internal parking lot islands shall either be grassed or planted with ground cover and that nonorganic mulch, stone, or landscape fabric are not allowed in required landscape areas.
- 3.23 Section 18.17 *Tree Plantings* provides the requirement for planting one tree for each 1,000 square feet of proposed parking area. Sheet C09 lists 9,200 square feet of parking area for a total planting requirement of nine trees, with 13 trees being provided. Staff counts either eight or 12 trees in the parking area, depending upon if the landscaped triangular area in the southeast corner is considered part of the parking area or not. Neither number aligns with the stated 13 trees. Sheet C09 shall be revised to provide an accurate count for the number of trees being provided in the parking area with clear distinction of trees in parking area versus trees outside of the parking area.
- 3.24 Sections 18.20 *Construction Standards* and 18.22 *Grades* require that parking lots shall be constructed as set forth in Article 28-7 and the Construction Standards and Details. The detail provided on sheet D04 for the dumpster enclosure and dumpster concrete pad are not the details from the Construction Standards and Details and shall be removed and replaced accordingly.

Additionally, to ensure compliance with this requirement throughout construction, a note shall be added to both sheets C04 and C05 stating that all construction shall be compliant with the

- Zoning Ordinance, Site Plan Regulations, and Construction Standards and Details, unless a specific variance or waiver has been granted otherwise, including that slopes of parking spaces shall not exceed 5% in any direction.
- 3.25 Section 20.04 *Location of Loading Spaces* provides setback requirements for loading spaces. To ensure compliance with this requirement, sheet C4.0 shall be revised to show and clearly label the distance of all loading areas from the property line such that no portion of any loading area is within 10 feet of any property line.
- 3.26 Section 20.05 *Screening of Loading Areas* provides the requirement that loading areas shall be screened from view from abutting properties and abutting streets to the maximum extent possible. Sheet C09 shows the planting of deciduous trees to screen the loading area, but no shrubs and no evergreen trees. Without any evergreen trees or shrubs, there will be no screening during the fall and winter months. To ensure screening from view from the abutting Black Hill Road and the property to the south, the seven trees planted in the buffer area to the south of the loading area shall be replaced with evergreen trees, northern New England native species to the extent possible, with the addition of evergreen shrubs. Evergreen trees for this purpose shall be at least eight feet in height at the time of planting, and evergreen shrubs shall be at least four feet in height at the time of planting, with shrubs being planted no more than five feet apart, and trees being planted no more than 40 feet apart.
- 3.27 Section 21.05 *Design Standards* requires that all sidewalks, both on the site and off the site, shall be constructed in conformity with the Construction Standards and Details, including minimum width of five feet exclusive of curbing, a maximum transverse slope of 2%, sloping towards the street, driveway, or parking area, with all measurements taken from the top of the granite curbing, and an accessible route from the building entrance to a public sidewalk. Add a note to sheet C04 and sheet C05 stating that all new sidewalks shall comply with the Construction Standards and Details, including specifically noting that all new sidewalks shall comply with Section 3.02.D and Section 3.03.M, N, and O, of the Construction Standards and Details, shall be a minimum of five feet in width, exclusive of curbing, and shall have a maximum transverse slope of 2%, sloping towards the street, driveway, or parking area. Add a note stating that an accessible route shall be provided from the main public entrance of the convenience store to Manchester Street that meets federal guidelines for an accessible route to the public way.
- 3.28 To ensure compliance with Section 25 *Nonmunicipal Utilities*, a note shall be added to sheet C04 stating the following: “The applicant is responsible for all coordination with the utility companies to ensure that nonmunicipal utilities are installed in accordance with the plans approved the Planning Board pursuant to the Site Plan Regulations. All utility facilities shall be located underground through the proposed development with existing utility facilities located above ground being removed and placed underground except where existing on public streets and rights-of-way. All service connections shall be constructed to the standards contained in the Construction Standards and Details and established by the private utility company.”
- 3.29 Section 26 *Buffers and Screening* requires screening of all rooftop and ground-mounted mechanical equipment, as well as outside storage. Sheet C04 does not show any rooftop or ground-mounted equipment, nor does it show any outside storage areas, so the assumption is the project does not propose any such features. Note 16 on Sheet C04 states that lighting, signage, landscaping, and screening shall meet the requirements of the City of Concord Zoning Ordinance and Site Plan Regulations. Revise this note to read as follows: “Lighting, signage,

landscaping, and rooftop and ground-mounted mechanical equipment, outside storage, and solid waste receptacle screening shall meet the requirements of the City of Concord Zoning Ordinance, Site Plan Regulations, and Construction Standards and Details unless a specific variance or waiver has been granted allowing otherwise.”

- 3.30 It is unclear from sheet C09 if full compliance with Section 27 *Landscaping and Environmental Considerations* is being achieved. The sheet shall be revised to ensure and show compliance with the following:

General Review all the landscape notes and remove any that conflict with any requirements or planting details from the Construction Standards and Details. Specifically, review note 8 against the deciduous and evergreen tree planting details.

General The number of trees provided in the calculations is listed as 13 trees. Identify which of the trees are counting towards the 13 parking area shade trees.

27.03 *Landscape Plans.* Requires landscape plan to be prepared, stamped, and sealed by a New Hampshire licensed landscape architect. The submitted sheet C09 does not appear to have been prepared by a New Hampshire licensed landscape architect since the stamp and seal is that of a licensed professional engineer. This sheet needs to be revised accordingly.

27.06(3) *Placement of Landscape Material.* Requires that plant material be located to avoid interference with vehicular sight distance at intersections and driveways, and shall not project over sidewalks below a height of eight feet, and shall have a structure and growth form which prevents them from obstructing sidewalks and walkway. On sheet C09, show and label the sight distance triangles on both sides of all driveway entrances and ensure that no plantings are taking place that interfere with these required sight vision areas. Also ensure that the plant and tree species proposed for planting along sidewalks comply with this section, and add a note to sheet C09 stating that no plant material shall project over sidewalks below a height of eight feet.

27.06(4) *Overhead Utilities.* Provides for certain trees to be planted underneath overhead utility lines to avoid interference with utility lines. To ensure compliance, add a note to sheet C09 that states: “Trees to be planted underneath overhead utilities shall be selected from the list in Section 7.02.B.2.a of the Construction Standards and Details.”

27.06(5) *Underground Utilities.* Prohibits planting of trees within 10 feet of existing or proposed underground utility lines. Add a note to sheet C09 that states: “No trees shall be planted within 10 feet of existing or proposed underground utility lines.”

27.07(3) *Groundcover.* Requires all areas not covered with natural vegetation to be covered with grass or other vegetative groundcovers, with the exception of planting beds which may be mulched. To ensure compliance with this requirement, add a planting note to sheet C09 that states: “All open space areas not covered with natural vegetation shall be covered with grass or other vegetative groundcovers, with the exception of planting beds which may be

mulched.”

- 27.07(7) *Mulch.* Prohibits nonorganic mulch, stone, or landscape fabric in required landscape areas, although allowed in areas that are not required as landscaped areas. To ensure compliance with this requirement, add a planting note to sheet C09 that states: “Nonorganic mulch, stone, or landscape fabric is prohibited in the required landscaped areas, but acceptable in areas that are not required as landscaped areas.”
- 27.09 *Erosion Control.* Requires installation and maintenance of erosion control measures in accordance with the Construction Standards and Details, New Hampshire Department of Environmental Services, and the US Environmental Protection Agency. To ensure compliance, any sheets in the plan set with erosion control methods or measures shall be updated to be consistent with the current conditions of the site, the amended plan, and all City, State, and Federal requirements, including submittal of copies of any required permits.
- 3.31 Section 29 *Lighting* provides the requirements for external building and site lighting. The submitted sheet L1 does not fully comply with all requirements, and shall be revised as noted below for full compliance:
- 29.03 *Parking Lot Lighting.* Among other items, provides a maximum mounting height of fixtures on light poles at 25 feet. Note 1 on sheet L1 shall be revised to add the maximum mounting height of 25 feet, in addition to the already-stated height requirement over 15 feet requiring cutoff light fixtures.
- 29.05 *Canopy Lighting.* Provides maximum illumination of 20 foot-candles under canopies with a 4:1 uniformity ratio between average illumination and minimum illumination. The uniformity ratio is being met, but there are portions of lighting underneath that canopy that exceed 20 foot-candles and need to be adjusted to 20 or below for compliance.
- 29.07 *Nuisance and Glare.* Prohibits light trespass beyond property boundaries greater than 0.2 foot-candles. Sheet L1 shows instances of light trespass over 0.2 foot-candles along the north boundary at the driveway intersection and one instance at the southeast boundary.
- 3.32 The Engineering Services Division provided compliance comments as follows:
- On Sheet C-04, the sloped granite curb (edging) has been reduced in length along the east entrance on Black Hill Road. The edging shall remain to the extents as originally shown to help direct traffic in and out of the site.
  - Turn on the labels for slope, pipe size and length of the storm sewer pipes on sheet C-05 and/or sheet C-10.
  - Staff notes that the project’s drainage system ties into a public drain line located on the westerly side of the property. During construction of offsite improvements, it was determined that this system (which consists of a 30-inch corrugated metal pipe) is clogged with debris and appears to be in poor condition. The applicant shall clean and inspect (video) the existing 30-inch corrugated metal pipe from where the site’s drainage system overflow connects into this pipe at DMH 4 to the offsite downstream outlet of



drainage system (presumably at or near the Merrimack River). If upon the applicant's inspection it is determined that any portion of the pipe requires repair or replacement, the applicant shall be solely responsible for making any such repairs/replacement in accordance with the City's Construction Standards and Details.

- 3.33 The Fire Department noted that the project and plan set must comply with the fire code.
- 3.34 The Assessing Department and General Services Department had no compliance comments.

#### **4 Variances:**

- 4.1 At the meeting held on February 7, 2024, the Zoning Board of Adjustment granted the applicant's requested variance as follows:

- Section 28-2-4(j)J.7 to allow the car wash to be developed as accessory to the principal gasoline use.

Per Section 28-9-3(c)(6) *Expiration of a Variance* of the Zoning Ordinance, if the use or construction so authorized by a variance has not commenced within a two-year period from the date of the decision of the Zoning Board of Adjustment, then the variance shall be deemed to have expired and the authorization shall be considered null and void. Upon request, submitted prior to the date of expiration, which in this case is February 7, 2026, the Zoning Board of Adjustment may extend the period of validity for one additional year provided that the applicant presents evidence of a good faith effort made to commence the use or construction so authorized, that the delay in commencement was beyond the applicant's control, and that the circumstances relating to the property and the surrounding neighborhood have not changed substantially since the date of the original decision. Once an extension has been granted, should the use or construction so authorized not be commenced within the one-year extension period, then the variance shall be deemed to have expired.

#### **5 Waivers:**

- 5.1 No waivers are requested as part of the amendment application.

#### **6 Conditional Use Permits:**

- 6.1 Conditional use permits are not required for this amendment. The original application received approvals for conditional use permits for number of driveways and driveway separation. The approvals are valid until May 17, 2026.

#### **7 Architectural Design Review:**

- 7.1 No appearances before the Architectural Design Review Committee are necessary for this application. The original application received architectural design review approval for the convenience store and car wash, and this amendment is not proposing any changes to the exterior features or colors of either, just an increase in size. The signs and canopy were not part of the original design review approval, and an application will need to be submitted for architectural design review approval prior to their installation.

#### **8 Conservation Commission:**

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

#### **9 Recommendations:**

- 9.1 Staff recommends that the Planning Board **adopt the findings of fact**, which include: information provided in staff reports; the applicant's submission materials; testimony provided

during the public hearing; and other documents or materials provided in the public hearing.

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

- 9.2 **Grant major site plan amendment approval** for the requested 6,873-square-foot convenience store expansion and 3,409-square-foot car wash expansion at 30 and 32 Manchester St, as submitted, and subject to the following:
- a. Precedent Conditions – Per Section 7.08(9) *Expiration of Approval*, approved site plans shall meet all precedent conditions and obtain the signature of the Chair and Clerk of the Planning Board within one year of the date of the Planning Board meeting where conditional final approval was granted; otherwise said plans shall be null and void.
    1. Unless a specific variance, waiver, or conditional use permit is granted stating otherwise, revise the plan sheet/set to fully comply with the Site Plan Regulations, Zoning Ordinance, and Construction Standards and Details, including but not limited to the following:
      - a. List commencement and completion dates of construction for phase 1 and phase 2 on sheet C04.
      - b. All landscape plan sheets shall be signed and sealed by a New Hampshire licensed landscape architect. (Sections 12.03(3) and 27.03)
      - c. The expiration date of February 7, 2026, shall be added to the variance listed on sheet C01. (Section 13.01(5))
      - d. Copies of both the sewer connection permit and alteration of terrain permit shall be submitted to the Planning Division along with the revised plan set. (Sections 13.01(6) and 13.02(8))
      - e. Sheet C04 is missing the required statement that clearly describes what will be accomplished in phase 1, and when, and what will be accomplished in phase 2, and when. For clarity, a separate sheet identified as sheet C04.1 shall be added to the plan set showing the entire site plan as phase 2 and the phase 2 inset shall be removed from sheet C04. The current inset is not clear how or what will be changed to the site as part of phase 2, and how the changes will impact the parking layout, loading area, and drive aisles/drive-thru/bypass lane for the convenience store. This clarity can be provided by having a separate sheet for phase 2. (Sections 13.01(7) and 16.02(11))
      - f. Show the full names and addresses of all abutters, along with the abutting property addresses on sheet C04. (Section 15.04(2))
      - g. Add to note 3 on sheet C04 the existing use/current state of the site, including any offsite improvements or utilities previously constructed/installed. (Section 15.04(4))
      - h. Add the address of the convenience store of 30 Manchester Street to the building footprint on all sheets that show the building footprint. (Sections 15.04(5), 16.02(7), and 17.04)
      - i. Add note 15 to sheet C04 listing all the restrictions, covenants, and easements on the site, with a description of each. If none exist, the note shall state as much. Specifically include any easements or restrictions pertaining to future phases of the ROI Black Hill Road development, including recording dates, and book and page information.
      - j. The recording information for the access easement shown on sheet C04 shall be added to sheet C04. The widths and centerlines of Manchester

Street and the private driveway shall be shown and labeled. Sheet C04 shall be updated to clearly identify and label depicted items that are actually existing as existing, including the existing private driveway and the existing pavement of Black Hill Road. The bus stop shelter needs to be labeled as intended for future construction as part of the future multifamily development phase and not part of the convenience store/car wash project. (Section 15.04(9))

- k. Add to sheet C04 the exterior dimensions of the convenience store and the car wash, and label the car wash as one or two bays. (Section 15.04(10))
- l. Show and label the size and height of the proposed freestanding sign shown on sheet C04. Also add a note to sheet C04 stating that no other freestanding signs are proposed other than the one shown. If the height and size are not known, the note shall state as much with the additional statement that a sign plan that includes the canopy shall be submitted at a later date for architectural design review. (Section 15.04(21))
- m. Add a note to sheet C04 stating the type of proposed fire alarm or fire suppression systems or stating that none are required as per the fire code. Section 15.04(27))
- n. Add the following numbers to the tabulations on sheet C04: ground coverage of only the buildings and structures in square footage and percent; ground coverage for parking and loading areas only in square feet and percent; and square feet of internal parking landscaping, with percent of internal parking landscaping versus the total parking and loading area square footage. (Section 15.04(28))
- o. Sheet C03 shall be updated to reflect the current conditions and the proposed project, including showing the existing private driveway and Black Hill Road as already being installed. (Section 16.02(13))
- p. Sheet C03 shall be revised to be reflective of what will occur on the site for the project, not what has already occurred. (Section 16.02(18))
- q. The parking tabulations on sheet C4.0 are incorrect and shall be corrected to reflect the required number of spaces for phase 1, omit the restaurant with drive-through service because there isn't one, remove the phase 2 inset, and add a separate sheet for phase 2 showing the phase 2 parking and stacking requirements. Show and label the typical dimensions of the stacking spaces with the required dimensions of 9 feet wide and 20 feet long. (Section 18.03)
- r. Correct all labeled widths of all drive aisles to show the required width of 24 feet for the two-way drive aisle, not including the measurement of any stacking or parking spaces. (Section 18.07)
- s. Section 18.08 *Design of Stacking Spaces* sets forth the number of stacking spaces required for drive-in or drive-through lanes, as measured from the ordering window or station. The section also requires an eight-foot-wide bypass lane for a drive-up facility. While phase 1 has no drive-up facilities, the inset shown on sheet C04 for phase 2 shows a future drive-up facility but it is unclear from what is depicted how the requirements are being met for the number of stacking spaces and bypass lane. For clarity, remove the inset from sheet C04 and add a separate sheet C04.1 that clearly depicts and labels all items required for phase 2, including uses, updated tabulations, parking spaces, stacking spaces, and bypass lanes.
- t. Correct the driveway radii on sheet C4.0, and any other sheets as

- applicable, for the proposed driveway at the southeast portion of the site off of Black Hill Road to be no more than 25 feet. Review all radii and ensure that none are more than 25 feet. (Section 18.10)
- u. Confirm the parking calculations and revise note 8 on sheet C4.0 as applicable. If there is a requirement of 52 parking spaces, then the landscaping plan shall be revised to state the gross square footage of the parking lot area, five percent of that gross square footage, and then illustrate in the plan view the landscaped five percent of the parking area. As submitted, the landscaping plan states that less than 50 parking spaces are required, which does not align with note 8 on sheet C4.0. (Section 18.13)
  - v. Add a note to sheet C09 stating that internal parking lot islands shall either be grassed or planted with ground cover and that nonorganic mulch, stone, or landscape fabric are not allowed in required landscape areas. (Section 18.16)
  - w. Sheet C09 lists 9,200 square feet of parking area for a total planting requirement of nine trees, with 13 trees being provided. Revise sheet C09 to clearly show/label/identify the 13 trees being provided in the parking area. If fewer than 13 are being provided, then the note needs to be revised accordingly. At least nine trees are required in the parking area. (Section 18.17)
  - x. The details provided on sheet D04 for the dumpster enclosure and dumpster concrete pad are not the details from the Construction Standards and Details and shall be removed and replaced with details from the Construction Standards and Details. Notes shall be added to the details specifically stating the height of the enclosure and the materials of the enclosure such that the enclosure is solid and opaque. Chain link fencing with covering does not count as solid and opaque.
  - y. A note shall be added to both sheets C04 and C05 stating that all construction shall be compliant with the Zoning Ordinance, Site Plan Regulations, and Construction Standards and Details, unless a specific variance or waiver has been granted otherwise, including that slopes of parking spaces shall not exceed 5% in any direction.
  - z. Sheet C4.0 shall be revised to show and clearly label the distance of all loading areas from the property line such that no portion of any loading area is within 10 feet of any property line. (Section 20.04)
  - aa. Sheet C09 shows the planting of deciduous trees to screen the loading area, but no shrubs and no evergreen trees. Without any evergreen trees or shrubs, there will be no screening during the fall and winter months. To ensure screening from view from the abutting Black Hill Road and the property to the south, the seven trees planted in the buffer area to the south of the loading area shall be replaced with evergreen trees, northern New England native species to the extent possible, with the addition of evergreen shrubs. Evergreen trees for this purpose shall be at least eight feet in height at the time of planting, and evergreen shrubs shall be at least four feet in height at the time of planting, with shrubs being planted no more than five feet apart, and trees being planted no more than 40 feet apart. (Section 20.05)
  - bb. Add a note to sheet C04 and sheet C05 stating that all new sidewalks shall comply with the Construction Standards and Details, including specifically noting that all new sidewalks shall comply with Section 3.02.D and Section

- 3.03.M, N, and O, of the Construction Standards and Details, shall be a minimum of five feet in width, exclusive of curbing, and shall have a maximum transverse slope of 2%, sloping towards the street, driveway, or parking area. Add a note stating that an accessible route shall be provided from the main public entrance of the convenience store to Manchester Street that meets federal guidelines for an accessible route to the public way. (Section 21.05)
- cc. Add a note to sheet C04 stating the following: “The applicant is responsible for all coordination with the utility companies to ensure that nonmunicipal utilities are installed in accordance with the plans approved the Planning Board pursuant to the Site Plan Regulations. All utility facilities shall be located underground through the proposed development with existing utility facilities located above ground being removed and placed underground except where existing on public streets and rights-of-way. All service connections shall be constructed to the standards contained in the Construction Standards and Details and established by the private utility company.” (Section 25)
  - dd. Revise note 16 on sheet C04 to read as follows: “Lighting, signage, landscaping, and rooftop and ground-mounted mechanical equipment, outside storage, and solid waste receptacle screening shall meet the requirements of the City of Concord Zoning Ordinance, Site Plan Regulations, and Construction Standards and Details unless a specific variance or waiver has been granted allowing otherwise.” (Section 26)
  - ee. Review all the landscape notes and remove any that conflict with any requirements or planting details from the Construction Standards and Details. Specifically, review note 8 against the deciduous and evergreen tree planting details.
  - ff. On sheet C09, show and label the sight distance triangles on both sides of all driveway entrances and ensure that no plantings are taking place that interfere with these required sight vision areas. Also ensure that the plant and tree species proposed for planting along sidewalks comply with this section, and add a note to sheet C09 stating that no plant material shall project over sidewalks below a height of eight feet. (Section 27.06(3))
  - gg. Add a note to sheet C09 that states: “Trees to be planted underneath overhead utilities shall be selected from the list in Section 7.02.B.2.a of the Construction Standards and Details.” (Section 27.06(4))
  - hh. Add a note to sheet C09 that states: “No trees shall be planted within 10 feet of existing or proposed underground utility lines.” (Section 27.06(5))
  - ii. Add a planting note to sheet C09 that states: “All open space areas not covered with natural vegetation shall be covered with grass or other vegetative groundcovers, with the exception of planting beds which may be mulched.” (Section 27.07(3))
  - jj. Add a planting note to sheet C09 that states: “Nonorganic mulch, stone, or landscape fabric is prohibited in the required landscaped areas, but acceptable in areas that are not required as landscaped areas.” (Section 27.07(7))
  - kk. Any sheets in the plan set with erosion control methods or measures shall be updated to be consistent with the current conditions of the site, the amended plan, and all City, State, and Federal requirements, including submittal of copies of any required permits. (Section 27.09)
  - ll. Note 1 on sheet L1 shall be revised to add the maximum mounting height of

- 25 feet, in addition to the already-stated height requirement over 15 feet requiring cut-off light fixtures. (Section 29)
- mm. The portions of lighting underneath the canopy that exceed 20 foot-candles shall be adjusted to 20 foot-candles or below. (Section 29.05)
  - nn. Revise sheet L1 such that there is no light trespass over 0.2 foot-candles at any portion of any of the site's property lines. (Section 29.07)
  - oo. Revise the plan set for compliance with the Site Plan Regulations and Construction Standards and Details as noted by the Engineering Services Division below:
    - i. On Sheet C-04, the sloped granite curb (edging) has been reduced in length along the east entrance on Black Hill Road. The edging shall remain to the extents as originally shown to help direct traffic in and out of the site.
    - ii. Turn on the labels for slope, pipe size and length of the storm sewer pipes on sheet C-05 and/or sheet C-10.
  - pp. Ensure the plan set is compliant with all fire code requirements, including but not limited to, turning movements. The uploaded revised plan set shall be reviewed by the fire marshal for such compliance.
2. The project's drainage system ties into a public drain line located on the westerly side of the property. During construction of offsite improvements, it was determined that this system (which consists of a 30-inch corrugated metal pipe) is clogged with debris and appears to be in poor condition. The applicant shall clean and inspect (video) the existing 30-inch corrugated metal pipe from where the site's drainage system overflow connects into this pipe at DMH 4 to the offsite downstream outlet of drainage system (presumably at or near the Merrimack River). If upon the applicant's inspection it is determined that any portion of the pipe requires repair or replacement, the applicant shall be solely responsible for making any such repairs/replacement in accordance with the City's Construction Standards and Details.
3. List all approved variances, conditional use permits, and waivers with the section numbers, description, date of approval, and date of expiration on the cover sheet.
4. Upon notification from the Planning Division that the plan set complies with Planning Board conditions, the Zoning Ordinance, Site Plan Regulations, and Construction Standards and Details, the applicant shall deliver to the Planning Division two full-size plan sets, including civil, landscaping, and lighting plans and architectural elevations, for endorsement by the Planning Board Chair and Clerk.
- b. Subsequent Conditions – to be fulfilled as specified:
- 1. The applicant is responsible for compliance with the City's municipal code, Site Plan Regulations, and Construction Standards and Details, unless a variance, waiver, or conditional use permit is granted.
  - 2. Copies of all required state and federal permits shall be submitted to the Planning Division prior to the issuance of building permits or commencement of demolition or construction. (Sections 13.01(6), 13.02(8), 23.08, and 24.09)
  - 3. No building permit shall be issued until the site plan has been approved by the Planning Board and the pre-construction conditions of approval have been satisfactorily addressed as determined by the Clerk of the Planning Board. No certificate of occupancy shall be issued until all site and building improvements have been completed to the satisfaction of the Clerk of the Planning Board according to the approved plans and conditions of Planning Board approval. (Section 11.09(6))
  - 4. The applicant, successors, and assigns shall be responsible for the regular maintenance of all plantings and other landscape features. Plant materials shall be

- maintained alive, healthy, and free from pests and disease. Tree stakes and guys shall be removed after the first growing season. (Section 27.07(8))
5. Existing invasive species shall be removed. All trash, construction material, and debris shall be removed. Dead and dying trees which present a potential hazard to existing and proposed structures shall be removed. (Section 27.07(10))
  6. The site shall be graded and cleared in accordance with the Construction Standards and Details and Section 27.08 of the Site Plan Regulations.
  7. Erosion control measures shall be installed and maintained in accordance with Section 27.09 of the Site Plan Regulations, the State of New Hampshire Department of Environmental Services, and the Construction Standards and Details. Sedimentation and erosion control measures shall be installed prior to the start of construction, and shall be monitored and maintained during construction, and removed after final site stabilization as required by Section 27.09(4).
  8. Temporary sediment and erosion control devices shall not be removed until permanent stabilization is established for the entire site. All temporary erosion and sediment control measures shall be removed after the completion of construction. (Section 27.09(5))
  9. A site stabilization guarantee shall be provided to ensure that sites are properly stabilized. The City Engineer may call said financial guarantee, and stabilize a disturbed site, if upon notice, the applicant has not stabilized or restored the site. (Section 27.11)
  10. The Clerk shall inspect the exterior appearance of sites to determine if the exterior of a building, site, and signage are in conformity with the architectural design review approval granted by the Planning Board. No certificate of occupancy may be issued prior to a determination by the Clerk that the site is consistent with the Board's approval. (Section 33.08)
  11. If there is a conflict between regulations, rules, statutes, provisions or law, or the approved plan set, whichever provisions are the more restrictive or impose higher standards shall control, unless a specific waiver from the provision has been granted by the Planning Board. (Sections 36.04 and 36.05)
  12. No site construction, or change of use of land, shall occur in violation of the Site Plan Regulations and the Zoning Ordinance. No building permits shall be issued prior to satisfactory completion of pre-construction conditions of Planning Board approval. The Clerk shall not approve any certificate of occupancy unless the site is found to comply with the approved site plan and the conditions of Planning Board approval. (Sections 36.15 and 36.24)
  13. Temporary certificates of occupancy are only issued under certain circumstances and only for the items outlined in Section 36.18, only in winter conditions to defer certain weather-dependent items to spring.
  14. It shall be the duty of the Clerk to enforce the regulations and to bring any violations or lack of compliance herewith to the attention of the City Solicitor. (Section 36.19)
  15. Prior to the issuance of a certificate of occupancy, digital as-built drawings shall be provided conforming to the Engineering Services Division's as-built checklist. (Sections 12.09, 13.02(11), and 36.25)
  16. Where a public facility, public utility, or public improvement is to be constructed, a financial guarantee shall be provided. (Sections 13.02(5) and 36.26)
  17. An application for architectural design review for the canopy and the signs must be submitted prior to installation.