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

Staff Report for Planning Board

Meeting on April 16, 2025

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

Project: 150 Manchester St (2025-006)
Property Owner: Manchester Street Concord Auto LLC/Manchester Street Concord Auto TIC LLC
Applicant: Northpoint Engineering, LLC
Property Address: 150 Manchester St
Tax Map Lot: 783Z 4

Determination of Completeness:

The Planning Board determined the application **complete and a development of regional impact on March 19, 2025.**

As a development of regional impact, the Board has 95 days within which to consider and act on the application once the application is determined complete, per RSA 676:4(I)(c). The 95-day period shall commence upon the date of the regular meeting of the Board at which the application was accepted as complete on March 19, 2025, and end on **June 22, 2025**. If the applicant has not demonstrated compliance with the Site Plan Regulations by the end of the statutory timeline (**June 22, 2025**), the applicant may request a continuance or the Board may approve, approve conditionally, or deny the application based on the information provided.

Project Description:

The applicant is seeking major site plan and architectural design review approvals for the expansion of inventory storage and display area onto the Integra Dr portion of the site, along with conditional use permit approval for impervious surface area within the Aquifer Protection (AP) District. The project includes improvements to the site landscaping and lighting, reconfiguration of the vehicle delivery access with a new driveway connection to Integra Dr, and a new closed drainage system to manage onsite stormwater. The site is addressed as 150 Manchester St with the north portion of the site being in the Highway Commercial (CH) District and the south portion of the site being in the Industrial (IN) District. The site has frontage on Manchester St, which also serves as the site's north boundary line, as well as frontage along Integra Dr, which serves as the site's south boundary line. The north portion of the site is surrounded by the CH District and commercial uses, while the south portion of the site is surrounded by the IN District and commercial uses.

Compliance:

The following analysis of compliance with the Zoning Ordinance and Site Plan Regulations is based on an undated narrative; a 20-sheet civil plan set, dated February 2025, prepared by Northpoint Engineering, LLC; a stormwater management report, dated February 19, 2025, prepared by Northpoint Engineering, LLC; and a conditional use permit application narrative, dated January 15, 2025, prepared by Northpoint Engineering, LLC.

1. Project Details and Zoning Ordinance Compliance:

Zoning District: Highway Commercial (CH) District (north portion)
Industrial (IN) District (south portion)

Existing Use: Car dealership

Proposed Use: Expansion of dealership’s inventory display area

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 Yes

Zoning Code Item	Required	Proposed
Minimum Total Area	40,000 square feet	3.85 acres (no change)
Minimum Buildable Land	20,000 square feet	3.85 acres (no change)
Minimum Lot Frontage	200 feet	Manchester St – 150 feet Integra Dr – 200 feet
Minimum Front Yard	50 feet	More than 50 feet
Minimum Rear Yard	30 feet	Not applicable
Minimum Side Yard	25 feet	More than 25 feet
Maximum Lot Coverage	CH = 80% IN = 85%	78.94%
Maximum Building Height	45 feet	Not provided (no change to existing building proposed)
Parking Spaces	1/600 square feet gross floor area, 1/3,000 square feet outside display, 4/repair bay 3,518 square feet gross floor area divided by 600 = 5.86 or 6, plus 36,937 square feet display area (existing and proposed) divided by 3,000 = 12.3 or 12, plus 10 repair bays x 4 = 40 Total = 6+12+40 = 58	73 total parking spaces <ul style="list-style-type: none"> • 70 standard • 3 accessible
Accessible Spaces	51 to 75 spaces in parking area = 3 required accessible	3

1.1 Per Section 29.2-1-2(a)(1) of the Zoning Ordinance, any person or entity which seeks to undertake new development within the City of Concord, shall pay impact fees to the City in the manner and in the amounts set forth in the ordinance. Per Section 29.2-1-2(e)(1) of the Zoning Ordinance, an applicant may apply for a waiver of all or part of the impact fees that are payable with respect to new development or redevelopment. Per Section 29.2-1-2(e)(4)(a) of the Zoning Ordinance, an applicant for the development of permitted nonresidential uses shall qualify for a

waiver of the transportation facilities impact fees. The Clerk determines the impact fee at the time of building permit application, and the applicant must request the waiver prior to the date of the determination. The waiver was requested on March 4, 2025, and this issue is considered resolved.

- 1.2 The site presently contains 77 parking spaces. The project proposes eliminating four of the spaces for a total of 73 spaces. The square footage of the existing building, along with the square footage of the display area and the 10 repair bays, yields a minimum parking space requirement of 58 spaces. With the proposed 73 spaces, three of which are accessible, the parking space amount requirement is being met. It appears that not all the existing spaces meet the required dimensions for a standard parking space (9 feet wide by 19 feet long), but Section 28-8-4(a) of the Zoning Ordinance allows for the continued use of nonconforming characteristics of a use provided that the nonconforming characteristic of a use are not enlarged or increased nor extended to occupy a greater area of land than was occupied. No enlargement, increase, or extension of parking spaces is taking place, so the nonconforming parking spaces may continue being used at their present size.
- 1.3 The minimum drive aisle width of 24 feet is not being met on one portion of the northeast drive aisle. However, Section 28-8-4(a) of the Zoning Ordinance applies to the drive aisle widths, and there is no enlargement, increase, or extension of the nonconforming drive aisle width as part of the project so the current width may remain.
- 1.4 The existing driveway 29.3-foot-wide driveway entrance on Manchester St exceeds the 28-foot maximum. However, Section 28-8-4(a) is applicable for the driveway entrance. No enlargements, increases, or extensions of/changes to the existing driveway entrance are taking place as part of this project, so the existing driveway entrance width may remain.

2. Site Plan Regulations Comments and Compliance:

Comments:

- 2.1 Pursuant to Section 4.01 of the Site Plan Regulations, the regulations apply to all land development within the corporate limits of the City. The subject site is within City limits and development is being proposed, so the Site Plan Regulations apply.
- 2.2 Per Section 6.01(4), for an application to be determined complete, the proposed application must be in conformity with the Zoning Ordinance at the time the notices are mailed to the abutters notifying of the Board's consideration of completeness. To be determined complete where a variance is being requested from the Zoning Board of Adjustment, the site plan application must either comply with the Zoning Ordinance, or the applicant must have obtained favorable approval of the required variances prior to the time the notices are mailed to the abutters notifying of the Board's consideration of completeness. Abutter notifications were mailed on March 5, 2025. At the time of mailing, staff was not aware of any noncompliance with the Zoning Ordinance, noting that the Zoning Board of Adjustment granted approval for a use variance to allow automobile display in an Industrial (IN) District on March 5, 2025. The application was determined complete on March 19, 2025.
- 2.3 Per Section 6.01(5), where conditional use permits are required in conjunction with the proposed site plan application, a completed conditional use permit application shall be made at the same time as the site plan application. Where a conditional use permit is required, no site plan application may be considered complete without the complete conditional use permit application.

- The required conditional use permit application for additional impervious surface in the Aquifer Protection District was submitted with the site plan application, as outlined in Item 5 of this staff report.
- 2.4 Per Section 6.03(2)(c) *Site Plan*, the major site plan phase is a two-step process. The first step is a determination of the Board, after recommendation from the Clerk, that a major site plan is complete or incomplete. Once determined completed by the Board, the major site plan is then scheduled for a public hearing by the Board at the next regular meeting. The meeting on March 19, 2025, was the determination of completeness (first step). The public hearing is being held on April 16, 2025, as the second step in the major site plan application process.
- 2.5 The project was determined to be of regional impact. Accordingly, notifications were made in accordance with Section 11.06 and Section 11.08 of the Site Plan Regulations. Comments were received from Pembroke as follows:
- a. Implementation of a stormwater management plan;
 - b. Spill prevention control countermeasures in accordance with Section 28-3-6(d)(4) of the zoning Ordinance;
 - c. Source control plan in accordance with State of New Hampshire Alteration of Terrain Regulations (Env-W1 1504.08); and
 - d. Installation of a test well on the southern portion of the site to be monitored for VOCs twice a year for five years.
- 2.6 As a development of regional impact and per RSA 676:4(I)(c)(1), the deadline to approve, conditionally approve, or disapprove a complete application is automatically extended by 30 days past the normal 65-day period to a deadline of June 22, 2025.
- 2.7 Per Section 12.01, applicants are responsible for familiarizing themselves with all City, State, and Federal regulations relative to zoning, site plan design and approval, land sales, utilities, drainage, health, buildings, roads, and other pertinent data so that the applicants are aware of the obligations, standards expected, and documents to be submitted.
- 2.9 Sheet 9 is the utilities plan for the project. 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, which means that the proposed utility installations shown on Sheet 9 must take place in the locations and manner as depicted on Sheet 9. 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 Sheet 9 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 Sheet 9 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.
- 2.10 The Assessing Department had no comments.
- 2.11 The Engineering Division had no comments.

- 2.12 The Fire Department commented that a fire alarm system modification permit and a sprinkler suppression system modification permit would be required with a building permit if the existing building were to be expanded. This application, however, does not propose any changes to or expansions of the existing building.
- 2.13 The General Services Department had no comments.

Compliance:

The items below were not required as part of the determination of completeness and must be addressed as conditions of approval.

- 2.14 Section 12.04(9) *Location Plan* requires a location plan to be shown on the cover sheet or the site plan with the zoning district designations and boundaries shown and labeled therein. The required location plan is present on the cover sheet, but it does not include the zoning district designations and boundaries with labels. Since there is also a location plan on the existing conditions plan that does show the zoning district designations and boundaries, that was allowed to suffice for the determination of completeness. However, the addition of the zoning district designations and boundaries to the location plan on the cover sheet shall be addressed as a condition of approval.
- 2.15 Section 13.05 *Zoning Board of Adjustment Actions* requires copies of any actions by the Zoning Board of Adjustment for variances to be submitted with the site plan application. Notes on Sheet 4 list previous actions that have since expired, and approved actions that are valid through July 13, 2025. Additionally, March 5, 2025, the applicant received a one-year extension for the previous approvals referenced in Note 6 to extend the approvals to July 13, 2026, as well as a use variance approval to display automobiles in an IN District. Copies of the actions were provided to the Planning Division after the decisions were issued, so this item was satisfied for the determination of completeness. However, to avoid confusion and provide clarity Note 6 needs to be revised to indicate the date of the one-year extension approval to July 13, 2026; the date on Note 9 needs to be updated to March 5, 2025; and Note 5 needs to be deleted since it's not relevant and creates confusion.
- 2.16 There are no historic structures or sites shown on the existing conditions plan, so the assumption is none are present. However, for confirmation of compliance with Section 15.03(25) *Historic Structures or Sites*, add a note to the existing conditions plan stating the following: "There are no historic structures or sites listed or eligible for the National or State Registers of Historic Places, or any historic markers, on the site or abutting properties or rights-of-way."
- 2.17 The Engineering Division notes that the following revision must be made: within Note 4 on the existing conditions plan, and within the ownership information within the plan view, V. 3886 P. 2445 shall be V. 3836 P. 2445, and V. 3733 P. 2799 shall be V. 3773 P. 2799.
- 2.18 The Engineering Divisions notes that there shall be a clear distinguishing on the site plan and all subsequent sheets between the existing right-of-way to be abandoned and the proposed right-of-way to be adopted by making the new right-of-way line a bolder line type than the right-of-way to be abandoned.
- 2.19 The city surveyor provided the attached draft easement deed and draft mortgagee consent for preparation and submittal for review.

- 2.20 Section 15.04(24) *Solid Waste Facilities* and Section 16.02(14)(d) require showing the type and location of existing and proposed solid waste disposal facilities on the site plan, along with dimensions, setbacks, and types of screening and construction details. The site plan shows a temporary dumpster area and enclosure, but there is no evidence of the permanent dumpster area and enclosure, nor is there any evidence of the type and dimensions of the screening and the screening detail. The site plan shall be revised to show the permanent dumpster area, its dimensions, the type of screening for both the temporary and permanent dumpster area with dimensions, and the detail of the screening for both temporary and permanent dumpster areas.
- 2.21 For clarity and complete compliance with Section 15.04(25) *Outside Storage*, add a note to the site plan stating that no outside storage is proposed.
- 2.22 Section 15.04(26) *Aquifer Protection* and Section 16.02(17) *Aquifer Protection* require that the management provisions for the Aquifer Protection District shall be noted on the site plan for all applicable aquifer protection areas. A note needs to be added to the site plan stating that the entire site is in the Aquifer Protection (AP) District and provide the management provisions as required. If Note 23 on the site plan is in reference to aquifer protection management provisions, then that needs to be so referenced in the note so that it's clear these are the proposed aquifer protection management provisions.
- 2.23 Section 16.02(16) requires a lighting plan with a detail of all light poles including the color and height of all light poles to the top of the fixture. There is a light pole detail shown on Sheet 14 from the Concord Construction Standards and Details, but it does not list the color of the light pole. There is also a light pole detail shown on Sheet 10, but it does not appear to be the light pole detail from the Concord Construction Standards and Details as required. For final approval the detail shown on Sheet 10 shall be eliminated, and the color of the light poles shall be added to the light pole detail shown on Sheet 14.
- 2.24 As required by Section 11.01(7), Section 13.01(6) *State and Federal Permits*, and Section 13.02(8) *State and Federal Permits*, copies of permit applications to state and federal agencies shall be submitted to the Planning Division. Note 11 on Sheet 4 lists two permits that are required by state/federal agencies, and no copies were included with the initial submittal. As a condition of approval, copies of any permit applications listed in Note 11 on Sheet 4 shall be submitted to the Planning Division.
- 2.25 As required by Section 13.02(1) *Right-of-Way Easement*, the appropriate documents (easement deed and easement plan) shall be submitted to the Planning Division for review and approval prior to the signatures on the final plan set, for the depicted 9-foot-wide right-of-way conveyance along the site's Manchester St frontage.
- 2.26 As required by Section 17.02 *Self-Imposed Restrictions*, the right-of-way dedication along the site's Manchester St frontage to be conveyed to the City must be recorded at the Merrimack County Registry of Deeds in a form to be approved by the City Solicitor, Clerk of the Planning Board, and the City Engineer. The draft documents (easement plan and easement deed) shall be submitted for review by staff and subsequent approval prior to recording.
- 2.27 Section 18.06 *Handicapped Accessible Spaces* and federal regulations provide the dimensional requirements for accessible spaces. The site plan does not provide labeled dimensions of the accessible spaces. Dimensions shall be added to the site plan for the accessible spaces showing

- that the required accessible spaces are at least 96 inches wide, with an access aisle at least 60 inches wide, no more than a 1.48 (2.08%) slope in all directions, have a surface that is firm, stable, and slip-resistant, and have a sign with the international symbol of accessibility on it, mounted at least 60 inches above the ground (measured to the bottom of the sign). One van accessible space must be provided that meets one of two options: 1) be at least 132 inches wide, have an access aisle at least 60 inches wide, have no more than 1.48 (2.08%) slope in all directions, provide at least 98 inches of vertical clearance (van height) for the parking space, access aisle, and vehicular route, have a surface that is firm, stable, and slip-resistant, and have two signs mounted at least 60 inches above the ground measured to the bottom of the sign (first sign international symbol of accessibility, second sign stating the space is van accessible); or 2) be at least 96 inches wide, have an access aisle at least 96 inches wide, have no more than 1.48 (2.08%) slope in all directions, provide at least 98 inches of vertical clearance for the parking space, access aisle, and vehicular route, have a surface that is firm, stable, and slip-resistant, and have two signs mounted at least 60 inches above the ground measured to the bottom of the sign (first sign international symbol of accessibility, second sign stating the space is van accessible).
- 2.28 Section 18.12 *Perimeter Landscaping* requires perimeter landscaping around the borders of parking areas. The required perimeter landscaping setback appears to be shown, but some of the areas are not labeled on Sheet 6. For compliance, label the landscape setback on Sheet 6 on the west side and on the north line of the south half.
- 2.29 Section 18.17 *Tree Plantings* requires that one tree shall be planted for each 1,000 square feet of any proposed parking area, including parking spaces, internal landscape islands, access aisles, driveways, fire lanes, and other vehicular circulation areas. Sheet 11 does provide the correct calculations stating that 69 trees are required and 69 trees are provided. However, the quantity of trees shown in the planting schedule totals 68 trees. The applicant shall revise the planting schedule to meet the tree planting requirement of 69 trees.
- 2.30 For compliance with Section 18.19 *Curbing and Guardrails*, clearly label and call out on the landscape plan the curbing and the type of curbing around the parking lot islands and parking lot landscaped areas.
- 2.31 Section 20.06 *Solid Waste Facility Screening* and Section 20.07 *Solid Waste Disposal Areas* provide the screening and design requirements for the solid waste enclosure and required screening. The screening shall be a solid opaque fence not less than 6 feet nor more than 8 feet in height. The plan set does not show the required screening, and shall be revised to show a solid opaque fence (chain link with slats or any type of covering is not solid opaque fence) at the required dimensions for both the temporary and permanent dumpster enclosure, as well as showing the required permanent dumpster enclosure location and dimensions.
- 2.32 Section 21.02 *Sidewalks Required* requires sidewalks adjacent to the site along both the Manchester St and Integra Dr frontages. The required sidewalks are not shown or proposed, and the applicant requests a waiver from providing the sidewalks and instead making an in-lieu payment of equivalent funds to be placed in a City escrow account for the future construction of a sidewalk.
- 2.33 The Engineering Division notes the following requirements for compliance with Section 22 *Stormwater Management* and Concord Construction Standards and Details:

1. The subsurface infiltration basin is modeled in HydroCAD as a single, consolidated system; however, the proposed StormTech chambers are separated into three individual systems on the site plans. The systems are connected with pipes that will require stormwater to back up the pipes and overflow into another system in order to utilize storage. Either the system as designed shall be modeled as three separate systems or the systems shall be connected with pipes that allow for the even/unrestricted distribution of stormwater, connected at the bottom of the systems, to function as currently modeled.
 2. The stormwater management report describes an existing 12” stub provided in existing catch basin (CB) 890 for the purposes of accepting stormwater runoff from the site. The proposed drainage layout shown on the Grading and Drainage Plan (Sheet 8) would require stormwater backups to discharge out of the grates of CBs 16 and 17, and flow overland to CB 890 in Integra Dr. Use the 12” stub for potential overflows to avoid surface runoff in Integra Dr.
 3. Subcatchment areas 28S, 29S and 31S are modeled as flowing directly to point of comparison (POC) #2 (example: CB 890 in Integra Drive), in the post development HydroCAD model. However, the Grading and Drainage Plan (Sheet 8) shows these areas flowing to the adjacent properties. Update model and/or drainage design as necessary.
 4. The minimum time of concentration should be consistent between the pre- and post-development HydroCAD models.
 5. Include surface infiltration basin #1 in the inspection and maintenance manual narrative.
 6. In Part I, Project Narrative – Summary of Results, Table 1 shows at point of comparison (POC) 2 (which is existing CB 890 in Integra Dr) an increase of volume and discharge from the pre-development condition to the post-development condition. Table 1 shows a 0.36 cfs 100-year post-development release compared to a 0.16 cfs 100-year pre-development release, and a 0.15 cfs 50-year post-development release compared to a 0.04 cfs 50-year pre-development release. Table 2 shows an increase in runoff volume for the 10-year storm from 0 cf for pre-development to 187 cf for post-development. Reduce the post-development flows and volume to be equal to or less than the pre-development flows.
 7. In Part IV, the Aerial Map Exhibit appears to show the site expanding southwest more than the site plans show. Revise this map to match the survey.
 8. In the I&M Exhibit and the Post-Development Drainage Area Plan, drainage manhole (DMH) 101 is not connected to existing catch basin (CB) 804 as shown on Sheet 9 in the plan set. Revise to match.
- 2.34 Section 22.17 *Aquifer Protection* requires the noting on the site plan of management provisions for the aquifer protection area, as well as incorporation into the stormwater maintenance and operations plan required by Section 22.05 *Maintenance and Operation Plan*. The site plan does not appear to note the required management provisions and shall be revised accordingly.
- 2.35 The Engineering Division notes that on the existing conditions plan the existing catch basin 890 lists a 12” RCP pipe to the north in the utility structure schedule, but the pipe is not shown on the existing conditions plan. Ensure that both the existing catch basin 890 and the listed 12” RCP pipe to the north are shown on the existing conditions plan.
- 2.36 The Engineering Division notes the following items shall be addressed on the following sheets:
1. Sheet 4 – under Notes 18, change “construction activities that require lane closure(s)” to “pre-construction meeting.”

2. Sheet 4 – Note 11 lists required state and federal permits. EPA NPDES CGP coverage shall also be required for the project since it disturbs more than one acre of land and shall be included in Note 11.
3. Sheet 5 – Stripe the end parking space being removed next to the temporary landscape island so no one parks in this location.
4. Sheet 5 – per 2010 ADA Standards for Accessible Design, at least one accessible route shall be provided within the site from accessible parking spaces and accessible passenger loading zones; public streets and sidewalks; and public transportation stops to the accessible building or facility entrance they serve.
5. Sheet 6 – Show all existing easements on the site plan.
6. Clarify the label of the radii of the entrance curbs on Integra Drive so that it's clear and legible.
7. Sheet 6 – Show and label any proposed pavement markings.
8. Sheet 7 – Turn on existing storm text and renumber DMH 610 to DMH 18158, matching the City of Concord GIS numbering.
9. Sheet 7 – Add spot grades at the proposed accessible parking and ramp to demonstrate compliance with Americans with Disabilities Act (ADA) slope requirements.
10. Sheet 8 – Add “Sheet 7” next to “See note 13,” under SWMB #1 callout.
11. Sheet 8 – Provide storm sewer profiles.
12. Sheet 8 – DMH 101 will need to be an oversize structure to accommodate the number of pipes in it. Core holes in the structure shall have a minimum 12” of separate per City Construction Standard SD-3.
13. Sheet 8 – The outlet pipes for CB 16 and CB 17 appear to be flowing away from the subsurface drainage system based on the drainage notes on this sheet. Typically, the CB outlet pipe invert is higher than the invert of the receiving structure. Based on the HydroCAD model, it appears that the inverts into CB 14 and CB 15 need to be revised.
14. Sheet 8 – The catch basin sump depths listed in the drainage schedule vary between 2 feet and 5 feet. The detail on Sheet 16 shows a standard sump depth of 3 feet. Provide a minimum sump depth of 3 feet per the detail for adequate sediment storage.
15. Sheet 8 – Clarify if the spot grades along the curb lines represent top or bottom of curb elevations.
16. Sheet 9 – Show the size of the existing sewer line.
17. Sheet 10 – Revise this sheet to meet the uniformity ratio 4:1 requirement of Section 28-7-7(j) of the Zoning Ordinance.
18. Sheet 11 – Revise this sheet under Turf Establishment Schedule (1), replace 4” with 6” as required by Section 27.09(3) of the Site Plan Regulations.
19. Sheet 12 – Darken the proposed construction exit hatch on the plan view and the erosion control legend.
20. Sheet 12 – Add a silt sock detail on the detail sheets for the silt sock called out on this plan sheet.
21. Sheet 13 – Replace the typical sign post-in soil detail with Construction Standard Detail M-1.
22. Sheet 14 – Replace the “site lighting trench section (typ.)” detail with Construction Standard Detail U-1 “typical utility conduit installation” detail.
23. Sheet 14 – Show a callout and location for the molded pull box detail on the site plan sheets or remove the detail from Sheet 14.
24. Sheet 15 – Include Construction Standard Detail L-9 as called out in Detail L-3.
25. Sheet 16 – Show a callout for where the structure “typical snout detail” is used.
26. Sheet 18 – Under “Construction Sequences” notes 12 and 13, revise the 4” of loam to 6”, as required by Section 27.09(3) of the Site Plan Regulations.

27. Sheet 18 – Callouts for the stone check dam and the erosion control mats are not shown on the site plan. Either call out these details on Sheet 12 and the erosion control legend, or remove the details from Sheet 18.
 28. Sheet 19 – Callouts for the following details cannot be found on the site plan sheets: mulch berm cross-section, excavated earth outlet sediment trap, hay bale, and filtrex sediment control. Also, Construction Notes (5) on Sheet 12 states, “Sediment traps and/or basins should be used as necessary...” The location of these traps and details needs to be called out on Sheet 12 and shown in the erosion control legend.
 29. EPA Notice of Intent, General Construction Permit, and accompanying SWPPP shall be required for all projects if the area of disturbance is over one acre. Copies of all permit applications shall be uploaded to the online permit portal.
 30. NHDES Alteration of Terrain permit shall be required for all projects if the area of disturbance is over 100,000 square feet. Copies of all permit applications shall be uploaded to the online permit portal.
- 2.37 It does not appear that any roof- or ground-mounted mechanical equipment is proposed as part of the project. To ensure compliance with the screening requirement of Section 26.02 *Mechanical Equipment*, a note shall be added to Sheet 9 stating that no roof-top or ground-mounted mechanical equipment is proposed. Alternatively, if any is proposed, the note shall indicate what is proposed, approximate location, and the type of screening provided with the equipment and type of screening shown and labeled on Sheet 9.
- 2.38 Section 27.06(4) *Overhead Utilities* of Section 27.06 *Placement of Landscape Material* states that trees to be planted underneath overhead utilities shall be selected to avoid interference with utility lines. The landscaping plan does not appear to propose any trees being planted underneath overhead utilities, but to ensure compliance with this requirement a note shall be added to Sheet 14 stating that there are tree plantings shall take place underneath overhead utility lines on or adjacent to the site.
- 2.39 Section 27.06(5) *Underground Utilities* prohibits the planting of trees within 10 feet of an existing or proposed underground utility lines with a few exceptions. It appears that there are trees proposed for planting within 10 feet of the underground electric lines. Revise the landscape plan (Sheet 11) to clearly label the distances between the underground electrical lines and the tree plantings such that there is at least or more than 10 feet between them.
- 2.40 Section 27.07(2) *Landscape Bumpouts and Islands* of Section 27.07 *Required Landscaping Improvements* requires curbing around landscape islands within parking lots. Sheet 14 needs to be revised to clearly identify and label the required curbing around the landscape islands.

3 Variances:

- 3.1 At the meeting held on March 5, 2025, the Zoning Board of Adjustment granted the applicant’s requested variances as follows:
- Extension of approval of ZBA 0056-2023 to July 5, 2026, to allow a 10-foot-wide planted buffer in lieu of the required 6-foot-tall perimeter fence; a storage setback of 10 feet where 50 feet is required; and the expansion of the existing use into the Aquifer Protection District overlay; and
 - Section 28-2-4(j) *Table of Principal Uses J1 Sale or rental of motor vehicles, other than construction equipment*, to allow the sale and display of motor vehicles where such sale and

display is not otherwise allowed.

4 Waivers:

- 4.1 The applicant requests waivers from the following sections of the Site Plan Regulations:
- a. Section 16.02(19) *Traffic Control Plan*, to not submit the traffic control plan with the site plan application, but instead defer submittal to the time of construction;
 - b. Section 18.07 *Parking Lot Aisles*, to not upgrade the existing parking lot aisles to the minimum widths;
 - c. Section 18.10 *Driveway Widths*, to not decrease the existing driveway width to the maximum allowed;
 - d. Section 19.05 *Interconnected Parking Lots*, to not provide the required interconnection; and
 - e. Section 21.02 *Sidewalks Required*, to not provide the required sidewalks along Manchester St and Integra Dr, and instead make an in-lieu payment of equivalent funds to be placed in a City escrow account for future sidewalk construction.

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

Staff reviewed the evidence submitted and supports waiver requests 4.1(a), (d), and (e). Staff notes that waiver requests 4.1(b) and (c) are not valid waiver requests. Item 4.1(b) is a requirement from the Zoning Ordinance and requires a variance from the Zoning Board of Adjustment rather than a waiver from the Planning Board. Item 4.1(c) requires a conditional use permit, rather than a waiver. As stated earlier in this staff report, the existing nonconforming parking lot aisles and driveway width are legally nonconforming and are allowed to remain in their present state provided there are no increases to the nonconformity or the addition of new nonconformities, so neither a variance or a conditional use permit is needed for the parking aisle widths or the driveway width at this time, for this application.

5 Conditional Use Permits:

- 5.1 The applicant requests approval for a conditional use permit pursuant to Section 28-3-6(d)(4) *Conditional Use Permits Required for Certain Uses in the Aquifer Protection (AP) District – Community Water Systems Protection Area* of the Zoning Ordinance for a land use that will render impervious the ground surface for more than 15% of the total lot area. The applicant provided a narrative addressing the criteria of approval.

Staff reviewed the narrative, found that the criteria are satisfactorily addressed, and supports granting the conditional use permit for more than 15% of the total lot area being impervious in the AP District.

6. Architectural Design Review:

- 6.1 The applicant appeared before the Architectural Design Review Committee April 2, 2025. The application was reviewed for conformity with the Architectural Design Guidelines; harmony and compatibility with existing architectural character of the site, district, or location; integration into site design of significant natural features on site and abutting properties; and, the integration of landscaping, parking, and site features into the overall design of the project.

The Architectural Design Review Committee recommended that the Planning Board grant architectural design review approval for the application to expand the automobile parking and inventory display areas, at 150 Manchester St, 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 submitted materials; testimony provided during the public hearing; and/or, other documents or materials provided in the public hearing.

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

8.2 **Grant architectural design review approval** for the expansion of the automobile parking and inventory display areas, at 150 Manchester St, as submitted.

8.3 **Deny waiver request (a) below** from the Site Plan Regulations because the request is a variance, not a waiver; and **deny waiver request (b) below** from the Site Plan Regulations because it's a conditional use permit, not a waiver.

- a. Section 18.07 *Parking Lot Aisles*, to not modify the existing parking lot aisle widths to conform with the minimum aisle widths of the Zoning Ordinance; and
- b. Section 18.10 *Driveway Widths* to not modify the existing driveway width to conform with the maximum driveway width requirement.

8.4 **Grant the waiver requests below** from the listed sections of the Site Plan Regulations, using the criteria of RSA 674:44(III)(e)(2) and Section 36.08 of the Site Plan Regulations:

- a. Section 16.02(19) *Traffic Control Plan*, to not submit the traffic control plan with the site plan application;
- b. Section 19.05 *Interconnected Parking Lots*, to not provide the required interconnection; and
- c. Section 21.02 *Sidewalks Required*, to not provide the required sidewalks along Manchester St and Integra Dr,

subject to the following conditions:

1. The traffic control plan shall be submitted prior to scheduling the pre-construction meeting; and
2. Submit to the City equivalent sidewalk funds to be placed in a City escrow account instead of constructing the required sidewalks along the site's Manchester St and Integra Dr frontages. Prior to final approval of the site plan, a cost estimate shall be prepared and submitted to the City Engineer and Clerk of the Board for approval. Upon approval of the estimate, all funds associated with the payment in lieu of sidewalk construction shall be provided to the Planning Division prior to final approval of the site plan.

8.5 **Grant the conditional use permit** for a use in the Aquifer Protection (AP) District – Community Water Systems Protection Area that will render impervious more than 15% of the lot, per Section 28-3-6(d)(4)(a)(2) of the Zoning Ordinance.

8.6 **Grant major site plan approval** for the expansion of the automobile parking and inventory display areas, at 150 Manchester St, as submitted, and 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, and **upload revised documents for review into the online portal:**
 - a. Section 12.04(9) Location Plan requires a location plan to be shown on the cover sheet or the site plan with the zoning district designations and boundaries shown and labeled therein. The required location plan is present on the cover sheet, but it does not include the zoning district designations and boundaries with labels. Since there is also a location plan on the existing conditions plan that does show the zoning district designations and boundaries, that was allowed to suffice for the determination of completeness. However, the addition of the zoning district designations and boundaries to the location plan on the cover sheet shall be addressed as a condition of approval.
 - b. Section 13.05 Zoning Board of Adjustment Actions requires copies of any actions by the Zoning Board of Adjustment for variances to be submitted with the site plan application. Notes on Sheet 4 list previous actions that have since expired, and approved actions that are valid through July 13, 2025. Additionally, March 5, 2025, the applicant received a one-year extension for the previous approvals referenced in Note 6 to extend the approvals to July 13, 2026, as well as a use variance approval to display automobiles in an IN District. Copies of the actions were provided to the Planning Division after the decisions were issued, so this item was satisfied for the determination of completeness. However, to avoid confusion and provide clarity Note 6 needs to be revised to indicate the date of the one-year extension approval to July 13, 2026; the date on Note 9 needs to be updated to March 5, 2025; and Note 5 needs to be deleted since it's not relevant and creates confusion.
 - c. There are no historic structures or sites shown on the existing conditions plan, so the assumption is none are present. However, for confirmation of compliance with Section 15.03(25) *Historic Structures or Sites*, add a note to the existing conditions plan stating the following: "There are no historic structures or sites listed or eligible for the National or State Registers of Historic Places, or any historic markers, on the site or abutting properties or rights-of-way."
 - d. Within Note 4 on the existing conditions plan, and within the ownership information within the plan view, V. 3886 P. 2445 should be V. 3836 P. 2445, and V. 3733 P. 2799 should be V. 3773 P. 2799.
 - e. Clearly distinguish on the site plan and all subsequent sheets between the existing right-of-way to be abandoned and the proposed right-of-way to be adopted by

- making the new right-of-way line a bolder line type than the right-of-way to be abandoned.
- f. Attached is a draft easement deed and a draft mortgagee consent. Since an easement plan suitable for recording at the Merrimack County Registry of Deeds has not been prepared yet, the plan title in the easement deed has been left blank. Revise as necessary and submit final documents to the Planning Division for review and final approval prior to recording.
 - g. Section 15.04(24) *Solid Waste Facilities* and Section 16.02(14)(d) require showing the type and location of existing and proposed solid waste disposal facilities on the site plan, along with dimensions, setbacks, and types of screening and construction details. The site plan shows a temporary dumpster area and enclosure, but there is no evidence of the permanent dumpster area and enclosure, nor is there any evidence of the type and dimensions of the screening and the screening detail. The site plan shall be revised to show the permanent dumpster area, its dimensions, the type of screening for both the temporary and permanent dumpster area with dimensions, and the detail of the screening for both temporary and permanent dumpster areas.
 - h. For clarity and complete compliance with Section 15.04(25) *Outside Storage*, add a note to the site plan stating that no outside storage is proposed.
 - i. Section 15.04(26) *Aquifer Protection* and Section 16.02(17) *Aquifer Protection* require that the management provisions for the Aquifer Protection District shall be noted on the site plan for all applicable aquifer protection areas. A note needs to be added to the site plan stating that the entire site is in the AP District and provide the management provisions as required. If Note 23 on the site plan is in reference to aquifer protection management provisions, then that needs to be so referenced in the note so that it's clear these are the proposed aquifer protection management provisions.
 - j. Section 16.02(16) requires a lighting plan with a detail of all light poles including the color and height of all light poles to the top of the fixture. There is a light pole detail shown on Sheet 14 from the Concord Construction Standards and Details, but it does not list the color of the light pole. There is also a light pole detail shown on Sheet 10, but it does not appear to be the light pole detail from the Concord Construction Standards and Details as required. For final approval the detail shown on Sheet 10 shall be eliminated, and the color of the light poles shall be added to the light pole detail shown on Sheet 14.
 - k. As required by Section 11.01(7), Section 13.01(6) *State and Federal Permits*, and Section 13.02(8) *State and Federal Permits*, copies of permit applications to state and federal agencies shall be submitted to the Planning Division. Note 11 on Sheet 4 lists two permits that are required by state/federal agencies, and no copies were included with the initial submittal. As a condition of approval, copies of any permit applications listed in Note 11 on Sheet 4 shall be submitted to the Planning Division by uploading the documents on the online permit portal.
 - l. As required by Section 13.02(1) *Right-of-Way Easement*, the appropriate documents (easement deed and easement plan) shall be submitted to the Planning Division for review and approval prior to the signatures on the final plan set, for the depicted 9-foot-wide right-of-way conveyance along the site's Manchester St frontage.
 - m. As required by Section 17.02 *Self-Imposed Restrictions*, the right-of-way dedication along the site's Manchester St frontage to be conveyed to the City

- must be recorded at the Merrimack County Registry of Deeds in a form to be approved by the City Solicitor, Clerk of the Planning Board, and the City Engineer. The draft documents (easement plan and easement deed) shall be submitted for review by staff and subsequent approval prior to recording.
- n. Section 18.06 *Handicapped Accessible Spaces* and federal regulations provide the dimensional requirements for accessible spaces. The site plan does not provide labeled dimensions of the accessible spaces. Dimensions shall be added to the site plan for the accessible spaces showing that the required accessible spaces are at least 96 inches wide, with an access aisle at least 60 inches wide, no more than a 1.48 (2.08%) slope in all directions, have a surface that is firm, stable, and slip-resistant, and have a sign with the international symbol of accessibility on it, mounted at least 60 inches above the ground (measured to the bottom of the sign). One van accessible space must be provided that meets one of two options: 1) be at least 132 inches wide, have an access aisle at least 60 inches wide, have no more than 1.48 (2.08%) slope in all directions, provide at least 98 inches of vertical clearance (van height) for the parking space, access aisle, and vehicular route, have a surface that is firm, stable, and slip-resistant, and have two signs mounted at least 60 inches above the ground measured to the bottom of the sign (first sign international symbol of accessibility, second sign stating the space is van accessible); or 2) be at least 96 inches wide, have an access aisle at least 96 inches wide, have no more than 1.48 (2.08%) slope in all directions, provide at least 98 inches of vertical clearance for the parking space, access aisle, and vehicular route, have a surface that is firm, stable, and slip-resistant, and have two signs mounted at least 60 inches above the ground measured to the bottom of the sign (first sign international symbol of accessibility, second sign stating the space is van accessible).
 - o. Section 18.12 *Perimeter Landscaping* requires perimeter landscaping around the borders of parking areas. The required perimeter landscaping setback appears to be shown, but some of the areas are not labeled on Sheet 6. For compliance, label the landscape setback on Sheet 6 on the west side and on the north line of the south half.
 - p. Section 18.17 *Tree Plantings* requires that one tree shall be planted for each 1,000 square feet of any proposed parking area, including parking spaces, internal landscape islands, access aisles, driveways, fire lanes, and other vehicular circulation areas. Sheet 11 does provide the correct calculations stating that 69 trees are required and 69 trees are provided. However, the quantity of trees shown in the planting schedule totals 68 trees. The applicant shall revise the planting schedule to meet the tree planting requirement of 69 trees.
 - q. For compliance with Section 18.19 *Curbing and Guardrails*, clearly label and call out on the landscape plan the curbing and the type of curbing around the parking lot islands and parking lot landscaped areas.
 - r. Section 20.06 *Solid Waste Facility Screening* and Section 20.07 *Solid Waste Disposal Areas* provide the screening and design requirements for the solid waste enclosure and required screening. The screening shall be a solid opaque fence not less than 6 feet nor more than 8 feet in height. The plan set does not appear to show the required screening, and shall be revised to show a solid opaque fence (chain link with slats or any type of covering is not solid opaque fence) at the required dimensions for both the temporary and permanent dumpster enclosure, as well as showing the required permanent dumpster enclosure location and

- dimensions.
- s. Section 21.02 *Sidewalks Required* requires sidewalks adjacent to the site along both the Manchester St and Integra Dr frontages. The required sidewalks are not shown or proposed. The applicant shall make a payment in lieu of construction of said sidewalks to the City, in amount acceptable to the City Engineer. Said funds shall be deposited into the City's Sidewalk Reserve Fund. future construction of a sidewalk.
 - t. The Engineering Division notes the following requirements for compliance with Section 22 Stormwater Management and Concord Construction Standards and Details:
 - i. The subsurface infiltration basin is modeled in HydroCAD as a single, consolidated system; however, the proposed StormTech chambers are separated into three individual systems on the site plans. The systems are connected with pipes that will require stormwater to back up the pipes and overflow into another system in order to utilize storage. Either the system as designed shall be modeled as three separate systems or the systems shall be connected with pipes that allow for the even/unrestricted distribution of stormwater, connected at the bottom of the systems, to function as currently modeled.
 - ii. The stormwater management report describes an existing 12" stub provided in existing CB 890 for the purposes of accepting stormwater runoff from the site. The proposed drainage layout shown on the Grading and Drainage Plan (Sheet 8) would require stormwater backups to discharge out of the grates of CBs 16 and 17, and flow overland to CB 890 in Integra Dr. Use the 12" stub for potential overflows to avoid surface runoff in Integra Dr.
 - iii. Subcatchment areas 28S, 29S and 31S are modeled as flowing directly to POC#2 (example: CB 890 in Integra Drive), in the post development HydroCAD model. However, the Grading and Drainage Plan (Sheet 8) shows these areas flowing to the adjacent properties. Update model and/or drainage design as necessary.
 - iv. The minimum time of concentration should be consistent between the pre- and post-development HydroCAD models.
 - v. Include surface infiltration basin #1 in the inspection and maintenance manual narrative.
 - vi. In Part I, Project Narrative- Summary of Results, Table 1 shows at Point of Comparison (POC) 2 (which is ex. CB 890 in Integra Drive) an increase of volume and discharge from the pre-development condition to the post-development condition. Table 1 shows a 0.36 cfs 100-year post-development release compared to a 0.16 cfs 100-year pre-development release, and a 0.15 cfs 50-year post-development release compared to a 0.04 cfs 50-year pre-development release. Table 2 shows an increase in runoff volume for the 10-year storm from 0 cf for pre-development to 187 cf for post-development. Reduce the post-development flows and volume to be equal to or less than the pre-development flows.
 - vii. In Part IV, the Aerial Map Exhibit appears to show the site expanding southwest more than the site plans show. Revise this map to match the survey.
 - viii. In the I&M Exhibit and the Post-Development Drainage Area Plan,

- DMH101 is not connected to Ex. CB 804 as shown on Sheet 9 in the plan set. Revise to match.
- u. Section 22.17 *Aquifer Protection* requires the noting on the site plan of management provisions for the aquifer protection area, as well as incorporation into the stormwater maintenance and operations plan required by Section 22.05 Maintenance and Operation Plan. The site plan does not appear to note the required management provisions and shall be revised accordingly.
 - v. The Engineering Division notes that on the existing conditions plan the existing catch basin 890 lists a 12” RCP pipe to the north in the utility structure schedule, but the pipe is not shown on the existing conditions plan. Ensure that both the existing catch basin 890 and the listed 12” RCP pipe to the north are shown on the existing conditions plan.
 - w. The Engineering Division notes the following items shall be addressed on the following sheets:
 - i. Sheet 4 – under Notes 18, change “construction activities that require lane closure(s)” to “pre-construction meeting.”
 - ii. Sheet 4 – Note 11 lists required state and federal permits. EPA NPDES CGP coverage shall also be required for the project since it disturbs more than one acre of land and shall be included in Note 11.
 - iii. Sheet 5 – Stripe the end parking space being removed next to the temporary landscape island so no one parks in this location.
 - iv. Sheet 5 – per 2010 ADA Standards for Accessible Design, at least one accessible route shall be provided within the site from accessible parking spaces and accessible passenger loading zones; public streets and sidewalks; and public transportation stops to the accessible building or facility entrance they serve.
 - v. Sheet 6 – Show all existing easements on the site plan.
 - vi. Clarify the label of the radii of the entrance curbs on Integra Drive so that it’s clear and legible.
 - vii. Sheet 6 – Show and label any proposed pavement markings.
 - viii. Sheet 7 – Turn on existing storm text and renumber DMH 610 to DMH 18158, matching the City of Concord GIS numbering.
 - ix. Sheet 7 – Add spot grades at the proposed accessible parking and ramp to demonstrate compliance with ADA slope requirements.
 - x. Sheet 8 – Add “Sheet 7” next to “See note 13,” under SWMB #1 callout.
 - xi. Sheet 8 – Provide storm sewer profiles.
 - xii. Sheet 8 – DMH 101 will need to be an oversized structure to accommodate the number of pipes in it. Core holes in the structure shall have a minimum 12” of separate per City Construction Standard SD-3.
 - xiii. Sheet 8 – The outlet pipes for CB 16 and CB 17 appear to be flowing away from the subsurface drainage system based on the drainage notes on this sheet. Typically, the CB outlet pipe invert is higher than the invert of the receiving structure. Based on the HydroCAD model, it appears that the inverts into CB 14 and CB 15 need to be revised.
 - xiv. Sheet 8 – The catch basin sump depths listed in the drainage schedule vary between 2 feet and 5 feet. The detail on Sheet 16 shows a standard sump depth of 3 feet. Provide a minimum sump depth of 3 feet per the detail for adequate sediment storage.
 - xv. Sheet 8 – Clarify if the spot grades along the curb lines represent top or

- bottom of curb elevations.
- xvi. Sheet 9 – Show the size of the existing sewer line.
 - xvii. Sheet 10 – Revise this sheet to meet the uniformity ratio 4:1 requirement of Section 28-7-7(j) of the Zoning Ordinance.
 - xxiii. Sheet 11 – Revise this sheet under Turf Establishment Schedule (1), replace 4” with 6” as required by Section 27.09(3) of the Site Plan Regulations.
 - xix. Sheet 12 – Darken the proposed construction exit hatch on the plan view and the erosion control legend.
 - xx. Sheet 12 – Add a silt sock detail on the detail sheets for the silt sock called out on this plan sheet.
 - xxi. Sheet 13 – Replace the typical sign post-in soil detail with Construction Standard Detail M-1.
 - xxii. Sheet 14 – Replace the “site lighting trench section (typ.)” detail with Construction Standard Detail U-1 “typical utility conduit installation” detail.
 - xxiii. Sheet 14 – Show a callout and location for the molded pull box detail on the site plan sheets or remove the detail from Sheet 14.
 - xxiv. Sheet 15 – Include Construction Standard Detail L-9 as called out in Detail L-3.
 - xxv. Sheet 16 – Show a callout for where the structure “typical snout detail” is used.
 - xxvi. Sheet 18 – Under “Construction Sequences” notes 12 and 13, revise the 4” of loam to 6”, as required by Section 27.09(3) of the Site Plan Regulations.
 - xxvii. Sheet 18 – Callouts for the stone check dam and the erosion control mats are not shown on the site plan. Either call out these details on Sheet 12 and the erosion control legend, or remove the details from Sheet 18.
 - xxviii. Sheet 19 – Callouts for the following details cannot be found on the site plan sheets: mulch berm cross-section, excavated earth outlet sediment trap, hay bale, and Filtrexx sediment control. Also, Construction Notes (5) on Sheet 12 states, “Sediment traps and/or basins should be used as necessary...” The location of these traps and details needs to be called out on Sheet 12 and shown in the erosion control legend.
 - xxix. EPA Notice of Intent, General Construction Permit, and accompanying SWPPP shall be required for all projects if the area of disturbance is over one acre. Copies of all permit applications shall be uploaded to the online permit portal.
 - xxx. NHDES Alteration of Terrain permit shall be required for all projects if the area of disturbance is over 100,000 square feet. Copies of all permit applications shall be uploaded to the online permit portal.
- x. It does not appear that any roof- or ground-mounted mechanical equipment is proposed as part of the project. To ensure compliance with the screening requirement of Section 26.02 *Mechanical Equipment*, a note shall be added to Sheet 9 stating that no roof-top or ground-mounted mechanical equipment is proposed. Alternatively, if any is proposed, the note shall indicate what is proposed, approximate location, and the type of screening provided with the equipment and type of screening shown and labeled on Sheet 9.
 - y. Section 27.06(4) *Overhead Utilities* of Section 27.06 *Placement of Landscape*

Material states that trees to be planted underneath overhead utilities shall be selected to avoid interference with utility lines. The landscaping plan does not appear to propose any trees being planted underneath overhead utilities, but to ensure compliance with this requirement a note shall be added to Sheet 14 stating that there are tree plantings shall take place underneath overhead utility lines on or adjacent to the site.

- z. Section 27.06(5) *Underground Utilities* prohibits the planting of trees within 10 feet of an existing or proposed underground utility lines with a few exceptions. It appears that there are trees proposed for planting within 10 feet of the underground electric lines. Revise the landscape plan (Sheet 11) to clearly label the distances between the underground electrical lines and the tree plantings such that there is at least or more than 10 feet between them.
 - aa. Section 27.07(2) *Landscape Bumpouts and Islands* of Section 27.07 *Required Landscaping Improvements* requires curbing around landscape and islands within parking lots. Sheet 14 needs to be revised to clearly identify and label the required curbing around the landscape and islands.
 2. Either the cover sheet or the site plan sheet shall list all approved variances, waivers, and conditional use permits with the section numbers and description, and date of approval. Any item for which a variance, waiver, or conditional use permit has not been specifically requested and specifically granted shall be shown on the plan set as fully complying with the applicable requirement, standard, detail, or regulation.
 3. 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 for endorsement by the Planning Board Chair and Clerk. The plan sets shall contain the signature and seal of the appropriate licensed professionals as outlined in the Site Plan Regulations.
- (b) **Subsequent Conditions** – to be fulfilled as specified:
1. This approval notwithstanding, the applicant is responsible for full knowledge of, and compliance with, the 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. 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.
 3. 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.
 4. 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.

5. Per Section 27.11 *Site Stabilization Guarantee* a site stabilization guarantee shall be provided to ensure the site is properly stabilized. The guarantee shall be in a form of a cash deposit, letter of credit from a New Hampshire bank, or a surety bond. The City Engineer may call said financial guarantee, and stabilize a disturbed site if, upon notice, the applicant has not stabilized or restored the site.
6. 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.
7. 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.
8. 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.
9. 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.
10. Per Section 36.27 *Release of Financial Guarantees* a release of any financial guarantee assurance shall not be undertaken until the Clerk of the Planning Board and the City Engineer have ascertained that all site related improvements, or required public improvements, have been constructed in conformance with the approved plans and specifications.

Prepared by: AMS

CONSENT OF LIEN HOLDER

By signing below, the undersigned, KeyBank National Association, with its office located at 4910 Tiedeman Road, 5th Floor, Brooklyn, County of Cuyahoga, State of Ohio 44144, holder of an Amended and Restated Open-End Mortgage, Assignment of Leases and Rents, Security Agreement and Fixture Filing, dated September 6, 2023, and recorded at the Merrimack County Registry of Deeds on September 8, 2023, at Book 3836, Page 2450, consents to this Deed of Easement, and hereby does further agree that in the event of a foreclosure of said mortgage, or other sale of said property described in said mortgage under judicial or non-judicial proceedings, the same shall be sold subject to said Deed of Easement.

Executed on this _____ day of _____, 2025.

KeyBank National Association

Mark T. Flibotte
Senior Vice President
Duly Authorized

STATE OF OHIO
COUNTY OF CUYAHOGA

Personally appeared the above-named _____, in his capacity as Senior Vice President of KeyBank National Association, and acknowledged the foregoing instrument to be his free act and deed and executed for the purposes contained therein.

Justice of the Peace/Notary Public
My commission expires:

RETURN TO:
CITY OF CONCORD
COMMUNITY DEVELOPMENT DEPARTMENT
ENGINEERING SERVICES DIVISION
41 GREEN STREET
CONCORD, NH 03301

***DEED OF EASEMENT
PERMANENT PUBLIC RIGHT-OF-WAY EASEMENT***

MANCHESTER STREET CONCORD AUTO LLC, a Delaware limited liability company having an address of 300 Trade Center, Suite 7700, Woburn, Middlesex County, Commonwealth of Massachusetts 01801, and **MANCHESTER STREET CONCORD AUTO TIC LLC**, a Delaware limited liability company having an address of 300 Trade Center, Suite 7700, Woburn, Middlesex County, Commonwealth of Massachusetts 01801 (“Grantors”), for consideration paid, grant to the **CITY OF CONCORD**, a municipal corporation with a usual place of business at 41 Green Street, Concord, Merrimack County, State of New Hampshire 03301 (“Grantee”), with QUITCLAIM COVENANTS, the following permanent public right-of-way easement situated in Concord, Merrimack County, State of New Hampshire, for roadway purposes including, but not limited to, construction, maintenance, repair, and replacement of pavement, curbing, trees, grass, underground utilities, subsurface drainage facilities, and other appurtenances usually found in a public roadway. Said portion of land is located on a piece of property adjacent to the mapped limits of Manchester Street, Concord, Merrimack County, State of New Hampshire, is known as Map 783Z, Lot 16 on the City of Concord Assessor’s Maps, has a current address of 150 Manchester Street, Concord, Merrimack County, State of New Hampshire, and is more particularly described as follows:

PERMANENT PUBLIC RIGHT-OF-WAY EASEMENT

Beginning at a 4” X 4” concrete bound (CB) with rebar found 9” below grade at the northwest corner of the land of the Grantor at the existing southerly sideline of Manchester Street, said point also being the northwest corner of the herein described permanent public right-of-way easement; thence

South 72° 39' 17" East along the existing southerly sideline of Manchester Street a distance of 150.17 feet to a 4" X 4" granite bound (GB) with a drill hole (DH) found 9" below grade at the northeast corner of the land of the Grantor; thence

South 17° 18' 48" West along the easterly line of the land of the Grantor a distance of 9 feet to a monument to be set at the proposed southerly sideline of Manchester Street; thence

North 72° 39' 17" West across the land of the Grantor and along the proposed southerly sideline of Manchester Street a distance of 150.17 feet to a monument to be set at the westerly line of the land of the Grantor; thence

North 17° 19' 10" East along the westerly line of the land of the Grantor a distance of 9 feet to the point of beginning.

Containing 1355 square feet, more or less, and meaning and intending to describe a permanent public highway right-of-way easement as shown on a plan entitled "XXXXXXXXXXXXXXXXXX," dated _____, prepared by Richard D. Bartlett & Associates, to be recorded herewith at the Merrimack County Registry of Deeds.

Meaning and intending to describe a permanent public highway right-of-way easement across a portion of the land conveyed to the Grantors by Warranty Deed of Manchester Street Concord Auto LLC, dated September 6, 2023, and recorded at the Merrimack County Registry of Deeds on September 8, 2023, at Book 3836, Page 2445; and by Warranty Deed of Barbara Mariano, LLC, dated April 4, 2022, and recorded at the Merrimack County Registry of Deeds on April 14, 2022, at Book 3788, Page 1524; and by Warranty Deed of KJR Realty Associates, LLC, dated December 14, 2021, and recorded at the Merrimack County Registry of Deeds on December 17, 2021, at Book 3773, Page 2799. See also Notice of Lot Consolidation Pursuant to RSA 674:39-a, dated June 13, 2022, and recorded at the Merrimack County Registry of Deeds on June 13, 2022, at Book 3795, Page 1227.

The Grantors, their successors, and assigns, agree that they will not, without the consent of the Grantee, alter, erect, or maintain any building or other improvement, including landscaping, upon the above-described easement areas that may unreasonably interfere with or endanger the above-granted rights and easements or the operation and maintenance thereof, and that the City may cause to have removed any such building or improvement, including

landscaping, that may be wholly or partly within the above-described easement areas at the expense of the then owner of the land upon which the above-described easements lie.

Executed this ____ day of _____, 2025.

**MANCHESTER STREET CONCORD AUTO
LLC**

Louis F. Karger, Manager

COMONWEALTH OF MASSACHUSETTS
COUNTY OF MIDDLESEX

The foregoing instrument was acknowledged before me this ____ day of _____, 2025, by Louis F. Karger, duly authorized Manager of Manchester Street Concord Auto LLC, for the purposes therein contained.

Justice of the Peace/Notary Public
My commission expires:_____

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

Executed this ____ day of _____, 2025.

**MANCHESTER STREET CONCORD AUTO
TIC LLC**

Louis F. Karger, Manager

COMONWEALTH OF MASSACHUSETTS
COUNTY OF MIDDLESEX

The foregoing instrument was acknowledged before me this ____ day of _____, 2025, by Louis F. Karger, duly authorized Manager of Manchester Street Concord Auto TIC LLC, for the purposes therein contained.

Justice of the Peace/Notary Public
My commission expires:_____