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CITY OF CONCORD

New Hampshire's Main Street™
Community Development Department

Planning Board

March 16, 2022

Project Summary – Major Site Plan

Project: Flatley Apartments (2022-14)
Property Owner: City of Concord
Address: 32-34 S. Main Street
Map/Block/Lot: 7412/Z26, 7412/Z25

Determination of Completeness:

Determine this application complete and set the public hearing for the April 20, 2022, Planning Board meeting. As part of the motion, indicate that the project does not meet the criteria for a Development of Regional Impact (DRI), per RSA 36:55.

Project Description:

The applicant is proposing to demolish an existing structure, the former employment security building, and construct a 6-story multifamily building consisting of 64 units, along with a ground floor level parking garage, in the Central Business Performance (CBP) District.

Project Details:

Zoning: Central Business Performance (CBP)
Existing Use: Office/vacant
Propose Use: Multi-family Residential

Required Parking: None
Proposed Parking: 35 garage spaces; 26 surface spaces (61 total)

1. General Comments

- 1.1 The following comments pertain to the 13-sheet site development plan set titled “Flatley Apartments” prepared by Fieldstone Land Consultants, PLLC, dated February 16, 2022; and architectural plans and elevations prepared by Dennis Mires, P.A., dated January 17, 2022.
- 1.2 The applicant has submitted an application for a voluntary lot merger along with the current site

plan submission to merge the two lots. The merger should be completed prior to or as a condition of plan approval.

1.3 The applicant received the following variances at the March 2nd ZBA meeting:

- a. Article 28-4-5(e)(5), Development of Attached and Multifamily Dwellings – to allow the first story of the building to be utilized for parking, which is an accessory use to the residential use and not an allowed principal non-residential use as required in the Central Business Performance District.
- b. Article 28-5-48(a), CBP District Standards, Multi-family Dwellings – to allow a variance from the requirement for a non-residential use on the first story of a building and to allow parking on the first story, an accessory use which is otherwise permitted in the Central Business Performance District on or above the second floor.
- c. Article 28-5-48(c), Parking Lots and Structures-In accordance with Article 28-7-12(a)(2) to allow a Variance from the requirement for a non-residential use on the first story of a building; to allow parking on the first story as an accessory use to a residential use on the second floor and above, which is an otherwise permitted use in the CBP District; to locate a parking structure on the first story within 100' of South Main Street and South State Street.
- d. Article 28-5-48(g), Building to Lines – to allow a variance from the requirement that the front wall of the building be located at the front lot line or street right-of-way line and relief from the requirement that for any portion of the building height greater than 65' above street level from South Main Street be set back 10' from the property line; to allow a variance from paragraph (1) of this Article To allow a Variance from the provision that a public plaza occupy no more than 20% of the street frontage of a property and further that the Building be required to occupy 80% of the front property line. This building will occupy less than the 80%.
- e. Article 28-5-48(i) Ground Floor Occupancy and Transparency along South Main Street to allow a variance from the requirement that there be 60% transparent glazing of the occupancy of a building at ground level and the requirement that there be a provision of at least 60% of the uses at street level be comprised of uses which include the sales of goods and provision of services and entertainment.
- f. Article 28-7-8(c)(2), Access and Driveway Standards, Circulation, Separation of Driveways in Nonresidential Districts - to allow the location of a driveway on South State Street located 120' from the intersection of South State Street and Fayette Street (in the general location of an existing driveway), where a distance of 200' is required and further to allow the location of the same driveway closer than 200' from the other driveways on the same lot or an adjacent lot (South State Street is a collector street) and to allow the driveway entrance on Fayette Street to be located closer than 200' from the intersections of Fayette Street and South Main Street (arterial street) and Fayette Street and South State Street (collector street); and to
- g. Article 28-7-10(a), Parking Lot Perimeter Landscaping Required – to allow paving to the property line, where a landscaped area of 10' is required along a collector road (South State Street).

- h. Article 28-7-7(f) Driveway Widths – to allow a driveway of 44.3’ in width to provide entry to a parking lot (parking garage) on Fayette Street, where a maximum width of 28’ is allowed.

They also received a Special Exception from the requirement to construct commercial space along the portion of a parking structure fronting on South Main Street and South State Street.

- 1.4 Architectural Design Review (ADR) is required for Major Site Plan approval. The applicant went before the Committee at their February 4th meeting. The committee made the following comments:

- A commercial space on the first floor is preferred;
- The pool is taking up space that can only be used for part of the year, and is usually a little used amenity, a more functional outdoor space was suggested;
- The design and functionality of the sloped grass area adjacent to the street is a concern;
- Samples of materials, trim details, and renderings of the pool area were requested.

Staff concurs with the comments and concerns of ADR. Staff further notes that the intention of the CBP District is to provide uses and amenities that contribute to the pedestrian experience along the streetscape, not merely to provide amenities for private residences. To mitigate the current proposal, which is more reflective of a suburban apartment complex, staff recommends that the sloped grass area be redesigned as a terraced ornamental landscape area, ideally open to the public with stepped areas, to better integrate the site into its location in the core of downtown. Staff also suggests relocating the gate to the top of the retaining wall to restrict access to the private pool area.

Alternatively, staff would encourage a redesign of the pool area to replace it with a more functional outdoor space appropriate for urban locations year-round.

2. General Comments

- 2.1 The applicant has requested a waiver from the requirement to provide a traffic study based on the trip generation for the previous and proposed uses. As they note, the proposed use has a lower trip generation. Staff also notes that the previous use was active up until 2014, and no large-scale developments have occurred in the area since that time. Staff supports the waiver request.
- 2.2 Elevations, specifications and construction details should be submitted for the pool house and any other structures proposed such as flagpoles or resident amenities, both for ADR and staff review. If the intent is to submit separate applications, staff will recommend separate review and site plan approvals by the Planning Board as a condition of final approval for the current proposal.
- 2.3 Staff notes that a portion of the sidewalk is proposed to extend into the applicant’s property. For maintenance purposes, Staff recommends that an access easement be granted by the applicant to the City. The easement should be shown on plans and indicate the location, bounds, and description. This can be provided as a condition of approval.
- 2.4 Staff notes that license agreements from City Council will need to be obtained as conditions of approval for any encroachments into the public right of way. The plan indicates encroachments including awnings, steps, planters, and ADA access.

- 2.5 Please reach out to the City Surveyor to discuss proposed addressing of the new building.
- 2.6 In addition to the VHB memo dated 3/11/2002 under separate cover, please address the following engineering staff comments:

Site Plan (Sheet 2 of 13):

1. Show snow storage areas on site plan per Site Plan Regulation 18.21.
2. Engineering recommends provisions be made for bicycles in accordance with site plan regulation 30.03.
3. The City's proposed bumpout for the intersection of Fayette Street and State Street, which is pending City Council approval, should be incorporated into the site sidewalk work.

Grading and Drainage Plan (Sheet 6 of 13):

1. The incoming driveway slope on Fayette Street is at 14.4%. Per Site Plan Regulation 19.01 driveways shall be constructed as per the City of Concord Construction Standards, which indicates a maximum of 10%. A waiver must be requested if the standard cannot be met, and the applicant should verify that cars will not bottom out when using the driveway.
2. Catch basins in the exterior parking area should not be in line with the main drain line or they will not catch material as they are intended to do. Please revise.

Utility Plan

1. The water line on Fayette Street is 6" cement lined cast iron and water flow may be insufficient. It may be necessary to use the 14" cement lined cast iron water main in South State Street. Either way, the fire service should be tapped at the main and the domestic water service should be tapped off that.
2. The existing 4" sewer service that ties into the sewer main on Main Street is insufficient for the proposed building. This existing service must be cut and capped at the property line. As discussed at the 2/24/2022 development team meeting, a new properly sized sewer service connecting to sewer manhole #781 in Fayette St. shall be installed.
3. It is unclear what flow is proposed to the existing 6" sewer service in South Main St. Will it just be the pool?
4. A drainage easement will be required for the storm drain running through the abutter's property.
5. Provide sewer, water, and drain profiles.

Construction Details Sheets:

1. When there is a City of Concord detail available for a given item/detail it shall be used. The details used shall be the ones from the recently updated standards found on the City of Concord Website.
2. Provide driveway and sidewalk details for all driveways as required per Site Plan Regulation 16.02 (22). Details shall show dimensions and slopes.
3. Sidewalks shall be constructed as per the City of Concord Construction Standards. Reference Site Plan Regulation 21.05.
 - a. Sidewalk – Concrete (Integral Concrete Curb) is not in compliance with The City of Concord Construction Standards. Specifically there is not granite curbing and the width needs to be 5' exclusive of the granite curbing.
 - b. Detectable warning panels need to be cast iron. See the City of Concord Construction Standards
4. Please label proposed ductile iron water mains as ZCLDI so it is clear to the contractor all ductile iron pipes shall be zinc coated. Please also refer that contractor to the City of Concord Construction Standards for additional requirements for ductile iron fittings and corrosion resistant bolts.

General Comments:

1. Prior to final Engineering approval of the design plans, a fire protection engineer shall provide, on their letterhead, a document certifying that the new proposed water service line is adequately sized and designed for the proposed site conditions, including addressing whether domestic water is also tapped off of the same line.
2. A Demolition Permit is required. The permit will require all water services be capped at the water main, and all sewer services be capped at the property line prior to demolition.
3. South State street is scheduled to be paved this year. Any work in that street should be completed prior to paving if possible or road restorations/permits will be significantly more costly due to it being in moratorium.
4. Add the following notes to the plans and remove all conflicts:
 - a. All work shall be performed in accordance with the City of Concord's Construction Standards and Details (latest edition), and City standards shall take precedence in case of any details or plans in conflict. (Conflict with Grading and Utility Notes on Sheet 6 of 13).
 - b. All utilities shall be installed underground in accordance with Section 25.02(1) of the Site Plan Regulations.
 - c. Per Site Plan Regulation 12.09, upon completion of construction the contractor shall submit as-built drawings to the Engineering Services Division prior to issuance of a Certificate of Occupancy.
 - d. The contractor shall obtain a Demolition Permit from the Code Administration Division for the removal of the existing building(s).
5. Engineering encourages, but does not require, the Applicant incorporate the following wildlife-friendly erosion control practices into their plan set:
 - a. Use temporary erosion and sediment control products that either do not contain netting, or that contain netting manufactured from 100% biodegradable non-plastic materials such as jute, sisal, or coir fiber. Avoid the use of degradable, photodegradable, UV-degradable, oxo-degradable, or oxo-biodegradable plastic netting (including polypropylene, nylon, polyethylene, and polyester) alternatives. Netting used in these products should have a loose-weave wildlife-safe design with movable joints between the horizontal and vertical twines, allowing the twines to move independently and thus reducing the potential for wildlife entanglement.
 - b. Avoid the use of silt fences reinforced with metal or plastic mesh or if possible recommend the use of erosion control berms.
 - c. When no longer required, temporary erosion and sediment control products should be removed promptly from the project site.
 - d. Use nonwoven coir fabric when a surface fabric treatment is required for erosion control and stabilization, such as 100% biodegradable coconut fiber mat or equal as reviewed and approved by the project designer.
 - e. Use woven coir fabric when site conditions warrant. The outer layer of woven coir fabric should be a high strength, continuously woven mat (i.e., without seams) and made of 100% coconut fiber.
6. The Applicant shall conduct a video inspection to determine the size, material, and condition of the existing 6" sewer service line and determine if it may be reused, rehabilitated, or needs replacement. Engineering shall be provided a copy of the video and inspection report to confirm we agree with the Applicant's findings.

7. Copies of any required federal permits shall be submitted to the City, as per site plan regulations.

3. Landscape Comments

- 3.1 Please include the landscape tabulations and zoning ordinance requirements of Articles 28-7-9(b) Parking Lot Interior Landscaping Required, and 28-7-9(d) Landscape Material Standards in the Tabulations on the Site Plan and on the Landscape Plan.
- 3.2 In accordance with Article 28-7-9(b) Parking Lot Interior Landscaping Required, five percent of the internal area of the 7,834 sf parking area is required to be landscaped. Please revise plans to provide landscape areas totaling a minimum of 392 sf within or around the parking lot.
- 3.3 In accordance with Article 28-7-9(d) Landscape Material Standards, one (1) shade tree is required for every 2,000 sf of parking lot area. Four (4) shade trees are required. The plan indicates one (1) proposed shade trees meeting the requirements of this section. Please revise plans to provide three (3) additional shade trees around the parking area.
- 3.4 Section 27.07 (11) of the Site Plan Regulations (SPR) state that landscaping shall be required where deemed appropriate by the Planning Board. Staff notes that the parking and patio areas constitute a large amount of impervious surface.
 - a. To meet the requirements noted above, provide shade, and mitigate heat island effects, Staff suggests:
 - Provide a shade tree between the building and the walkway at the east end of the parking lot.
 - Provide (3) salt tolerant shade or ornamental trees in the 5-foot wide grass strip south of the parking area, as well as shrubs in this area to meet internal landscape requirements.
 - b. To enhance streetscape aesthetics and provide shade, Staff suggests:
 - Provide an additional shade tree in the grass area between the building and South State Street.
 - Provide a shade tree in the grassed area at the corner of Fayette and South Main.
 - Provide (2) or (3) shade or ornamental trees in the grassed areas at the southeast corner of the site. This would complement a terraced landscape area in this location as recommended in comment 1.4 above.
 - Provide foundational shrub plantings around the building.
- 3.2 Please revise planting details to: require complete removal of burlap; specify no more than 3 inches of bark mulch; and revise graphics to show mulch pulled away from the trunk of trees. All landscape planting notes and details should be consistent with the City of Concord Construction Standards.

4. Technical Review Comments

- 4.1 Please confirm that the dimensions of parking spaces inside the parking structure are 9' x 19'. Designate and dimension compact spaces if proposed. Please also confirm drive aisle dimensions inside the parking structure.
- 4.2 Please clarify where and how refuse containers will be stored and accessed.

- 4.3 Landscape plans shall be signed and sealed by a Landscape Architect registered in the State of NH per Section 12.03.
- 4.4 Architectural elevations shall be signed and sealed by an Architect licensed by the State of NH per Section 12.03
- 4.5 Please revise the Vicinity Plan to a scale between 1"=1,000' and 1"=2,000' per Section 12.05 (SPR).
- 4.6 Label the street addresses of the existing lots on the Existing Conditions plan per Section 15.03(2) (SPR).
- 4.7 Dimension existing curb cuts, driveways, and parking lots on the Existing Conditions Plan per Section 15.03(8) (SPR).
- 4.8 Please indicate the zoning district boundaries on the Site Plan per Section 15.04(23) (SPR).
- 4.9 Dimension proposed curb cuts, driveways, parking lots, pedestrian walkways, sidewalks, and other paved surfaces per Section 15.04(11) (SPR).
- 4.10 Parking is not required in the CBP per Article 28-5-48(b) of the Zoning Ordinance. Please update tabulations and plan notes accordingly.
- 4.11 Please provide the size and spacing of windows, doors, and other openings on the architectural elevations for ADR review per Section 16.03(5) (SPR).
- 4.12 While the applicant indicates that the location of flagpoles and other structures will be provided as a condition of approval, staff requests that the size, type, and location of any structures proposed on the site be submitted for review, including any outdoor resident amenities such as the pool house.
- 4.13 Please correct the map and lot designations on all pages of the plan set. The correct notation is 7412Z-25, not 7412-Z25. This includes parcels within the plan view and with the Notes. Some of the parcels in the Notes are listed similar to Map 7412 Lot Z25.
- 4.14 Please include the boundary data of the site on the Site Plan.
- 4.15 This plan contemplates new storm water drainage from CB 3 to CB 4 to CB 1125. This plan does not delineate the 8' wide right-of-way. Have arrangements been made with the abutting property known as 7412Z-24 to construct new infrastructure within the right-of-way?

Prepared by: HRS

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