



Heather Shank
City Planner

CITY OF CONCORD

New Hampshire's Main Street™
Community Development Department

Planning Board

May 18, 2022
Project Summary – Major Site Plan

Project: Residential Social Service Center (2022-32)
Property Owners: Mendota Properties, LLC
Address: 29 Tallant Road
Map/Block/Lot: 02Z/ 9

Determination of Completeness:

Determine this application complete. 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.

The Applicant has submitted a waiver request to Section 10.06 of the Site Plan Regulations (SPR), to hold the Public Hearing at the same meeting as the Determination of Completeness. The Applicant requests the expedited review due to the limited nature of site improvements proposed, and the waiver would allow for a realistic timeframe to move forward.

Staff recommends that the Board grant the waiver request and open the public hearing, utilizing the criteria of RSA 674:44 III(e)(1) as guidance, a waiver would not be contrary to the spirit and intent of the regulations.

Project Description:

The applicant is requesting Major Site Plan approval for the construction of parking and accessible walkways associated with the conversion of a single-family residence to a residential service center at 29 Tallant Road in the Open Space Residential (RO) District.

Project Details:

Zoning:	Open Space Residential (RO) District
Existing Lot Area:	2.66 ac (116,060 sf)
Existing Use:	Single Family Residential
Proposed Use:	Residential Social Service facility (See Comment 1.3 below)
Required parking spaces	4 spaces, including 1 accessible space
Parking spaces provided	10 spaces, including 2 accessible spaces
Maximum Lot Coverage	10%
Existing Lot Coverage	12.2%
Proposed Lot Coverage	14% (variance granted, see Comment 1.4 below)

Building Setbacks Required 50' front, 50' rear, 40' side
Building Setbacks Provided 141' front, 141' rear, 105' side

1. General Comments

- 1.1 The following comments pertain to the 9 sheet site plan set titled "Mendota Properties, LLC, 29 Tallant Road, Concord, NH", prepared by Wilcox & Barton Inc., dated April 20, 2022.
- 1.2 The Architectural Design Review (ADR) committee reviewed the application at their meeting on May 3, 2022. The Committee recommended approval of the site plan as submitted with the recommendation that the generator be screened with plantings or fencing, and endorsing the variances and waivers regarding the driveway width and material to match the aesthetics of the road.
- 1.3 The Applicant is proposing to convert the single-family residence into a facility providing daily residential board and care along with living support and assistance for up to five (5) individuals with intellectual and/or developmental disabilities. The Zoning Administrator classifies this use as Residential Social Service facility, which is not a permitted use in the RO District. However, the Applicant is providing State mandated services to people with disabilities as an agent of the State in accordance with RSA 674:54, Governmental Land Uses; therefore, they are eligible for the State exemption from local land use regulations to establish a Residential Social Service facility where such use is not allowed. While exempt from the use, the Applicant is required to comply with building and zoning codes.
- 1.4 The Zoning Board of Adjustment (ZBA) granted the following variances at their May 4, 2022 meeting:
 - Article 28-4-1(e) *Table of Dimensional Regulations* to allow lot coverage in the amount of 14% where 10% is allowed,
 - Article 28-7-7(f) *Parking Area Design Standards* to allow the existing 13 ft wide driveway width where 24 ft is required for two-way traffic, and
 - Article 28-7-7(h) *Surfacing and Drainage* to permit gravel surface parking lot and driveway where a paved surface is required.
- 1.5 The applicant requests waivers to the following sections of the Site Plan Regulations (SPR), please see the Applicant's request included under Supplemental for detailed information:
 - Section 18.09 *Parking Lot Markings and Signage* to not mark parking spaces in accordance with MUTCD standards. The ZBA granted a variance for the parking area to be gravel; therefore, striping the spaces is not feasible. The accessible parking space will be on a concrete pad and will have the appropriate markings. Staff supports this request to not stripe the standard parking spaces with the understanding that signage will be provided to demarcate parking spaces.
 - Section 18.10 *Driveway Widths* to allow the existing 13 ft wide driveway width where a 20 ft driveway is required for two-way traffic. Widening of the driveway would require removal of trees, and would not match the aesthetics of the surrounding neighborhood. Staff supports this request.

- 1.6 Please see Engineering comments in 2 separate memos from the Engineering Division and VHB.

2. Review Comments

- 2.1 Per Section 18.17 *Tree Plantings* (SPR), the Applicant is requesting to use existing trees to meet the parking lot landscape requirements. Please add the following note to the plan: "Property owner is responsible for the replacement of any trees proposed to be retained to meet Zoning Requirements which have been damaged, destroyed, or otherwise removed."
- 2.2 The aboveground propane tank access and large generator are visible from Tallant Road. ADR has suggested the addition of screening to block view of the generator, staff recommends that the screening be located to block the propane tank access area as well.
- 2.3 Although the Zoning Ordinance does not regulate non-residential uses in a residential district, staff recommends additional screening within the front buffer to screen the 10 cars that will be parking at this location on a daily basis. Please see Article 28-4-2 (d) for recommended buffer options. Either through additional shrub plantings and/or an opaque screen, the buffer should create a screen of at least 4 ft to 6 ft in height.
- 2.4 Please revise the Site Plan notes with the date variances were granted.
- 2.5 The proper map and lot designation is Map 02Z, Lot 9. This needs to be corrected within the title block on all of the sheets.
- 2.6 Within the plan view on the cover sheet, please include the ownership information for all abutting properties.

3. Recommendations

- 3.1 **Grant ADR approval** for the proposed site plan as submitted with the condition that the generator be screened with plantings and/or fencing.
- 3.2 **Grant the following Waiver requests** using the criteria of RSA 674:44 III(e)(1) as guidance, staff believes that strict conformity would pose an unnecessary hardship to the applicant and waiver would not be contrary to the spirit and intent of the regulations:
- 4.2.1 Section 18.09 *Parking Lot Markings and Signage* to not mark parking spaces in accordance with MUTCD standards, with the condition that the applicant stripe the accessible parking space and provide signage to delineate the standard parking spaces.
- 4.2.2 Section 18.10 *Driveway Widths* to allow the existing 13 ft wide driveway width where a 20 ft driveway is required for two-way traffic.
- 3.3 **Grant Major Site Plan** approval for the site improvements at 29 Tallant Road, subject to the following precedent and subsequent conditions noted below:
- (a) Precedent Conditions – to be fulfilled within one (1) year and prior to sign off by the Clerk and Chair of the Planning Board and issuance of any building permits, or the commencement of site construction, unless otherwise specified:
- (1) Any waiver(s) granted are to be noted and fully described on the plan including date granted and applicable Section number(s) of the Site Plan Regulations. Should the Board

vote to deny the waiver request(s), applicant shall comply with said submission requirement(s).

- (2) Address Planning and Engineering Review comments to the satisfaction of the Planning and Engineering Divisions.
 - (3) Submit three (3) copies of fully revised plans for sign off by the Clerk and Chair of the Planning Board.
- (b) Subsequent Conditions – to be fulfilled as specified:
- (1) Prior to commencement of construction activity, coordinate with the City Engineer on items required for pre-construction.

Prepared by: BAF

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

David Cedarholm, PE
City Engineer

MEMORANDUM

TO: Beth Fenstermacher, Assistant City Planner
FROM: Todd Welch, Civil Engineer/Project Manager, P.E.
CC: David Cedarholm, City Engineer, P.E.
DATE: 5/10/2022
SUBJECT: Mendota Properties, LLC Major Site Plan, Engineering Review, 29 Tallant Road;
Map 2Z, Lot 9; Project 2022-32

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

- *Site Plans Prepared for Mendota Properties, LLC*, prepared by Wilcox and Barton, Inc, dated April 20, 2022 (received on April 20, 2022);
- *Stormwater Management Plan, prepared by Wilcox and Barton, Inc, dated April 20, 2022 (received April 20, 2022).*

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

Plan Set

Cover Sheet

1. The proper map and lot designation is Map 02Z, Lot 9. This needs to be corrected within the title block on all of the sheets.
2. Within the plan view on the cover sheet, please include the ownership information for all abutting properties.

Notes and Legend (Sheet C0.2)

3. Please add the following notes to the plan set, if not already incorporated:

Re: Review Comments (2022-31)
Metro Treatment, 96 Hall St Concord, NH 03301
Date: 5/10/2022

- a. All work shall be performed in accordance with the City of Concord's Construction Standards and Details (latest edition), and City standards shall take precedence in case of any details or plans in conflict.
- b. All utilities shall be installed underground in accordance with Section 25.02(1) of the Site Plan Regulations.
- c. Per Site Plan Regulation 12.09, upon completion of construction the contractor shall submit as-built drawings to the Engineering Services Division prior to issuance of a Certificate of Occupancy.
- d. The contractor shall set up a preconstruction meeting with the Engineering Services Division to discuss construction requirements, site inspections, associated fees, schedules, etc. prior to starting any work on site.
- e. The contractor shall obtain a Driveway Permit from the Engineering Services Division for the proposed driveway.

Site Plan (Sheet C1.1)

4. The accessible parking needs to be located on the shortest route into the facility in accordance with ADA requirement 208.3.1.
5. Accessible parking and route into the facility need to be paved to be firm and slip resistant per ADA requirement 302.1.
6. Within the plan view on the cover sheet, please include the ownership information for all abutting properties.

General Comments

7. Engineering encourages, but does not require, the following wildlife-friendly erosion control practices:
 - a. Use temporary erosion and sediment control products that either do not contain netting, or that contain netting manufactured from 100% biodegradable non-plastic materials such as jute, sisal, or coir fiber. Degradable, photodegradable, UV-degradable, oxo-degradable, or oxo-biodegradable plastic netting (including polypropylene, nylon, polyethylene, and polyester) are not equivalent alternatives. Netting used in these products should have a loose-weave wildlife-safe design with movable joints between the horizontal and vertical twines, allowing the twines to move independently and thus reducing the potential for wildlife entanglement.
 - b. Avoid the use of silt fences reinforced with metal or plastic mesh or if possible recommend the use of erosion control berms.

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- c. When no longer required, temporary erosion and sediment control products should be removed promptly from the project site.
- d. Use nonwoven coir fabric when a surface fabric treatment is required for erosion control and stabilization, such as 100% biodegradable coconut fiber mat or equal as reviewed and approved by the project design engineer.
- e. Use woven coir fabric when site conditions warrant. The outer layer of woven coir fabric should be a high strength, continuously woven mat (i.e., without seams) and made of 100% coconut fiber.

State/Federal Permits

- 8. Per Site Plan Regulation 13.02 (8) and/or Subdivision Regulation 13.02 (10), a copy of the State and Federal permit(s) shall be submitted to the City prior to final approval.

Post-Approval/Pre-Construction Items

The following items are required prior to the start of construction (unless otherwise noted):

- 1. Prior to engineering sign-off on the building permit, the applicant/contractor shall:
 - a. Set up a pre-construction meeting with the Engineering Services Division to discuss construction requirements, site inspections, associated fees, schedules, etc. Any Engineering permits will not be authorized (unless explicitly stated otherwise) until final revised plans have been submitted and approved to the satisfaction of Planning and Engineering.
- 2. The following permit(s) will need to be obtained from the Engineering Services Division:
 - a. Driveway Permit
- 3. Per Site Plan Regulation 27.11, establish a financial guarantee (letter of credit, or cash deposit) for site stabilization. The surety amount for this project has been set at \$5,000 (min. amount) based on disturbance area. The surety shall be established prior to scheduling the pre-construction meeting.
- 4. Per Site Plan Regulation 36.24 The Applicant is responsible for paying engineering inspection fees to ensure work is consistent with City standards and the approved plan set. An advanced deposit must be established for all anticipated site construction inspection fees.
 - a. The deposit amount is determined by Engineering based on the project schedule and estimated services; actual inspection fees are based on actual services rendered (i.e., hourly billing rate).
 - b. Prior to scheduling the pre-construction meeting, a template estimating the initial fee deposit (available upon request to engineering) shall be filled out by the

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Applicant for review by Engineering, as well as a project schedule and itemized cost estimate for use in establishing the deposit amount.

- c. The deposit shall be submitted at least a week prior to the pre-construction meeting.
5. Retaining wall design drawings (stamped by a licensed structural engineer) shall be submitted to Engineering for proposed retaining walls that are greater than 4 feet high. In addition, walls greater than 48 inches require a Building Permit from the Code Administration Office.
6. Shop drawings/submittals shall be submitted to Engineering for the proposed improvements.
7. Prior to the construction of any future site improvements the applicant/owner shall consult the Planning Division to determine if Site Plan Approval will be required.
8. Per Site Plan Regulation 12.09, prior to issuance of a Certificate of Occupancy (CO), the contractor shall submit digital as-built drawings that are to the satisfaction of Engineering and conforming to the Engineering as-built checklist. A copy of the as-built drawing requirements are available on the Engineering website.



Memorandum

To: Ms. Beth Fenstermacher, PLA
Assistant City Planner
City of Concord
41 Green Street
Concord, NH 03301

Date: May 11, 2022

Concord File No.: 2022-32

VHB Project #: 52430.30

Map & Lot: 2Z - 9

From: Mark J. Verostick, PE
Senior Project Engineer

Re: Technical Review
Mendota Properties, LLC
29 Tallant Road
Concord, New Hampshire

As requested, VHB has conducted a technical review of plans and information submitted for a proposed conversion of a single-family residence to a residential social service center located at 29 Tallant Road. VHB reviewed the following information associated with this project:

- Mendota Properties Site Plans, 29 Tallant Road, Concord, NH, Tax Map 2Z, Lot 9, prepared by Wilcox & Barton Inc., dated April 20, 2022.
- Stormwater Management Plan for Mendota Properties, LLC, 29 Tallant Road, Concord, NH 03301, prepared by Wilcox & Barton, Inc., dated April 20, 2022.
- Waiver request letter from Erin Lambert (Wilcox & Barton, Inc.) to the Concord Planning Board, dated April 20, 2022.
- Waiver request letter from Erin Lambert (Wilcox & Barton, Inc.) to the Concord Planning Board, dated May 11, 2022.

The following sections contain VHB's comments relative to the information reviewed:

GENERAL COMMENTS

1. VHB takes no exceptions to the waivers requested. A list of any required waivers should be added to the final plans.

PLANS

2. VHB recommends showing the proposed signage on the plans to delineate the parking spaces as described in the waiver request.
3. The applicant should consider extending the proposed bituminous sidewalk to the accessible parking area to ensure a stable surface for the accessible route to the building.
4. The applicant should verify that the existing septic system is adequately sized for the proposed change of use.

STORMWATER MANAGEMENT PLAN

5. Although the Millsite-Woodstock-Henniker soil group (480D) is a complex of soils with differing hydrologic soil groups for each major component, this soil group is identified as Hydrologic Soil Group (HSG) B on the NRCS web soil survey, instead of HSG C. Given that the proposed conditions will reduce the gravel area on site it is not expected to have a substantial effect on the pre and post peak runoff rates and volumes. The designer should review and confirm this.

STATE PERMITS

It does not appear that the project will require any state permits associated with the proposed change of use. If any state permits are determined to be necessary, copies should be submitted to the Planning Division.

CONSTRUCTION

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

- The applicant should set up a preconstruction meeting with the Engineering Services Division to discuss any construction requirements, site inspections, associated fees, schedules, etc.
- Performance surety (bond, letter of credit, or cash deposit) for site stabilization.
- Advanced deposit for site construction inspection fees if required (initial deposit amount determined by Engineering based on the project schedule and estimated services, final inspection fee to be adjusted based on actual services rendered). A project schedule should be submitted a min. of two weeks prior to the pre-construction meeting for use in establishing the deposit amount. (submit deposit a min. of three days prior to pre-construction meeting).

Please feel free to contact me if you have any questions regarding the above comments.

cc: Heather Shank, City Planner – City of Concord
David Cedarholm, City Engineer – City of Concord
Todd Welch, Engineering Project Manager – City of Concord