



Heather Shank  
City Planner

# CITY OF CONCORD

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

## Planning Board

October 18, 2017

### **Project Summary—Major Site Plan Application**

Project: Penacook Landing – Major Site Plan Application (2017-33)  
Property Owners: City of Concord  
Address: 11-35 Canal Street  
Map/Block/Lot: 0543/P/18

### **Determination of Completeness:**

This application was determined complete on September 20, 2017.

### **Project Description:**

The Caleb Development Corporation has submitted a Major Site Plan application for the development of 54 units of workforce housing consisting of 14 two bedroom units and 40 one bedroom units. The existing 4.04 acre lot is currently owned by the City. In conjunction with this application, the applicant is proposing a Minor Subdivision to create a 2.52 acre lot for their proposed development, and a 1.52 acre lot to be retained by the City for future development of a river front park. A condition of the P&S with the City is that an existing structure on the site be demolished by the applicant.

### **Project Details:**

Existing Lot Area:	4.03999082 acres	
Zoning:	Opportunity Corridor Performance District (OCP)	
	Central Business Performance District (CBP)	
Existing Use:	Vacant (Former Tannery Site)	
Frontage Required:	150ft (OCP)	22ft (CBP)
Frontage Provided:	345ft	
Lot Coverage Permitted:	85% (OCP)	N/A % (CBP)
Lot Coverage Proposed:	58%	
Setbacks Required:	15'front, 15'side, 15' rear (OCP)	No setbacks required (CBP)
Setbacks Provided:	25'front, 15'side, 230'rear	
Parking spaces required:	108 spaces, including 5 HC spaces	
Parking spaces provided:	110 spaces, including 5 HC spaces	

## 1. General Comments

- 1.1 The following comments pertain to the 14 sheet site plan set titled “Penacook Landing”, dated August 16, 2017,
- 1.2 Please reference the Memo from Engineering dated September 11, 2017.
- 1.3 Article 28-4-5(e)(4) of the Zoning Ordinance (ZO) does not permit residential uses on the First floor of buildings within the Opportunity Corridor Performance District (OCP). The applicant received a variance from this at the Zoning Board of Adjustment on September 13, 2017.
- 1.4 Major Site plan applications are required to attend Architectural Design Review (ADR). The applicants appeared before the ADRC Committee on September 12, 2017, at which time the ADRC recommended that a second entrance from Canal Street be provided for the smaller building, that pedestrian amenities be provided along the Canal Street frontage, and that a pedestrian walkway be provided through the parking area.

The applicants returned to the ADRC on October 10, 2017 with revised plans indicating the second entrance and additional pedestrian amenities as recommended. The Committee was in favor of the site layout and building design, subject to the condition that the applicant provide clearly marked landscaped pathways through the parking lot to the back entrances of the building. The applicant was amenable to several ideas discussed to accomplish this.

- 1.5 This application has been submitted in conjunction with a Minor Subdivision application which will be reviewed concurrently.
- 1.6 The applicant has agreed to provide an “intent to convey” a pedestrian easement for future recreation greenway connections. The easement should connect the lot to be retained by the City with a sidewalk on Crescent Street, and would generally be located between the applicant’s parking lot and north property line. The intent to convey should be indicated in a note on the plan and recorded as an agreement by MCRD. A condition of approval will be added requiring the aforementioned pedestrian easement.
- 1.7 The Planning Board determined this application a Development of Regional Impact (DRI) on September 20, 2017. The Towns of Boscaawen and Canterbury were notified along with Central New Hampshire Regional Planning Commission (CNHRPC).
- 1.8 The applicant has requested the following waivers to the Site Plan Regulations (SPR):
  - **Section 22.07(2) Stormwater Recharge:** to not infiltrate stormwater. Given the history of soil contamination at the site, since remediated, NHDES staff requested that the applicant not infiltrate stormwater any more so than necessary. **Staff supports this request**
  - **Section 22.07(3) Off-Site Flows:** to exceed the volume of off-site discharge before development. The New Hampshire Department of Environmental Services does not require detention of stormwater flows when a water body of substantial size is immediately adjacent to a property, as is the case with this property. **Staff supports this request.**
  - **Section 29.06 Lighting:** to exceed 0.2 foot candles at the property line. The standard to be met is 0.2 foot candles (fc) at the property line. The proposed Lighting Plan predicts a

minimal exceedance of the standard for not more than 100feet along the Western property line. The maximum exceedance, 0.3 fc, is a minimal level of light. The Western property line is and will be shared with the City's unoccupied and underdeveloped land. **Staff supports this request.**

## 2. Conditional Use Permit

- 2.1 A Conditional Use Permit (CUP) is required in order to construct fewer parking spaces than are required by Section 28-7-2(e) (ZO), provided that a sufficient land area is allocated and shown on a site plan for the full number of spaces required. The applicant has proposed 71 spaces for the 34 units built in Phase 1, in compliance with the Ordinance. They are requesting approval for 25 of the 37 required parking spaces for the next 20 units in Phase 2. Land has been provided in order to construct the additional 12 spaces required by Zoning should demand dictate the need for those additional spaces. **Since the site can adequately accommodate the required parking if needed, Staff supports this request.**

## 3. Site Layout

- 3.1 The applicant has provided the necessary space for a required 5 foot landscape buffer at the northerly corner of the site adjacent to Crescent Street. Article 28-7-10(a) of the Zoning Ordinance (ZO) requires any combination of a 4 foot high dense planting, earth berm, or solid wall. A condition of approval will be added requiring that the applicant install a hedge or other dense planting at least four (4) feet in height consisting of at least fifty (50) percent evergreen shrubs.

## 4.1 Technical Review Comments

- 4.1 Add the boundary for the Neighborhood Residential District (RN) to the existing conditions plan in accordance with Section 15.03(24) Site Plan Regulations (SPR).
- 4.2 A New Hampshire Certified Wetlands Scientist shall sign and seal the plan upon which the wetland boundaries are mapped in accordance with Section 12.03(5) Site Plan Regulations (SPR).
- 4.3 Add all variances granted as a note on the final plan in accordance with Section 13.01(5) (SPR).

## 5. Recommendations

- 5.1 **Grant ADR approval for** the proposed site layout, including the proposed residential building, and related site improvements, subject to the ADR condition that...
- 5.2 **Grant the following waivers** utilizing the criteria from RSA 674:36(II)(n)(2): Specific circumstances relative to the subdivision, or conditions of the land in such subdivision, indicate that the waiver will properly carry out the spirit and intent of the regulations.
- **Section 22.07(2) Stormwater Recharge:** to not infiltrate stormwater. This is a Brownfields site with significant soil contamination. Staff supports this request.
  - **Section 22.07(3) Off-Site Flows:** to exceed the volume of off-site discharge before development. This site location allows for direct discharge into the adjacent Contoocook River. Staff supports this request.

- **Section 29.06 Lighting:** to exceed 0.2 foot candles at the property line. The adjacent properties that would be affected are vacant and medical offices. Staff supports this request.
5. **Grant Conditional Use Permit approval** to construct fewer parking spaces than are required by Section 28-7-2(e) (ZO).
5. **Grant Major Site Plan** approval for the proposed residential development, subject to the following precedent and subsequent conditions noted below:
- (a) Precedent Conditions – to be fulfilled within one (1) year and prior to issuance of any building permits, or the commencement of site construction, unless otherwise specified:
- (1) Address Technical Review Comments noted in Section 4 above to the satisfaction of the Planning Division.
  - (2) Address review comments from Engineering to the satisfaction of the Engineering Division.
  - (3) 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).
  - (4) The applicant shall add a hedge or other dense planting, at least 4 feet in height consisting of at least fifty (50) percent evergreen shrubs to the landscape plan in accordance with Article 28-7-10(a) of the Zoning Ordinance.
  - (5) The applicant shall provide an” intent to convey” pedestrian easement for future recreation greenway connections. The easement shall connect the lot to be retained by the City with a sidewalk on Crescent Street, and generally be located between the applicant’s parking lot and north property line. The intent to convey shall be indicated in a note on the plan and recorded as an agreement by MCRD.
  - (6) Submit two (2) 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, payment of inspection fees in an amount approved by the City Engineer shall be made.
  - (2) A pre-construction meeting shall be required prior to the start of any construction activities onsite. The applicant shall pick up one (1) set of signed plans at the Planning Office to make copies for the pre-construction meeting. A total of five (5) copies of the signed plan set shall be provided by the applicant at the pre-construction meeting.
  - (3) Prior to a Certificate of Occupancy or final construction sign-off, as-built drawings shall be provided to the City Engineer in accordance with Section 12.09 of the Site Plan Regulations. The as-built drawings shall be surveyed on NH State Plane coordinates and NAVD 88 Datum.
  - (4) Prior to the issuance of a Certificate of Occupancy or final construction sign-off, digital information shall be provided to the City Engineer for incorporation into the City of Concord Geographic Information System (GIS) and tax maps. The information shall be submitted in accordance with Section 12.08 of the Site Plan Review Regulations and all information shall be converted to a vertical datum of NAVD 88.

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Prepared by: JCS



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

Edward L. Roberge  
*City Engineer*

**MEMORANDUM**

**TO:** John Stoll, Senior Planner  
**FROM:** Bryant A. Anderson, PE  
**DATE:** October 12, 2017  
**SUBJECT:** Plan Review (2), Penacook Landing, The Caleb Development Corporation, 11-35 Canal Street;  
Map 543P, Lot 18; (2017-33)

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

- *Site Plans*, Penacook Landing, Canal Street, Concord, New Hampshire, prepared by SVE Associates, dated August 16, 2017, revised thru ; (received on 10/5/2017)
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As a supplement to any comments offered by the Planning Division, the ESD offers the following design related comments. **With subsequent submissions, the applicant should provide a response letter that acknowledges/addresses each of these comments.**

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Note: The ESD has previously reviewed this project and has submitted comments to the Planning Division in a memorandum dated September 11, 2017. Comments from our previous memorandum that have not been addressed are included and noted in the comments below.

**Site Plans**

1. All of the plans, particularly the existing conditions plan and the site plan should include property line and right-of-way boundary information.

**Existing Conditions Plan**

2. Plan references, notes, and certification information should be added to the plan. **(Repeat Comment from 9/11/17)** This information should be added to the Existing Conditions Plan or a note should be added to the plan referencing the Subdivision Plan. If the Subdivision Plan is referenced it should be included in the plan set. As submitted, the Cover Sheet lists the Subdivision Plan in the Sheet Index. However, the Subdivision Plan was not included in the revised plan set.

*Engineering Services*  
City Hall • 41 Green Street • Concord, NH 03301 • (603) 225-8520  
[engineering@concordnh.gov](mailto:engineering@concordnh.gov)

### **Grading and Drainage Plan – Full Build Out**

3. The proposed cross-slope of the pedestrian crossing of the entrance drive exceeds ADA's two (2) percent max. requirement.
4. The size and type of the culvert under the stairs at the front of the Phase I building should be noted on the plans.
5. The swale grading along the edge of the western corner of the parking lot should be adjusted for the three future parking spaces. This should also be revised on the Phase I Grading Plan to prevent the need to modify the swale if the future parking spaces are constructed.
6. The proposed treatment swale on the adjacent City property should be eliminated or relocated on-site. The proposed grading is acceptable because it has the ability to be altered when the City redevelops the property. However, we would anticipate that if it was used for treatment, it would be tied to the Alteration of Terrain Permit and would restrict the City's use of this area.
7. A drainage easement should be provided to the City for the runoff from the City Lot that will flow into the drainage channel and ultimately into the treatment swale.

### **Utility Profile – Phase I Only**

8. Insulation should be specified in areas where less than 4 ft of cover is provided.
9. The existing water line should be assumed to have 5.5 ft of cover and the design of the sewer should provide 18 in of separation from the existing water line in the road. As such, the sewer between the ex. SMH and SMH 3 will be located above the water and should be constructed of ductile iron pipe. In addition, the water line will need to be lowered at the crossing to provide adequate separation. If the actual depth of the water line differs or an alternate design is developed, revisions to the sewer connection can be coordinated with the Engineering Services Division prior to and/or during construction.

### **Drainage Narrative**

10. A drainage study/report should be provided in accordance with Section 22.06(1) of the Site Plan Regulations and should include the information required in Section 22.07.  
***(Repeat Comment form 9/11/17)*** It is our understanding that the project will require an NHDES Alteration of Terrain Permit. A copy of the documentation and calculations used for the NHDES application is required to be submitted to the City and can be used that to satisfy the drainage study requirements. The following items should be addressed in the application:
  - a. Treatment swale sizing calculations;
  - b. Peak flow rates of the runoff discharged into the existing 24 inch outlet pipe from the site;

### **General Comments**

11. Draft easement documents should be submitted to the City for the proposed temporary grading easement on the abutting City lot and the drainage easement to the City for the runoff from this lot. .

### **State/Federal Permits**

The project will require the following state and/or federal permit(s) associated with the site design:

- EPA Construction General Permit – Notice of Intent
- NHDES Alteration of Terrain Permit
- NHDES Dredge and Fill Permit
- NHDES Sewer Connection Permit

A copy of the permits should be submitted to the City once they are issued.

### **Pre-Construction Items**

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

1. The applicant/contractor shall set up a pre-construction meeting with the Engineering Services Division to discuss construction requirements, site inspections, associated fees, schedules, etc.
2. The monumentation for the proposed lot lines will need to be set (prior to the issuance of the Certificate of Occupancy).
3. A Demolition Permit will be required from the Code Administration Division for removal of the existing building(s).
4. The following permit(s) will need to be obtained from the Engineering Services Division:
  - a. Driveway Permit
  - b. Excavation Permit (for work within the ROW)
  - c. Utility Connection Permits (sewer and water services; storm drain connections)
5. The contractor shall submit a Temporary Traffic Control Plan (TTCP) for all work in and adjacent to the City ROW that will require lane closures or occur adjacent to the edge of road. (submit to the ESD for review and approval a minimum of two weeks prior to the pre-construction meeting)
6. Performance surety (bond, letter of credit, or cash deposit) for site stabilization. The surety amount for this project has been set at \$10,000 based on a 2.5 ac disturbance area. (establish surety prior to pre-construction meeting)



Re: Review Comments (2017-33)  
Penacook Landing, Caleb Development  
Date: 10/12/2017

7. Performance surety (bond, letter of credit, or cash deposit) for work within the right-of-way and proposed public improvements. An engineer's cost estimate, based on the current NHDOT weighted average unit prices, should be submitted a min. of two weeks prior to the pre-construction meeting. (establish surety prior to pre-construction meeting)
8. Advanced deposit for site construction inspection fees (initial deposit amount determined by the ESD 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)
9. Water and Sewer Investment Fees will need to be paid (as part of the utility connection permit process).
10. Shop drawings/submittals should be submitted to the ESD for the proposed water, sewer, and drainage improvements.