



Heather Shank  
City Planner

# CITY OF CONCORD

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

## Planning Board

**August 15, 2018**  
**Project Summary – Major Site Plan**

Project: Irving Oil Site Redevelopment (2018-41)  
Property Owners: Irving Oil Marketing, Inc. & Irving Oil Properties NH Corp  
Address: 22&24 Penacook St. & 163 North State Street  
Map/Block/Lot: 583/Z 74, 583/Z 75, 583/Z 76

### **Determination of Completeness:**

Determine this application complete and set the public hearing for the September 19, 2018, Planning Board meeting.

### **Project Description:**

The applicant is proposing to demolish 2 existing residential structures, 1 existing convenience store, and fueling area and redevelop the site with a 3,280 sf convenience store and fuel area at 22&24 Penacook Street and 163 North State Street in the Urban Commercial (CU) and Urban Transitional (UT) Districts. The three lots are to be merged.

### **Project Details:**

Zoning: Urban Commercial (CU) and Urban Transitional (UT)

Existing Lot Area: 0.88 acres (38,278 sf)\*  
\*total area after lots merged

Street Frontage Required: 100' (CU) / 80' (UT)  
Existing Street Frontage: 258.66' on N. State Street (CU)  
124.9' on Penacook Street (CU)  
108.85' on Penacook Street (UT)

Existing Use: Residential and Gasoline retail  
Proposed Use: Gasoline retail

Lot Coverage Max.: 80% (CU) / 75% (UT)  
Lot Coverage Existing: 50.5%  
Lot Coverage Proposed: 77.1% (variance granted, see Comment 1.2 below)

Building Setbacks Required: 15' front, 10' side, 25' rear (UT)  
15' front, 15' side, 15' rear (CU)

Building Setbacks Provided: 15' front, 10' side, n/a rear (UT)

15' front, 15' side, n/a rear (CU)

Parking spaces required	13 spaces and 15 stacking spaces
Parking spaces provided	17 spaces (including 1 HC), and 20 stacking spaces

Surrounding Land Use: Commercial/Retail to the east and west; municipal services to the south; and residential to the north

## 1. General Comments

1.1 The following comments pertain to the 13 sheet site plan set titled "Proposed Site Redevelopment for Assessors May 583Z Lots 74, 75 & 76, 22 & 24 Penacook Street & 163 N. State Street, Concord, New Hampshire" prepared by MHF Design Consultants, Inc., dated June 25, 2018; 2 sheet Site Lighting Plans, prepared by RLA, not dated; and 2 sheet Architectural Exterior Elevations set, prepared by Arkinetics Architects & Urbanists, revision date June 13, 2018.

1.2 At the April 4, 2018 meeting, the Zoning Board of Adjustment (ZBA) granted the following variances to the Zoning Ordinance (ZO):

- Article 28-2-4(j) to permit the retail sale of gasoline in the portion of the property zoned Urban Transitional;
- Article 28-7-7(g) to allow off-street parking to be located in the front of the building between the building and the street;
- Article 28-4-1(h) to permit a total lot coverage of the portion of the lot in the UT district of 80 percent where a maximum lot coverage of 75 percent is allowed; and,
- Article 28-4-2(e) to permit a  $\pm 30$  foot wide driveway to cut through the buffer zone where a 15 foot vegetative buffer is required.

The variances were granted with the understanding that the 3 lots will be merged.

1.3 The Applicant went before the Architectural Design Review (ADR) Committee at the July 10, 2018, ADR meeting for initial review and comment. The Committee provided comments and recommendations on proposed landscaping placement and species, fence colors, roof lines, and addition of crosswalks or other visual indicator for the sidewalk crossing the drive aisles. The Applicant is scheduled for the September 11, 2018 ADR meeting for final review.

1.4 Please see engineering comments in the memo from Bryant Anderson, Engineering Division, dated August 2, 2018.

1.5 The review is based on the assumption that the three lots will be merged. Application shall file a Voluntary Lot Merger application as a condition of Major Site Plan approval.

## 2. Conditional Use Permits

2.1 The Applicant is requesting three Conditional Use Permits (CUPs), which are described below. The narratives provided by the applicant (see attached) describe how the criteria of all applicable sections of the ordinance are met, including Section 29-4-4(d) (ZO), which states the criteria for the Planning Board decision.

- 2.2 The Applicant has requested a Conditional Use Permit (CUP) per Section 28-7-8(b) of the ZO for an additional driveway. Because the proposed improvements are based on recommendations from the City's Traffic Engineer, and the proposal will improve existing conditions at the site, Staff supports this CUP request.
- 2.3 The Applicant has requested a CUP per Section 28-7-8(c)(2) of the ZO for the reduction in the dimension of driveway separation. The site currently has 6 driveways and the redevelopment will reduce the number of driveways to two: one on Penacook Street, and a right-in/right-out only driveway on N. State Street. Because the proposed improvements will improve conditions at the site, and access to the site will be limited if the Langley Parkway expansion is constructed in the future, Staff supports this CUP request with the condition that the Applicant work with Engineering Staff to redesign the right-in/right-out driveway on N. State Street as described in the Engineering memo dated 8/2/18.
- 2.4 The Applicant has requested a CUP per Section 28-2-4 to allow Gasoline Retail Sales use in the CU District. The gasoline sales use was previously established on site within the CU zone, and the use is not changing. A variance was granted for this use for the portion of the site within the UT zone. Staff supports this CUP request.

### **3.1 Site Layout & Landscape Comments**

- 3.1 The triangle at the intersection of N. State Street and Penacook Street is a right-of-way to the City. Revise the setbacks to be from the right-of-way, and relocate the proposed free standing sign to comply with the revised setbacks.
- 3.2 The City requests that the Applicant re-consider the proposed Flowering Pear trees. Flowering Pear trees are weak wooded, are susceptible to ice storm damage, and have a tendency to split. The City has concerns that these trees pose a public safety issue, especially with the location along N. State Street. Additionally, this tree has invasive traits and is under consideration for listing under the official invasive species list.
- 3.3 The applicant proposes to utilize five existing trees along the west property line to be counted towards the landscaping requirements. If trees are damaged or removed during construction, shade trees shall be installed in accordance with the requirements of Section 28.04(6). A note shall be added to the plan indicating that any trees damaged or removed during construction shall be installed prior to issuance of the Certificate of Occupancy. In addition, if any trees are damaged after occupancy, the trees shall be replaced in accordance with the requirements of Section 28.04(6) to remain in compliance with the Site Plan approval.
- 3.4 Planning and Engineering Staff met with the Applicant's Engineers on July 31, 2018. Based on concerns from Engineering Staff regarding the driveways on N. State Street, alternative parking and driveway layouts were discussed, including the addition of a raised median in N. State Street to eliminate left turns into the right-turn only driveway. Staff recommends that the Applicant provide revised plans showing the layout as discussed. Signage and landscaping shall also be revised to reflect the revised layout.

### **4. Technical Review Comments**

- 4.1 A Planning Board Approval Block shall be included on the Cover Sheet, Existing Conditions, Site Plan and Landscape Plan (see example below):



- 4.2 On Sheets L4 through L8, remove references to Lots 74 & 75 which will be eliminated through the lot merger prior to final approval. Confirm with the Assessing Department which Lot number to use for the remaining lot.
- 4.3 In accordance with the latest City of Concord Construction Standards, please revise the deciduous and evergreen tree planting details to indicate that wire baskets shall be fully removed.

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:** Bryant A. Anderson, PE  
**DATE:** August 2, 2018  
**SUBJECT:** Plan Review, Irving Oil, 163 North State Street;  
Map 583Z, Lots 74, 75, & 76; (2018-41)

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

- *Site Plans*, Proposed Site Redevelopment, 22 & 24 Penacook Street & 163 N. State Street, Concord, New Hampshire, prepared by MHF Design Consultants, Inc., dated June 25, 2018.
- *Storm Water Management, Drainage Calculations & Best Management Practices*, Map 583Z, Lots 74, 75 & 76, 22 & 24 Penacook Street & 163 N. State Street, Concord, NH, prepared by MHF Design Consultants, Inc., dated July 18, 2018

As a supplement to any comments offered by the Planning Division, Engineering 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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**Site Plans**

**Title Sheet**

1. The cover sheet and the title block for the plans set set states all three addresses, 22 Penacook Street, 24 Penacook Street, and 163 North State Street for the three properties that are part of this application. The final address for the redeveloped site will be 163 North State Street. As such, Engineering recommends that the title sheet and title block be revised to only include the final address.

**Existing Conditions Plan**

2. The plan lists existing and proposed areas for Lot 76. It appears this is based on a lot consolidation. This information should not be shown on the Existing Conditions Plan since it represents proposed conditions.

*Engineering Services*  
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[engineering@concordnh.gov](mailto:engineering@concordnh.gov)

3. On the Existing Conditions Plan, a triangular easement area is shown at the intersection of North State Street and Penacook Street, and is referenced as Book 1858, Page 1887. This particular deed is a permanent public right-of-way easement deed and the area should be shown as part of the highway right-of-way. The computed lot area should not include the area encompassed by the easement. The final, parcel building setback lines should correspond to the corrected right-of-way line. This correction will need to be shown on all sheets within the plan set.

### **Demolition Plan**

4. The sawcut limits for the trench patches in the ROW should be revised based on the City's Sawcut Requirement Detail.
5. The existing water services should be cut/crimped at the ROW and at the main. The pipe can be abandoned in place. The sawcut limits should be revised accordingly. In addition, the callout should specify that contractor coordinate with the Engineering Services Division, not the Water Department.
6. It is unclear if the existing drain lines and CB's at the eastern end of the site that tie into the CB in North State Street are intended to remain or be removed. Additionally it is unclear where the line terminates. Additional information should be provided.

### **Site Plan**

1. The following notes should be added to the plan:
  - a. All utilities shall be installed underground in accordance with Section 25.02(1) of the Site Plan Regulations.
  - b. Upon completion of construction the contractor shall submit as-built drawings to the Engineering Services Division.
  - c. The contractor shall set up a preconstruction meeting with the Engineering Services Division to discuss construction requirements, site inspections, associated fees, schedules, etc.
  - d. The contractor shall obtain a Demolition Permit from the Code Administration Division for the removal of the existing building(s).
  - e. A Temporary Traffic Control Plan (TTCP) will be required for all work in and adjacent to the City ROW that will require lane closures. The TTCP should be submitted to the ESD for review and approval a minimum of two weeks prior to the construction activities that require the lane closure(s).
2. The final address (163 North State Street) should be labeled on the plan within the proposed building outline.
3. The majority of the sidewalk/curb along the site's frontage is proposed to be replaced with the exception of a small section at the intersection. Engineering recommends that

the Penacook Street sidewalk be replaced up to the curb ramp that was installed for the City's Route 3 improvements.

4. The parking along the front of the store needs to be revised to provide additional separation between the parking and the entrance drive. The proposed configuration creates potential conflicts between a vehicle backing out of the northern space and vehicles entering from the driveway entrance.
5. The configuration of the right-in/right-out drive will not prevent vehicles from taking a left into the site from North Main Street. As such, a raised median in North State Street needs to be provided or the driveway needs to be reconfigured to prevent left turns into the site. If a raised median is provided, then the right-in/right-out drive can be eliminated and a standard driveway can be provided. This will also help reduce potential vehicle conflicts at the entrance drive.
6. The proposed driveways are minor, unsignalized driveways. As such, the cross-walk striping is not required and should be eliminated at the driveways.
7. The setback for the pylon sign needs to be based on the limits of the ROW easement.

#### **Grading & Drainage Plan**

8. It appears that the proposed connection to the existing CB downstream of DMH 4 may conflict with the existing inlet pipe into the CB. In addition, the pipe should be specified as 15 in RCP in accordance with City Construction Standards for drainage pipes in the ROW.
9. Based on the proposed grading and the contributing drainage area, it does not appear that the proposed trench drain will be able to collect all of the site generated runoff. Additional measures need to be provided to ensure that the runoff is collected on-site and routed to the treatment unit.
10. The oil-water separator that connects to CB-2 should be labeled on the plan.

#### **Utilities Plan**

11. The curb stop for the water service should be located at the ROW line.
12. The sewer services should be 6 in. (min.) in accordance with City Construction Standards.
13. A profile of the proposed sewer service needs to be included in the plans.
14. The proposed sewer service should tie into the existing SMH to the east of the proposed wye connection.
15. Engineering recommends that the domestic and kitchen waste lines connect at a SMH to help facilitate inspection and maintenance.

16. The designer should review the proposed location for the relocated utility pole adjacent to the building with the utility company to confirm that the proposed location will work.

### **Site Details**

17. The Typical Pavement Repair Detail should be removed since the plans include the City's Sawcut Requirements and Trench Restoration Details.

### **Lighting Plan**

18. The lighting levels at the property line should be 0.2 fc (max.) in accordance with City standards.

### **Drainage Report**

19. The post-development runoff volume exceeds the pre-development volume for the 10 yr storm. A waiver needs to be requested from Section 22.07(3) to allow an increase in the post-development runoff volume.
20. A waiver needs to be requested from Section 22.07(2) of the Site Plan Regulations to allow a reduction in the minimum depth to ground water from 4 ft to 3 ft.

### **General Comments**

21. The applicant has requested Conditional Use Permits for the following:
  - a. To allow more than one driveway per 350 ft of frontage;
  - b. To allow driveways to be located within 200 ft of an intersection and within 200 ft of other driveways.

Provided that provisions are made to prevent left turns into the site from North State Street, Engineering does not take exception to the permit requests.

### **State/Federal Permits**

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

- NHDES Sewer Connection Permit

A copy of the permit(s) 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. A Demolition Permit will be required from the Code Administration Division for removal of the existing building(s).



3. 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)
4. 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 Engineering for review and approval a minimum of two weeks prior to the pre-construction meeting)
5. Performance surety (bond, 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 a 0.9 ac disturbance area. (establish surety prior to pre-construction meeting)
6. Performance surety (bond, letter of credit, or cash deposit) for work within the right-of-way. 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)
7. Advanced deposit for site construction inspection fees (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)
8. Water and Sewer Investment Fees will need to be paid (as part of the utility connection permit process).
9. Shop drawings/submittals should be submitted to Engineering for the proposed water, sewer, and drainage improvements.