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CITY OF CONCORD

New Hampshire's Main Street™
Community Development Department

Planning Board

September 19, 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:

This application was determined complete at the August 15, 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 ac (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 ±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 has requested the following waivers to the Site Plan Regulations (SPR), see the attached waiver request for additional information:

- Section 22.07(2) to allow a reduction in the minimum depth to ground water from 4 feet to 3 feet, based on the existing groundwater elevation. The NH Department of Environmental Services has revised their regulations to allow for 3-foot separation since the City adopted this standard. Strict conformity would pose an unnecessary hardship to the applicant and waiver would not be contrary to the spirit and intent of the regulations. Staff supports this request.
- Section 22.07(3) to allow for a slight increase in the volume of off-site stormwater discharge. While there is a slight increase in the volume, the rate of discharge will be decreased due to the proposed underground detention system. The proposed increase will not have a negative impact on adjacent properties, and strict conformity would pose an unnecessary hardship to the applicant and waiver would not be contrary to the spirit and intent of the regulations. Staff supports this request.

1.4 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, roof lines, and a visual indicator for the sidewalk

crossing the drive aisles. The Applicant returned to ADR at the September 11, 2018 to present revised drawings. The Committee approved the plans as submitted with a note that the Planning Board take into consideration comments from a member of the public regarding the impacts of the proposal to the residential neighborhood, which will be presented again at the Planning Board meeting.

- 1.5 Based on initial review comments from the Engineering Division, the applicant has agreed to construct a median in N. State Street to prohibit illegal left turns into and out of the right-in/right-out driveway. The Applicant is working with the City's Traffic Engineer on the median design.
- 1.6 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.
- 1.7 The Transportation Policy Advisory Committee – Bicycle and Pedestrian Subcommittee reviewed the proposed plans at their meeting on September 10, 2018. The Committee recommended the following modifications: 1) a 6' grass panel should be provided between the curb and sidewalk to provide walkable streets, and room for snow storage, landscaping/shade trees, signs, utilities. The grass panel will also improve safety for pedestrians crossing at the driveways. 2) The curb along North State Street should be reset such that a complete street as noted in the City's Complete Streets Policy accommodates all users to the appropriate standard (5' bike lane/shoulder).

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) of the Zoning Ordinance (ZO), which states the criteria for the Planning Board decision.
- 2.2 The Applicant has requested a CUP per Section 28-7-8(b) (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) (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 median be constructed and the N. State Street driveway be right-in/right-out only.
- 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. 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 Applicant is working with the City's Traffic Engineer to design a median for N. State Street.
- 3.3 The City recommends that the Applicant replace the proposed Flowering Pear trees with another species. 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 The 5-foot wide bicycle lane shall be provided along the entire frontage of N. State Street. In addition, the sidewalk along Penacook Street and the area along N. State Street between the driveway and Penacook Street intersection shall be shifted to the right-of-way lane to provide a minimum 3-foot wide landscape strip and 5-foot wide sidewalk.
- 3.5 Staff recommends that the proposed landscaping along Penacook Street be shifted away from the property line to minimize impacts to the plantings if Langley Parkway is constructed.

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.

5. Recommendations

- 5.1 **Grant ADR approval** for the proposed site plan and building as submitted.
- 5.2 **Grant approval of the following Conditional Use Permits:**
- Section 28-7-8(b) for an additional driveway.
 - Section 28-7-8(c)(2) for the reduction in the dimension of driveway separation with the condition that the median be constructed and the N. State Street driveway be right-in/right-

out only.

- Section 28-2-4 to allow Gasoline Retail Sales use in the CU District.

5.3 **Grant the following waivers** to the Site Plan Regulations. Utilizing 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. In addition, the NH Department of Environmental Services has revised their regulations to allow for 3' separation since the City adopted this standard.

- Section 22.07(2) to allow a reduction in the minimum depth to ground water from 4 ft to 3 ft.
- Section 22.07(3) to allow for a slight increase in the volume of off-site stormwater discharge.

5.4 **Grant Major Site Plan** approval for the proposed gas station redevelopment at 22-24 Penacook St. & 163 North State Street, 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) Address Site Layout and Technical Review comments noted in Sections 3 and 4 above.
- (2) Address Engineering review comments to the satisfaction of the Engineering Division.
- (3) Final off-site improvement plans for the median shall be approved by City staff.
- (4) Condition Use Permit(s) granted are to be noted and fully described on the plan including date granted and applicable Section number(s) of the Zoning Ordinance. Should the Board vote to deny the Conditional Use Permit(s), applicant shall comply with said submission requirement(s).
- (5) Any waiver(s) granted are to be noted and fully described on the plan including date granted and applicable Section number(s) of the Subdivision Regulations. Should the Board vote to deny the waiver request(s), applicant shall comply with said submission requirement(s).
- (6) A Voluntary Lot Merger application shall be submitted, approved, and recorded at the Merrimack County Registry of Deeds.
- (7) 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, 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.

Prepared by: BAF

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