



Heather Shank  
City Planner

# CITY OF CONCORD

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

## Planning Board

March 20, 2019

### **Project Summary – Major Site Plan**

Project: Barn at Bull Meadow Venue (2019-05)  
Property Owners: Harold J. Lassonde III  
Address: 63 Bog Road  
Map/Block/Lot: Map 312Z, Lot 6

#### **Determination of Completeness:**

The application was determined complete at the February 20, 2019, Planning Board meeting.

#### **Project Description:**

The applicant is proposing to construct a 6,296 sf indoor event venue, rebuild an existing gravel road, and construct a patio, parking lot, and drainage improvements at 63 Bog Road in the Medium Density Residential (RM) and Residential Open Space (RO) Districts.

#### **Project Details:**

Zoning: Medium Density Residential (RM) and Residential Open Space (RO)  
Existing Lot Area: 33.73 ac (1,469,278 sf)  
Street Frontage Required: 100' (frontage is within RM District w/sewer)  
Street Frontage Provided: 270.39  
Existing Use: Single-family Residential  
Proposed Use: Commercial Indoor Recreational Facility (Wedding Venue) \**Variance received, see note 1.2 below*  
Lot Coverage Max.: 40% (RM) / 20% (RO)  
Lot Coverage Existing: 2.9%  
Lot Coverage Proposed: 6.0%  
Building Setbacks Required: 25' front, 15' side (RM)  
40' side, 50' rear (RO)  
Building Setbacks Provided: >25' front, 40' side, >50' rear  
Parking spaces required : 125 spaces, including 5 ADA  
Parking spaces provided: 69 spaces, including 3 ADA \**Variance received, see note 1.2 below*

## 1. General Comments

- 1.1 The following comments pertain to the 26 sheet site plan set titled “The Barn at Bull Meadow, 63 Bog Road, Concord, New Hampshire” prepared by TFMoran, dated January 16, 2019, revised March 6, 2019.
- 1.2 The Zoning Board of Adjustment (ZBA) granted the following variances:
  - Variance to Article 28-2-4(j) of the Zoning Ordinance (ZO) to permit the use as a Commercial Indoor Recreational Facility in the RO District where such use is not allowed.
  - A Variance to Article 28-7-7(f), Driveway Widths, to allow a driveway width of 20 feet when a minimum driveway width of 24 feet is required for two-way traffic, with the condition that the applicant provide a written statement from the Fire Marshall regarding 20’ width being acceptable.
  - A Variance to Article 28-7-7(h), Surfacing and Drainage, to allow the driveway to be constructed of gravel, without a durable paved surface, when the driveway is required to be paved with a durable, dustless surface; and,
  - A Variance to Article 28-7-2(e), Table of Off-Street Parking, to provide 60 parking spaces when the parking requirements for Commercial Indoor Recreation Facilities would require 125 parking spaces, with the condition that occupancy be limited to 180 seats/occupants.
- 1.3 Architectural Design Review (ADR) is required for the Major Site Plan application. The Applicant went before the ADR Committee at the February 5, 2019 meeting. The Committee voted to recommend approval of the site plan and architectural elevations as submitted, with the suggestion that windows or other element be incorporated into the front entry façade, and the half-circle window on the west elevation be reconsidered. In addition, the ADRC recommended approval of the Conditional Use Permit for the cupola to exceed the maximum height requirements.
- 1.4 See comments from the Engineering Division in a separate memo.
- 1.5 The Applicant is requesting the following waivers to the Site Plan Regulations (SPR):
  - a. **12.03(6) Soils**, to utilize NRCS data instead of having a soil scientist prepare and sign a soil plan. Due to the size of the parcel, extent of wetlands/unbuildable land, and that the applicant has performed infiltration test pits to verify the subsurface conditions will support the stormwater management plan, a plan prepared and signed by a soil scientist would pose a hardship. Staff supports this waiver.
  - b. **15.03(1) Property Lines**, to not survey the entire parcel given the extent of development concentrated in a 3.5 acre portion of the 33.7 acre parcel. Surveying the entire parcel would pose a hardship. Staff supports this waiver.
  - c. **15.03(3) Topography**, to not show existing topography for the entire parcel. Surveying the entire parcel would pose a hardship. Staff supports this waiver.

- d. **15.03(5) Natural Features**, to not show natural features on the entire parcel. Surveying the entire parcel would pose a hardship. Staff supports this waiver.
- e. **16.03(11) Signs**, to not provide signage package at a later date. Staff supports this waiver.
- f. **21.03 Connection to Public Sidewalks**, to not provide a sidewalk connecting the site to the existing sidewalk on Bog Road. The Applicant indicates that although there is a City sidewalk, this would not be considered a Site Arrival Point as defined by ADA as the building is located 1,500 feet from the existing sidewalk. Guests will likely be arriving by car, and will not likely leave the facility by foot to use nearby facilities as it is located within a residential neighborhood. Further, the addition of a sidewalk will require additional wetland and wetland buffer impacts, and the ZBA granted a variance for a narrower driveway to limit those impacts; therefore, the Applicant is requesting this waiver for comparable reasons. The Applicant is providing ADA-compliant pedestrian access from the parking areas to the facility. Staff supports this waiver.
- g. **22.07(2) Stormwater Recharge**, to maintain 3-foot separation where 4 feet is required between the bottom of the infiltration system and the groundwater. The NH Department of Environmental Services has revised their regulations to allow for 3' separation since the City adopted this standard. Staff supports this request.

## 2. Conditional Use Permits

- 2.1 The Applicant is requesting the following Conditional Use Permits (CUP). The narratives provided by the applicant (see attached Supplemental packet) 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.
  - a. Section 28-4-3(d) to disturb approximately 104,019 sf (2.39 ac) of Wetland Buffer
  - b. Section 28-4-1(f)(3) for the cupola to exceed height requirements
- 2.2 The Application went before the Conservation Commission at the February 13 and March 13, 2019 meetings for the proposed CUP application for the proposed disturbance to wetland buffers. The Commission recognized that 76,599 sf of the buffer impacts are existing impacts from the driveway, and only 27,993 new impacts are proposed. The Commission expressed concern about impacts to the wetlands from the application of road salt, and recommended that the venue employ safe application of road salt in the sensitive areas.  
The Conservation Commission recommended approval of the CUP.
- 2.3 The Applicant went before the ADRC at their February 5, 2019, meeting to present the proposed CUP application for the cupola to be at a height of 35'9-9/16" inches where a maximum height of 35' is allowed in the RO District. ADRC recommended approval of the CUP.

## 3. Planning Review Comments

- 3.1 The applicant proposes to utilize existing trees to be counted towards the landscaping requirements (64 trees required, 6 new trees proposed). Per Section 18.17, existing trees need to be located within 20' of the parking lot to be counted towards this requirement, and per Section 27.06, street trees for parking lots shall be distributed every 20'-40' apart. Applicant shall provide additional information documenting that existing trees may be utilized towards the requirement. It does not appear that the distribution and spacing requirement is met; additional new trees may be required. The Applicant shall mark existing trees to be counted towards the requirement and the Landscape Architect shall meet with Planning Staff at the site for approval of existing trees to

remain. Should Planning staff determine that additional plantings be required, species and location of proposed trees shall be approved by Planning Staff. *Applicant's response letter indicates this note was added to Site Layout Plan, but staff was not able to locate the note. Staff requests that the note be added to the Landscape Plan.*

- 3.2 A note shall be added to the plan set indicating that maximum occupancy for the facility is 180 seats/occupants.
- 3.3 On Sheet 4, Site Preparation, the silt sock line is still reading as a solid line and does not match the legend.
- 3.4 The applicant is proposing to use roll-out totes so that no outdoor refuse containers required. Note 28 on Sheet 6 shall be revised to include "if the facility requires outdoor solid waste storage in the future, the area shall comply with Section 28-7-14 Off-Street Loading Area for Refuse Containers (ZO), and Sections 20.06 Solid Waste Facility Screening and 20.07 Design of Solid Waste Disposal Areas (SPR)."

#### 4. Recommendations

- 4.1 **Grant ADR approval** for the site plan and the building as submitted, with the suggestion that windows or other element be incorporated into the front entry façade, and the half-circle window on the west elevation be reconsidered.
- 4.2 **Grant the following waivers** using the criteria of RSA 674:44 III(e)(1) as guidance, indicating that strict conformity would pose an unnecessary hardship to the applicant since the applicant is proposing changes to a small portion of the site, and waivers would not be contrary to the spirit and intent of the regulations, and the site plan can be satisfactorily reviewed with the information provided.
  - a. 12.03(6) Soils, to utilize NRCS data instead of having a soil scientist prepare and sign a soil plan.
  - b. 15.03(1) Property Lines, to not survey the entire parcel given the extent of development concentrated in a 3.5 acre portion of the 33.7 acre parcel.
  - c. 15.03(3) Topography, to not show existing topography for the entire parcel.
  - d. 15.03(5) Natural Features, to not show natural features on the entire parcel.
  - e. 16.03(11) Signs, to provide signage package at a later date.
  - f. 21.03 Connection to Public Sidewalks, to not provide a sidewalk connecting the site to the existing sidewalk on Bog Road.
  - g. 22.07(2) Stormwater Recharge, to maintain 3-feet separation where 4 feet is required between the bottom of the infiltration system and the groundwater
- 4.3 **Grant approval of the following Conditional Use Permits**, utilizing the criteria from Section 28-9-4(b) (ZO):
  - a. Section 28-4-3(d) to disturb approximately 104,019 sf (2.39 ac) of Wetland Buffer
  - b. Section 28-4-1(f)(3) for the cupola to exceed height requirements, allowing a height of 35' 9-9/16" where a maximum height of 35' is allowed in the RO District

4.4 **Grant Major Site Plan** approval for the proposed development of a commercial indoor recreational facility (wedding venue) and associated site improvements at 63 Bog 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) Address Planning Review comments to the satisfaction of the Planning Division.
  - (2) Address Engineering review comments to the satisfaction of the Engineering Division.
  - (3) Address the conditions of the ZBA approval.
  - (4) Waivers and 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 and Site Plan Regulations. Should the Board vote to deny the Waivers or Conditional Use Permit(s), applicant shall comply with said submission requirement(s).
  - (5) 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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**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:** March 14, 2019  
**SUBJECT:** Plan Review (2), The Barn at Bull Meadow, 63 Bog Road;  
Map 312Z, Lot 6; (2019-05)

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

- *Site Plans*, The Barn at Bull Meadow, 63 Bog Road, Concord, New Hampshire, prepared by TFM, dated January 16, 2019 (revised thru 3/6/19).
- *Stormwater Management Report*, The Barn at Bull Meadow, Tax Map 312, Lot Z6, 63 Bog Road, Concord, NH, prepared by TFM, dated January 16, 2019 (revised thru 3/12/19).
- *Comment Response Letter*, Nicholas Golon (TFM) to Beth Fenstermacher (Planning), dated March 12, 2019.
- *Waiver Request Letter*, Section 21.03, Nicholas Golon (TFM) to Heather Shank (Planning), dated March 12, 2019.
- *Waiver Request Letter*, Section 22.07(2), Nicholas Golon (TFM) to Heather Shank (Planning), dated March 12, 2019.

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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Note: Engineering has previously reviewed this project and has submitted comments to the Planning Division in a memorandum dated February 13, 2019. Comments from our previous memorandum that have not been addressed are included and noted in the comments below.

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

## **Site Plans**

### **Existing Conditions**

1. The Map and Lot designations were corrected on all sheets except the Existing Conditions Plan Sheets.
2. The plan indicates that the property lines are based on a reference plan. Considering that work is proposed to the south and west of the barn within a few feet of the property line, additional information should be provided to demonstrate that the proposed improvements will not encroach on the abutting properties. **(Repeat Comment from 2/13/19)** At the time the TFM meet with staff to discuss the survey limits no information was provided on the project limits. Since the work limits are within feet of the property line additional information on how the property line was established should be provided. In addition, a note should be added to the plans stating the property line needs to be staked/located in these areas prior to construction so that the contractor knows where it is.

### **Utility Plan**

3. The proposed force main connection should not run along the ROW to the downstream manhole. A new manhole needs to be installed on the main, across from the driveway, and a 6" gravity service connection installed to the ROW. The force main can then connect to the gravity service. **(Repeat Comment from 2/13/19)** The designer had relocated the force main outside of the ROW. However, it does not appear that it can be located without temporary impacts. Either the sewer should be revised as noted above or a temporary wetlands impact permit will need to be obtained from the NHDES.

## **General Comments**

4. The Applicant has requested the following waivers from the Site Plan Regulations for the project:
  - a. Section 12.03(6) – Waiver requested to use NRCS soils data instead of conducting a soil survey.
  - b. Section 15.03(1) – Waiver requested to show partial boundary lines.
  - c. Section 15.03(3) – Waiver requested to show topography in the development area only.
  - d. Section 15.03(5) – Waiver requested to show natural in the development area only.
  - e. Section 21.03 – Waiver requested to remove the requirement to provide a sidewalk to the street.
  - f. Section 22.07(2) – Waiver requested to reduce the minimum separation to groundwater for infiltration systems.

Engineering takes no exception to these waiver requests.

### **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 Registration and Notification for Storm Water Infiltration to Groundwater
- NHDES Dredge and Fill Permit

A copy of the permit(s) should be submitted to the City once they are issued.

### **Post-Approval/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 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)
3. 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)
4. Performance surety (bond, letter of credit, or cash deposit) for site stabilization. The surety amount for this project has been set at \$14,000 based on a 3.5 ac disturbance area. (establish surety prior to pre-construction meeting)
5. 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)
6. Water and Sewer Investment Fees will need to be paid (as part of the utility connection permit process).



Re: Review Comments (2019-05)  
The Barn at Bull Meadow, 63 Bog Road  
Date: 3/14/2019

7. Shop drawings/submittals should be submitted to Engineering for the proposed water, sewer, and drainage improvements.