



Heather Shank
City Planner

CITY OF CONCORD

New Hampshire's Main Street™
Community Development Department

Planning Board

April 17, 2019

Project Summary – Major Site Plan

Project: T-Bones (2019-21)
Property Owners: Capital Hotel Company VI, LLC
Address: 406 South Main Street
Map/Block/Lot: Map 1, Block 2, Lot 3

Determination of Completeness:

Determine this application complete and set the public hearing with respect to whether the Board grants the applicant's waiver request to Section 6.03(2)(c) of the Site Plan Regulations (SPR), to hold the public hearing at the same meeting as the determination of completeness.

The applicant is requesting the waiver on the claim that the Planning Board and abutters have been aware that a proposal for restaurant would be coming before the Board in the near future. As part of the hotel site plan submittal (approved January 16, 2019) a Traffic Impact and Access Study (TIAS) was submitted that included forecasted traffic impacts associated with the restaurant.

Staff supports this waiver request for the reasons stated above and the fact that the City Traffic Engineer has already reviewed the TIAS which included the restaurant and has no issues with it.

Project Description:

The applicant is proposing a redevelopment project involving the razing of existing site structures and the construction of a 9,900 sf restaurant with a 547 sf patio, with associated access, parking, drainage, landscaping improvements, and utility infrastructure.

Project Details:

Zoning:	General Commercial (CG)
Existing Lot Area:	2.4 ac (104,556 sf)
Street Frontage Required:	150'
Street Frontage Provided:	191.08'
Existing Use:	Hotel
Proposed Use:	Restaurant
Required Lot Size:	25,000 sf
Proposed Lot Size:	14,312 sf (<i>post subdivision, will share 70,282 sf of common area with one other condominium unit</i>)

Lot Coverage Max.: 80%
 Lot Coverage Existing: 59.6%
 Lot Coverage Proposed: 78.9%

Building Setbacks Required: 30' front, 25' side, 30' rear
 Building Setbacks Provided: 30.1' front, 26' side, 53.8' rear

Parking spaces required : 121 spaces, including 5 ADA
 Parking spaces provided: 121 spaces, including 4 ADA

1. General Comments

- 1.1 The following comments pertain to the 30 sheet site plan set titled "Days Inn Redevelopment" prepared by TF Moran, Inc., dated September 18, 2018 and revised through March 20, 2019; and 7 page architectural plan set, prepared by Market Square Architects, dated March 19, 2019.
- 1.2 The applicant has submitted a conjunctive Minor Subdivision application for a land condominium which was approved at the December 19, 2018 meeting. Review of the Major Site Plan Application assumes the Minor Subdivision will be approved and recorded at the Merrimack County Registry of Deeds.
- 1.3 At the November 7, 2018 meeting, the Zoning Board of Adjustment (ZBA) granted the following variances to the Zoning Ordinance (ZO):
 - To Article 28-7-7(g)(3), Parking to be located to the side or rear of a building, to permit parking to be located between a building housing a principal use and the street, where parking to the side or rear of a building housing a principal use is required;
 - To Article 28-7-3, Location of Required Parking, to permit dedicated off-site parking on adjacent land in the RO Residential Open-Space District when parking is required to be provided on the same lot as the use of uses the parking spaces are intended to serve;
 - To Article 28-2-4(j), The Table of Principal Uses, to permit parking in an RO District where non-residential parking lots are not permitted as a Principal Use;
 - To Article 28-7-14(a), Requirements for Refuse Container Siting and Loading, to permit the refuse container(s) to be located off site on an adjacent lot when refuse container space is to be provided in the same lot as the use it serves;
 - To Article 28-7-14(d), Requirements for Refuse Container Siting and Loading, to permit the refuse container to be located within 10 feet of a property line and 25 feet of a residential district boundary when refuse container is to be located more than 10 feet from the property line and more than 25 feet from a residential district boundary.
- 1.4 At the December 5, 2018 meeting, the ZBA granted the following variances:
 - To Article 28-7-2(e), The Table of Off-Street Parking Requirements, to permit the provision of 74 spaces for an 82 room proposed hotel (0.9 spaces per room where 1.1 spaces are required) where the Ordinance requires the provision of 91 spaces for 82 rooms;
 - To Article 28-7-2(e), The Table of Off-street Parking Requirements, to permit the provision of 102 spaces for a proposed restaurant (0.9 spaces per 75sf of gross floor area where 1 space per 75sf is required) where 113 spaces would be required for an 8,475sf restaurant.
- 1.5 Architectural Design Review (ADR) is required for the Major Site Plan application. The application appeared before ADR at the April 2, 2019 meeting. The committee recommended that

the panels where windows would be on areas of the building that conceal the kitchen and other services areas be darker than the off-white panels proposed, given windows look black during the day time. The committee recommended approval on the condition that the applicant returns to ADR on April 30, 2019 and provides materials and color samples for the proposed restaurant and screening colors and materials for the dumpster area.

- 1.6 Comments from the Engineering Division are provided in the memo dated April 10, 2019.

2. Conditional Use Permits

- 2.1 The applicant has requested a Conditional Use Permit (CUP) per Article 28-7-11(a), Alternative Parking Arrangements, to provide required parking spaces off-site. The applicant has reached agreements with three of its abutters, the State of New Hampshire, 410 South Main Street LLC, and Irving Oil Properties NH Corp., to lease parking area for 37 spaces, 16 spaces, and 23 spaces respectively.

Given the applicant has provided copies of the above mentioned lease agreements and has provided a detailed CUP narrative as required by the Zoning Ordinance, **staff supports the CUP request with the condition** that prior to the termination of any of the three leases, the applicant shall receive variance relief for the reduction in parking, provide adequate parking elsewhere, or reduce the seating in the restaurant relative to the number of parking spaces available.

3. Waivers

- 3.1 Section 16.03(11) (SPR) - to allow the applicant to provide site signage as a separate submittal at a later date. The applicant has retained a signage vendor for sign design, this work is ongoing and a signage packet will be submitted to ADR and the Planning Board for review. **Staff supports this waiver.**
- 3.2 Section 22.07(2) (SPR) – to allow a separation of 3-feet where 4-feet is required between the bottom of an infiltration system and groundwater. The application states that the system proposed has been designed in accordance with NHDES Alteration of Terrain regulations which require 3-feet of separation. Due to the fact the applicant has met the Alteration of Terrain regulations as detailed in Env-Wq. 1500, **staff supports this waiver.**

4. Technical Review Comments

- 4.1 The following lease agreements shall be recorded at the Merrimack County Registry of deeds and noted on the site plan with their respective book and page numbers:
- Agreement with the State of New Hampshire for the use of 9,782 sf of I-93 right-of-way for 37 parking spaces;
 - Agreement with 410 South Main Street LLC for the use of 16 parking spaces;
 - Agreement with Irving Oil Properties NH Corp. for the use of 23 parking spaces.
- 4.2 Provide parking area lease documents for staff review.
- 4.3 An additional ADA accessible parking space shall be provided as the applicant has provided 8 spaces where 9 are required (Hotel - 4, Restaurant - 5), in accordance with Article 28-7-5 of the Zoning Ordinance.
- 4.4 Provide bicycle parking for the restaurant, in accordance with Section 30.03 of the Site Plan Regulations (SPR).
- 4.5 Change “Proposed Parking Easement” to “Proposed Parking Lease” regarding the parking spaces leased from the southern abutters

- 4.6 Correct the date in note 31 to November 20, 2018 and change “easement” to “lease”.

5. Landscape Comments

- 5.1 The majority of trees to be planted within and adjacent to the parking lot shall be deciduous shade trees and shall be salt and drought-tolerant and native or non-invasive, in accordance with Section 27.07(1) (SPR). Therefore, staff recommends that the 9 Amur Maakia trees used for internal landscaping and the 21 Crimson Cloud Hawthorns located adjacent to the parking lot along the south-eastern and western property lines be replaced with native deciduous trees with taller mature heights.
- 5.2 The minimum caliper size of deciduous trees shall be no less than 2½” to 3” at the time of planting, in accordance with Section 27.07(1) (SPR).
- 5.3 Staff recommends replacing the three sterling linden trees with a more drought-tolerant, native shade tree species, in accordance with Section 27.07(1) (SPR).
- 5.4 There shall be no more than 19 trees of one species, or 25% of the total tree count on the site, in accordance with Section 27.07(4) (SDR). The Crimson Cloud Hawthorn (addressed in comment 5.1) and the Redbud crabapple numbers should be reduced and replaced with native shade trees when on the southern side of building and parking lots or replaced with native evergreens when on the northern side of buildings and parking lots.

6. Recommendations

Should the Board vote to grant the waiver to Section 6.03(2)(c) (SPR), staff has the following recommendations:

- 6.1 **Grant Architectural Design Review approval** for the construction of a 9,900sf restaurant and associated site improvements at 406 South Main Street on the condition that the window panels be a darker color and that the applicant returns to the April 30, 2019 ADR meeting to present materials and color samples of building materials and screening materials and colors for the dumpster area.
- 6.2 **Grant the Conditional Use Permit** per Article 28-7-11(a), Alternative Parking Arrangements, to provide required parking spaces off-site.
- 6.3 **Grant the Following Waivers** utilizing the criteria from RSA 674:36(II)(N)(2) as guidance, staff believes that strict conformity would pose an unnecessary hardship to the applicant and the waiver would not be contrary to the spirit and intent of the regulations;
- Section 16.03(11) to provide a sign package as a separate submittal at a later date.
 - Section 22.07(2) (SPR) – to allow a separation of 3-feet where 4-feet is required between the bottom of an infiltration system and groundwater.
- 6.4 **Grant Major Site Plan** approval for the proposed redevelopment at 406 South Main Street with a 4-story, 82-room hotel and associated site improvements 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 Technical Review and Landscape comments to the satisfaction of the Planning Division.
 - (2) Address Engineering review comments to the satisfaction of the Engineering Division.

- (3) Return to the April 30, 2019 ADR meeting to present materials and colors samples of building materials and screening materials and colors for the dumpster area.
 - (4) The minor subdivision shall be recorded at the Merrimack County Registry of Deeds.
 - (5) The three leases for the purpose of providing off-site parking shall be signed, reviewed by City staff, and recorded at the Merrimack County Registry of Deeds.
 - (6) Conditional Use Permit(s) granted are to be noted and fully described on the plan including date granted and applicable Article number(s) of the Zoning Ordinance. Should the Board vote to deny the Conditional Use Permit(s), the applicant shall comply with said submission requirement(s).
 - (7) 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(s), the applicant shall comply with said submission requirement(s).
 - (8) 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 the issuance of any building permits, the applicant must receive variance relief to the requirement set forth in Article 28-7-11(a) Off-site Parking, whereas the off-site parking must be permanently related to the principal use by easement, or other recordable binding legal instrument that co-terminates with the principal use, in order to enter into three lease agreements with maximum terms of 10, 15, and 25 years.
 - (2) Prior to commencement of construction activity, payment of inspection fees in an amount approved by the City Engineer shall be made.
 - (3) 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.
 - (4) 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.
 - (5) 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: SCD

S:\Plan\Development Review\Project Files\2019\2019-21_T-Bones_SPR\Reports & Letters



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

David Cedarholm, PE
City Engineer

MEMORANDUM

TO: Sam Durfee, Senior Planner
FROM: Bryant A. Anderson, PE
DATE: April 9, 2019
SUBJECT: Plan Review, Days Inn Redevelopment, 406 South Main Street;
Map 1, Block 2, Lot 3; (2019-21)

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

- *Site Plans*, Days Inn Redevelopment, 406 South Main Street, Concord, New Hampshire, prepared by TFM, dated September 19, 2018 (rev. thru 4/20/19).
- *Stormwater Management Report*, Days Inn Redevelopment, Tax Map 1, Block 2, Lot 3, 406 South Main Street, Concord, NH, prepared by TFM, dated September 19, 2018 (rev. thru 3/20/19)
- *Waiver Request Letters*, Nicholas Golon (TFM) to Heather Shank (Planning), dated March 20, 2019.
- *Traffic Report*, Traffic Impact and Access Study, Proposed Days Inn Redevelopment, 406 South Main Street, Concord, New Hampshire, prepared by TFM, dated October 17, 2018 (rev. thru 11/20/18) – Reviewed previously

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.**

Site Plans

Site Layout Plan

1. It is our understanding that parking leases are being proposed instead of easements for the lots to the south. If so, they should be designated as such on the plans.
2. The parking easements on abutting lots should include provisions for the drainage associated with the parking lot.

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

Grading & Drainage Plan

3. The limits of the parking easement for Lot 1-2-1 should be added to the plan. In addition, the limits of the drainage easement should include the stone apron for the overflow spillway for the basin.
4. The designer should evaluate if the discharge from the overflow spillway for the basin on Lot 1-2-1 will cause any erosion or other issues on this lot.

Utility Plan

5. The water shut off symbol, adjacent to the ROW for the restaurant should be removed from the plan.
6. Telephone and cable services are not shown to the restaurant.
7. The underground electric conduits for the restaurant should be moved away from the property line or an easement should be obtained from the abutting lot to the south. In addition the conduits conflict with one of the site light poles.
8. A grease trap should be provided for the restaurant instead of the proposed oil/water separator.
9. The 6" water services should connect to the main with tapping sleeves/valves instead of tees so that the water main does not need to be shut down for construction.

Details

10. The sewer chimney detail should be removed from the plans.
11. The Oil/Water Separator Detail should be replaced with a Grease Trap Detail. In addition, sizing information should be provided documenting that the grease trap is appropriately sized for the restaurant.

Stormwater Management Report

12. It appears that Subcatchment 11S should be broken into two areas. One to Discharge Point B and one to Point C. Additionally, Subcatchment 11S should be labeled on the Pre-Development Drainage Plan.

General Comments

13. The TIAS recommends the restriping of the painted median on Route 3A at the hotel driveway to remove the current painted 'double-yellow' median lines and instead extend the current two-way left-turn lane (TWLTL) northerly to the hotel driveway. This work should be included on the Site Plans.
14. The applicant has requested the following waivers from the Site Plan Regulations:
 - a. Section 6.03(2)(c) to hold the public hearing during the same meeting as the determination of completeness.

- b. Section 16.03(11) to provide a separate signage submittal at a later date.
- c. Section 22.07(2) to reduce the separation to ground water to 3 ft for infiltration systems.
- d. Engineering takes no exceptions 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
- FAA Obstruction Evaluation/Airport Airspace Analysis (OE/AAA) – Notice of Proposed Construction or Alteration (Form FAA 7460-1)
- NHDES Alteration of Terrain Permit
- NHDES Sewer Connection 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. 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 \$8,000 (min. amount) based on a 2 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

Re: Review Comments (2019-21)
Days Inn Redevelopment, 406 South Main Street
Date: 4/9/2019

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 and for the proposed improvements within the ROW.