



Heather Shank  
City Planner

# CITY OF CONCORD

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

## Planning Board

October 16, 2019

### **Project Summary – Conditional Use Permit**

Project: Unitil 374 Line Replacement (2019-54)  
Owner: Unitil Energy Systems, Inc.  
Address: Utility ROW, Theatre Street to Gulf Street  
Map/Block/Lot: n/a

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

Determine this application complete and open the public hearing. As part of the motion, indicate that the project does not meet the criteria for a Development of Regional Impact (DRI), per RSA 36:55.

#### **Project Description:**

The applicant is requesting a Conditional Use Permit (CUP) in accordance with Article 28-4-3(d) to allow for disturbance of approximately 2,475 sf within the 50-foot wetland buffer for the replacement of utility poles and overhead wires in the Opportunity Corridor Performance (OCP) and Gateway Performance (GWP) Districts.

#### **1. General Comments**

- 1.1 The following comments pertain to a 7 sheet site plan set titled “Unitil 374 Line, Theatre Street to Gulf Street, Concord, New Hampshire”, dated September 18, 2019, prepared by TFMoran, Inc.
- 1.2 This work performed under this CUP involves the disturbance of wetland buffers by the placement of temporary timber matting for access and staging for the replacement of utility poles and overhead wires within the existing utility right-of-way.
- 1.3 This application was reviewed by Conservation Commission at their regularly scheduled October 9, 2019 meeting. The Commission recommended approval of the CUP.
- 1.4 The narrative provided by the applicant (see attached) describes how the criteria of all applicable sections of the ordinance are met, including Section 28-9-4(b) (4) (ZO), which states the criteria for the Planning Board decision. The work is within the existing, previously disturbed utility right-of-way, and the work cannot reasonably be relocated.
- 1.5 Please see comments from Engineering Services Division in a separate memo from Bryant Anderson dated October 7, 2019.

## **2. Staff Review Comments**

- 2.1 The Index of Sheets on Sheet C-01 does not match the titles and order of sheets in the set, please revise.
- 2.2 Per Section 15.03(19) of the Site Plan Regulations (SPR), the wetland buffer shall be shown on the Existing Conditions Plan.
- 2.3 The Title Blocks for the Existing Conditions Plan do not match the rest of the Site Plan Set, please revise.
- 2.4 The areas at the match line for the Existing Conditions Plan do not match up, it appears there is a section missing. Staff recommends that a new Existing Conditions Plan be created that shows only the area subject to the Conditional Use Permit.
- 2.5 The Existing Conditions Plan date is June 20, 2009; however, the wetlands certification indicates that the wetland delineation was performed in May 2019. A revision date should be added to reflect the 2019 update.
- 2.6 On Sheet C-03, the hatch for the wetland buffer impacts is not showing up in the drawing. In addition, staff recommends that a note be added to the plan referring to Sheet C-04 for an enlargement of the impact area.
- 2.7 On Sheet C-04, the hatch for the wetland buffer impacts does not match what is shown in the legend.
- 2.8 Label Theatre Street on the Vicinity Plan since it is used as a reference in the title.
- 2.9 Provide a Location Plan in accordance with Section 12.04 (SPR).

## **3. Recommendations**

- 3.1 **Grant Conditional Use Permit approval** to allow for the disturbance of approximately 2,475 sf of the 50-foot wetland buffer for the replacement of utility poles and overhead wires within the Utility ROW, 374 Line, between Theatre Street and Gulf 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 the commencement of site construction, unless otherwise specified:
    - (1) Address Staff review comments to the satisfaction of the Planning and Engineering Divisions.
    - (2) 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) Per Section 28.07 of the Subdivision Regulations, the wetland buffers shall be clearly and permanently marked before, during, and after construction.

Prepared by: BAF

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David Cedarholm, PE  
City Engineer

**MEMORANDUM**

**TO:** Beth Fenstermacher, Assistant City Planner  
**FROM:** Bryant A. Anderson, PE  
**DATE:** October 7, 2019  
**SUBJECT:** Plan Review, Unitil 374 Line, Theatre Street to Gulf Street;  
Map 27A, Map 1, Lot 8; (2019-54)

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

- *Site Plans*, Unitil 374 Line, Theatre Street to Gulf Street, Concord, New Hampshire, prepared by TFM, dated September 18, 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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**Site Plans**

**Cover Sheet**

1. The title of the plan is shown as Unitil 374 Line, Theatre Street to Gulf Street, Concord, New Hampshire. Engineering suggest that the title be changed as the project has nothing to do with Theatre Street. Perhaps Interstate Route 93 should be included in the title.
2. The sheets in the plans set are out of order from what is listed in the Index of Sheets. In addition the sheet numbering should be reviewed (i.e. there are currently two sheet 4's and two sheet 5's).
3. Within the General Information notes, the map and lot designations need to be clarified and / or corrected: the Owner, Applicant, and Prepared For information should be Map 27A, Block 1, Lot 8.
4. Within the Abutters, Map 27, Block A1, Lot 5 should be Map 27A, Block 1, Lot 5; Map 35, Block B1, Lot 1 should be Map 35B, Block 1, Lot 1; and Map 45, Block A1, Lot 2 should be Map 45A, Block 1, Lot 2.

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

5. Within the Resource List, the Fire Department is at 24 Horseshoe Pond Lane.

### **Overall Wetlands Impact Site Plan**

6. The wetland flag text is too small to read.

### **Wetlands Impact Site Plan**

7. The wetland buffer impact area hatch differs between the plan view and the legend.

### **Existing Conditions Site Plan**

8. Please review the match line between sheet 4 of 6 and 5 of 6 as it does not line up properly. There appears to be missing land between the two sheets.

9. The title block lists Loudon Road to Gulf Street where the rest of the set lists Theatre Street to Gulf Street. Within the title block, it indicates Unitil – Loudon Road to Gulf Street. See comment above pertaining to Theatre Street.

10. It is unclear why is Tax Map 45A, Block 1, Lot 2 included in the title block. It appears that the project terminates south of this parcel. In addition it appears that Tax Map 27A, Block 1, Lot 2 should be Tax Map 27, Block 1, Lot 2?

11. Within the plan view (Sheet 5), the abutter information for the parcel south of the Substation parcel is incorrect. It should be the State of New Hampshire. In addition, the text is too small to easily read.

12. The plan indicates that there is a granite bound found at a corner of the public right-of-way of Gulf Street. Additional information should be provided explaining why this bound is not being held as the property line / right-of-way line.

13. Within the plan view, the note for Gulf Street – City of Concord – Public Width Varies is cut off.

### **State/Federal Permits**

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

- FAA Obstruction Evaluation/Airport Airspace Analysis (OE/AAA) – Notice of Proposed Construction or Alteration (Form FAA 7460-1). If a crane is required for pole installation.

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