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City Planner

CITY OF CONCORD

New Hampshire's Main Street™
Community Development Department

Planning Board

October 16, 2019

Project Summary – Minor Site Plan and Conditional Use Permit

Project: Unitil Substation (2019-55)
Owner: Unitil Energy Systems, Inc.
Address: 5 Gulf Street
Map/Block/Lot: 27A/1/8

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 Minor Site Plan for the expansion of an existing substation, a Conditional Use Permit (CUP) to allow for disturbance of approximately 2,430 sf within the 50-foot wetland buffer, and a CUP for the construction of two driveways at 5 Gulf Street in the Gateway Performance (GWP) Districts.

1. General Comments

- 1.1 The following comments pertain to a 14 sheet site plan set titled “Gulf Street Substation, 5 Gulf Street, Concord, New Hampshire”, dated September 18, 2019, prepared by TFMoran, Inc.
- 1.2 Architectural Design Review is required for this application per Section 28-9-4(f)e of the Zoning Ordinance (ZO). The Applicant went before the ADR Committee at their October 1, 2019 meeting. The Committee discussed options for screening, including communicating with NHDOT for permission to plant trees within the City or I-93 right-of-way; exploring darker color options for the fence; hanging horizontal slats; or a second screening fence. **The ADRC stated that this area is of critical importance for Concord, and motioned to table the application pending additional information from the Applicant. Staff is in agreement with ADR’s comments and supports the recommendation to table.**
- 1.3 Please comments from Engineering Services Division in the attached memo from Bryant Anderson date October 7, 2019.

2. Conditional Use Permits (CUP)

- 2.1 The Applicant is requesting two CUPs, which are described below. The narratives provided by

the applicant (see attached Supplemental information) describe how the Applicant proposes to address the criteria as defined in Section 28-9-4(b) (4) (ZO), which states the criteria for the Planning Board decision. Based on the lack of buffer and screening provided, staff finds that the intent of criteria d. of this Section “*The use will be compatible with the neighborhood and with adjoining or abutting uses in the area in which it is to be located*” is not met. Specifically with regards to meeting the higher standards described in Section 28-2-2(11), purposes of the Gateway Performance District.

- 2.2 The Applicant has requested a CUP per Section 28-4-3(d) of the Zoning Ordinance (ZO) for the Disturbance of Wetland Buffer. The proposed site work and grading will impact approximately 2,430 sf of wetland buffer. This application was presented to the Conservation Commission at their regularly scheduled October 9, 2019 meeting. At the meeting, the Applicant presented a revised plan showing a reduction in the total impacts to the wetland buffer from 4,435 sf to 2,430 sf. The Commission recommended approval of the CUP for the disturbance to 2,430 sf, as presented at the meeting.
- 2.3 The Applicant has requested a CUP per Section 28-7-11(f) to allow for two driveways on $\pm 232'$ of frontage where 250' of frontage is required, and to allow for 65' of driveway separation where 100' is required. The applicant asserts that the two driveways are necessary to provide reliable access given the constraints of the existing site.

3. Site Layout and Landscaping Comments

- 3.1 Erosion control measures are proposed on the adjacent State-owned property. Applicant shall provide written permission from the State, or provide a copy of the easement which permits this work to occur on the adjacent parcel.
- 3.2 One of the proposed driveways connects to the adjacent State-owned parcel. In addition, the Limit of Work extends on to the State Property to the south and west. Applicant shall provide written communication from the State indicating that this connection is agreeable to them, and indicate that a cross-access agreement or easement will be prepared and recorded.
- 3.3 The site is located within the Gateway Performance District. Under the Zoning Ordinance Article 28-2-2(11), there are high standards for appearance in the Gateway Performance District. Given that all of the existing trees around the substation were recently removed, and the substation is being enlarged, the visual impacts will be greater. The addition of 2 shrubs is not sufficient.
- 3.4 It appears that there will be grading within the City R.O.W., all earthwork shall be within the Unitil property, or areas under easement, if applicable.

4. Technical Review Comments

- 4.1 Within the Vicinity Plan on the Cover Sheet, provide a callout arrow for the “Site” label.
- 4.2 Per Section 15.03(19) of the Site Plan Regulations (SPR), the wetland buffer shall be shown on the Existing Conditions Plan.
- 4.3 The Title Block for the Existing Conditions Plan does not match the rest of the Site Plan Set, please revise. In addition, the graphic scale and written scale do not match.

- 4.4 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.
- 4.5 Within Note 4 on the Existing Conditions Plan, remove the information pertaining to the Opportunity Corridor Performance District, the site is entirely within the Gateway Performance District.
- 4.6 On Sheet C-04, label the Limit of Work and show the wetland buffer.
- 4.7 On Sheet C-05 under the Notes, revise note 2 to read Gateway Performance District (GWP), not (GPD). In addition, the minimum frontage for GWP is 300 ft, revise the table in Note 4.
- 4.8 The symbols and lines in the Legend on Sheet C-05 do not match what is shown on the plan or included on Sheet C-02. Please revise.
- 4.9 On Sheet C-05, in the northeast corner of the State-owned land, within the Limit of Work, the guys are called out as "Proposed Utility Pole (Typ.)"; please revise.
- 4.10 In order to improve legibility of the Site Layout plan, staff recommends the use of arrows at the end of leaders instead of large dots.
- 4.11 There is a call-out for a utility pole in the northeast corner of the site that does not point to anything.
- 4.12 Within the Vicinity Plan, provide an arrow to the Site label, or relocate adjacent to the site.

5. Recommendations

- 5.1 **Staff recommends that the Board table the application** based on the recommendation from the Architectural Design Review Committee.
- 5.2 If the Board chooses to conditionally approve the Application based on information provided at the Public Hearing, staff recommends the following approvals and conditions.
 - a. **Grant Architectural Design Review approval** with the condition that the Applicant returns to ADR Committee with a revised landscape plan and proposed screening.
 - b. **Grant Conditional Use Permit approval** for the following with the condition that the Applicant comply with criteria 28-9-4(b)(4)d to the satisfaction of ADR Committee and staff:
 - (1) Article 28-7-11(f) (ZO) to allow for two driveways on $\pm 232'$ of frontage where 250' of frontage is required, and to allow for 65' of driveway separation where 100' is required.
 - (2) Article 28-4-3 (ZO) to allow disturbance of 2,430 sf of wetland buffer for site improvements and grading.
 - c. **Grant the Minor Site Plan approval** for the proposed substation construction at 5 Gulf Street, subject to the following precedent and subsequent conditions noted below:

- (1) 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:
 - (a) Conditional 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 waiver(s), applicant shall comply with said submission requirement(s).
 - (b) Easements, or some other form of agreement agreeable to the City Solicitors office, for proposed work on the State-owned parcels shall be submitted, and referenced on the revised plans.
 - (c) 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) Address Post-Approval/Pre-Construction Items as outlined in the memo from Engineering Services Division dated October 7, 2019.
 - (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: 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: October 7, 2019
SUBJECT: Plan Review, Unitil Substation, 5 Gulf Street;
Map 27A, Block 1, Lot 8; (2019-55)

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

- *Site Plans*, Unitil, Gulf Street Substation, 5 Gulf Street, Concord, NH, prepared by TFM, dated September 18, 2019.
- *Stormwater Management Report*, Unitil, Gulf Street Substation Expansion, Tax Map 27, Block A1, Lot 8, 5 Gulf Street, Concord, NH, 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.**

Site Plans

Cover Sheet

1. On the cover sheet, the Index of Sheets lists the sheets as C-01 Cover; C-02 Notes & Legend; C-03 Notes; S-01 Existing Conditions Plan; C-04 Site Preparation & Demolition Plan; C-05 Site Layout & Landscape Plan; etc., however, the fourth sheet within the plan set, the Existing Conditions Plan, is actually labeled as Sheet 6 of 6.
2. 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. This also needs to be corrected within the title block and on every sheet and within various Notes on all sheets.
3. Within the Abutters, one of the map and lot designations needs to be corrected: Map 27, Block A1, Lot 5 should be Map 27A, Block 1, Lot 5.

Engineering Services
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engineering@concordnh.gov

4. Within the Abutters, the properties owned by Brixmore Capital, PFP Associates, and Boston & Maine are not necessary for this plan set.
5. Within the Resource List, the Fire Department is at 24 Horseshoe Pond Lane.

Notes & Legend

1. The following notes should be added to the sheet:
 - a. All work shall be performed in accordance with the City of Concord's Construction Standards and Details (latest edition).
 - b. The contractor shall set up a preconstruction meeting with the Engineering Services Division to discuss construction requirements, site inspections, associated fees, schedules, etc.
 - c. The contractor shall obtain an Excavation Permit from the Engineering Services Division for work within the ROW.
 - d. The contractor shall obtain a Driveway Permit from the Engineering Services Division for the proposed driveway.

Existing Conditions Plan

2. The associated 374 Line project plan set has two Existing Conditions Plans, one being 4 of 6 and one being 5 of 6. TFM will need to review both plan sets to clarify further. For instance, the title block of the Existing Conditions Plan for this plan set, labeled as Sheet 6 of 6, has the same abutter info as the 374 Line project plan, and also has the title of Unitil – Loudon Road to Gulf Street.
3. Within the title block, the scale of the plan is stated as 1" = 20', however, the graphic bar scale indicates a scale of 1" = 40'.
4. Within the title block Tax Map 27A, Block 1, Lot 2 does not exist and Tax Map 45A, Block 1, Lot 2 should be removed as it only pertains to the 317 Line plan set. Also, please revise the title to Gulf Street Substation, instead of Unitil – Loudon Road to Gulf Street.
5. Within the Notes, please correct all references to the subject lot number. Subsequent sheets will also need to be corrected.
6. Within the Notes, please correct the purpose of the plan.
7. Within the plan view, the abutter information for the parcel south of the subject lot is incorrect. It should be the State of New Hampshire.
8. Within the plan view, one of the utility poles has a leader pointing to it but no pole info. Also, the note CECO 2 NET&T 1224/4 W/UGE is not pointing to any pole.

9. The plan indicates that there is granite bound found at a corner of the public right-of-way of Gulf Street. Please explain why this bound is not being held as the property line / right-of-way line.
10. The plan does not contain a legend and many physical features are not labeled or identified. For instance, please label and identify the existing tower, the existing granite retaining wall on the north side of the tower, wooden retaining walls, fences, etc. In the vicinity of the southeast corner of the property, what is the structure labeled as MW?
11. Please include a detail of the location of the existing tower and the adjacent existing granite retaining wall, in relation to the right-of-way of Gulf Street. It appears that the granite retaining wall is encroaching into the public right-of-way of Gulf Street. As this is a private improvement, a license to maintain the condition may be necessary from the City Council.
12. Contour labels and spot grades should be added to the plan.

Site Preparation & Demolition Plan

13. One of the poles near the southeast corner of the parcel has a note that states Existing Utility Pole to be Removed Remain.
14. The plan indicates that a double row silt sock is to be placed on land of the State of New Hampshire. Has permission been received from the State to conduct the work on their property?
15. The plan indicates that a stabilized construction entrance is to be constructed and will probably destroy the granite bound found at a corner of the public right-of-way of Gulf Street. In addition, the Site Layout & Landscape Plan, Sheet C-05, indicates that a new gravel drive is being proposed in the vicinity of the granite bound. Provisions need to be made to re-set this right-of-way marker to grade after the gravel drive is finalized. Please add a specific Note to the Site Preparation & Demolition Plan, and the Site Layout & Landscape Plan.
16. The stabilized construction exit should not be shown extending into the road.
17. The limit of work line extends beyond the property boundaries in all directions including portion of the existing gravel parking area to the west. The line should be revised so that the only work shown outside of the lot is for the Gulf site drives or in areas where the abutting land owner has granted permission.

Site Layout & Landscaping Plan

18. Within the plan view, the lot number for the abutter to the south should be Map 27A, Block 1, Lot 5 and the deed reference should be Book 2049, Page 1356.

19. The plan indicates that new utility poles will be placed on land of the State of New Hampshire. Has permission been received from the State to conduct the work? Are the existing poles subject to an existing easement?
20. The layout/limits of the proposed gravel driveway on the west end of Gulf Street appear to extend over an existing gravel parking area. The proposed improvements should not extend into the existing gravel area.
21. A paved apron (10 ft deep) should be provided for the eastern driveway proposed off of Gulf Street. In addition, a note should be added that any existing gravel on the lot between the proposed gravel limits and roadway pavement should be removed and replaced with loam and seed.

Grading & Drainage & Utility Plan

22. Along the northerly side of the parcel, the grading associated with the Stormwater Infiltration Basin extends into the public right-of-way of Gulf Street. The limits of the basin need to be revised so that it is contained within the property boundaries and that the grades within the ROW are maintained.
23. The existing edge of gravel limits should be shown on the plan.
24. The proposed grading will block runoff that currently sheet flows across the gravel area on the abutting lot to the west to a low area/swale on the project site. The grading should be revised so that the existing flow patterns along the property lines are maintained.
25. The existing topography provides a stormwater overflow path across the property to the wetland area on the abutting lot to the south. The proposed grading raises the ground elevation for the majority of the site and will eliminate this over flow path. As such, if the infiltration basin ever fails stormwater runoff could overflow into the ROW. The grading and/or drainage system should be revised to provide an overflow path across the site to the wetland area so that runoff would not flow to the ROW.

Access Drive Plan & Profile

26. Within the title block, the scale of the plan is stated as 1" = 10', however, the graphic bar scale indicates a horizontal scale of 1" = 20' and a vertical scale of 1" = 2'.
27. The existing edge of gravel limits should be shown on the plan.
28. Based on the existing gravel road/drive that runs along the west side of the property, the existing grades within the ROW should be maintained for Gravel Drive 2.

Stormwater Management Report

29. The report indicates that the Gulf Street ROW is a stormwater discharge point. Based on the existing topography, it appears that overflow runoff from Pond 1P (Existing Depression) would flow across the lot to POI-A (Lot 5 Wetlands).

30. Test pit information should be provided to confirm that the soils and groundwater depth are suitable for infiltration.

General Comments

31. Several sheets indicate that the limits of work will encroach onto land to the south owned by the State of New Hampshire. Has permission been received from the State to conduct the work on their land?
32. It is Engineering's understanding that one or more test boring were conducted within the public ROW without an Excavation Permit and may have been associated with this project. If so, an Excavation Permit needs to be submitted for these borings and final pavement patches meeting City Requirements need to be installed.
33. It is Engineering's understanding that the applicant is requesting a Conditional Use Permit to allow two driveways off of Gulf Street. Engineering takes no exception to this request.

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 needed for construction.

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
3. 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 0.2 ac disturbance area. (establish surety prior to pre-construction meeting)
4. 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

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establishing the deposit amount. (submit deposit a min. of three days prior to pre-construction meeting)

5. Retaining wall design drawings (stamped by a licensed structural engineer) should be submitted to Engineering for proposed retaining walls that are greater than 4 feet high. In addition, walls greater than 48 inches require a Building Permit from the Code Administration Office.