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City Planner

CITY OF CONCORD

New Hampshire's Main Street™
Community Development Department

Planning Board

September 15, 2021

Project Summary – Major Site Plan

Project: Wheelabrator Concord (2021-37)
Property Owners: Wheelabrator Concord Co. L.P.
Address: 11 Whitney Road
Map/Block/Lot: Map 06P, Lot 7

Determination of Completeness:

The Application was determined complete at the August 18, 2021 Planning Board meeting.

Project Description:

The applicant is proposing to construct a paved parking area and drainage improvements at 11 Whitney Road in the Industrial (IN) District. The area is an existing gravel parking lot which was approved by the Planning Board in 2009 under a Conditional Use Permit (CUP) per Section 28-7-11(e) of the Zoning Ordinance (ZO), to allow for the parking lot to be gravel and not paved. The lot is used for truck and trailer parking as part of site operations, and is not intended to meet parking requirements. Existing parking to meet the Zoning requirements is provided elsewhere on the site.

The Applicant is also requesting a Conditional Use Permit (CUP) to provide payment in lieu of planting all of the required trees.

Project Details:

Zoning:	Industrial (IN)
Existing Use:	Solid waste facility
Proposed Use:	Same
Min. Lot Size:	40,000 sf
Lot Size provided:	23.8± ac
Max. lot coverage:	85%
Existing lot coverage:	20.6%
Proposed lot coverage:	21%
Setbacks required:	50' front, 30' rear, 25' side
Setbacks proposed:	333' front, 195' rear, 219' side

1. General Comments

- 1.1 The following comments pertain to the 7 sheet site development plan set titled “Proposed Parking Lot Improvements for Wheelabrator Concord, Assessors Map 06P Lot 7, 11 Whitney Road, Concord, New Hampshire” prepared by Greenman-Pedersen, Inc., dated July 21, 2021, revised August 27, 2021.
- 1.2 Architectural Design Review (ADR) is required for the Major Site Plan application. The Applicant went before the ADR Committee at their September 7, 2021 meeting. The Committee voted to approve the plan as submitted.
- 1.3 See comments from the Engineering Division in a separate memo, dated September 2021.
- 1.4 The Applicant has requested the waivers to the following sections of the Site Plan Regulations (SPR):
- Section 22.07(3) Off-site flows for the off-site discharge to exceed the existing for the 10-year storm. The Applicant proposes an increase of off-site flows of over 20% relative to the pre-development for the 100-year storm. **Staff does not support this waiver.** The applicant has not provided any information on why meeting this requirement is not feasible from an engineering perspective. Furthermore, staff feels that increased peak discharges could have a negative impact on the hydrologic regime of nearby Burnham Brook, which will receive the discharge from this proposed system. The Applicant shall address the Engineering comments and either address this section of the Site Plan Regulations, or provide additional information as requested prior to the Public Hearing.
 - Per Section 15.03 and 15.04 of the Site Plan Regulations, the Clerk of the Planning Board may allow the Applicant to reduce the extent of the information required. The Applicant is requesting to only show the area of the site that is proposed for construction and not the entire 23.8 acre lot. As the Applicant is only proposing to pave and minimally expand the existing parking lot, staff supports the reduced extent of information provided.

2. Conditional Use Permit

- 2.1 The Applicant is requesting a Conditional Use Permit (CUP) in accordance with Section 28-7-10(d) (ZO) to allow for the payment of a fee in lieu to the City of Concord Urban Tree Trust Fund in an amount equal to the wholesale and installation cost of the trees required but not installed. The applicant is proposing to pay for 9 trees that are required to be planted along the north, east, and southeast perimeter of the parking lot, as depicted in the figure attached to the Applicant’s narrative.
- 2.2 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 project is specifically authorized in the ZO as a conditional use, and the if completed as proposed and revised as recommended by Staff, the project will comply with applicable regulations, and will not materially endanger the public health or safety. There is an approximately 190’ wide wooded buffer along the entire western perimeter of the parking lot, and expansive wooded area to the south-southeast of the lot. Given the number of trees south and west of the lot, and the proposed use of the site which may damage trees in other locations, staff supports the CUP.
- 2.3 The fee shall be determined based on wholesale costs at the time of calculation. Applicant shall

work with staff to determine fee payment amount.

3. Recommendations

- 3.1 Grant the waiver to Sections 15.03 and 15.04 of the Site Plan Regulations, to reduce the geographic extent of the information shown on the plans, which will include only the area of construction.
- 3.2 Deny the waiver 22.07(3) Off-site flows for the off-site discharge to exceed the existing for the 10-year storm.
- 3.3 **Grant ADR approval** for the site plan.
- 3.4 **Grant approval of the Conditional Use Permits** per Section 28-7-10(d) (ZO) to allow for the payment of a fee in lieu to the City of Concord Urban Tree Trust Fund in an amount equal to the wholesale and installation cost of the 9 trees required but not installed.
- 3.5 **Grant Major Site Plan** approval for the proposed paved parking and associated drainage improvements at 11 Whitney Road in the Industrial District, 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 all Review comments to the satisfaction of the Planning and Engineering Divisions. For all subsequent submissions, applicant shall provide a response memo addressing/acknowledging all comments.
 - (2) 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 Conditional Use Permit(s), applicant shall comply with said submission requirement(s).
 - (3) 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), applicant shall comply with said submission requirement(s).
 - (4) Final plans shall be signed and sealed by the Professional Engineer.
 - (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 issuance of the final 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 final construction sign off, Applicant shall pay required funds to the Urban Tree Trust Fund. Applicant shall work with staff to determine fee payment amount, which will be determined based on wholesale costs at the time of calculation.

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: Gary Lemay P.E., Associate Engineer
DATE: 9/7/2021
SUBJECT: Wheelabrator Major Site Plan – Engineering Plan Review, 11 Whitney Road;
Map 06P, Lot 7; Project 2021-037

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

- *Site Plans*, Proposed Parking Lot Improvements, prepared by Greenman-Pedersen, Inc., dated July 21, 2021, revised August 27, 2021
- Stormwater Management Report, prepared by Greenman-Pedersen Inc., dated July 21, 2021
- Application for Site Plan Review, prepared by Greenman-Pedersen Inc., dated July 15, 2021
- Response to Staff Comments, prepared by Greenman-Pedersen Inc., dated August 27, 2021

As a supplement to any comments offered by the Planning Division, Engineering offers the following design related comments. With subsequent submissions, the applicant shall provide a response letter that acknowledges or addresses each of these comments and discusses any additional changes to the plans. Updated or new comments based on revised plans are included in **bold**; addressed past comments have been grayed out.

Site Plans

Existing Conditions Plan

1. Please confirm that the property owner is correct for the parcel identified as Map 06P, Lot 6. The City believes the ownership of this property may have recently transferred.
Comment addressed.
2. The existing conditions plan notes that there are two inaccessible sewer manholes on the site. Please clarify why they were inaccessible. Any permanent or semi-permanent infrastructure should not restrict access to the manholes in the event of a sewer backup.

Comment addressed; Applicant will confirm access to the manholes during construction and will include the inverts as part of the as-built for this site.

3. Please add the invert information to the two inaccessible manholes noted above.
Comment addressed concurrent with comment #2 above.
4. Please show the full location, size, and material of the water line heading into the property per Site Plan Regulation (SPR) 15.03 (10). **Comment addressed; Applicant agrees to include approximate water service location on the as-built drawing.**
5. What is the purpose of the well identified near the electrical junction box? Is this a monitoring well? **Comment addressed – it is a landscaping irrigation well.**

Site Plan

6. Please confirm that the southern driveway entering the parking area is intended to be a one-way access. Zoning Ordinance 28-7-7 (f) requires a minimum 24-foot-wide driveway for two-way traffic. If the driveway is intended to be one way, the Site Plan should be revised to show one-way signage and/or markings. **Comment addressed.**
7. Please show the proposed snow storage areas, per SPR 18.21. **Comment addressed. Please note that some of the snow storage area overlaps the proposed drainage system's inspection port; this port may benefit from a witness marker or other location indicator/signage if needed during winter conditions (suggested, not required).**

Grading and Drainage Plan

8. Please confirm that the hydraulics of the proposed 12-inch-diameter culvert extension are sufficient to pass the water entering from the ditch to the west, as it appears there is additional runoff being pitched toward this area. **Comment addressed.**
9. Will there be a headwall or flared end section used at the inlet to the proposed 12" culvert extension? **Applicant noted there is no proposed headwall or flared end section; City of Concord construction standards (5.02.B.4.c) requires the use of a concrete headwall when using HDPE as a culvert; please include a headwall in the design. Engineering will also accept a flared end section or other appropriate inlet control measure, in accordance with manufacturer specifications and the design engineer's approval. Please see City of Concord detail SD-9 for minimum headwall dimensions by pipe size.**
10. There appears to be no cross-slope to the proposed parking area; how will the water be pitched toward the curbing at the edge of the loading areas? **Applicant has not proposed any changes. Engineering has concerns about winter runoff and icing conditions with a long, meandering flow path as proposed; this decision, however, will be left to the stamping design engineer's judgement.**

11. There appears to be a very large area contributing to the single proposed catch basin CB-1; please confirm that sheet flow will be maintained over this large area and explain how the catch basin will be kept open in winter conditions. **Applicant has not proposed any changes. Engineering still has concerns about a single catch basin draining this large area; Applicant should consider at least making the catch basin a double frame-and-grate. Additionally, the location of the only catch basin in the extreme corner of the lot may make the lot prone to backup during rain-on-snow events. This decision will be left to the stamping design engineer's judgement.**

Erosion Control Plan

12. The erosion control fencing should surround the downhill slopes of all proposed work areas; please revise accordingly. **Comment addressed; Applicant will be responsible for making any field adjustments/extensions to the erosion control if the proposed extents are not sufficient.**
13. Engineering suggests, but does not require, the following wildlife-friendly erosion control practices:
- a. Use temporary erosion and sediment control products that either do not contain netting, or that contain netting manufactured from 100% biodegradable non-plastic materials such as jute, sisal, or coir fiber. Degradable, photodegradable, UV-degradable, oxo-degradable, or oxo-biodegradable plastic netting (including polypropylene, nylon, polyethylene, and polyester) are not equivalent alternatives. Netting used in these products should have a loose-weave wildlife-safe design with movable joints between the horizontal and vertical twines, allowing the twines to move independently and thus reducing the potential for wildlife entanglement.
 - b. Avoid the use of silt fences reinforced with metal or plastic mesh or if possible recommend the use of erosion control berms.
 - c. When no longer required, temporary erosion and sediment control products should be removed promptly from the project site.
 - d. Use nonwoven coir fabric when a surface fabric treatment is required for erosion control and stabilization, such as 100% biodegradable coconut fiber mat or equal as reviewed and approved by the project design engineer.
 - e. Use woven coir fabric when site conditions warrant. The outer layer of woven coir fabric should be a high strength, continuously woven mat (i.e., without seams) and made of 100% coconut fiber.

Construction Details

14. When there is a City of Concord detail available for a given item/detail it shall be used. The details used shall be the ones from the recently updated standards. A City of

Concord detail is available for frames and grates, drain manholes (private), stabilized construction entrance; please review for any additional appropriate details, as this list may be incomplete. **Comment addressed; please note there is a City of Concord detail for catch basin/drop inlet as well.**

Drainage Report

15. Engineering does not support a waiver of SPR 23.08 (3) for off-site flows. The Applicant proposes to increase off-site flows by 1.8 cfs (to a total of 10.5 cfs) for the 100-year storm event, an increase of over 20% relative to the pre-development 8.7 cfs. The applicant has not provided any information on why meeting this requirement is not feasible from an engineering perspective. Furthermore, Engineering feels that increased peak discharges could have a negative impact on the hydrologic regime of nearby Burnham Brook, which receives the discharge from this proposed system. **The Applicant's response notes that the on-site detention basin (constructed as part of the 1989 site plan) will provide additional peak flow and volume mitigation beyond the proposed infiltration system; Engineering does not feel this meets the requirements of SPR 23.08 (3) unless modeling or other objective calculations can be produced to support this claim.**
16. Please provide additional information on the "First Defense" hydrodynamic particle separator; is this intended to act as the pretreatment required per SPR 23.08 (4)? **Comment addressed.**
17. Please confirm the design infiltration rate reflects a safety factor of two from field conditions. Additionally, the design infiltration rate shall be no more than 5 inches per hour after applying the safety factor. **Comment addressed.**

General Comments

18. The following notes shall be added to the plan set:
 - a. All work shall be performed in accordance with the City of Concord's Construction Standards and Details (latest edition), and City standards shall take precedence in case of any details or plans in conflict.
 - b. Per Site Plan Regulation 12.09, upon completion of construction the contractor shall submit as-built drawings to the Engineering Services Division prior to issuance of a Certificate of Occupancy, release of any financial guarantees, or project closeout.
 - c. The contractor shall set up a preconstruction meeting with the Engineering Services Division to discuss construction requirements, site inspections, associated fees, schedules, etc.
 - d. The contractor shall obtain a Driveway Permit from the Engineering Services Division for the proposed driveway.

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 Registration and Notification for Storm Water Infiltration to Groundwater

A copy of the permit(s) shall 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. Prior to engineering sign-off on the site work permit, the applicant/contractor shall:
 - a. Set up a pre-construction meeting with the Engineering Services Division to discuss construction requirements, site inspections, associated fees, schedules, etc. Any Engineering permits will not be authorized (unless explicitly stated otherwise) until final revised plans have been submitted and approved to the satisfaction of Planning and Engineering.
2. The following permit(s) will need to be obtained from the Engineering Services Division:
 - a. Driveway Permit
3. Establish a financial guarantee (letter of credit, or cash deposit) for site stabilization, per Site Plan Regulation 27.11. The surety amount for this project has been set at \$9,000 based on a 1-acre disturbance area. The surety shall be established prior to scheduling the pre-construction meeting.
4. The Applicant is responsible for paying engineering inspection fees to ensure work is consistent with City standards and the approved plan set. An advanced deposit must be established for all anticipated site construction inspection fees.
 - a. The deposit amount is determined by Engineering based on the project schedule and estimated services; actual inspection fees are based on actual services rendered (i.e., hourly billing rate).
 - b. Prior to scheduling the pre-construction meeting, a template estimating the initial fee deposit (available upon request to engineering) shall be filled out by the Applicant for review by Engineering, as well as a project schedule and itemized cost estimate for use in establishing the deposit amount.
 - c. The deposit shall be submitted at least a week prior to the pre-construction meeting.
5. Shop drawings/submittals shall be submitted to Engineering for the proposed drainage improvements.

Re: Review Comments (2021-037)
Wheelabrator Parking Lot, 11 Whitney Road
Date: 9/7/2021

6. Prior to the construction of any future site improvements the applicant/owner shall consult the Planning Division to determine if Site Plan Approval will be required.
7. Per Site Plan Regulation 12.09, the contractor shall submit digital as-built drawings that are to the satisfaction of Engineering and conforming to the Engineering as-built checklist. A copy of the as-built drawing requirements are available on the Engineering website.
 - a. Per discussion with the Applicant's engineer, the sewer manholes will be accessed during construction and inverts will be collected for the as-built drawing.
 - b. Applicant agrees to provide approximate water service location on the as-built for compliance with SPR 15.03 (10).