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CITY OF CONCORD

New Hampshire's Main Street™
Community Development Department

Planning Board

November 17, 2021

Project Summary – Major Site Plan Amendment

Project: Barn at Bull Meadow Venue (2021-47)
Property Owners: Bull Meadow Re Holdings, LLC
Address: 63 Bog Road
Map/Block/Lot: Map 312Z, Lot 6

Determination of Completeness:

Determine the 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 an amendment to the previously approved Major Site Plan and proposing to construct a 1280 sf single-family dwelling unit for the venue's caretaker, with garage underneath for site maintenance equipment storage 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: Commercial Indoor Recreational Facility (Wedding Venue)

Proposed Use: Commercial Indoor Recreational Facility and Single-family residence
**Variance received, see note 1.2 below*

Lot Coverage Max.: 40% (RM) / 20% (RO)

Lot Coverage Existing: 6.0% (87,948 sf)

Lot Coverage Proposed: 6.0% (88,018 sf)

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 12 sheet site plan set titled “The Barn at Bull Meadow, 63 Bog Road, Concord, New Hampshire” prepared by TFMoran, dated October 20, 2021.

1.2 In 2019, the Zoning Board of Adjustment (ZBA) granted four variances to the Zoning Ordinance (ZO) to permit the use as a Commercial Indoor Recreational Facility, allow a driveway width of 20 ft, allow the driveway to be gravel (*driveway has since been paved*), and, to provide 60 parking spaces where 125 spaces are required.

One of the conditions of the variance for the parking was that the driveway remain clear of any obstructions to ensure clearance for emergency vehicles. During at least 2 events, staff has independently observed cars parked on both sides for the long driveway, narrowing the clearance and potentially obstructing safe emergency vehicle passage. Staff recommends that **the property owner install signage or some barrier to prevent cars from parking on one side of the drive to ensure that the venue is in compliance with the variance and life safety code.**

1.3 At their meeting on April 7, 2021, the ZBA granted the following additional variances:

- Variance to Article 28-2-4(j), The Table of Principal Uses, to allow an expansion of the commercial indoor recreation facility by adding a new detached storage building for use in conjunction with the indoor recreational facility.
- Variance to Article 28-2-4(h), Multiple Uses on the Same Lot, to permit a single-family dwelling to be developed on the same lot as an existing non-residential use, with the condition that the residential unit be occupied by a residential caretaker.

1.4 The Applicant went before the Architectural Design Review (ADR) Committee at the November 2, 2021 meeting. The Committee had comments related to the architecture being revised to be in line with the barn, and to use faux carriage or barn doors for the garage. The Committee voted to recommend approval of the application with the revisions as described by the applicant at the ADR meeting, pending staff review of the revised drawings.

1.5 See comments from the Engineering Division in a separate memo.

2. Conditional Use Permits

2.1 The Applicant is requesting a Conditional Use Permit (CUP) in accordance with Section 28-4-3(d) to disturb approximately 3,975 sf of Wetland Buffer. Approximately 2,100 sf of impacts are within an area previously permitted under the CUP associated with the original Site Plan. Post-construction, approximately 3,300 sf of the disturbed area will be grassed.

The narrative provided by the applicant (see attached Supplemental packet) describes 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.

2.2 The Application went before the Conservation Commission at the November 10, 2021 meeting for the proposed CUP application for the additional disturbance to wetland buffers. The Conservation Commission recommended approval of the CUP.

3. Planning Review Comments

- 3.1 The narrative and call-out labels in the plans indicates approximately 3,975 sf of wetland buffer disturbance; however, the legend on Sheets C-05 and C-06 indicate 5,775 sf. Please clarify which is the correct number and revise accordingly.
- 3.2 The application indicates that approximately 3,300 sf of the disturbed wetland buffer will be grassed. The plans indicate a fescue/trefoil mix. Considering the proximity to the wetlands, Planning staff recommends that the applicant revise the seed to mix to a restoration or conservation seed mix with native species appropriate for a wetland buffer.
- 3.3 At the time of the original approval in 2019, the applicant was proposing to use roll-out totes so that no outdoor refuse containers were required. A condition of the Planning Board approval stated that “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).” A dumpster has been added to the site; therefore, the Applicant shall provide screening in accordance with the Sections noted above.

4. Recommendations

- 4.1 **Grant ADR approval** for the site plan and the building as submitted, pending staff review of the revised building elevations.
- 4.2 **Grant approval of the Conditional Use Permit** in accordance with Section 28-4-3(d) to disturb approximately 104,019 sf (2.39 ac) of Wetland Buffer, utilizing the criteria from Section 28-9-4(b) (ZO).
- 4.4 **Grant approval of the amendment to a previously approved Major Site Plan** for the construction of a single-family dwelling with storage garage underneath, 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) 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 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).
 - (4) 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) Wetland buffers shall be clearly and permanently marked with City of Concord Wetland Buffer disks prior to the commencement of construction activity.
 - (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.
- (6) For any events that will cause overflow traffic, the property owner shall install signage or some barrier to prevent cars from parking on one side of the drive to ensure that the venue is in compliance with the variance and life safety code.
- (7) Traffic and Recreation fees shall be assessed for each new dwelling unit in the subdivision. The impact fees and procedures shall be those in effect at the time of the issuance of a building permit as set forth in the City of Concord Code of Ordinances, Title IV, Subdivision Code: Chapter 29.2, Public Capital Facilities Impact Fee Ordinance. The specific fees assessed are those contained in Section 29.2.1-1 Assessment and Collection; subsection (b) Computation of the Amount of Impact Fees; Table 2, Recreational Facilities Impact Fee per Variable Unit; and Table 3, Transportation Facilities Impact Fee per Variable Unit.
 - a. Recreational Facilities – Single Family Residence (per dwelling unit)
 - b. Transportation Facilities – Single Family Residence (per dwelling unit)

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: November 9, 2021
SUBJECT: Barn at Bull Meadow/Major Site Plan Amendment – Engineering Plan Review, 63 Bog Road;
Map 312Z, Lot 6; Project 2021-047

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

- *The Barn at Bull Meadow*, Site Plans, prepared by TFMoran, dated October 20, 2021
- Project Narrative, prepared by TFMoran, dated October 20, 2021
- Stormwater Narrative, prepared by TFMoran, dated October 20, 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.

Site Plans

Existing Conditions Plan

1. Please have the wetland scientist sign and seal the plan set, per SPR 12.07.
2. Please note the size and material of the existing water and sewer lines on the site.

Location Plan

3. Please confirm the impervious surface coverage tabulations; it shows an increase of less than 100 sq. ft from existing to proposed.

Grading, Drainage, and Utility Plan

4. Please specify the proposed material for the water service.
5. Please move the new domestic water shutoff to an unpaved area in front of the building, or plan to place a gate valve cover over the shutoff.

6. Please add additional spot grades to confirm there is no pooling. It currently looks like the low spot of 354.0 ft would be in the road centerline.
7. Please address the following questions about the proposed sewer layout:
 - a. You may find an outside pump chamber will be quieter than one placed inside the building.
 - b. Have you considered running gravity to the new proposed manhole and using a drop-in pump or a lift station in the proposed manhole? That would avoid the use of a check valve in both directions, which will leave you vulnerable to a destructive backup situation if either of the check valves fail (the pump from one building could force the sewage into the other building, at pressure). With an inline lift station setup, there is much less risk of this happening.
 - c. If you have enough depth, you may want to consider a cone-style manhole instead of a flat top.
 - d. Please confirm this will not be a “doghouse” manhole.
 - e. Was there consideration given to an off-the-shoulder forcemain to the existing pump station to avoid an inline manhole?
 - f. Manhole joints should be sealed using a double row of mastic.
8. Please identify the bioretention facility on the plans where the runoff will be directed to, along with the anticipated flow path.
9. Where will the new runoff from the proposed driveway apron be directed to once it hits the existing driveway?

Details

10. Please add the proposed depth of the stone edge drip section.

Drainage Report

11. Please provide the information to address the proposed drainage impacts, per SPR 22.08.
 - a. The stormwater narrative mentions that the pre- and post-development conditions were evaluated for the 2-, 10-, 25-, and 50-year storm events, but no results were shown from the analysis.
 - b. Please provide the details of the analysis that was conducted showing that the existing bio-retention area can handle the additional impervious area being added to the site.

General Comments

12. Please include a copy of any of any state permits (AoT amendment, NHDES sewer connection permit) to Engineering prior to final plan approval.
13. The erosion control measures from the previous phase of the project have not been removed yet, as noted on that plan set. Please add removing any existing erosion control measures from the initial construction to the scope of this work.
14. The address for the proposed single-family dwelling unit with a garage underneath will be 61 Bog Road. Please revise the title block to reflect this address.
15. A note should be added to the plans indicating that the address of 63 Bog Road is the wedding venue, and the address of 61 Bog Road is the single-family dwelling unit.
16. Engineering encourages, 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.
17. Please add the following notes to the plan set, if not already incorporated:
 - 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. All utilities shall be installed underground in accordance with Section 25.02(1) of the Site Plan Regulations.

- c. 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.
- d. The contractor shall set up a preconstruction meeting with the Engineering Services Division to discuss construction requirements, site inspections, associated fees, schedules, etc.
- e. The contractor shall obtain Utility Connection Permits from the Engineering Services Division for the proposed water service and sewer service. Individual permits will be required for each connection.
- f. 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:

- NHDES Alteration of Terrain Permit – possible amendment to a previous permit
- NHDES Sewer Connection Permit

Per Site Plan Regulation 13.02 (8) and/or Subdivision Regulation 13.02 (10), a copy of the State and Federal permit(s) shall be submitted to the City prior to final approval.

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 building 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
 - b. Utility Connection Permits (sewer, water)
3. Per Site Plan Regulation 27.11, establish a financial guarantee (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 <0.5 ac disturbance area. The surety shall be established prior to scheduling the pre-construction meeting.

Re: Review Comments (2021-047)
Barn at Bull Meadow Amendment, 63 Bog Road
Date: 11/09/2021

4. Per Site Plan Regulation 36.24 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. Water and Sewer Investment Fees will need to be paid (as part of the utility connection permit process).
6. Shop drawings/submittals shall be submitted to Engineering for the proposed water and sewer improvements.
7. 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.
8. Per Site Plan Regulation 12.09, prior to issuance of a Certificate of Occupancy (CO), 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.