

2014-28

07-10-14

**City of Concord Planning Board
Project Summary Sheet
Major Site Plan & Conditional Use Permit**

Project Name: LIBERTY UTILITIES TRAINING FACILITY

Owner's Name: ENERGY NORTH NATURAL GAS, INC. – LIBERTY UTILITIES

Address: 10 Broken Bridge Road

Map/Block/Lot: 109-1-2

Project Description:

The application involves the construction of a new two-story 6,981 square foot training facility at 10 Broken Bridge Road (Tax Map 109-1-2). The building will contain two classrooms and equipment training areas. Exterior to the building is a fenced leak detection training area and a utility pole training area. The training facility will be used to train both electrical and gas utility employees.

A companion application requesting approval for a minor subdivision plan (lot line adjustment plan) has been submitted to adjust the lot line between Tax Map 109, Lot 1-2 (#10 Broken Bridge Road) and Tax Map 109, Lot 1-3 (#14 Broken Bridge Road) to provide sufficient land area to construct the training facility (see 2014-29).

A Conditional Use Permit has been requested pursuant to Article 28-3-6(d)(4)(a)(2) Conditional Use Permits Required for Certain Uses in the AP District - Community Water Systems Protection Area, to permit a use with more than 2,500 square feet of impervious surface area.

Existing Conditions:

Existing Lot Area:	8.80 acres 91± acres
Proposed Lot:	10.68 acres
Proposed Street Frontage:	455.84 feet on Broken Bridge Road
Existing Zoning:	IN - Industrial District RO – Open Space Residential District FH – Flood Hazard Overlay District SP – Shoreland Protection Overlay District (Soucook River) AP – Aquifer Protection Overlay District
	All development is proposed in the IN District
	All dimensional information listed below is for the IN District.
Existing Use:	Propane Storage Facility and Vacant
Proposed Use:	Propane Storage Facility and Utility Training Area.
Required Parking:	32 with two accessible spaces
Proposed Parking:	34 with two accessible spaces

	5 of the spaces are oversized to accommodate "boom truck parking".
Max. Lot Coverage:	85%
Proposed Lot Coverage:	32,704 SF or 7.0 %
Required Setbacks:	50' front, 30 rear, 25' side, and 50' wetland buffer
Adjacent Uses:	West- vacant East – Two single family residences across Broken Bridge Rd. North – Crematorium and Industrial uses on the plateau above South – Soucook River and vacant

Commentary:

General

- The City Engineering Division has reviewed the plans and offered comments (see attached review memo from Laura Aibel, PE, Associate Engineer and Jeffrey Warner, PE, Project Manager/Civil Engineer dated July 11, 2014).
- As stated above, the lot is subject to a companion subdivision plan which will transfer 1.88 acres from parcel 109-1-3 to parcel 109-1-2, creating a development lot of 10.88 acres which will include the site for the new training facility and the existing propane storage facility.
- No development is proposed in the SP – Shoreland Protection Overlay District, the FH – Flood Hazard District, or the RO – Open Space Residential District.
- The Zoning Board of Adjustment on June 5, 2014 granted the following variances:
 - Variance to Article 28-2-4(j), Table of Principal Uses, to permit an electrical and gas utility training facility, (use B-3), where such use is not permitted.
 - Variance to Article 28-2-2(b), Purposes of the Established Districts, Section (16), the Industrial (IN) District to waive the requirement that the proposed building be serviced by municipal sewer.
- The variance to waive the requirement that the property be serviced by municipal water was denied by the ZBA at the June 5th meeting. The site plan will be revised accordingly.
- City staff has provided a number of comments on the plan. The applicant has submitted revised plans based on staff comments. The comments were minor in nature.
- The Architectural Design Review Committee, at its June 10, 2014 meeting, found the design of the project to be appropriate for the use and location and recommends approval with the understanding that any minor design issues associated with the landscape plan and proposed affixed sign would be addressed by staff prior to final action by the Planning Board.
- The predecessors to Liberty Utilities have been slowly acquiring the property along the south end of Broken Bridge Road for many years. One of the contiguous parcels is owned by the Tennessee Gas Pipeline Company. The terminus of the Tennessee Gas Pipe Line is on the east side of Broken Bridge.
- The area has been zoned Industrial (IN) since at least 1977.

Environmental

- A waiver request has been submitted by the applicant not to connect to municipal sanitary sewer system as required in Section 24.02 Municipal Sanitary Sewers, of the Site Plan Review Regulations. The waiver is necessary even though the ZBA granted a variance to allow the building to be serviced by on-site septic rather than municipal sewer. Please see the attached waiver request from Northpoint Engineering, LLC.
- The applicant is proposing to extend a municipal water line down Broken Bridge Road to the site. The design of the water line extension is now underway by Northpoint Engineering, LLC. Connection to the proposed water line and a fire hydrant on the west side of Broken Bridge Road are shown on the revised site plan.
- No disturbances to either wetlands or wetland buffers, bluffs or buffers to bluffs, steep slopes or flood hazard areas are proposed. The site was a residential property and the house and outbuildings were demolished in the 1990's. A portion of the wetland buffer on the site was cleared when the area was in residential use. Staff has asked for plantings to be added to this plan to restore the disturbed area within the wetland buffer. The disturbed buffer area is currently an open grassed field and no improvements or additional land disturbance is proposed in the wetland buffers.
- A drainage plan has been submitted which appears to comply with both the City site plan review regulations. An AOT permit is not required for this project.
- The existing drainage outfall on the site from Broken Bridge Road may need to be replaced and/or easements provided for this facility.
- Drainage from Broken Bridge Road sheet flows across the site to the wetlands at the rear of the property to the west. Flowage rights for this property need to be formally established since the applicant is intercepting this drainage and incorporating it into their private on-site drainage system.
- The Shoreland Protection Vegetative and Woodland Buffers Setback areas and the Flood Plain along the Soucook River, the Soucook River bluffs and buffers, and existing wetlands and wetland buffers on parcels 109-1-2 and parcel 109-1-3 are not protected by conservation easements or other legal restrictions. The City's Master Plan recommends that conservation easements be provided to protect these resources.

Traffic

- The application is below the threshold for a traffic study. The Planning Division has estimated that the project would generate an average of 95 weekday trips (AWDT). 200 AWDT is the threshold for requiring a traffic study.
- The City reconstructed the northern portion of Broken Bridge Road in 2012 as part of the Manchester Street/Airport Road/Integra Drive improvement project.
- Broken Bridge Road along the project frontage is in poor condition and the City has no plans in the next ten years to improve this portion of the road. While the area has been zoned Industrial since at least 1977, Broken Bridge Road historically consisted of several single-family residential

properties and as such, the roadway is more residential in its width, construction, and weight-bearing capacity. The current condition of the road is not sufficient to withstand the anticipated traffic of heavy and large vehicles that will frequent the training facility.

- The Engineering Division has developed a cross-section consistent with the previously relocated Broken Bridge Road (upper section near the intersection with Integra Drive), while accounting for the rural nature of the storm water system alongside the roadway. Broken Bridge Road should be reconstructed using a combination of reclamation and box widening. A typical section with two 11' wide paved travel lanes, 2' gravel shoulders and swales is recommended.

Recommendation:

Staff recommends that the Board vote with respect to any requested waivers utilizing the criteria from RSA 674:44:

- Strict conformity would pose an unnecessary hardship to the applicant and waiver would not be contrary to the spirit and intent of the regulations; or
- Specific circumstances relative to the site plan, or conditions of the land in such site plan, indicate that the waiver will properly carry out the spirit and intent of the regulations.

Grant a Conditional Use Permit pursuant to requested pursuant to Article 28-3-6(d)(4)(a)(2) Conditional Use Permits Required for Certain Uses in the AP District - Community Water Systems Protection Area, to permit a use with more than 2,500 square feet of impervious surface area. The Planning Board shall approve an application for a Conditional Use Permit (CUP) if it finds, based on the information and testimony submitted with respect to the CUP application that:

- a) The use is specifically authorized in this Ordinance as a conditional use;
- b) If completed as proposed by the applicant, the development in its proposed location will comply with all requirements of this Article, and with the specific conditions or standards established in this Ordinance for the particular use;
- c) The use will not materially endanger the public health or safety;
- d) The use will be compatible with the neighborhood and with adjoining or abutting uses in the area in which it is to be located;
- e) The use will not have an adverse effect on highway or pedestrian safety;
- f) The use will not have an adverse effect on the natural, environmental, and historic resources of the City; and
- g) The use will be adequately serviced by necessary public utilities and by community facilities and services of a sufficient capacity to ensure the proper operation of the proposed use, and will not necessitate excessive public expenditures to provide facilities and services with sufficient additional capacity.

Grant Architectural Design Review Approval for the site and building design for a two-story 6,981 square foot Training Facility at 10 Broken Bridge Road (Tax Map 109-1-2) for Liberty Utilities as submitted.

Grant Conditional Site Plan approval for the site, landscaping and building plans for or a two-story 6,981 square foot Training Facility at 10 Broken Bridge Road (Tax Map 109-1-2), subject to the following precedent conditions to be fulfilled prior to issuance of any building permits or the commencement of site construction, unless otherwise specified:

1. The applicant shall revise the site plan drawings to address the minor corrections and omissions noted by City staff.
2. Address to the satisfaction of the Engineering Division, all review comments outlined in a review memo from Laura Aibel, PE, Associate Engineer and Jeffrey Warner, PE, Project Manager/Civil Engineer dated July 11, 2014. The timing of fulfillment of conditions shall be as presented in the review memo.
3. Any waiver(s) or Conditional Use Permits granted are to be noted and fully described on the plan including date granted and applicable citations.
4. The following State and federal permits shall be obtained and copies provided to the Planning Division:
 - a. NH Department of Environmental Services, Water Supply and Pollution Control Division, subdivision approval for on-site septic systems.
5. Approvals of construction drawings for on-site improvements shall be obtained from the Engineering and Planning Divisions.
6. The applicant will provide to the City Solicitor a financial guarantee for all public improvements in an amount approved by the City Engineer, and in a form acceptable to the City Solicitor.
7. The following easement documents, in a form acceptable to the City Solicitor and City Planner, suitable for recording in the Merrimack County Registry of Deeds, shall be provided to the Planning Division along with recording fees:
 - a) A drainage easement for the existing storm drain line across the northern portion of the property. As an option, this line could be discontinued as part of the improvements required to Broken Bridge Road.
 - b) An easement for flowage rights for discharge from Broken Bridge Road into the private drainage system and discharge into the wetlands to the east of the proposed Training Facility.
8. Prior to the issuance of a Certificate of Occupancy for the proposed training facility at 10 Broken Bridge Road, the applicant shall extend the municipal water system to the northeasterly boundary of parcel 109-1-4 at 20 Broken Bridge Road.
9. Prior to the issuance of a Certificate of Occupancy, the applicant shall improve Broken Bridge Road southerly from the limits of City construction in 2013. Broken Bridge Road shall be reconstructed to the satisfaction of the City Engineer using a combination of

reclamation and box widening. A typical section shall be constructed with two 11' wide paved travel lanes, 2' gravel shoulders and swales.

10. Prior to the issuance of any building permits for the site, approvals shall be obtained for the construction drawings and specifications for all public improvements from the Engineering Division. No construction activity may commence prior to a preconstruction meeting.
11. Prior to the issuance of any building permits for the site, the applicant will provide to the City Solicitor a financial guarantee for all public improvements in an amount approved by the City Engineer, and in a form acceptable to the City Solicitor.
12. Prior to issuance of any building permits for the site, traffic impact fees shall be assessed for any non-residential construction contained within the limits of the approved site plan. 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 3, Transportation Facilities Impact Fee per Variable Unit.
 - a. Transportation Facilities - Training Facility in the amount of \$19,015.
Please see attached worksheet.
13. The wetland buffers shall be clearly and permanently marked before, during, and after construction of the sites. Building permits will not be issued until the buffers are marked.

Prepared by: SLH

File: PB14-28B Liberty Utilities Training Facility - 10 Broken Bridge Rd SPR