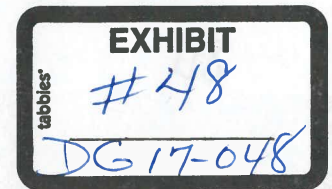


2014-42



09-17-14

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

**Project Name:** Major Site Plan of Liberty Utilities Compressed Natural Gas Facility  
**Owner/Applicant Names:** Energy North Natural Gas, Inc. /Liberty Utilities  
**Address:** 10 Broken Bridge Road  
**Map/Block/Lot:** 109-1-4

**PROJECT DESCRIPTION:**

The application involves the construction of a compressed natural gas facility that includes a 50' x 176' concrete pad with partial canopy for eight tractor trailer fill stations, a 31' x 50' concrete pad with partial canopy for four vehicle fill stations and a 39' x 104' equipment shelter in the IN (Industrial) and Aquifer Protection (APD-5) Districts.

**PROJECT DETAILS:**

**Existing Lot Area:** 0.67 acres  
**Proposed Lot:** 5.33 acres (subdivision approved but not yet recorded)  
**Existing Street Frontage:** 150.06' on Broken Bridge Road  
**Existing Zoning:** IN - Industrial District  
AP - Aquifer Protection Overlay District  
**Existing Use:** Vacant  
**Proposed Use:** Propane CNG Fueling Facility  
**Adjacent Uses:** West- vacant  
East - vacant and Tennessee Gas Pipeline Station  
North - Natural gas storage facility  
South - Vacant and Soucook River  
**Required Parking:** 6 parking spaces - 6 stacking spaces  
**Max. Lot Coverage:** 85%  
**Proposed Lot Coverage:** 85,983 SF or 37% of the lot  
**Required Setbacks:** 50' front, 30 rear, 25' side

**GENERAL COMMENTS:**

- The City Planning and Engineering Divisions have reviewed the plans and offered comments.
- The lot is subject to a companion lot line adjustment plan approved by the Board in July which will transfer 4.66 acres from parcel 109-1-3 to parcel 109-1-4, increasing the size of lot 109-1-4 to 5.33 acres. This plan has not yet been recorded.
- This property is entirely within the IN - Industrial District and is not within the SP - Shoreland Protection Overlay District, the FH - Flood Hazard District, nor does the property contain any bluffs, Buffers to Bluffs, wetlands or Wetland Buffers.

- At their meeting held on July 9, 2014, the Zoning Board of Adjustment granted the following variances:
  - Variance to Article 28-2-4(j), Table of Principal Uses, to permit a vehicle fueling facility (use J-6) 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.
- At their meeting held on August 12, 2014, the Architectural Design Review Committee found the use, location, and design of the project to be appropriate for and thus recommended approval with the understanding that any minor design issues associated with the landscape plan would be addressed by staff prior to the September 17, 2014 public hearing.
- The area has been zoned Industrial (IN) since at least 1977.
- The City and State Fire Marshall have agreed to jointly review and permit this facility.

#### **ENVIRONMENTAL:**

- A waiver request has been submitted by the applicant to not connect to municipal sanitary sewer system as required in Section 24.02 Municipal Sanitary Sewers, of the Site Plan Review Regulations. The waiver of the Planning Board's regulations is necessary even though the ZBA granted a variance to allow the building to be serviced by on-site septic rather than municipal sewer.
- As a condition of the site plan approval for the adjacent training facility, Liberty Utilities is extending a municipal water line down Broken Bridge Road to their site. Liberty Utilities proposes to continue the water line beyond the training facility to their CNG site. Water service is not being provided to this unmanned site, however, a fire hydrant is being proposed on the west side of Broken Bridge Road in front of the CNG lot for fire protection purposes. Plans for the waterline extension were submitted on August 1, 2014 and are under review by the City.
- As per discussions with the Fire Department, extraneous "Mercaptan" odors from natural gas fueling stations have been an issue at some other locations. The applicant notes that "[T]he gas being compressed at this facility already has been treated with an odorant...No additional odorant will be added and the proposed facility will not have any stored odorant (such as mercaptan). A very small quantity of natural gas can escape when hose couplings are disconnected, but by design, this quantity is very small and would be dispersed quickly, long before any odor should be detectable at any of the surrounding homes or businesses...Any reported odors will be quickly investigated and the problem corrected as part of the Liberty Utilities' emergency maintenance procedures."
- No disturbances to either wetlands or wetland buffers, bluffs or buffers to bluffs, steep slopes or flood hazard areas are proposed.
- A drainage plan has been submitted that appears to comply with the site plan review regulations. An Alteration of Terrain permit is also required for this project.

**TRAFFIC:**

- A traffic impact fee worksheet has been prepared for the property since the proposed uses are not entirely consistent with the existing Impact Fee categories. The estimated traffic impact fee to be assessed is \$19,625. Please see the attached worksheet.
- The City reconstructed the northern portion of Broken Bridge Road in 2012 as part of the Manchester Street/Airport Road/Integra Drive improvement project. The remainder of Broken Bridge Road leading to this site in poor condition and the City has no plans in the next ten years to improve this portion of the road. The current condition of the road is not sufficient to withstand the anticipated traffic of heavy and large vehicles that will frequent the fueling facilities.
- Improvements to Broken Bridge Road were a condition of the site plan approval for the adjacent Liberty Utilities training facility in July. Construction plans for the road improvements were submitted on August 1, 2014, and are under review. The roadway improvements along the frontage of their CNG facility are also incorporated into the construction plans currently under review. Staff notes that a Conditional Use Permit application will be required to allow for impacts to the wetland buffer in association with the proposed roadway improvements to Broken Bridge Road.
- 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 by Engineering.

**RECOMMENDATIONS:**

Staff recommends that the Board vote with respect to any requested waivers utilizing the following 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.

**Waiver:**

***Waiver from Section 24.02 of the Site Plan Regulations*** to not connect to the municipal sanitary sewer system. Staff notes that, at their meeting held on July 9, 2014, the Zoning Board of Adjustment granted the applicant a variance to not require extending municipal sanitary sewer to the site. A waiver from the Planning Board is also necessary since the requirement to tie into municipal sanitary sewer is also contained in the Site Plan Regulations. Because the proposed CNG facility will not be a "manned" facility, the applicant is requesting the waiver. **The applicant needs to justify to the Board that either of the two bulleted criteria from RSA 674:44 noted above is met.** If the majority of the Board agrees, the waiver shall be granted.

**Conditional Use Permit:**

**A Conditional Use Permit is requested pursuant to Article 28-3-6(d)(4)(a)(2) of the Zoning Ordinance.** A Conditional Use Permit is required in the AP District - Community Water Systems Protection Area, to permit a use with more than 2,500 square feet of impervious surface area and greater than 15% lot coverage within the AP Overlay District. **Staff recommends that the Board Grant the Conditional Use Permit pursuant to Article 28-3-6(d)(4)(a)(2) of the Zoning Ordinance to permit a use with more than 2,500 square feet of impervious surface area provided that the applicant demonstrates to the Planning Board that the plan will:**

1. Minimize, through a source control plan (that identifies pollution prevention measures), the release of regulated substances into stormwater.
2. Demonstrate that stormwater infiltrated or discharged to the ground has been treated with the best available technology appropriate to mitigate all likely contaminants associated with the proposed use or activity.
3. Stipulate that expansion or redevelopment activities shall require an amended stormwater plan and may not infiltrate stormwater through areas containing contaminated soils without completing a Phase I Assessment in conformance with ASTM E 1527-05, also referred to as All Appropriate Inquiry (AAI).
4. Demonstrate that all infiltration and groundwater recharge of stormwater from conditional uses shall be in compliance with State Rules set forth in Chapter Env-Wg 1500.

**Grant Architectural Design Review Approval** for the site and building design and signage for the construction a compressed natural gas facility that includes a 50' x 176' concrete pad with partial canopy for eight tractor trailer fill stations, a 31' x 50' concrete pad with partial canopy for four vehicle fill stations and a 39' x 104' equipment shelter as submitted.

**Grant Conditional Site Plan approval** for the construction of a compressed natural gas facility that includes a 50' x 176' concrete pad with partial canopy for eight tractor trailer fill stations, a 31' x 50' concrete pad with partial canopy for four vehicle fill stations and a 39' x 104' equipment shelter, including paving, drainage and landscaping and architectural elevations, **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:**

#### **Precedent Conditions**

1. The conditionally approved lot line adjustment plan creating the reconfigured lot shall be recorded in the Merrimack County Registry of Deeds. Said recording number is to be added to the Plan References on Sheet 3.
2. Any waiver(s) or Conditional Use Permit(s) granted are to be noted and fully described on the plan including date granted and applicable citations.
3. The following State and Federal permit(s) shall be obtained and copies provided to the Planning Division:
  - a. NH Department of Environmental Services, NH Department of Environmental Services Alteration of Terrain Permit (RSA 485-A:17).
4. The applicant shall provide to the City Solicitor a financial guarantee for the site stabilization in an amount approved by the City Engineer, and in a form acceptable to the City Solicitor.
5. Satisfactory resolution of review comments from the Engineering Services Division dated August 13, 2014.

6. Prior to the issuance of a building permit, 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.
7. 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 – Compressed Natural Gas (CNG) fueling facility in the amount of \$19,625. (Please see attached worksheet.)
8. The applicant shall address the Planning Staff Technical Comments. (See attached)

**Staff also recommends that the following general and subsequent conditions be placed on the approval:**

**Subsequent Conditions**

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. Prior to the pre-construction meeting, seven copies of the final approved site plan shall be provided to the Planning Division for endorsement by the City Engineer as "approved for construction."
3. Prior to the issuance of a Certificate of Occupancy for the proposed compressed natural gas facility at 20 Broken Bridge Road, the municipal water system shall be extended to within 300' of all proposed fueling stations and a fire hydrant and water shut-off are to be installed at the terminus of the water line; hydrant location to be approved by the City Fire Marshall.
4. Prior to the issuance of a Certificate of Occupancy, as-built drawings shall be provided to the City Engineer in accordance with Section 12.09 of the Site Plan Review Regulations. The as-built drawings shall be surveyed on NH State Plane coordinates and NAVD 88 Datum.
5. Applicant to receive Architectural Design Review approval for all proposed signage as applicable. If necessary, the applicant shall return to the Planning Board for additional approval of proposed signage.

Planning Staff Technical Comments

1. Recorded lot line adjustment (LLA) plan is to be incorporated into the plan set and added to the Sheet Index. The existing conditions plan should accurately reflect the recorded lot line adjustment plan rather than the lot configuration prior to the LLA.
2. As per discussions with the Fire Department, extraneous "Mercaptan" odors from natural gas fueling stations have been an issue at some other locations. Please add a note to all applicable plan sheets as to how this issue will be addressed.
3. Please make the following revisions to Sheet 2:
  - a) Note 11 – remove "(minor subdivision)";
  - b) Note 12 – Add the Article and Section number of the Zoning Ordinance from which ZBA relief was granted;
  - c) Note 13 – Replace "Code" with "Zoning" to read "Zoning Administrator";
  - d) Note 15 – Add Permit Number for the Alteration of Terrain Permit;
  - e) Note 15 – The note incorrectly states that no signs are proposed other than traffic control signs. The Architectural elevations for the vehicle fill canopy (sheet number A-1) indicates a proposed canopy sign on the south, east, and west elevations. Please revise Note 15 to reflect this intent (provided that the Zoning Administrator confirms that the proposed signage is permitted).
4. Please make the following revisions to Sheets 4 & 5 (please note that some of these comments may be moot once these sheets are replaced with the recorded lot line adjustment plan):
  - a) Label the solid line that runs roughly parallel with the RO Zoning District line;
  - b) Add Match Line(s);
  - c) Add a leader or move the label for the "50' wetland setback" where it overlaps the dashed line representing the reconfigured lot boundary for M/B/L 109-1-4.
5. Applicant to submit written confirmation from the Zoning Administrator that the proposed 25 ft. side yard setback depicted on Sheet 6 along the discontinued portion of Broken Bridge Road is correct. If not correct, all applicable plan sheets are to be revised accordingly.
6. Sheet 7 – Note the method(s) intended to preserve existing trees pursuant to Section 27.05 of the Site Plan Regulations.
7. Please make the following revisions to Sheet 8:
  - a) Show and note the right-of-way width as well as existing pavement width for Broken Bridge Road;
  - b) Show and note all proposed pole mounted lighting;
  - c) Detail sheet 17 shows 3 styles of gates, however none of the gates shown on Sheet 8 specify style. Please revise to specify gate style proposed for each location (i.e. "E4", "E7", etc.);
  - d) Label proposed sign type along southeasterly side of entrance drive to vehicle fill stations, just west of trailer fill stations;
  - e) Please indicate proposed disposition of 2 existing gates shown opposite one another, at southerly entrance drive to vehicle fill stations;
  - f) Please label the two solid lines running approximately parallel to one another opposite the existing private drive, within the right-of-way for Broken Bridge Road;
  - g) Please clearly label existing pavement and right-of-way widths for Broken Bridge Road;

- h) Please remove proposed hammerhead from Sheet 8 and all other plan sheets as all off-site improvements are associated with the conditionally approved training facility for Liberty Utilities on the adjacent lot to the north and are in the midst of the design process;
  - i) Label proposed fire hydrant and water shut-off. Final location of both to be approved by the City Fire Marshall;
  - j) Gate styles and locations to be fully functional under winter conditions and be approved by the City Fire Marshall. Any revisions required by the Fire Marshall shall be reflected on all applicable plan sheets;
  - k) What is 50 ft. dimension shown just below proposed hammerhead? Please clarify on plan;
  - l) Expand Note 2, 8<sup>th</sup> bullet, to clarify how the number of parking and stacking spaces required for the use(s) were calculated (it is the understanding of Staff that the vehicle fill stations are considered "Retail", whereas the trailer fill stations are considered "Bulk Fuel Storage for Distribution", requiring different parking calculations. The number and dimension of all parking and stacking spaces to be compliant with the Zoning Ordinance and site plan regulations, as applicable;
  - m) Please label the existing access drive as paved;
  - n) Please add the following note: "Any reported odors will be quickly investigated and the problem corrected as part of the Liberty Utilities' emergency maintenance procedures."
  - o) Staff questions if the 15 ft. deep area proposed for snow storage located between the edge of the by-pass lane and the perimeter fence provides sufficient depth for the intended purpose.
8. Please make the following revisions to Sheet 9:
- a) The snow storage area shown within the proposed landscaped island between the entrance and exit driveway serving the vehicle fill stations is not indicated on the site plan. This area is proposed to be landscaped with trees and Staff is concerned that the trees will be damaged if also approved for snow storage. Unless the Planning Board advises otherwise, Sheet 9 is to be revised to remove "snow storage" from the proposed landscaped island;
  - b) The proposed Grading Plan for the two areas labeled on the Landscape & Erosion Control plan (Sheet 12) as 3 ft. high berms appears to create berms that will measure less than 3 ft. in height. Please revise or clarify so the two plans are consistent with one another;
  - c) Note area along the southerly side of the site as proposed snow storage to be consistent with the site plan and grading plan sheets;
  - d) What happens to proposed 241 contour elevation at exit driveway for trailer fill stations; it appears to "dead-end" at driveway. Please also review/clarify how proposed 241 contour is designed to tie into bottom of 3 ft. high berm.
9. Sheet 10 – Please clarify location of proposed water line extension within the right-of-way of Broken Bridge Road. The connection to the proposed hydrant is clear, however, how the proposed line will tie into the existing water line north of the entrance to the CNG facility needs to be clarified. Location of proposed water line and hydrant shall match that shown on the off-site improvement plans being prepared by others.
10. Please make the following revisions to Sheet 11:
- a) Light Fixture Tags: L-T1 thru T8, LC-1 thru C-3, and L-E1 & L-E2 do not appear to provide full cut-off as required under Section 29.01 of the Site Plan Regulations. Please add cut-sheets/manufacture specifications to demonstrate full cut-off or replace with compliant fixtures;
  - b) Remove Note 4 in its entirety and replace with the calculated uniformity ratio (while Section 29.05 of the Site Plan Regulations permits lighting levels under canopies to have a maximum illumination of twenty (20) foot candles, the proposed lighting plan proposes significantly

less than twenty foot candles. As such, Note 4 as currently written does not appear to accurately reflect the proposed lighting plan).

11. Please make the following revisions to Sheet 12:

- a) Show and note all proposed pole mounted lighting;
- b) Revise note for height of proposed landscape berms if necessary (please see comment 7b above). Additionally, it appears that there may be a ½ ft. closed contour proposed around the base of the most northerly landscaped berm that does not appear on the grading plan; please clarify intent;
- c) Pursuant to Section 27.05 of the Site Plan Regulations, note and show method(s) to be used for preserving existing trees with a caliper over 6 inches (eg, silt fencing or orange construction fencing);
- d) Reference(s) to landscape requirements under the Subdivision Regulations appears to be in error and should be removed from the plan in order to avoid confusion. Staff notes that the Subdivision Regulations do not apply and the proposed site plan does not trigger perimeter or interior plantings normally required under Article 28-7-10 of the Zoning Ordinance due to the number of proposed parking spaces. While not required, Staff encourages the applicant to follow through with the proposed landscape plan;

12. Sheet 19 – Please expand note 1 to state that construction of the off-site improvements, including extension of the water line, installation of a hydrant and construction of a hammerhead at the terminus of Broken Bridge Road is associated with the proposed training facility for Liberty Utilities conditionally approved by the Planning Board on July 16, 2014.

13. Please make the following revisions to Sheet A-1:

- a) Please add a detail for the proposed canopy signs that shows proposed dimensions and size;
- b) Add a note stating that all signage is to comply with the Zoning Ordinance.

Prepared by: NEL

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