

Central New Hampshire Regional Planning Commission

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SITE PLAN APPLICATION, SECOND REVIEW

DATE: SEPTEMBER 11, 2017

TO: ALLENSTOWN PLANNING BOARD

FROM: MATT MONAHAN, CNHRPC

RE: NIYATI REALTY LLC/289 PINEWOOD ROAD #03-2017

CC: SFC ENGINEERING (via email)

The applicant, Niyati Realty, submitted an application for Map 406 Lot 32 and totaling 8.28 +/- acres on land owned by the same for the purpose of creating a gas station. The site is located at 289 Pinewood, within the Open Space and Farming Zone and the Groundwater Protection Overlay District.

CNHRPC initially received a set of plans for the proposed Site Plan on August 25, 2017. The plan sets reviewed were entitled SITE DEVELOPMENT PLANS FOR NIYATI REALTY, LLC ALLENSTOWN, NH and dated November 23, 2016 and consisted of 10 sheets as prepared by SFC Engineering of Windham, NH. Revised materials were received by CNHRPC on September 5, 2017.

Pursuant to the request of the Town of Allenstown Planning Board, CNHRPC reviewed the plans for compliance with the Allenstown Site Plan Regulations and applicable requirements. A memorandum intended to apprise the Planning Board of submittal items required by the Allenstown Site Plan Regulations that were missing from the plan as well as zoning and general planning issues that should be considered with the proposed Site Plan was submitted to the Board and the Applicant on September 1, 2017. The Applicant has since submitted items and updated information in response to the September 1 review memorandum. This memorandum is intended to apprise the Planning Board of any issues that still remain.

SUBMITTAL DETAILS

CNHRPC INITIALLY reviewed the following plans and documents:

- A plan set entitled SITE DEVELOPMENT PLANS FOR NIYATI REALTY, LLC ALLENSTOWN, NH and dated November 23, 2016 and consisted of 10 sheets as prepared by SFC Engineering of Windham, NH.
- A submittal cover letter dated August 24, 2017.
- A Town of Allenstown Site Plan Application.
- Town of Allenstown ZBA meeting minutes dated March 8, 2016.
- Town of Allenstown ZBA meeting minutes dated March 9, 2016.
- A Conditional Use Permit Cover Letter for relief from the provisions of Article XXIV, Section IX.B.

- A Conditional Use Permit Cover Application for relief from the provisions of Article XXIV, Section IX.B for greater than 2,500 square feet of impervious coverage.
- A Special Use Permit Cover Letter for relief from the provisions of Article XXV, Section V.D.2 for a post-development, two-year, 24-hour storm flow rate that is greater than the ordinance allows, but less than pre-development.
- A Special Use Permit Cover Application for relief from the provisions of Article XXIV, Section V.B.4 for less than 4' of separation between the bottom of the drainage structure and the seasonal high water table.
- A Waiver Request for a traffic study.
- Traffic calculations.
- CNHRPC traffic count data.
- An Intent to Negotiate Development Proposal between Catamount Hill Cooperative, Inc. and Niyati Realty, LLC including an easement plan.
- A response letter dated May 22, 2017 from SFC Engineering in response to the Town Engineer's comments from the previous submittal.
- A letter of authorization from Niyati Realty, LLC to permit SFC Engineering Partnership, Inc. to represent their interests during the permitting process.
- A Fee Acknowledgement Form signed by Sandeep (Jay) Patel for Niyati Realty, LLC.
- A W-9.
- A copy of a check issued by Niyati Realty, LLC, number 1025, in the amount of \$3,346.
- A copy of a check issued by Niyati Realty, LLC, number 1024, in the amount of \$250.
- A copy of a check issued by Niyati Realty, LLC, number 1028, in the amount of \$500.

The following items were received by CNHRPC on September 5, 2017 and were considered with this **UPDATED** review memorandum:

- A revised plan set entitled SITE DEVELOPMENT PLANS FOR NIYATI REALTY, LLC ALLENSTOWN, NH and dated November 23, 2016 and consisted of 10 sheets as prepared by SFC Engineering of Windham, NH with a revision date of September 5, 2017.
- A copy of the State of New Hampshire Alteration of Terrain permit application package.
- Stormwater Pollution Prevention Plan (SWPPP) dated September 2017 for Niyati Realty, LLC.

TOWN OF ALLENSTOWN SITE PLAN CHECKLIST & SITE PLAN REGULATION REQUIREMENTS

The following are advisory comments based upon the Town of Allenstown Site Plan Regulations and Site Plan Checklist Requirements used during the consideration of materials received by CNHRPC pertaining to this proposal.

Overall Summary: The applicant is seeking approval to construct a gas station. Major areas of focus for the project will include:

- Major Issues:
 - The Board will need to act upon the Conditional Use Permit application as well as the Special Use Permit applications in addition to the site plan. Motions can be made to act on the Site Plan, CUP and 2 SUPs at the same time.
 - Approving the CUP and 2 SUPs depends upon whether the criteria have been met for each. Compliance appears to have been met for all. Refer to Appendix 1 for details on compliance and conditions of approval.

- The revised plan shows a revised building alignment but, as described by the Applicant's Engineer, the drainage calculations have not changed. The Board should review the response letter the Applicant's Engineer has provided for the initial review of the proposal by the Town's Engineer and determine if further review is required. The Town's engineer could be asked to conduct this review.
 - State permits numbers will need to be placed on the plans as a condition of approval.
- Technical Review Committee Comments:
 - Pembroke Water Works:
 - No issues with the proposal
 - Town Administrator:
 - No issues with the proposal
 - Allenstown Sewer:
 - No comments provided
 - Highway Department:
 - No comments provided
 - Police:
 - No issues with the proposal
 - Fire:
 - Alarm will need a central station system at the time of building permit issuance.
 - Building Inspector:
 - Address location of heating fuel.
- Potential Conditions of Approval:
 - Copies of easements documents (well and driveway) recorded at the Merrimack County Registry of Deeds.
 - A sign permit will need to be obtained from the Building Inspector for the installation of advertising signage at the road and on the building façade.
 - State permits numbers will need to be placed on the plans (NHDOT Driveway Permit and an NHDES Alternation of Terrain).
 - The adequacy of the alarm and fire suppression methods should be subject to review and approval of the Fire Chief prior to the issuance of building permit.
 - The Spill Prevention, Control, and Countermeasure Plan (SPCC) will need to be approved by the Fire Chief.
 - Town Engineer should review and comment on the Applicant's rebuttal memo from the original drainage study.
 - A plan note should specify, per Article XXV, that the Building Inspector has the right to inspect and enforce the provisions of the Operations and Maintenance plan included in the SWPPP.
 - Professional stamps and signatures (engineer, wetland scientist, and landscape architect) as well as owner signatures need to be on the final plan.
 - All waivers granted and conditions of approval need to be on the final plan.
 - A bond for the installation of stormwater management components is required by Article XXIV.
 - Final plans, as approved by the Planning Board, shall be provided to the Planning Board in a digital format. Such a format shall be georeferenced drawings and may be CAD, Shape Files or GDB format. They shall, in addition to those items presented to the Planning Board for approval, include a calculation of the change in impervious coverage as well as depict any infrastructure (including sewer, water, and drainage).

- Notice of Decision to be recorded at the Merrimack County Registry of Deeds.
 - Drainage shall be inspected by the Allenstown Highway Department prior to the issuance of Certificate of Occupancy. If needed, the Highway Department may ask for outside engineering review, paid for by the applicant.
 - Any other conditions sought by the Board.
- Potential Course of Action:
- Applicant’s presentation.
 - Planner presents information noted in this memorandum.
 - Board makes determination of regional impact.
 - Board acts on waivers.
 - Board acts on completeness.
 - Board opens public hearing.
 - Board closes public hearing, deliberates and votes.

Allenstown Site Plan Checklist Requirements:

1. Checklist Item 17 (6.01.o) – Copies of easements (well and driveway) not received. Recording of the easement documents at the Merrimack County Registry of Deeds should be a condition of approval.
2. Checklist Item 31 (6.01.k) – The signage shown on the plan (sign at the street and on the building façade) will require a permit issued by the Building Inspector prior to installation.

Allenstown Site Plan Regulation Requirements:

3. No issues identified at this time, subject to the review of the Planning Board.

Waivers Requested from Site Plan Regulation Items:

The applicant has requested a waiver from Section 6.02.i to allow for traffic count data and ITE trip generation data in lieu of a full traffic study. Given that the permitting authority is the NH Department of Transportation this is a reasonable waiver request.

Allenstown Zoning Ordinance Requirements:

4. Article 1111 – Signs. The signage shown on the plan (sign at the street and on the building façade) will require a permit issued by the Building Inspector prior to installation.
5. Article XXIV – Applicant is seeking a Conditional Use Permit (CUP) to allow for greater than 2,500 square feet of impervious surface in the Groundwater Protection Overlay District. Compliance appears to have been met. Refer to Appendix 1 for details on compliance and conditions of approval.
6. Article XXV, Permanent Stormwater Management Ordinance, Section V.D.2. The applicant is seeking relief to allow for greater peak flows than allowed in a two-year storm. Compliance appears to have been met. Refer to Appendix 1 for details on compliance and conditions of approval.

7. Article XXV, Permanent Stormwater Management Ordinance, Section V.D.2. The applicant is seeking relief to allow for less than four feet vertical separation between the bottom of stormwater infiltration and the average seasonal high water table. Compliance appears to have been met. Refer to Appendix 1 for details on compliance and conditions of approval.

DEVELOPMENT OF REGIONAL IMPACT

8. In accordance with RSA 36:56, the Board shall determine if the proposal is a development of regional impact:

“A local land use Board, as defined in RSA 672:7, upon receipt of an application for development, shall review it promptly and determine whether or not the development, if approved, reasonably could be construed as having the potential for regional impact.” That said, the proposal does not appear to have a regional impact.

OTHER COMMENTS

The following are advisory comments based upon commonly held planning principles and the review of the plans received. These comments represent the opinion and professional discretion of the reviewer in considering the materials received in relation to this proposal.

9. The revised plan shows a revised building alignment but, as described by the Applicant’s Engineer, the drainage calculations have not changed. The Board should review the response letter the Applicant’s Engineer has provided for the initial review of the proposal by the Town’s Engineer and determine if further review is required. The Town’s engineer could be utilized for this review.
10. State permits numbers will need to be placed on the plans (NHDOT Driveway Permit and an NHDES Alternation of Terrain).
11. Final plans, as approved by the Planning Board, shall be provided to the Planning Board in a digital format. Such a format shall be georeferenced drawings and may be CAD, Shape Files or GDB format. They shall, in addition to those items presented to the Planning Board for approval, include a calculation of the change in impervious coverage as well as depict any infrastructure (including sewer, water, and drainage).
12. The Applicant should demonstrate to the Board that all fees to the Town have been paid.
13. Any conditions of approval and waivers granted should be listed on the final plan to be signed.
14. The Notice of Decision should be recorded at the Merrimack County Registry of Deeds.

Given the nature of the proposal and the items submitted, the application could be considered substantially complete.

Any item indicated in this memo as missing from the plan could be a condition of approval if the Board felt such item(s) are relevant and are not waived. If the Board chooses to invoke jurisdiction and accept this application as complete, the timelines set forth in RSA 676:4C shall apply. If the application is accepted as complete, the Planning Board can enter into a public hearing if such a hearing was properly noticed in accordance with 676:4D.

Enclosure: Appendix 1