

DEPARTMENT OF PLANNING & LAND MANAGEMENT

Chase Bank
1134 Main Street

Revised Report Date: September 7, 2020

Prepared by: Elizabeth Hughes, Town Planner

GENERAL INFORMATION

Owner: Nikoel, LLC
78 Rhode Island Ave. #3
Newport, RI 02840

Applicant: Chase Bank
10 S. Dearborn – 15th Floor
Chicago, IL 60603

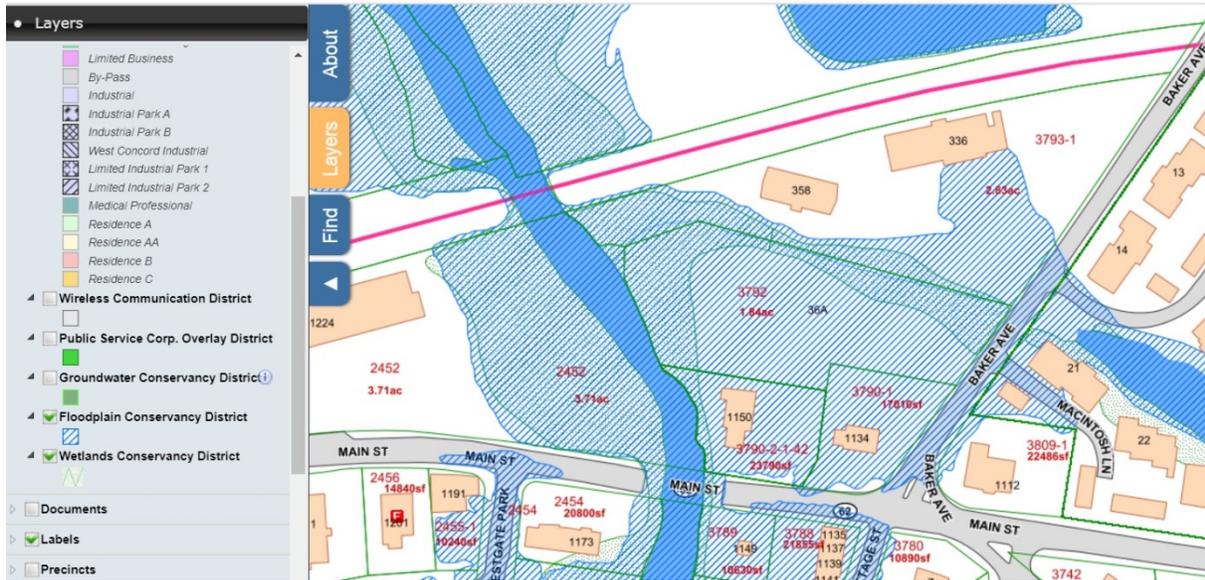
Requested Action: Recommendation to the Zoning Board of Appeals for a Special Permit and Site Plan Approval under Sections 7.2, 11.6 and 11.8 of the Zoning Bylaw to demolish the existing bank building, construct a new bank building, and perform related site improvements in the Floodplain Conservancy District.

Location/ Lot Size/Utilities: The property is located on the northwest corner of the intersection of Main Street and Baker Avenue and addressed as 1134 Main Street (Parcel 3790-1). The property is approximately 23, 203 s.f. and is serviced by gas and Town water, sewer, and electric.

Zoning/Existing Land Use: The property is located in the West Concord Business with Floodplain Conservancy District covering most of the Site due to a tributary of the Assabet River located north adjacent to the property. The Site is currently developed with bank with 2 drive-thru teller/ATM isle and associated parking.

Surrounding Land Uses/(Zoning): Directly to the west and south is commercial development (West Concord Business District). To the north is open space land owned by the Town of Concord and commercial/industrial development (Industrial Park A). To the south is residential development and to the east is a bank and residential development (Residence C).





I. Proposed Project

The Applicant seeks a Special Permit with Site Plan Approval for the following:

- 1) Demolition of the existing 1,270 s.f. building, drive-thru teller isle and 10 parking spaces.
- 2) Construction of a new 2,200 s.f. building closer to Main Street with a finish floor above the 100-yr floodplain.
- 3) Modification to the existing driveways and reconfiguration of the parking lot with 15 spaces (2 spaces counted for the drive-thru ATM) and new vehicle circulation pattern
- 4) Installation of a freestanding drive-thru ATM machine
- 5) Associated site lighting and landscaping improvements

The project requires 180.71 c.y. of cut and 87.1c.y. of fill within the 100-yr floodplain and will have approximately 280 s.f. reduction in impervious surface. The Applicant intends to re-use the existing utilities and existing drainage infrastructure to limit ground disturbance and unnecessary excavation. The drainage is handled through a series of catch basins and manholes that connect to the Town's drainage system in Main Street.

II. Zoning Bylaw Review

Section 7.2.6.2 Flood Plain Conservancy District

The Planning Board and Natural Resources Commission shall submit to the Board written recommendations including at least:

- (a) An evaluation of the proposed use, including its probable effect or impact upon the Town's water supply, the quality of water in the area, the natural flow pattern of watercourses, nearby or pertinent floodwater storage areas or other areas subject to seasonal or periodic flooding and the general health, safety and welfare of the inhabitants of the Town; and

The project requires 180.71 c.y. of cut and 87.1c.y. of fill within the 100-yr floodplain, which is slightly above the required 1.5 times compensatory flood storage. The Assistant Town Engineer has reviewed the revised floodplain calculations and does not have any issues. Additionally, he notes that the project represents a safety improvement since the finish floor of the new structure will be above the 100-year floodplain where the existing building is 8” below.

The Natural Resources Commission voted on September 2, 2020 to recommend to the Zoning Board of Appeals approval of the proposed project pending receipt of revised plans and satisfactory review of the stormwater drainage by the Engineering Division.

In a September 1, 2020 memo, the Applicant has updated the compensatory flood storage calculations, which shows the compensatory storage is achieved at each incremental elevation with at least a 1:1 cut to fill ratio; and an overall cut to fill ratio of at least 1.5:1 to comply with the Floodplain Conservancy District Requirements (2.07:1 Actual). The Town Engineer has reviewed the plans, calculations and CAD drawings and confirms the compensatory flood storage.

(b) *A recommendation as to whether the special permit should be granted and whether any restrictions should be imposed upon the proposed use as a condition of such permit.*

The Town Planner believes the Planning Board can recommend approval of the Special Permit to the Zoning Board of Appeals with the condition that the grading elevations of the site be verified by the Applicant’s engineer prior to any paving and a compensatory flood storage of at least 1.5 to 1 be verified prior to the issuance of a final certificate of occupancy.

11.6 Special Permit

Special permits shall be granted by the Board or the Planning Board, unless other criteria are otherwise specified herein, only upon the written determination of either board, as applicable, that the adverse effects of the proposed use will not outweigh its beneficial impacts to the public interest, the town and the neighborhood, in view of the particular characteristics of the site, and of the proposal in relation to that site.

A Special Permit is required for the demolition and reconstruction of the structure within the Floodplain Conservancy District. The Zoning Board of Appeals will have to determine whether the proposed work in the 100-year floodplain will not outweigh its beneficial impacts to the public interest, the town and the neighborhood, in view of the particular characteristics of the site, and of the proposal in relation to that site.

11.8.5 Site Plan Review

a) *Protection of adjoining premises against seriously detrimental uses by provision for surface water drainage, sound and sight buffers, and preservation of views, light and air;*

The Town Planner believes the relocation of the building on the site with the parking located behind and the new landscaping is an improvement for sound and sight buffers and the view of the site from the intersection. The Applicant proposes to place the HVAC equipment on the roof of the building behind a parapet wall, which will help to provide an adequate sound buffer.

In a September 3, 2020 memo, the Assistant Town Engineer continues to raise some questions regarding the stormwater drainage plans that the Applicant needs to address and various conditions of approval to ensure protection of adjoining premises against seriously detrimental uses by provision for surface water drainage.

- b) *Convenience and safety of vehicular and pedestrian movement within the site, the location of driveway openings in relation to traffic or to adjacent streets and, when necessary, compliance with other regulations for the handicapped, minors and the elderly;*

The reconfigured traffic flow from the driveways off Main Street and Baker Avenue reduces the vehicle conflict points within the parking lot and driveways and allows for vehicles to que up in the parking lot and not out into the street. In a September 3, 2020 memo, the Assistant Town Engineer notes that the Applicant has addressed the issue regarding the drive-up ATM sight distance and recommends conditions of approval to address the need for additional signage within the parking lot. However, the Applicant still needs to provide vehicle turning simulations for the newly configured driveway onto Main Street.

The Town Planner notes that the building elevations show a roof drain scupper on the north side that appears to have water run down the side of the building and across the walkway, creating an unsafe situation for pedestrians. The Applicant should propose an alternative method for the roof drainage.

- c) *Adequacy of the methods of disposal of refuse and other wastes resulting from the uses permitted on the site;*

The proposed project includes the installation of a new dumpster enclosure which will be adequate for the use and facilitate the disposal of refuse.

- d) *Adequacy of the arrangement of parking and loading spaces in relation to the proposed uses of the premises;*

The Building Commissioner has indicated that the Applicant intends to remove one of the ATM machines located within the building so that there is a total of 3 ATM machines on-site, not 4 machines. This reduces the required amount of parking from 17 spaces to 15 spaces. The proposed plan shows 15 parking spaces and is in compliance with the Zoning Bylaw. The floor plans will need to be modified to show only 3 ATM machines. A loading space is not required for the proposed use.

The Town Planner recommends that prior to the issuance of a certificate of occupancy, the Applicant provide a snow removal plan for review and approval by the Building Commissioner and for distribution to the Police Department and Town Engineer. This plan shall ensure that no snow is moved onto or across Baker Avenue or Main Street and that the height of snow banks at the points of egress do not reduce visibility or minimize the sight lines. Should any plants be damaged by snow stockpiling, Chase Bank's landscape maintenance program shall address the damage by repairing or replacing the material.

- e) *Adequacy of the method of exterior lighting for convenience, safety and security within the site and for protection of neighboring properties, roadways and the night sky;*

The Town Planner has reviewed the revised lighting plans dated August 25, 2020 and notes that the light levels shown to be extending off the property at the corner of Main Street and Baker Avenue will likely be undetectable given the surrounding existing ambient light levels at the intersection. However, the revised plans still show:

1. Lighting cut-sheets for the Lumark wall-pack and the McGraw-Edison pole fixture on Sheet C-9 still show the dimensions and not the lighting specifications so that you can interpret the Luminaire Schedule on Sheet C-8;
2. Light extending beyond the parking lot to the north, which is adjacent to Town-owned conservation land, and;
3. A note that all proposed fixtures will be on timers to operate 30 minutes after sunset and 30 minutes before sunrise.

Additionally, the light levels shown at the drive-up ATM seem excessive.

In order to ensure adequate exterior lighting for convenience, safety and security within the site and for protection of neighboring properties, roadways and the night sky, the Town Planner recommends the Applicant provide documentation on the recommended illuminance levels and uniformity ratios established by the Illumination Engineering Society of North America (IESNA) in the most current IESNA Recommended Practice or Design Guide for the drive-up ATM and reduce the lighting level if needed and that the following conditions of approval be included in the Planning Board's recommendation:

- a. Shields be placed on the pole mounted light fixtures along the northern edge of the parking lot so that light does not extend 3 ft. beyond the base of the pole;
- b. The exterior lighting shall be dimmable and the Applicant's lighting consultant shall verify that the light levels on the site are in accordance with the approved Lighting Plan and submit a letter regarding such to the Building Commissioner for review. If the light levels are not consistent with the approved Lighting Plan, the Applicant shall adjust or further shield the appropriate light fixture, and have the Applicant's lighting consultant verify the light levels, and;
- c. The exterior lights fixtures along the northern edge of the parking lot shall be turned off an hour after the close of business.

The Applicant has not provided any information about the level of lighting inside the building when the bank is closed. The Town Planner recommends that the interior lighting is permitted to come on one hour before opening and shut off one hour after closing, with a 1-hour override switch for the employees or the cleaning crew should they need additional time. For safety and security purposes, any required EXIT lighting fixtures and two interior fixtures, 1 recessed down-light for security and 1 recessed light in the ATM vestibule, are permitted to stay on for 24-hours.

- f) *Relationship of structures and open spaces to the natural landscape, existing buildings and other community assets in the area and compliance with other requirements of this Bylaw;*

The Applicant is proposing to shift the location of the new building closer to the Main Street with the majority of the parking behind the building, which is more consistent with the village character and to provide larger landscape island at the intersection and along Baker Avenue that will improve the overall character of the site. The proposed project also reduces the overall amount of impervious coverage of the site.

The Building Commissioner has reviewed the revised August 25, 2020 plans and notes that the plans still do not comply with the Sign Bylaw, which allow no more than two principal signs for each business establishment. The revised plans and building elevations show two building mounted wall signs and a free-standing pylon. The Town Planner believes that the two wall mounted signs help provide a presence to the building towards Baker Avenue and Main Street and should be maintained over the free-standing pylon sign.

At the July 1, 2020 meeting, the West Concord Advisory Committee discussed with the Applicant the building entrance as proposed is on Baker Ave and not Main St, which is the stronger pedestrian route. The Applicant stated that site constraints dictated the placement of the front entrance, and that the entrance facing Baker Ave was only a few feet from the Main Street façade. The WCAC encouraged the Applicant to consider other possible improvements to walkability on Main Street, via either landscape or hardscape associated with the building.

- g) *Impact on the Town's resources including the effect on the Town's water supply and distribution system, sewage collection and treatment, fire protection, and streets, and;*

The Community Safety Officer and the Assistant Fire Chief do not have any issues or concerns with the proposed project. The Assistant Fire Chief notes that the redevelopment of the site is an improvement considering the state of the current vacant building, the installation of a new and modern fire alarm system and better access. He does request that weeks prior to demolition of the building, the Fire Department be allowed to conduct training on this building (no live fire training). In an August 31, 2020 memo, the Water-Sewer Engineering does not have any issues or concerns and recommends standard conditions of approval. In a September 3, 2020 memo, the Assistant Town Engineer recommends conditions of approval regarding the location of STOP signs, approval of a Right of Way (ROW) permit for the work being performed on Main Street and Baker Ave with the drainage pipe, driveways, curbing and the sidewalks and compliance with the Concord Public Works Design & Construction Standards & Details.

- h) *Incorporation of sustainability and resiliency principles into the site design that result in a plan that is responsive to the environment and actively contributes to the development of more sustainable community.*

In a September 2, 2020 letter, the Sustainability Director supports the modification to the plans to include an all-electric VRF heat pump system for heating and cooling as well as an electric hot water system and notes the proposed project includes other sustainability measures including LED lighting, low-flow plumbing, and low-emitting materials. She also encourages the Applicant to evaluate potential opportunities to enhance the building envelope through measures such as insulation and air sealing to ensure optimal sizing of HVAC equipment and efficient use of energy.

In a July 6, 2020 memo, the West Concord Advisory Committee notes its support for the Applicant to consider rooftop solar or other measures to improve energy efficiency of the building.

III. Town Planner Recommendation

The Town Planner believes the Planning Board should recommend that the Zoning Board of Appeals receive the following information:

1. Confirmation from the Assistant Town Engineer that the Applicant has addressed all of the questions in his September 3, 2020 memo and a list of additional recommended conditions of approval.
2. Documentation on the recommended illuminance levels and uniformity ratios established by the Illumination Engineering Society of North America (IESNA) in the most current IESNA Recommended Practice or Design Guide for the drive-up ATM and reduce the lighting level if needed.
3. An alternative method for the roof drainage to eliminate the roof drain scupper on the north side that appears to have water run down the side of the building and across the walkway, creating an unsafe situation for pedestrians.

If the Applicant adequately addresses the above identified items, the Planning Board recommends the Zoning Board of Appeals grant the Special Permit and Site Plan Approval for Chase Bank based on the findings in this report and with the following conditions of approval:

1. **At all times**, the Applicant shall require all construction worker vehicles to park on the Site. Parking of construction worker vehicles on Main Street, Baker Avenue or any other local Town road is prohibited. The Applicant shall coordinate with the Police Department on the use of police details for construction vehicle activity on Main Street or Baker Avenue if it has been determined necessary by the Police Department.
2. The interior lighting of the building is permitted to come on one hour before opening and shut off one hour after closing, with a 1-hour override switch for employees or the cleaning crew should they need additional time. For safety and security purposes, any required EXIT lighting fixtures and two interior fixtures, 1 recessed down-light for security and 1 recessed light in the ATM vestibule, are permitted to stay on for 24-hours.
3. **Prior to the commencement of any site work**, the Applicant shall submit to the Town Engineer, Town Planner and Community Safety Officer for review and approval a Construction Sequencing and Safety Plan for the site. The plan shall include the location of construction material delivery and laydown areas, location of construction employee parking areas, locations where construction vehicles will enter and exit the site, and safety protection measures employed to protect the movement of pedestrians and vehicles within the site and along the adjacent public ways. The plan shall be developed for all phases required during construction.
4. **Prior to the commencement of any site work**, the Applicant shall install the erosion and sedimentation controls and all safety measures as shown on the approved Construction Safety Plan and coordinate with the Town Planner a pre-construction meeting with Town staff to review proposed work and safety protocols.
5. **Prior to the commencement of any site work**, the Applicant shall submit to the Fire Department for review and approval a 241 Construction Fire Safety Plan and a site-specific COVID-19 Safety Plan, in accordance with Massachusetts guidelines..

6. **Prior to the commencement of any site work**, the Applicant shall receive an Order of Conditions, or Superseding Order of Conditions, issued under the Wetlands Protection Act and the Concord Wetlands Bylaw and shall comply with all conditions placed on the project and provide a copy of a recorded Order of Conditions, or Superseding Order of Conditions to the Natural Resources Division and the Building Inspections Division.
7. **Prior to commencement of any site work**, the Applicant shall submit a final draft of a complete water and sewer utility design drawing to the Water/Sewer Division for review. The final draft shall sufficiently demonstrate that the proposed scope of water/sewer utility work meets the following:
 - a. Water and sewer service infrastructure can be designed and constructed in accordance with the Water/Sewer Division's Design and Construction Standards (i.e. depth of service(s), size of service(s), standard details for installation, etc.), and
 - b. The condition of the existing sewer service is acceptable to allow for rehabilitation by lining,

Further, as part of this initial review, the Water/Sewer Division will require that the Applicant demonstrate the following:

- c. water demands can be minimized via demand management tools that may be codified in a water use impact report (conservation plan) and Water Customer Data Sheet, and
 - d. lawn irrigation system(s), if proposed, can be installed in accordance with the Town of Concord Rules and Regulations Governing Water Use and Connection. A lawn irrigation system is subject to an additional connection fee and shall be registered with the Water/Sewer Division and be operated in accordance with the Town of Concord Water Use Restriction Bylaw.
8. **Prior to commencement of any site work**, the Applicant shall submit to the Concord Board of Health a Request for Title 5 Building Review (Form S) to identify any potential increase in wastewater flow and associated Sewer Improvement Fee. Based on existing wastewater capacity constraints, flow increases over 1,000 gallons per day will be administratively denied by the Water/Sewer Superintendent. An appeal may be made to the Public Works Commission seeking relief for an increase in flow over 1,000 gallons per day.
9. **Prior to the commencement of any site work and at any time during site work or construction**, the Applicant shall coordinate with the Police Department on the use of police details for construction vehicle activity on Main Street if it has been determined necessary by the Police Department.
10. **Prior to the commencement of any site work or issuance of a Demolition or Building Permit**, the Applicant shall record with the Middlesex South Registry of Deeds the Special Permit Decision, Plans and all necessary easement with the adjacent Concord Riverwalk development.

11. **Prior to the commencement of any site work or issuance of a Building Permit**, the Applicant's contractor shall file a Right-of-Way (ROW) permit with the CPW Engineering Division for the proposed work within Main Street ROW. All work within ROW shall conform to the Concord Public Works Design & Construction Standards & Details (CPW-Standards).
12. **Prior to the issuance of a Demolition Permit**, the Applicant should contact the Fire Department to see if the Fire Department can conduct a training exercise on the building (no live fire training).
13. **Prior to the issuance of a Building Permit**, the Applicant shall submit to the Building Commissioner for review and approval a revised floor plan showing only two ATM machines within the building.
14. **Prior to the issuance of a Building Permit**, the Applicant shall provide the Building Commissioner and Town Engineer for review and approval a revised Site Plan showing a "No Left Turn" sign at the ATM stop location and a "Stop" sign at the northwest corner of the site adjacent to the dumpster.
15. **Prior to the issuance of a Building Permit**, the Applicant shall provide the Building Commissioner and the Town Planner for review and approval revised Lighting Plans with the following:
 - a. Shields on the pole mounted light fixtures along the northern edge of the parking lot so that light does not extend 3 ft. beyond the base of the pole, and;
 - b. A note that the exterior lighting shall be dimmable and if the light levels are not consistent with the approved Lighting Plan, the Applicant shall adjust or further shield the appropriate light fixture, and;
 - c. A note that the exterior lights fixtures along the northern edge of the parking lot shall be turned off an hour after the close of business.
16. **Prior to the issuance of a Building Permit**, the Applicant shall submit to the Water/Sewer Division for review and approval, an application for the proposed water and sewer service installation. The application shall include the following:
 - a. Identification of a Water/Sewer Division licensed "drain layer" who will be responsible for water and sewer service installation activities.
 - b. Two full size copies of the approved water and sewer utility plan.
 - c. For each separate building proposed to be served by Town water, a plumbing plan shall be provided including;
 - i. Meter bypass detail (with allowance for Water/Sewer Division issued security lock),
 - ii. Design Data Sheets for all required cross-connection control devices. The devices shall not be installed without approval from the Water/Sewer Division.
 - d. An approved water use impact report and conservation plan which will determine sizing of the water meter and water system connection fee.

- e. The approved Title 5 Building Review (Form S) and associated Finding - demonstrating right to connect to the municipal sewer system, and payment of any associated Sewer Improvement Fee.
17. **Prior to the issuance of a Building Permit**, the Applicant shall provide CMLP with a detailed electrical load letter including proposed service size in order to properly size the transformer.
18. **Prior to the issuance of a Building Permit**, the Applicant shall provide CMLP a digital copy of the site plans in AutoCAD format. This will allow CMLP to issue an electric and Town fiber communication design, and issue an estimate for CMLP's portion of the construction costs.
19. **Prior to the issuance of a Building Permit**, all proposed metering will require approval from the CMLP Meter Supervisor.
20. **Prior to the issuance of a Sign Permit**, the Applicant shall modify the plans to delete the free-standing pylon sign.
21. **Prior to any paving of the Site**, the Applicant's engineer shall verify to the Town Engineer the grading elevations of the site to confirm compensatory flood storage of at least 1.5 to 1 can be achieved.
22. **Prior to the issuance of a Certificate of Occupancy**, CMLP will require a suitable utility easement for the proposed underground electric distribution system including Town fiber communication system where located outside of the Town Right-of-Way. The easement shall be reviewed and approved by CMLP prior to recording. All easements shall be recorded with the Middlesex South Registry of Deeds by the applicant and shall provide copies of the recorded documents to CMLP and the Building Commissioner.
23. **Prior to the issuance of a Certificate of Occupancy**, the Applicant shall submit an as-built plan to CPW Engineering, CMLP, Town Planner and Building Commissioner of the site including grading, elevations of all drainage infrastructure (i.e. inverts, rims, measurement from finished grade down to the bottom of the sump for all CDS, etc.), driveway/parking grades, pavement, pavement marking, signage, utilities, structures, building elevations, and other pertinent information. The plan must be stamped by a Professional Engineer. A certification letter signed by a Professional Engineer shall outline any deviations from the design plans and certify that there will be no negative impacts as a result of those deviations. This submittal should be provided a minimum of two weeks prior to applying for occupancy to ensure adequate review time. One hard copy and one electronic copy, in the form of both AutoCAD and PDF Files, shall be provided to CPW-Engineering. Additionally, to ease in review, the as-built items shall be bold while all other plan items shall be screened down.
24. **Prior to the issuance of any Certificate of Occupancy**, the Applicant shall submit to the Water/Sewer Division a full size record drawing (Arch D), created in accordance with Division standards, for review prior to finalizing the drawing. Once the draft is approved, the Applicant shall submit to the Water/Sewer Division a full-size (Arch D) hard copy of the final record drawing along with electronic copies in the form of CAD and pdf files.

25. **Prior to the issuance of a Certificate of Occupancy**, the Applicant shall enter into a Water and Sewer Service Connection Agreement with Concord Public Works for the purpose of clarifying the terms of service including ownership, operations, inspection, maintenance and future replacement provisions for related infrastructure. The agreement shall be signed by the owner, executed by the Director and recorded by the applicant.
26. **Prior to the issuance of a Certificate of Occupancy**, the Applicant shall furnish to the Water/Sewer Division Water Demand Minimization Affidavit(s) to demonstrate work was performed in accordance with the approved demand mitigation measures.
27. **Prior to the issuance of a Certificate of Occupancy**, the Applicant provide a snow removal plan for review and approval by the Building Commissioner and for distribution to the Police Department and Town Engineer. This plan shall ensure that no snow is moved onto or across Baker Avenue or Main Street and that the height of snow banks at the points of egress do not reduce visibility or minimize the sight lines. Should any plants be damaged by snow stockpiling, Chase Bank's landscape maintenance program shall address the damage by repairing or replacing the material.
28. **Prior to the issuance of a Certificate of Occupancy**, the Applicant's engineer shall verify to the Town Engineer that compensatory flood storage of at least 1.5 to 1 has been achieved.
29. **Prior to the issuance of a Certificate of Occupancy**, the Town Planner shall verify that all plantings shown on the approved Landscape Plan have been installed. Any proposed minor modification or substitutions shall be reviewed and approved by the Town Planner prior to installation. If the Applicant provides documentation to the Building Commissioner that it would be detrimental to complete weather dependent aspects of the landscaping, the Building Commissioner may require a performance guarantee to ensure compliance. In such case, the Applicant shall submit to the Building Commissioner for review and approval a performance guarantee covering the cost of the landscaping and installation and a temporary certificate of occupancy shall be issued until all landscaping work is completed.
30. **Prior to the issuance of a Certificate of Occupancy**, the Building Commissioner shall confirm that all exterior light fixtures are in compliance with the approved Lighting Plan and the Applicant's lighting consultant shall verify that the light levels on the site are in accordance with the approved Lighting Plan and submit a letter regarding such to the Building Commissioner for review. If the light levels are not consistent with the approved Lighting Plan, the Applicant shall adjust or further shield the appropriate light fixture and have the Applicant's lighting consultant verify the light levels again.