

City of Concord Planning Board
December 21, 2016 - DRAFT
Minutes

The regular monthly meeting of the City Planning Board was held on December 21, 2016, in City Council Chambers, in the Municipal Complex, at 37 Green Street, at 7:00 p.m.

1. Call to Order
Chairman Woodfin called the meeting to order at 7:00 pm. Planning staff present included Heather Shank (City Planner), and Lisa Fellows-Weaver (Administrative Specialist).
2. Roll Call
Present: 6 – Chairman Richard Woodfin, Vice-Chair Carol Foss, Councilor Byron Champlin, Ian West, Matthew Hicks, Susanne Smith-Meyer, Teresa Rosenberger (Ex-Officio for City Manager), David Fox.

Absent: 3 –John Regan, Alternate Chiara Dolcino and Alternate Frank Kenison.
3. Approval of November 16, 2016 Planning Board Meeting Minutes
On a motion made by Councilor Champlin, and seconded by Ms. Foss, the Board voted unanimously to accept the minutes of November 16, 2016, as written.
4. Planning Board Chair Overview
Chairman Woodfin noted that nothing has changed or been pulled from the agenda.

****Consent Agenda Items****

5. Determination of Completeness of Major Site Plan and Subdivision Applications
 - 5A. T.F. Bernier, Inc., on behalf of Strategic Contracting Company, LLC, requesting Major Subdivision approval for a 6-lot cluster subdivision off Hoit Road in the Medium Density Residential (RM) District. *MBL: 122/3/12 (2016-55)*

Ms. Foss requested to pull Hoit Rd. for more information. Ms. Shank stated that staff has recommended this application be determined complete. Ms. Foss stated that she was reluctant to deem this application complete as nothing has been provided to show any buildable open space proposed or the proposed contiguous open space. Ms. Shank noted that the calculations had been provided, though the area was not indicated on the plan. Staff is confident that the revised plans will demonstrate the designated area. She noted that if this is not possible, a revised site plan would need to be provided.

Mary-Beth Morrill, abutter at 498 Mountain Road, expressed concern with any impacts that the new development will have on the area and the water table. Chairman Woodfin replied that this information would be addressed at the public hearing.

On a motion made by Mr. West, and seconded by Mr. Hicks, the Board voted unanimously to determine the application complete and set the public hearing for January 18, 2017.
 - 5B. Keach-Nordstrom Associates, on behalf of Goodwill Industries of Northern New England requesting Major Site Plan approval to renovate the existing facility and redevelop the existing parking lot at 204 Loudon Road in the General Commercial (CG) District. *MBL: 111B/2/6 (2016-60)*

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On a motion made by Ms. Smith-Meyer, and seconded by Ms. Foss, the Board voted unanimously to determine the application complete and set the public hearing for January 18, 2017.

6. Design Review Applications by Consent – If an applicant, Planning Board member, or audience member wishes to remove an item from the Consent Agenda for discussion, it will be pulled for consideration during the public hearing segment of the agenda. Otherwise, consent items are approved subject to the recommendations of the Design Review Committee as noted below.

Ms. Foss inquired about signs that are pictured on street corners and wanted to be assured of the proposed placements. Ms. Shank stated that when the Board approves these applications that approval is based on the recommendations provided from the ADRC.

- 6A. Mattress Firm, on behalf of Joseph Concord NH Trust, requesting ADR approval to install a new wall sign consisting of internally illuminated channel letters at 77 Fort Eddy Road in the Gateway Performance (GWP) District. *MBL:641/Z45*

On a motion made by Ms. Foss, and seconded by Mr. Hicks, the Board voted unanimously to approve the application by consent.

- 6B. Cobblestone Pointe, on behalf of RM24 Holdings, LLC, requesting ADR approval to install a new monument sign at 23 Triangle Park Drive in the Office Park Performance (OPF) District. *MBL:111/B1/16*

On a motion made by Ms. Foss, and seconded by Mr. Hicks, the Board voted unanimously to approve the application by consent.

- 6C. B. Good Food with Roots, on behalf of Nick Delegas, requesting ADR approval to install a new wall sign, and a replacement panel in a freestanding sign at 10 Fort Eddy Road in the Road in the Gateway Performance (GWP) District. *MBL:641/Z49*

On a motion made by Ms. Foss, and seconded by Mr. Hicks, the Board voted unanimously to approve the application by consent.

- 6D. NH Charitable Foundation requesting ADR approval to install a new monument sign at 1 South Street in the Civic Performance (CVP) District. *MBL: 36/7/7*

On a motion made by Ms. Foss, and seconded by Mr. Hicks, the Board voted unanimously to approve the application by consent, subject to the ADRC condition that the actual location of the sign be identified on the site plan and submitted to the Zoning Administrator.

- 6E. TF Bernier, Inc. requesting ADR approval to install a new monument sign at 50 Pleasant Street in the Civic Performance (CVP) District. *MBL: 36/5/14*

On a motion made by Ms. Foss, and seconded by Mr. Hicks, the Board voted unanimously to approve the application by consent, subject to the ADRC condition that the actual location of the sign be identified on the site plan and submitted to the Zoning Administrator.

- 6F. Best Western Inn & Suites, on behalf of ISHA, Inc., requesting ADR approval to replace a freestanding sign, a monument sign, and two (2) directional signs at 97 Hall Street in the Opportunity Corridor Performance (OCP) District. *MBL: 6/1/2*

On a motion made by Ms. Foss, and seconded by Mr. Hicks, the Board voted unanimously to approve the application by consent.

****End of Consent Agenda****

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Public Hearings

7. Design Review Applications – For sign applications pulled from the consent agenda, and building permit applications for exterior alterations in performance districts.

No applications were pulled from the consent agenda.

8. Ordinance Amendments

- 8A. Article 28 of the Zoning Ordinance, Section 28-8-2, Determination of a Non-Conformity – add a subsection allowing lots that were voluntarily merged prior to January 1st, 1995 to be restored by City Council.

Ms. Shank explained that currently the zoning ordinance does not address procedures and regulations specific to the restoration of merged lots. The City has relied on RSA 674:39- aa for the restoration of involuntarily merged lots to govern the process. She stated that RSA 674:39-aa.II allows lots that have been involuntarily merged prior to September 18, 2010 to be unmerged per the request of the owner; it also states that lots that have been voluntarily merged by any owner in the chain of title may not be unmerged. However, RSA 674:39-aa.IV states that any municipality may adopt local ordinances that are less restrictive than 674:39-aa.I and 674:39-aa.II to govern the procedures for restoration of merged lots.

City Council has requested that the Planning Board review these procedures and propose an amendment to the Zoning Ordinance to allow less restrictive procedures for the restoration of merged lots. She stated that Staff recommends an amendment allowing a property owner the opportunity to request that his or her voluntarily merged lots be unmerged, provided that said lots were voluntarily merged prior to January 1, 1995. This date reflects the point at which formal procedures for voluntary mergers were put in place.

On a motion made by Councilor Champlin, and seconded by Mr. Hicks, the Board voted unanimously to approve the amendment, as written, and recommend that the amendment be forwarded to Council.

- 8B. Article 29.2 of the Public Capital Facilities Impact Fee Ordinance, Section 29.2-1-2, Assessment and Collection – require impact fees to be paid prior to issuance of a certificate of occupancy instead of prior to issuance of a building permit.

Ms. Shank stated that currently the RSA's require that all impact fees shall be assessed at the time of planning board approval. This proposed amendment will allow for the collection of impact fees to be addressed at the certificate of occupancy stage, when funds may be more readily available from the sale of units and/or securing contracts with tenants. Amending the ordinance to allow payment prior to issuance of a certificate of occupancy would reduce the funds needed by the applicant to begin construction. Importantly, amending the ordinance as recommended will also make the City's ordinance consistent with RSA 674:21,V,(d), which states that impact fees shall be collected at the time a certificate of occupancy is issued.

Discussion ensued regarding the process of how impact fees are paid and extensions of approvals.

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On a motion made by Mr. West, and seconded by Ms. Foss, the Board voted unanimously to approve the amendment, as written, and recommend that the amendment be forwarded to Council.

- 8C. Article 29.2 of the Public Capital Facilities Impact Fee Ordinance, Section 29.2-1-2(b), Computation of the Amount of Impact Fee – update the variable unit fee for Transportation, Recreation, and School Facilities in accordance with the annual inflationary rate. Ms. Shank stated that the Public Capital Facilities Impact Fee Ordinance, which was adopted in June 2001, contains a requirement in Section 29.2-1-2(b)(10) that the impact fee tables “shall be reviewed periodically by the Planning Board and shall be revised by the City Council whenever appropriate.” It requires that a report by the Clerk of the Board on or before January 1 of each year be presented to City Council “with respect to increases in the estimated costs to construct public capital facilities,” including recommendations “for appropriate adjustments to the impact fee tables.” City Council last amended the ordinance in November 2014. In the past, the Planning Board has recommended that the fees be increased on an annual basis to keep steady pace with inflation, rather than increasing the fees less frequently to reflect larger cumulative changes.

On a motion made by Ms. Smith-Meyer, and seconded by Ms. Foss, the Board voted unanimously to approve the amendment, as written, and recommend that the amendment be forwarded to Council.

Adjournment

With no further business before the Board, Councilor Champlin made a motion to adjourn at 7:28, seconded by Ms. Smith-Meyer. Motion carried.

A TRUE RECORD ATTEST:

Lisa Fellows-Weaver
Administrative Specialist