

City of Concord Planning Board

June 19, 2019

Minutes

The regular monthly meeting of the City Planning Board was held on June 19, 2019, in City Council Chambers, in the Municipal Complex, at 37 Green Street, at 7:00 p.m.

Attendees: Chairman Richard Woodfin, Mayor Jim Bouley, Members David Fox, Matthew Hicks, John Regan, Susanne Smith-Meyer, and Alternate Chiara Dolcino.

Absent: Councilor Byron Champlin, Teresa Rosenberger (Ex-Officio for City Manager), Vice-Chair Carol Foss, Erle Pierce, and Alternate Frank Kenison.

Staff: Heather Shank (City Planner), Beth Fenstermacher (Assistant City Planner), Sam Durfee (Senior Planner), Lisa Fellows-Weaver (Administrative Specialist), and Bryant Anderson (Associate Engineer).

1. Call to Order

Chairman Woodfin called the meeting to order at 7:00 pm.

2. Roll Call

Chairman Richard Woodfin, Mayor Jim Bouley, Members, David Fox, Matthew Hicks, John Regan, Susanne Smith-Meyer, and Alternate Chiara Dolcino.

3. Approval of May 15, 2019 Planning Board Meeting Minutes

On a motion made by Mr. Regan, and seconded by Mr. Fox, the Board voted unanimously to approve the May 15, 2019 Planning Board Meeting Minutes, as written.

4. Planning Board Chair Overview

Chairman Woodfin announced that a few items on the agenda had recently been shifted around.

5. **Design Review Application by Consent**

Mr. Regan requested to pull item 5B, the Cobblestone application, from the consent agenda.

On a motion made by Ms. Smith-Meyer, and seconded by Mr. Hicks, the Board voted unanimously to approve the applications for Items 5A, 5C-5F, by consent, subject to the recommendations of the Architectural Design Review Committee (ADR) as conditions of approval, as noted below.

5A. Concord Peer Support, on behalf of Harold Ekstrom, requests ADR approval to install a new sign on existing posts at 55 School Street in the Civic Performance (CVP) District.

On a motion made by Ms. Smith-Meyer, and seconded by Mr. Hicks, the Board voted unanimously to approve the design as submitted by consent.

5C. TD Bank, on behalf of Nash Family Investment Property and Five N Associates, requests ADR approval to install two replacement wall signs and replace the existing monument sign at 143 N. Main Street in the Urban Commercial (CU) District.

On a motion made by Ms. Smith-Meyer, and seconded by Mr. Hicks, the Board voted unanimously to approve the design as submitted by consent.

5D. Planet Fitness Realco, LLC requests ADR approval to install a new freestanding sign and a new wall sign at 89 Fort Eddy Road in the Gateway Performance (GWP) District.

On a motion made by Ms. Smith-Meyer, and seconded by Mr. Hicks, the Board voted unanimously to approve the design as submitted by consent.

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- 5E. Target, on behalf of Dayton Hudson Corp, requests ADR approval to install 3 internally illuminated replacement wall signs and 2 panels in existing pylon signs at 80 D'Amante Drive in the Gateway Performance (GWP) District.

On a motion made by Ms. Smith-Meyer, and seconded by Mr. Hicks, the Board voted unanimously to approve the design as submitted by consent.

- 5F. Bank of NH requests an amendment to a previous approval for the Concord Theatre to install an internally illuminated ATM sign of no more than four (4) sf on the façade of the building at 16-18 S. Main Street in the Central Business Performance (CBP) District.

On a motion made by Ms. Smith-Meyer, and seconded by Mr. Hicks, the Board voted unanimously to approve the design as submitted by consent.

Public Hearings

6. Design Review Applications

- 5B. Cobblestone, on behalf of Foxfire Property Management, requests ADR approval to install a new projecting sign at 81 N. Main Street in the Central Business Performance (CBP) District.

The applicant was not present.

Chairman Woodfin stated that the sign has been installed. Mr. Durfee noted that ADR had recommended tabling the application because Mr. Walker, the Zoning Administrator, had questions about the need for a variance due to the height of the sign. Ms. Smith-Meyer stated that the Board should table for further discussion in light of all the work done by the ADR for the design guidelines. She stated that it appears that the sign is very low for the size of the sign. Ms. Shank stated that if there is an issue with the height that is a zoning issue and needs to be determined by Code, and possibly receive a variance. She noted that staff does not recommend approval of items that do not comply with the Zoning Ordinance.

Ms. Smith-Meyer made a motion to table the application, and send back to Mr. Walker for further review. Mr. Hicks seconded.

Mayor Bouley stated that the sign looks great. Signage is a staple to the downtown businesses and is critical to success. He does not see anything wrong with the sign. Ms. Smith-Meyer agreed; however, noted that the Board should make sure that the sign is conforming before taking any action. Chairman Woodfin stated that the business will continue to thrive and the sign will not come down. He noted that variance was granted for the width but not for the height. He stated that Mr. Walker needs to follow up with determining if the sign needs a variance.

The motion passed; 6/2. Mayor Bouley and Mr. Regan were opposed.

- 6A. Remi Hinxia requests ADR approval to renovate the storefront at 142 North Main Street (formerly Bead It) in the Central Business Performance (CBP) District.

The applicant was not present.

Ms. Shank explained that the proposal is for storefront replacements at the North Block Building, a 5-story masonry brick building from the 1860's. The building is currently mixed-use with commercial space at the street level and 3-stories of residential apartments. Mr. Hinxia is proposing to remove the existing brick veneer layer from the 1960's and expose the original façade of the building with its arches and cast-iron columns.

Chairman Woodfin opened the public hearing. There being no comments from staff or members of the public, Chair Woodfin closed the public hearing.

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On a motion made by Mr. Hicks, and seconded by Ms. Dolcino, the Board voted unanimously to approve the design as submitted.

- 6B. Bangor Savings Bank requests ADR approval to renovate the building façade at 78-82 N. Main Street in the Central Business Performance (CBP) District.

David Latulippe, from Bangor Bank and Jonathan Halle of Warrenstreet Architects represented this application. An overview was given of the September 2018 approval for façade changes to the storefronts and windows. Mr. Latulippe explained that when they attempted to obtain approval from The State of NH Historic Preservation there were some concerns with the proposed third floor windows. He presented them with a new proposal that maintains the third floor windows. The renovation will include scraping, reglazing, and the replacement of the double hung windows. He added that this will revitalize this building.

Chairman Woodfin opened the public hearing. There being no comments from staff or members of the public, Chair Woodfin closed the public hearing.

On a motion made by Ms. Smith-Meyer, and seconded by Mr. Hicks, the Board voted unanimously to approve the design as submitted.

7. Site Plan, Subdivision, and Conditional Use Permit Applications

- 7A. Kelsey Peterson, on behalf of Jeff and Nicole Kipphut, requests an amendment to the conditions of a Minor Subdivision approval for a two lot subdivision at 15 Frost Road in the Medium Residential (RM) District.

The applicant was not present.

Ms. Shank stated that the applicant has requested an amendment to the July 18, 2018, approved subdivision application to amend the condition that the applicant obtain a variance to not extend and tie into municipal sewer and water; the variance was denied. City Council granted a request to rezone the property from Single-Family Residential (RS) to Medium Density Residential (RM), which eliminates the need to connect to any municipal services.

On a motion made by Ms. Smith-Meyer, and seconded by Mr. Hicks, the Board voted unanimously to **amend the approval to remove the condition that the applicant either extend utilities or obtain a variance** subject to the following conditions:

- (1) Address Technical Review Comments, noted in the July 18, 2018 staff report, to the satisfaction of the Planning Division.
- (2) Address Review Comments from Bryant Anderson, P.E., dated July 6, 2018 to the satisfaction of the Engineering Division.
- (3) Prior to the final plat being signed by the Planning Board Chair and Clerk, 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 12.09 of the Subdivision Regulations.
- (4) The Licensed Land Surveyor shall sign and seal final plans and mylars.
- (5) The Applicant shall submit two checks for recording the plan at the Merrimack County Registry of Deeds (including a separate check in the amount of \$25.00 for the LCHIP fee). Both checks are to be made payable to the Merrimack County Registry of Deeds.
- (6) The Applicant shall deliver to Planning, one (1) plan set(s) and one (1) mylar(s) for endorsement by the Planning Board Chairman & Clerk and recording at the Registry of

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Deeds.

- (7) All waivers and variances granted are to be noted and fully described on the plan including date granted and applicable section numbers of the Subdivision Regulations and Zoning Ordinance.

7B. FWS Land Surveying PLLC, on behalf of Riverbend Community Mental Health Inc., requesting Minor Subdivision approval for a lot line adjustment to transfer an approximately 8,458 sf parking lot from 3 N. State Street to 40 Pleasant Street in the Central Business Performance (CBP) District, Riverbend.

On a motion made by Ms. Dolcino, and seconded by Ms. Smith-Meyer, the Board voted unanimously to determine the application complete, and open the public hearing, and determined that the project does not meet the criteria for a Development of Regional Impact, per RSA 36:55.

Webster Stout of FWS Land Surveying PLLC was present along with Allen Moses to represent the application.

Mr. Stout gave an overview of the project explaining that Riverbend currently occupies two buildings. The proposal is to annex approximately 8,485 sf from 40 Pleasant Street (Lot 9) to 3 North State Street (Lot 8).

Chairman Woodfin opened the public hearing. There being no further comments or concerns, the public hearing was closed.

On a motion made by Mr. Hicks, and seconded by Mr. Fox, the Board voted unanimously to **grant Comprehensive Development Plan approval** for the lot line adjustment.

On a motion made by Mr. Regan, and seconded by Mr. Fox, the Board voted unanimously to **grant the following requests for waivers from the Subdivision Regulations**, based on the nature of the application as a lot line adjustment for existing lots already built upon, and no further development is intended, utilizing the criteria from RSA 674:36(II)(N)(2): Specific circumstances relative to the subdivision, or conditions of the land in such subdivision, indicate that the waiver will properly carry out the spirit and intent of the regulations:

- 12.08(3) & 15.03(4) Topography, to not provide topography.
- 12.08(4) Soils, to not provide soils information.
- 12.08(2) Existing Vegetation, to not show existing vegetation
- 12.08(10), 15.03(11)&(13) Municipal Utilities to not show existing water and sewer locations.
- 15.03(15) Other Utilities to not show other existing non-municipal utilities servicing the site.

On a motion made by Mr. Regan, and seconded by Mr. Fox, the Board voted unanimously to **grant conditional Minor Subdivision approval** for the lot line adjustment, subject to the following precedent conditions to be fulfilled within one year and prior to endorsement of the final plan by the Planning Board Chairman and Clerk, and recording of the plan, unless otherwise specified:

1. Address Engineering Review Comments to the satisfaction of the Engineering Division.
2. Address Technical Review Comments to the satisfaction of the Planning Division.
3. Waivers granted are to be noted and fully described on the plan including date granted and applicable Section number(s) of the Site Plan Regulations. Should the Board vote to deny the Waivers, applicant shall comply with said submission requirement(s).

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4. 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 12.09 of the Subdivision Regulations.
 5. Monumentation for new lot lines shall be set.
 6. The Licensed Land Surveyor shall sign and seal final plans and mylars.
 7. The Applicant shall deliver to Planning, two plan sets and one (1) mylar(s) for endorsement by the Planning Board Chairman & Clerk and recording at the Registry of Deeds.
 8. Applicant shall submit two checks for recording the plan at the Merrimack County Registry of Deeds (including a separate check in the amount of \$25.00 for the LCHIP fee). Both checks are to be made payable to the Merrimack County Registry of Deeds.
- 7C. TFMoran Inc., on behalf of Goodwill Industries of Norther New England & Concord Four LLC, requesting Minor Subdivision approval for a lot line adjustment to transfer approximately 0.4 acres from 204 Loudon Road to 208 Loudon Road in the General Commercial (CG) District.

On a motion made by Ms. Dolcino, and seconded by Mr. Regan, the Board voted unanimously to determine the application complete, open the public hearing, and determine that the project does not meet the criteria for a Development of Regional Impact, per RSA 36:55.

Nick Golon of TFMoran and John Wypychoski for Town Fair Tire represented the application.

Ms. Fenstermacher stated that the applicant is proposing to annex 21,000 sf (0.4821 acres) from the Goodwill Industries property at 204 Loudon Road (Lot 603Z/60) to the Concord Four LLC (Town Fair Tire) property at 208 Loudon Road (Lot 614Z/1).She summarized the requested waivers.

Chairman Woodfin opened the public hearing. There being no further comments or concerns, the public hearing was closed.

On a motion made by Ms. Dolcino, and seconded by Mr. Fox, the Board voted unanimously to **grant the following requests for waivers from the Subdivision Regulations**, based on the nature of the application as a lot line adjustment for existing lots already built upon, and the information will be provided on a future Site Plan application for a proposed expansion, utilizing the criteria from RSA 674:36(II)(N)(2): Specific circumstances relative to the subdivision, or conditions of the land in such subdivision, indicate that the waiver will properly carry out the spirit and intent of the regulations:

- 12.08(3) & 15.03(4) Topography, to not provide topography.
- 12.08(4) Soils, to not provide soils information.
- 12.08(2) Existing Vegetation, to not show existing vegetation.
- 12.08(10), 15.03(11) & (13) Municipal Utilities to not show existing water and sewer locations.
- 15.03(15) Other Utilities to not show other existing non-municipal utilities servicing the site.
- 12.08(8) Parking, Loading, and Access, to not show all of the existing parking layout on the Goodwill property.
- 12.08(18) Lighting, to not show existing lighting.

On a motion made by Ms. Dolcino, and seconded by Mr. Regan, the Board voted unanimously to **grant conditional Minor Subdivision approval** for the lot line adjustment, subject to the following precedent conditions to be fulfilled within one year and prior to endorsement of the final

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plan by the Planning Board Chairman and Clerk, and recording of the plan, unless otherwise specified:

1. Address Engineering Review Comments to the satisfaction of the Engineering Division.
2. Address Technical Review Comments to the satisfaction of the Planning Division.
3. Waivers granted are to be noted and fully described on the plan including date granted and applicable Section number(s) of the Site Plan Regulations. Should the Board vote to deny the Waivers, applicant shall comply with said submission requirement(s).
4. 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 12.09 of the Subdivision Regulations.
5. Monumentation for new lot lines shall be set.
6. The Licensed Land Surveyor shall sign and seal final plans and mylars.
7. The Applicant shall deliver to Planning, two plan sets and one (1) mylar(s) for endorsement by the Planning Board Chairman & Clerk and recording at the Registry of Deeds.
8. Applicant shall submit two checks for recording the plan at the Merrimack County Registry of Deeds (including a separate check in the amount of \$25.00 for the LCHIP fee). Both checks are to be made payable to the Merrimack County Registry of Deeds.

7D. Mark Sargent of Richard Bartlett & Associates LLC, on behalf of Matthew & Kara Adams, requests Minor Subdivision approval for a two lot subdivision at 131 Oak Hill Road in the Residential Open Space (RO) District. The applicant is proposing to subdivide a 55.04 acre lot into 3 lots with Lot 1 consisting of 2.13 acres, Lot 2 consisting of 2.0 acres and a remaining parcel consisting of 51.27 acres in the RO (Residential Open Space) District.

On a motion made by Mr. Regan, and seconded by Mr. Hicks, the Board voted unanimously to determine the application complete, open the public hearing, and determine that the project does not meet the criteria for a Development of Regional Impact, per RSA 36:55.

Mark Sargent of Richard Bartlett & Associates LLC, and Matthew Adams represented the application.

Mr. Sargent explained that the proposal is to subdivide a 55.04 acre lot into 3 lots with Lot 1 consisting of 2.13 acres, Lot 2 consisting of 2.0 acres, and the remaining parcel will consist of 51.27 acres.

The waivers were discussed. A discussion was held regarding the waiver request to not bury existing utilities servicing the barn on Lot 3 and future utilities on Lot 3.

Abutter Robert Johnson, 130 Oak Hill Road, provided a letter with several comments relative to the proposal. He expressed concern with the leach field for the existing structure or the lack thereof, and the lack of evidence of an existing holding or septic tank. He noted that there is nothing referenced on the subdivision plat. He asked if a subdivision should be approved without any notation of a proposed septic system. He also noted the elevations of the proposed lots and expressed concern with the grading and drainage adding that there is the potential for an increase in water. Lot 2 driveway will also add additional water flow. The applicants are owners of Lot 1 and the existing driveway on Lot 1 has been used to service the applicant and can continue to access the applicant's proposed new dwelling and the existing barn on the remaining lot. This would avoid additional drainage and pollution problems as well as another driveway onto Oak Hill Road.

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Mr. Johnson referenced the stone wall, in front of the house. The bound is approximately 30 feet from the edge of the asphalt, which indicates the alignment of the road. Mr. Johnson requested that the City relocate the pavement in this area.

In addition, Mr. Johnson noted an old cellar hole on the remaining lot, which may have been the work of an early 1600's settler. He encouraged the Board to require a condition of approval that the cellar hole is preserved and any historic repair be done as needed by the present and future owners.

Mr. Sargent commented that they have presented what they were told by a previous owner regarding the septic system. It could be that the septic system is located behind the house and it could be a 55 gallon drum behind the house. They were not able to locate any proof of a septic system; there is the possibility that it is a grandfathered system. He added that the Adams gave life rights to the current tenant of the house.

Discussion was held regarding the existing driveway and proposed driveway. Chairman Woodfin commented that accessing Lot 3 could be obtained by the Lot 1 driveway.

Mr. Sargent stated that relative to the comments to drainage and water sheeting onto the abutters' property, the new driveway is at a low spot and will be graded away from Oak Hill Road, about 200 feet. Discussion ensued regarding larger storm events. Mr. Sargent stated that this may improve the situation. He will provide a separate plan.

Mr. Adams stated that he is not planning to remove the cellar hole and does not foresee any development that would impact the cellar hole. Mr. Sargent stated that it is identified on the plan and the applicant is using frontage for the driveway on Lot 1. Chairman Woodfin asked if the Board could require the applicant to keep the cellar hole for posterity. Ms. Shank replied that staff does not usually recommend those types of restrictions on private property.

There being no further comments or concerns, Chairman Woodfin closed the public hearing.

On a motion made by Mr. Hicks, and seconded by Mr. Regan, the Board voted to allow the existing overhead utilities to Lot 1 and the existing overhead utilities will remain to Lot 3; any new development of Lot 2 will require underground utilities. The motion passed 6/1. Mr. Fox was opposed.

On a motion made by Mr. Hicks, and seconded by Mr. Regan, the Board voted unanimously to require underground utilities for Lot 2 and a note to be added to the plan.

On a motion made by Mr. Regan, and seconded by Mr. Hicks, the Board voted unanimously to **grant the requested waivers from the Subdivision Regulations** to not provide the following information on the remainder lot outside the scope of the subdivision, utilizing the criteria from RSA 674:36(II)(n)(2): Specific circumstances relative to the subdivision, or conditions of the land in such subdivision, indicate that the waiver will properly carry out the spirit and intent of the regulations.

- Section 12.03(5) Wetlands
- Section 23.03(6) Soils
- Section 12.07 Wetland Delineation
- Section 12.08 (3) Topography
- Section 12.08(4) Soils
- Section 12.08(5) Natural Features

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- Section 25.02(1) Underground Utilities to not bury existing utilities servicing the barn on Lot 3 and future utilities on Lot 3; however, the Board indicated that utilities to new Lot 2 must be underground.

On a motion made by Mr. Regan, and seconded by Ms. Dolcino, the Board voted unanimously to **grant Minor Subdivision approval** for the lot line adjustment at 131 Oak Hill Road, subject to the following precedent conditions to be fulfilled within one year and prior to endorsement of the final plan by the Planning Board Chairman and Clerk, unless otherwise specified:

1. Address Technical Review Comments to the satisfaction of the Planning Division.
2. Address Review Comments from Bryant Anderson, P.E., to the satisfaction of the Engineering Division.
3. Waiver(s) granted are to be noted and fully described on the plan including date granted and applicable Section number(s) of the Site Plan Regulations. Should the Board vote to deny the waiver(s), the applicant shall comply with said submission requirement(s).
4. Prior to the final plat being signed by the Planning Board Chair and Clerk, 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 12.09 of the Subdivision Regulations.
5. The Licensed Land Surveyor shall sign and seal final plans and mylars.
6. A NH Certified Wetland Scientist shall sign and seal the final plans and mylars.
7. The Applicant shall submit two checks for recording the plan at the Merrimack County Registry of Deeds (including a separate check in the amount of \$25.00 for the LCHIP fee). Both checks are to be made payable to the Merrimack County Registry of Deeds.
8. The Applicant shall deliver to Planning one (1) plan set(s) and one (1) mylar(s) for endorsement by the planning Board Chairman & Clerk and recording at the Registry of Deeds.
9. Prior to the issuance of any building permits, the 50' wetland buffer shall be marked with discs available at the Planning Division
10. A perpetual utility easement shall be granted by Lot 1 to the benefit of Lot 3 for the existing overhead utility line.

- 7E. Jonathan Chorlian, on behalf of the Roman Catholic Bishop of Manchester, requests Minor Subdivision approval for a two lot subdivision at 135 North State Street in the Neighborhood Residential (RN) District.

Mayor Bouley recused himself for this project.

On a motion made by Ms. Smith-Meyer, and seconded by Mr. Regan, the Board voted unanimously to determine the application complete, open the public hearing, and determine that the project does not meet the criteria for a Development of Regional Impact, per RSA 36:55.

Jonathan Chorlian represented the application.

Mr. Durfee provided an overview of the project explaining that the proposal is for a 2 lot subdivision of the Mansion and Carriage House at 135 North State Street. This application is in conjunction with a Major Site Plan application, reviewed in a separate memo, for an attached residential dwelling development on the site of the recently demolished St. Peter's Church. A number of variances were granted May 1, 2019 meeting by the Zoning Board of Adjustment.

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There being no comments or concerns, Chairman Woodfin closed the public hearing.

On a motion made by Mr. Regan, and seconded by Mr. Hicks, the Board voted unanimously to **grant Minor Subdivision approval** for the two lot subdivision at 135 North State Street, subject to the following conditions to be fulfilled within one year and prior to endorsement of the final plan by the Planning Board Chair and Clerk, unless otherwise specified:

- (1) Address Review Comments, noted in the June 19, 2019 staff report, to the satisfaction of the Planning Division.
- (2) Address Review Comments from Bryant Anderson, P.E., to the satisfaction of the Engineering Division.
- (3) Prior to the final plat being signed by the Planning Board Chair and Clerk, 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 12.09 of the Subdivision Regulations.
- (4) The Licensed Land Surveyor shall sign and seal final plans and mylars.
- (5) The Applicant shall submit two checks for recording the plan at the Merrimack County Registry of Deeds (including a separate check in the amount of \$25.00 for the LCHIP fee). Both checks are to be made payable to the Merrimack County Registry of Deeds.
- (6) The Applicant shall deliver to Planning, one (1) plan set(s) and one (1) mylar(s) for endorsement by the Planning Board Chairman & Clerk and recording at the Registry of Deeds.
- (7) All pertinent variances granted are to be noted and fully described on the plan including date granted and applicable section numbers of the Subdivision Regulations and Zoning Ordinance.

7F. Jonathan Chorlian, requests Major Site Plan approval for the construction of eight (8) attached residential dwelling units and parking improvements at 135 North State Street in the Neighborhood Residential (RN) District.

Erin Lambert of Wilcox and Barton, Inc., and Jonathan Chorlian represented the application.

The application was determined compete at the May 15, 2019 Planning Board meeting and was deemed to not meet the criteria for a Development of Regional Impact (DRI), per RSA 36:55. Chairman Woodfin opened the public hearing.

Mr. Chorlian distributed copies of a PowerPoint presentation that he gave, which showed the interior and exterior of the existing mansion and carriage house, as well as the proposed housing styles, and layout of the development. The pocket neighborhood will include a three building, ten unit attached development, associated drainage, grading, utility, landscaping, and lighting improvements. Each home will vary with materials and colors. Each unit will be 1,800 square feet, with a garage. The drainage system will be rebuilt, which will assist with current drainage issues throughout the neighborhood. Variances were granted for the use in 2018. The mansion will be for office and residential use.

A CUP application is forthcoming for next month to address the parking. Mr. Chorlian explained that he does not want to build parking areas that are not going to be used.

Mr. Chorlian stated that all of the comments from Planning and Engineering have been addressed. He thanked staff for their diligence in resolving issues and patience throughout the project and added he is hoping to receive an approval with no conditions. Mr. Durfee stated that the precedent

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conditions 1 and 2 have been removed and condition 3 could be moved to subsequent conditions. It was noted that an additional waiver has been requested to allow overhead utilities running from Church Street to just north of the newly formed pocket neighborhood lot line to not be buried underground.

Erin Lambert spoke to the drainage and noted that they the changes allowed for an updated functioning system to be created within the neighboring properties.

Ms. Smith-Meyer suggested a condition to add shade trees within the lot itself along N. State Street, rather than on North State Street. Ms. Shank stated that the City is trying to have developers improve the streetscape; however, the Board could ask for more trees. Ms. Lambert explained that the areas suggested for more trees are drainage areas and have underground sewer utilities. Other potential areas were noted; however, they will be need for snow storage.

Chairman Woodfin opened the public hearing.

Melissa Bernardin, 17 Church Street, spoke to the potential increase in traffic for the site and expressed concern for the neighborhood.

Meredith Hatfield, City Councilor speaking in an individual capacity, also noted the potential increase to traffic around the circle and asked about the access and egress onto N. State Street. The traffic pattern was explained and Ms. Shank mentioned that there are only two units on the Franklin Street side. There will be no vehicles in the proposed open space. Mr. Anderson added that Engineering did not have any concerns of significant impacts in traffic as there are only two units proposed on Franklin Street. Ms. Hatfield stated that it is exciting for Concord to try out this new type of neighborhood and that the historic buildings will be incorporated. Additional comments were made relative to the existing median and the need for fire apparatus needing the area.

A traffic plan will be submitted during construction. The applicant was requested to work with the neighborhood for impacts with the construction.

Jackie Teague, 28 Highland Street, spoke to the width of the street being on one car wide and there will be 6 units utilizing the area now and she is concerned with egress.

Mr. Hicks suggested that the speed limit may be an option to change. He added that this use will generate far less traffic than the church.

Ms. Shank stated that this is a great project and that the plans have turned out well; it is exciting and different to have new housing types in the City.

There being no further comments or concerns, Chairman Woodfin closed the public hearing.

On a motion made by Ms. Smith-Meyer, and seconded by Mr. Fox, the Board **voted unanimously to grant ADR approval** for the redevelopment at 135 North State Street.

On a motion made by Ms. Smith-Meyer, and seconded by Mr. Fox, the Board **voted unanimously to grant the following waiver** from the site plan regulations utilizing the criteria of RSA 674:44 III (e) (1), which states that specific circumstances relative to the site plan, or conditions of the land in such site plan, indicate that the waiver(s) will properly carry out the spirit and intent of the regulations:

Section 22.07(2) to allow a separation of 3-feet where 4-feet is required between the bottom of an infiltration system and the groundwater.

On a motion made by Ms. Smith-Meyer, and seconded by Mr. Regan, the Board **voted unanimously to grant the following waiver** from the site plan regulations utilizing the criteria of RSA 674:44 III (e) (1), which states that specific circumstances relative to the site plan, or

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conditions of the land in such site plan, indicate that the waiver(s) will properly carry out the spirit and intent of the regulations:

Section 25.02(1) to allow overhead utilities running from Church Street to just north of the newly formed pocket neighborhood lot line to not be buried underground.

On a motion made by Ms. Smith-Meyer, and seconded by Mr. Hicks, the Board **voted unanimously to grant Major Site Plan** for the redevelopment at 135 North State Street, subject to the following precedent and subsequent conditions;

- (a) Precedent Conditions – to be fulfilled within one (1) year and prior to sign off by the Clerk and Chair of the Planning Board and issuance of any building permits, or the commencement of site construction, unless otherwise specified:
- (1) Waiver(s) granted are to be noted and fully described on the plan including date granted and applicable Section number(s) of the Site Plan Regulations. Should the Board vote to deny the waiver(s), the applicant shall comply with said submission requirement(s).
 - (2) Submit three (3) copies of fully revised plans for sign off by the Clerk and Chair of the Planning Board.
- (b) Subsequent Conditions – to be fulfilled as specified:
- (1) The minor subdivision shall be recorded at the Merrimack County Registry of Deeds.
 - (2) Prior to commencement of construction activity, payment of inspection fees in an amount approved by the City Engineer shall be made.
 - (3) A pre-construction meeting shall be required prior to the start of any construction activities onsite. The applicant shall pick up one (1) set of signed plans at the Planning Office to make copies for the pre-construction meeting. A total of five (5) copies of the signed plan set shall be provided by the applicant at the pre-construction meeting.
 - (4) Prior to a Certificate of Occupancy or final construction sign-off, as-built drawings shall be provided to the City Engineer in accordance with Section 12.09 of the Site Plan Regulations. The as-built drawings shall be surveyed on NH State Plane coordinates and NAVD 88 Datum.
 - (5) Prior to the issuance of a Certificate of Occupancy or final construction sign-off, 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.

Mayor Bouley returned to the Board.

- 7G. Nobis Group, on behalf of 125 North State Street, LL, requests Major Site Plan approval for the construction of a three story office addition, a one story conference room, and a carriage house at 125 North State Street in the Neighborhood Residential (RN) District.

Fred Potter, of 125 NSS LLC, represented this application along with Naomi Praul of Nobis Group.

The application was determined compete at the April 17, 2019 Planning Board meeting and was deemed to not meet the criteria for a Development of Regional Impact (DRI), per RSA 36:55.

Mr. Potter explained that the proposal is for a phased construction of additions to the existing building at 125 North State Street. The first addition consists of an 896 square foot, one-story conference room. The landscape plan has been updated.

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Chairman Woodfin opened the public hearing. There being no comments or concerns, Chairman Woodfin closed the public hearing.

On a motion made by Ms. Smith-Meyer, and seconded by Mr. Regan, the Board voted unanimously **to grant ADR approval** for the redevelopment at 135 North State Street.

On a motion made by Mr. Fox, and seconded by Mr. Hicks, the Board voted unanimously **to grant Major Site Plan approval** for the construction of a conference room addition at 125 North State Street subject to the following precedent and subsequent conditions;

- (a) Precedent Conditions – to be fulfilled within one (1) year and prior to issuance of any building permits, or the commencement of site construction, unless otherwise specified:
 - (1) Address Review Comments from Bryant Anderson, P.E., to the satisfaction of the Engineering Division.
 - (2) The applicant shall bring the existing light fixture on the west side of the parking lot into compliance, remove the fixture, or obtain variance relief.
 - (3) Submit three (3) copies of fully revised plans for sign off by the Clerk and Chair of the Planning Board.
- (b) Subsequent Conditions – to be fulfilled as specified:
 - (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. The applicant shall pick up one (1) set of signed plans at the Planning Office to make copies for the pre-construction meeting. A total of five (5) copies of the signed plan set shall be provided by the applicant at the pre-construction meeting.
 - (3) Prior to a Certificate of Occupancy or final construction sign-off, as-built drawings shall be provided to the City Engineer in accordance with Section 12.09 of the Site Plan Regulations. The as-built drawings shall be surveyed on NH State Plane coordinates and NAVD 88 Datum.
 - (4) Prior to the issuance of a Certificate of Occupancy or final construction sign-off, 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.

7H. Nobis Group, on behalf of CATCH Neighborhood Hosing, Penacook Community Center and the City of Concord, requesting Major Site plan approval for construction of six (6) new multi-family residential buildings accommodating 42 units at 95-97 Village Street in the General Commercial (CG) District.

Chris Nadeau of Nobis Group represented the application along with Caite Foley and Kyle Barker of Warrenstreet Architects.

The application was determined complete at the May 15, 2019 Planning Board meeting and was deemed to not meet the criteria for a Development of Regional Impact (DRI), per RSA 36:55.

Mr. Nadeau provided an overview of the project. He stated that the parcel is 3½ acres. The proposal is to construct 42 units of workforce housing within six individual buildings. There have been many challenges with the site with the buffers required for multi-family development. The rear parcel was rezoned General Commercial to allow for the multi-family development. The presented plan meets

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all zoning requirements and they believe that this proposal is the best solution. There is some uniqueness with the area with the adjacent cemetery, and a bus stop. The site is serviced by City water and sewer, and gas. There is a mature vegetated buffer around the site. With stormwater, all of the runoff is being treated on the site. A traffic study was completed. The results concluded that the driveway on the major arterial road would result in a 2% increase.

Chairman Woodfin opened the public hearing.

Abutters Pat Peick of 9 Tower Circle and Bruce Davis of 11 Tower Circle spoke to the lack of privacy that they will have in their back yard with the height of the buildings. They are pleased with the 50 foot setback. They requested that there be an 8 foot high fence, dense screening and requested that the applicant restore all vegetation lost to construction. They are also concerned with the potential of people cutting through their properties by hopping a shorter fence. They also questioned what the dormers were for, if the third floor was habitable.

Mr. & Mrs. Rogers, 105 Lilac Street noted that the prior use approved for the site was a community center and only one story. They, too, are concerned with the lack of privacy and the fact that the new residents will be able to look into their back yard. The wildlife in the area is now gone. The construction has taken away their pleasures of life and privacy. They never expected an apartment complex would be built in their backyard. They asked if the one-story building could be placed in the rear of the complex and asked how many bedrooms are proposed and the amount of people that will be in the complex.

Ms. Smith-Meyer asked Mr. and Mrs. Rogers if their property had been cleared to the property line. Ms. Rogers replied yes, there is only undergrowth growing now. Ms. Fenstermacher stated that there is a requirement for landscaping to be added on the applicant's property.

Mr. Nadeau stated that the dormers are an architectural element and for ventilation; trusses only. Ms. Foley stated that the apartments will consist of 1, 2, and 3 bedrooms units throughout the entire complex. The total capacity is unknown at this time until the market study is completed. It will also depend on the building layout. The units are 25% at market rate and 75% are at the affordable rate or median income for the county. The project will generate approximately \$100,000 tax revenue for the City. With regards to building the one-story unit in the back, Mr. Nadeau stated that there is a smaller buffer required, 30 rather than 50. They feel that this proposal is the best layout for the necessary number of units. He noted that they are providing a fence along the cemetery side, they would be open to what the Board would like to see around the rest of the site.

Ms. Smith-Meyer suggested that the applicant look into the viewsheds with regards to the single story building and adding an 8 foot fence. Mr. Barker stated that the layout would require the building to be closer. He noted that they are really trying to get these buildings to fit well into the neighborhood.

Mr. Bouley stated that they understand the challenges. The projects have been great projects in the past and fit into the area very well. He is sure that they will be good neighbors and perhaps there is a way to shift things to be more welcomed. Mr. Barker pointed out that the side of the building that faces the neighborhood does not have any windows. Mr. Hicks noted that the south side still has windows. Mr. Nadeau stated that they are not able to do only one story without changing the economics of the project and the apartments.

Mr. Nadeau stated that there is nothing shown on the plan regarding fencing except on the cemetery side per the request of the Parks & Recreation director. They are willing to add additional screening to the west and southern boundaries. It was noted that nothing over 8 feet is allowed. Ms. Smith-Meyer suggested a berm be created in the buffer up to 4 feet, plant the berm, and add a lower fence.

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This will add more privacy. The Board was in favor of some combination of these elements, and the applicant was agreeable. Precedent condition#5 was added to address the screening.

There being no additional comments or concerns, Chairman Woodfin closed the public hearing.

On a motion made by Ms. Dolcino, and seconded by Mr. Hicks, the Board voted unanimously to **grant ADR approval** for the site plan and the building as submitted, with recommendations that the applicant return to ADRC with building materials, and look at increasing the sizes of the windows for more natural light, scale of the dormers, and treatment of the center of each building to break up the mass.

On a motion made by Ms. Dolcino, and seconded by Mr. Regan, the Board voted unanimously to **grant the waiver to Section 19.09(3) Terminus of Residential Common Private Drives**, using the criteria of RSA 674:44 III(e)(1) as guidance, indicating that strict conformity would pose an unnecessary hardship to the applicant and the waiver would not be contrary to the spirit and intent of the regulations.

On a motion made by Ms. Dolcino, and seconded by Ms. Smith-Meyer, the Board voted unanimously to **grant permission to allow a portion of the turnaround to cross into the 50' perimeter** buffer, per Section 28-4-5(d)(5) (ZO).

On a motion made by Ms. Dolcino, and seconded by Mr. Fox, the Board voted unanimously to **grant Major Site Plan** approval for the proposed 42 unit multifamily housing development and associated site improvements at 95-97 Village Street, subject to the following precedent and subsequent conditions noted below:

- (a) Precedent Conditions – to be fulfilled within one (1) year and prior to sign off by the Clerk and Chair of the Planning Board and issuance of any building permits, or the commencement of site construction, unless otherwise specified:
 - (1) Address Planning Review comments to the satisfaction of the Planning Division.
 - (2) Address Engineering review comments to the satisfaction of the Engineering Division.
 - (3) Waivers granted are to be noted and fully described on the plan including date granted and applicable Section number(s) of the Zoning Ordinance and Site Plan Regulations. Should the Board vote to deny the Waivers, applicant shall comply with said submission requirement(s).
 - (4) Submit three (3) copies of fully revised plans for sign off by the Clerk and Chair of the Planning Board.
 - (5) Revise the Site Plan to provide screening along the western and southern property lines to include any combination of earthen berm and opaque fencing to reach 8 feet in height, and vegetation to provide sufficient screening, as approved by Planning and Engineering Staff.
- (b) Subsequent Conditions – to be fulfilled as specified:
 - (1) Prior to commencement of construction activity, payment of inspection fees in an amount approved by the City Engineer shall be made.
 - (2) Prior to the commencement of construction, Applicant shall return to Architectural Design Review Committee to review building materials and final building design.
 - (3) A pre-construction meeting shall be required prior to the start of any construction activities onsite. The applicant shall pick up one (1) set of signed plans at the Planning Office to

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make copies for the pre-construction meeting. A total of five (5) copies of the signed plan set shall be provided by the applicant at the pre-construction meeting.

- (4) Prior to the issuance of the Certificate of Occupancy, Planning staff shall work with the Applicant to determine if additional fencing or vegetated buffer is warranted.
- (5) Prior to a Certificate of Occupancy or final construction sign-off, as-built drawings shall be provided to the City Engineer in accordance with Section 12.09 of the Site Plan Regulations. The as-built drawings shall be surveyed on NH State Plane coordinates and NAVD 88 Datum.
- (6) Prior to the issuance of a Certificate of Occupancy or final construction sign-off, 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.

8. Ron King, on behalf of Ciborowski Jacob S. Family Trust, requests ADR approval for a new storage structure at 90 Low Ave. in the Central Business Performance (CBP) District.

The applicant was not present. Ms. Shank stated that the application was tabled. No new information has been received from the applicant. She will follow up with the Code Department.

9. Code Update

Ms. Shank provided an update from Code Studio's visit regarding the new zoning update. She stated that the visit was successful and over the next few weeks she will be providing some additional documentation to the Board and then look for additional feedback from the community.

10. Lewis Farm, 192 Silk Farm Road, CUP

A CUP application was received from Lewis Farm for a venue hosting outdoor activities, weddings and concerts. Staff recommends it be determined an application of Regional Impact. Since the process for a CUP application is only one month, staff is recommending the Board determine the DRI at this meeting so that all necessary parties can be legally notified allowing commentary at the next meeting and not holding up the applicant for another month. The property is 130 acres and is on the Bow town line. A survey was submitted.

On a motion made by Mayor Bouley, and seconded by Mr. Hicks, the Board voted unanimously to determine the application does meet the criteria for a Development of Regional Impact (DRI), per RSA 36:55.

Adjournment

At the request of Chair Woodfin, Mr. Fox made a motion to adjourn at 9:49 PM, seconded by Mr. Woodfin. Motion carried unanimously.

A TRUE RECORD ATTEST:

Lisa Fellows-Weaver,
Administrative Specialist