

**CITY OF CONCORD PLANNING BOARD
December 18, 2013 MEETING**

The regular monthly meeting of the City Planning Board was held on December 18, 2013, in City Council Chambers, in the Municipal Complex, at 37 Green Street, at 7:00 p.m.

Present at the meeting were Chair Drypolcher, Vice Chair Swope and Members Lavers, Hicks, Smith-Meyer, Regan and Kenison. Acting City Planner Henninger, Ms. Hebert and Ms. Murray of the City's Planning Division were also present. Alternate Member Kenison was seated for Member Foss.

At 7:00 p.m., a quorum was present and the Chair called the meeting to order.

PUBLIC HEARINGS

Architectural Design Review Applications

1. Applications by the following for approval of signs at the following locations under the provisions of Section 28-9-4 (f), Architectural Design Review, of the City of Concord's Code of Ordinances:

The Chair opened the public hearings for all the sign applications.

- a. **Application by the Associated Enterprises, Inc., requesting Architectural Design Review Approval for a new hanging sign and a replacement affixed sign for Northway Bank at 58-68 North Main Street, within the Central Business Performance (CBP) District.**

Mr. Tim Sullivan, Barlo Signs, was present and spoke to the application. The signs will be internally illuminated.

There were no other comments or discussions.

Mr. Swope moved to grant Architectural Design Approval for a new hanging sign and a replacement affixed sign for Northway Bank at 58-68 North Main Street as submitted by the applicant and recommended by the Architectural Design Review Committee. Ms. Smith-Meyer seconded the motion. Motion carried unanimously.

- b. **Application by CP Management, on behalf of McKenna Dance Studio, requesting Architectural Design Review Approval for a replacement affixed sign at 254 Sheep Davis Road, Unit 4, within the Gateway Performance (GWP) District.**

Mr. Henninger spoke to the application. No representative was present to speak to the application. This sign is already installed. Mr. Henninger stated that the applicant was informed of the necessity to apply.

There were no other comments or discussions.

Mr. Swope moved to grant Architectural Design Approval as recommended by the Architectural Design Review Committee for a replacement affixed sign at 254 Sheep Davis Road,

Unit 4, as submitted by the applicant. Mr. Kenison seconded the motion. Motion passed unanimously.

- c. Application by 59-63 School Street Rentals, SLLC, requesting Architectural Design Review Approval for a new panel in an existing free standing sign for Home Key Realty, LLC at 63 School Street, within the Civic Performance (CVP) District.**

The business owner, Edward Lassonde, presented the plans to the Board. The design was revised to meet the recommendation of the ADR Committee.

There were no other comments or discussions.

Mr. Kenison moved to grant Architectural Design Approval for a new panel in an existing free standing sign for Home Key Realty, LLC at 63 School Street as revised by the applicant, and as recommended by the Architectural Design Review Committee. Mr. Hicks seconded the motion. Motion passed unanimously.

- d. Application by Capitol City Realty, LLC, on behalf of Community Bridges, requesting Architectural Design Review Approval for one new affixed sign at 70 Pembroke Road, within the Office Park Performance (OFP) District.**

Raymond Boissoneault was present to speak to the application. Mr. Henninger noted that the ADR Committee complimented the design.

There were no other comments or discussions.

Mr. Lavers moved to grant Architectural Design Approval for one new affixed sign at 70 Pembroke Road as submitted by the applicant, and recommended by the Architectural Design Review Committee. Mr. Kenison seconded the motion. Motion carried unanimously.

- e. Application by TPC, Inc., on behalf of UBS, requesting Architectural Design Approval for a new affixed sign at 10 Park Street, within the Central Business Performance (CBP) District.**

Mr. Henninger spoke to the application. The new sign will be located at the back of the building facing the parking lot. It is the same as the sign on the front of the building.

There were no other comments or discussions.

Mr. Swope moved to grant Architectural Design Approval for a new affixed sign at 10 Park Street as submitted by the applicant, and recommended by the Architectural Design Review Committee. Mr. Kenison seconded the motion. Motion carried unanimously.

- f. Application by Langdon Street Realty, on behalf of Concord Coach, requesting Architectural Design Approval for revised building elevations and an affixed sign at 7 Langdon Avenue, within the Opportunity Corridor Performance (OCP) District. (2013-72)**

- a. Public Hearings
- b. Deliberations and Action on the Applications

The Chair opened the public hearing.

David Udelsman, Udelsman Associates, was present to discuss the application for the proposed exterior renovations associated with the conversion of approximately 5,260 sq. ft. of warehousing space to office use, at 5 Langdon Avenue.

The improvements include the replacement of existing steel single pane windows with insulated aluminum windows, a new aluminum storefront entrance and canopy, and a new wall mounted sign over the canopy. There are no changes proposed to the existing shingle roof and concrete masonry exterior walls.

There being no comments from the members of the public, the Chair closed the public hearing.

Mr. Kenison moved to grant Architectural Design Approval for revised building elevations and an affixed sign at 7 Langdon Avenue, as submitted by the applicant, using either gooseneck lighting as shown on the plans or backlit LED lighting behind blue lettering, as recommended by the Architectural Design Review Committee. Mr. Swope seconded the motion. Motion carried unanimously.

Subdivision Applications

2. **Application by L.P. Morgan and Associates, LLC, for property located at 84 Portsmouth Street, requesting Minor Subdivision approval to create two new lots for residential development and a lot for the existing single family residence. (2013-65)**
 - a. **Determination of Completeness**
 - b. **Public Hearing**
 - c. **Deliberations and Action on the Application**

Mr. Henninger recommended that the application be determined complete and the public hearing opened.

Mr. Kenison moved to determine the application complete. Mr. Lavers seconded the motion. Motion passed unanimously.

The Chair opened the public hearing.

Mr. Tim Bernier presented the application to the board. The purpose of this subdivision is to subdivide an existing 1.28 acre parcel (55,833 SF) with an existing residence into a total of three lots of 13,690 square feet, 15,922 square feet and 26,221 square feet. The existing home will be retained on the middle of the three lots and the purpose of the subdivision is to create two additional residential lots.

The property is located at the northeast corner of the intersection of Portsmouth Street with East Side Drive (NH 132).

The Chair asked if members of the public had any comments or questions on the application.

There being no comments from the members of the public, the Chair closed the public hearing.

Mr. Swope moved to grant a Waiver to Section 19.05(4), Useable Area Rectangle to not provide the useable area rectangle with a minimum dimension of 60 feet. Mr. Lavers seconded the motion. Motion passed unanimously. Mr. Henninger noted that the total useable area met the requirements of the Concord Subdivision Regulations and only a portion of the useable area rectangle was less than 60' wide. Mr. Henninger noted that underground utilities would be provided to both of the new lots. Mr. Lavers moved to grant a Waiver to Section 23.09, Storm Water Design Standards for Minor Impact Subdivisions which states, Subdivisions with less than 20,000 square feet of disturbed land area, which is appropriate for this application, are deemed to have minor drainage impacts. Calculations, plans, and detail drawings may be consolidated into a single drainage plan and supplemental report, to not provide the storm water information required. Mr. Hicks seconded the motion. Motion passed unanimously.

Mr. Swope moved to grant a Waiver to not place underground the existing overhead utilities along the frontage of this subdivision to the existing residence as required in Section 26.02(1). Mr. Hicks seconded the motion. Motion passed unanimously.

Ms. Smith-Meyer moved to approve the minor subdivision application recommended by staff subject to the following conditions:

1. Prior to the final plat being signed by the Planning Board Chair and Clerk, the applicant shall revise the plat drawings to address the minor corrections and omissions noted by City staff.
2. 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.
3. Prior to the final plat being signed by the Planning Board Chair and Clerk, the following easement documents, in a form acceptable to the City Solicitor and suitable for recording in the Merrimack County Registry of Deeds, will be provided to the Planning Division:
 - a. An easement on Lot 1 to maintain clear site distance along the frontage of Lot 1 along Portsmouth Street.
4. Traffic, recreation and school impact fees shall be assessed for any new construction contained within this approved subdivision. The impact fees and procedures shall be those in effect at the time of the issuance of a building permit as set forth in the City of Concord Code of Ordinances, Title IV, Subdivision Code: Chapter 29.2, Public Capital Facilities Impact Fee Ordinance. The specific fees assessed are those contained in Section 29.2.1-1 Assessment and Collection; subsection (b) Computation of the Amount of Impact Fees; Table 1, School Facilities Impact Fee per variable unit; and Table 2, Recreational Facilities Impact Fee per Variable Unit; and Table 3, Transportation Facilities Impact Fee per Variable Unit.
 - a) School Facilities – Single Family Residence

- b) Recreational Facilities – Single Family Residence
- c) Transportation Facilities - Single Family Residence

Mr. Swope seconded the motion. Motion carried unanimously.

3. **Application by Public Service Company of New Hampshire (PSNH), requesting Minor Subdivision approval for property located at the end of Farmwood Road, to create a 12.507 acre parcel to be conveyed to the City of Concord for conservation purposes from an existing 64.443 acre parcel. (2013-68)**

- a. **Determination of Completeness**
- b. **Public Hearing**
- c. **Deliberations and Action on the Application**

Ms. Hebert recommended that the application be determined complete and the public hearing opened.

Mr. Kenison moved to determine the application complete. Mr. Lavers seconded the motion. Motion passed unanimously.

The Chair opened the public hearing.

Nick Golon, TF Moran, and Walter Bilynsky, PSNH, were present to speak to the application. The City of Concord Planning Board approved a Conditional Use Permit (CUP) on October 16, 2013, for both the construction of a new switching station and associated transmission lines, and also granted a CUP to allow the disturbance of 101,713 square feet, or 2.34 acres, of wetland buffers. The Planning Board granted the CUP for PSNH pursuant to Article 28-4-3, Wetland Buffers and Setbacks, subject to the condition that the area of the property located north of Farmwood Road, and westerly of the existing power line right-of-way, be conveyed to the City for conservation purposes as mitigation for the extensive wetland buffer impacts.

In compliance with this condition, PSNH is proposing to subdivide from their existing 64.44 acre lot a 12.507 proposed conservation parcel and convey said parcel to the City of Concord.

There being no response from the members of the public, the Chair closed the public hearing.

Ms. Smith-Meyer moved to approve the minor subdivision application recommended by staff subject to the following conditions:

1. Prior to the final plat being signed by the Planning Board Chair and Clerk, the applicant shall revise the plat drawings to address the minor corrections and omissions noted by City staff.
2. 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.

3. Prior to the final plat being recorded, the City Council shall authorize the City Manager to accept the dedication of the 12.5070 acre parcel and authorize the City Manager to combine this property with parcel 122-1-19.

Mr. Lavers seconded the motion. Motion carried unanimously.

Conditional Use Permits

4. **Application by Public Service Company of New Hampshire (PSNH), requesting a Conditional Use Permit pursuant to Article 28-4-3(d), to allow disturbances to Wetland Buffers and a Conditional Use Permit pursuant to Article 28-3-3(f), to disturb Shoreland Protection Buffers, for modifications to the existing P-145 power line from the Oak Hill Substation off Farmwood Road to the Merrimack River in the vicinity of Garvins Falls Road. (2013-64)**
- a. **Determination of Completeness**
 - b. **Public Hearing**
 - c. **Deliberations and Action on the Application**

Ms. Hebert recommended that the application be determined complete and the public hearing opened.

Mr. Swope moved to determine the application complete. Mr. Kenison seconded the motion. Motion passed unanimously.

The Chair opened the public hearing.

Sherrie Trefry of GZA Environmental and Laura Games of PSNH were present to discuss the application. Ms. Trefry explained that PSNH is planning five pole replacements in Concord and some pole modifications to add new splicers within the P-145 transmission line. The project is a thermal uprate of the existing line to increase the electricity load. There will be impacts to both wetlands and buffers throughout the corridor. She said there would be 36 sq. ft. of permanent wetland impact and 49,630 sq. ft. of temporary impact for vehicle access to the line. She said that there are also a few archeological surveys being done along the corridor at known resource sites. GZA Environmental will oversee the project during construction and will ensure the wetland impacts are kept to a minimum. The project extends from Garvins Falls along the Merrimack River northwest to the Oak Hill Substation in Concord. The changes will allow the line to safely operate at higher temperatures and will allow PSNH to increase the electricity load conducted through the lines. When the temperature increases, the lines sag and the new poles are needed to provide adequate clearance between the utility line and the ground. In one location the ground will be re-graded to provide the needed separation.

The applicant has filed two Conditional Use Permit applications to permit permanent and temporary impacts to wetland buffers and the 75-foot vegetative buffer in the Shoreland Protection District. The impacts are associated with the replacement of the utility poles and access to existing poles for hardware installations.

There being no response from the members of the public, the Chair closed the public hearing.

Mr. Lavers moved to approve the Conditional Use Permit pursuant to Article 28-4-3(d), to allow for impacts to the Wetland buffers for construction access associated with the pole replacement and hardware installation along the PSNH P-145 Transmission Line and the Conditional Use Permit pursuant to Article 28-3-3(f), to allow for impacts to the Shoreland vegetative buffer for construction access and the replacement of existing utility poles along the PSNH P-145 Transmission Line as presented in the application prepared by GZA Environmental subject to the following condition:

1. Prior to the issuance of a certificate of approval by the Planning Board Chair (and issuance of any building permits for construction activity on the site), the following State and federal permits shall be obtained and copies provided to the Planning Division:

- a. NHDES Wetlands Bureau Wetlands Dredge and Fill Permit
- b. NHDES Shoreland Protection Permit

Ms. Smith-Meyer seconded the motion. Motion carried unanimously.

5. **Application by UNITIL Corporation, requesting a Conditional Use Permit pursuant to Article 28-4-3(d), to allow disturbances to Wetland Buffers and a Conditional Use Permit pursuant to Article 28-3-3(f), to disturb Shoreland Protection Buffers, to allow the relocation of 1,475 feet of the existing UNITIL 33 transmission line southerly of Clinton Street. (2013-40)**

- a. **Determination of Completeness**
- b. **Public Hearing**
- c. **Deliberations and Action on the Application**

Ms. Hebert recommended that the application be determined complete and the public hearing opened.

Mr. Lavers moved to determine the application complete. Mr. Hicks seconded the motion. Motion passed unanimously.

The Chair opened the public hearing.

Nate Sherwood and John Davis were present. Unitil Energy Corporation is proposing to relocate approximately 1,470 linear feet of utility easement to move the overhead electric utility line outside of the Turkey River and adjacent wetlands. Sections of the new utility line will be located within the 50 foot buffer to wetlands and the 75 foot vegetative buffer within the Shoreland Protection Overlay District associated with the Turkey River and requires Conditional Use Permits for the proposed impacts.

There being no response from the members of the public, the Chair closed the public hearing.

Mr. Swope moved to approve the Conditional Use Permit Application pursuant to Article 28-3-3(f), to allow for the proposed impacts within the Shoreland Protection Overlay District and the Conditional Use Permit Application pursuant to Article 28-4-3(d), to allow impacts to the 50 foot Wetland Buffer for the relocation of a utility easement and overhead electric line as presented in the application prepared by Knight Hill Surveying Services, Inc. subject to the following condition:

1. Prior to the issuance of a certificate of approval by the Planning Board Chair and issuance of any building permits for construction activity on the site, the plans shall be revised to address corrections and omissions noted by Staff.

Mr. Kenison seconded the motion. Motion carried unanimously.

6. **Application for John Macintosh, on behalf of Jonathan Chorlian, requesting a Conditional Use Permit pursuant to Article 28-7-11(f), Driveway Separation Alternatives, to allow for a driveway from School Street to a multi-family property at 72 School Street. (2013-72)**

- a. **Determination of Completeness**
- b. **Public Hearing**
- c. **Deliberations and Action on the Application**

Ms. Hebert recommended that the application be determined complete and the public hearing opened.

Mr. Kenison recused himself from the hearing and deliberations.

Mr. Swope moved to determine the application complete. Mr. Lavers seconded the motion. Motion passed unanimously.

The Chair opened the public hearing.

John Chorlian presented the application. The applicant has applied for a Conditional Use Permit to construct a second driveway at 72 School Street, where only one driveway would otherwise be allowed. The property contains a three-family residential conversion. There is an existing driveway on the east side of the house off of Rumford Street. The new driveway would be constructed off of School Street along the west side of the existing building.

There being no response from the members of the public, the Chair closed the public hearing.

Mr. Swope moved to approve the Conditional Use Permit to allow for the construction of a second driveway as presented in plans submitted by the applicant, in accordance with Article 28-7-8(b) of the Zoning Ordinance.

Ms. Smith-Meyer seconded the motion. Motion carried unanimously with Mr. Kenison abstaining.

Site Plan Review

7. **Application by Concord AC Tennis Div., Inc., DBA The Racquet Club of Concord, on behalf of Executive Health & Sports Center, requesting Major Site Plan Approval, Architectural Design Review Approval and a Conditional Use Permit pursuant to Article 28-4-4(d), to allow disturbances to Bluffs and Bluff Buffers, for renovations and expansion of an existing health and fitness club and the addition of medical offices at 10 Garvins Falls Road, including modifications to the existing parking, site access, lighting and landscaping. (2013-67)**

a. Determination of Completeness

Ms. Hebert spoke to the application. The applicant is proposing renovations and building additions to improve the existing Racquet Club of Concord at 10 Garvins Falls Road. The building improvements include three phases of additions and extensive interior renovations to increase the health club space and add medical offices. Overall the area and use of the building will increase from 72,378 sq. ft. of health club space to 103,593 sq. ft. of health club space and 12,043 sq. ft. of medical office space.

Mr. Hicks made a motion to declare this application to be complete and set the application for public hearing on January 15, 2013.

Mr. Regan seconded the motion. Motion carried unanimously.

8. **Application by Linda D. McLaren 2007 Revocable Trust, on behalf of Tri-State Iron Works, Inc., requesting Minor Site Plan Approval for a 2,000 square foot addition to an existing industrial building including changes to parking, landscaping and driveway access at 24 Industrial Park. (2013-66)**

- a. Determination of Completeness**
b. Public Hearing
c. Deliberations and Action on the Application

Mr. Henninger recommended that the application be determined complete and the public hearing opened.

Mr. Kenison moved to determine the application complete. Mr. Hicks seconded the motion. Motion passed unanimously.

The Chair opened the public hearing.

Maria Dolder Atty., Jim Burke and Jeff Burd were present to discuss the application. The application involves the addition of approximately 2,000 square feet to an existing industrial building located at the southwest corner of the intersection of Regional Drive and Industrial Park Drive.

The application involves a 1,200 square foot addition to an existing metal building, 700+ square feet of internal floor area, paved parking, screen fencing along Regional Drive, connection to the municipal sewer system, the creation of a paved, gated driveway on Regional Drive where a large unpaved access currently exists. The applicant is proposing a 6' high vinyl screen fence along most of the Regional Drive frontage to screen the outside storage area and is adding additional street trees along Industrial

Park Drive adjacent to the new paved parking. Ms. Dolder noted that the existing dumpster is being moved from the south property line to behind the building in order to screen it from view. Mr. Henninger noted the applicant had received Zoning Board approval for the expansion within the front setback along Industrial Park Drive. Mr. Henninger noted that only a very limited area was left to build on this lot with the large Public Service Company of NH transmission line crossing the property.

There being no response from the members of the public, the Chair closed the public hearing.

Mr. Regan moved to grant Site Plan Approval and Design Review Approval for the site and building plans for a 2,000 square foot addition to an existing industrial building for Tri-State Iron Works at 24 Industrial Park Drive, as requested by the applicant subject to the following conditions:

1. Prior to the issuance of a certificate of approval by the Planning Board Chair and issuance of any building permits for construction activity on the site, approvals of construction drawings for on-site improvements shall be obtained from the Planning Division.
2. Prior to the issuance of a certificate of occupancy, 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.
3. A pre-construction meeting shall be required prior to the start any construction activities onsite. Prior to the pre-construction meeting seven copies of the final approved site plan shall be provided to the Planning Division for endorsement by the City Engineer as “approved for construction.”
4. No construction activity may commence prior to the payment of inspection fees in an amount approved by the City Engineer.
5. Traffic impact fees shall be assessed for any non-residential construction contained within the limits of the approved site plan. The impact fees and procedures shall be those in effect at the time of the issuance of a building permit as set forth in the City of Concord Code of Ordinances, Title IV, Subdivision Code: Chapter 29.2, Public Capital Facilities Impact Fee Ordinance. The specific fees assessed are those contained in Section 29.2.1-1 Assessment and Collection; subsection (b) Computation of the Amount of Impact Fees; Table 3, Transportation Facilities Impact Fee per Variable Unit.
 - a. Transportation Facilities - Manufacturing

Ms. Smith-Meyer seconded the motion. Motion carried unanimously.

REGULAR MEETING

9. Minutes of the November 20, 2013, Planning Board meeting

Mr. Kenison moved to accept the minutes of the November 20, 2013 Planning Board Meeting as written. Mr. Lavers seconded. Motion carried unanimously.

10. Nominations to the Design Review Committee.

Mr. Henninger advised that the Board that 5 members of the Design Review Committee need to be nominated for reappointment. Their memberships will extend to 2016.

Mr. Regan made a motion to nominate Mr. Duene Cowan, Mr. James (Jay) Doherty, III, Mr. Claude Gentilhomme, Mr. Frederick Richards and Ms. Jennifer Czys for reappointment to the Architectural Design Committee. Mr. Kenison seconded the motion. Motion carried unanimously.

11. Consideration of proposed amendments to Chapter 29.2, Public Capital Facilities Impact Fees Ordinance, Impact fee annual update for inflation.

Mr. Henninger informed the Board of the annual update.

Mr. Swope made a motion to recommend to City Council for review in January, 2014 and set the City Council hearing date in February, 2014. Mr. Kenison seconded the motion. Motion carried unanimously.

12. Any other business which may legally come before the Board

INFORMATION

13. Minutes of the December 10, 2013, Architectural Design Review Committee meeting.

14. Next regular monthly meeting of the Planning Board will be on Wednesday, January 15, 2014.

There was no further business to come before the Planning Board and the Chair adjourned the meeting at 8:26 pm.

A TRUE RECORD ATTEST:

Stephen Henninger
Acting City Planner