

City of Concord Planning Board
February 17, 2021
Minutes – DRAFT

The regular monthly meeting of the City Planning Board was held on February 17, 2021, via Zoom, at 7:00 p.m.

- Attendees: Chairman Richard Woodfin, Councilor Erle Pierce, Teresa Rosenberger (Ex-Officio for City Manager), Members Susanne Smith-Meyer, John Regan, Matthew Hicks, David Fox, and Jeff Santacruce.
- Absent: Vice-Chair Carol Foss, Alternate Frank Kenison, and Alternate Chiara Dolcino.
- Staff: Heather Shank (City Planner), Beth Fenstermacher (Assistant City Planner), Sam Durfee (Senior Planner), Lisa Fellows-Weaver (Administrative Specialist), and Gary Lemay (Associate Engineer).

Chairman Woodfin read the following statement: As Chair of the Planning Board, due to the COVID-19/Coronavirus crisis and in accordance with Governor Sununu’s Emergency Order #12 pursuant to Executive Order 2020-04, this Board is authorized to meet electronically.

Please note that there is no physical location to observe and listen contemporaneously to the meeting, which was authorized pursuant to the Governor’s Emergency Order. However, in accordance with the Emergency Order, this is to confirm that we are:

a) Providing public access to the meeting by telephone, with additional access possibilities by video or other electronic means;

We are utilizing the Zoom platform for this electronic meeting. All members of the Board have the ability to communicate contemporaneously during this meeting through the Zoom platform, and the public has access to contemporaneously listen and, if necessary, participate in this meeting through clicking on the following website address: <https://zoom.us/j/754076629>, or by dialing the following phone # 1-929-205-6099 and entering the password 754076629. For those calling in who want to provide public testimony, dial *9 to alert the host that you want to speak. The host will unmute you during the public hearing portion of the meeting.

b) Providing public notice of the necessary information for accessing the meeting;

We previously gave notice to the public of how to access the meeting using Zoom, and instructions are provided on the City of Concord’s website at: <http://concordnh.gov/273/Planning-Board>

c) Providing a mechanism for the public to alert the public body during the meeting if there are problems with access;

If anybody has a problem, please call 603-225-8515 or email at: planning@concordnh.gov.

d) Adjourning the meeting if the public is unable to access the meeting.

In the event the public is unable to access the meeting; we will adjourn the meeting and have it rescheduled at that time.

Please note that all votes taken during this meeting shall be done by Roll Call vote.

1. Call to Order

Chairman Woodfin called the meeting to order at 7:03 p.m.

2. Roll Call

Chairman Richard Woodfin, Councilor Erle Pierce, Teresa Rosenberger, Members Susanne Smith Meyer, John Regan, Matthew Hicks, David Fox, and Jeff Santacruce.

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3. Approval of Planning Board Meeting Minutes

January 20, 2021 Minutes

On a motion made by Councilor Pierce, and seconded by Mr. Regan, the Board voted unanimously to approve the January 20, 2021, Planning Board Meeting Minutes, as written, by a Roll Call vote as follows:

Mr. Woodfin – in favor, Councilor Pierce – in favor, Ms. Rosenberger – in favor, Ms. Smith-Meyer – in favor, Mr. Regan – in favor, Mr. Hicks – in favor, Mr. Fox – in favor, and Mr. Santacruce – in favor.

4. Planning Board Chair Agenda Overview

Chairman Woodfin noted that, at the requests of the applicants, Item 8G, Brixmor, and Item 9, a rezoning request, have both been postponed to the March 17, 2021, Planning Board meeting.

5. Determination of Completeness

- 5A. TF Moran, on behalf of ZJBV Properties, LLC, requests Comprehensive Development Plan approval for a 2-Phase mixed use project consisting of multifamily structures, attached residential structures, and a commercial use; also requested is a Major Site Plan approval for construction of Phase 1, consisting of three (3) residential apartment buildings totaling 236 units, with associated parking and site improvements, and a Conditional Use Permit (CUP) to allow construction of fewer parking spaces than are required at 70 Pembroke Road in the Opportunity Corridor Performance (OCP) District.

On a motion made by Councilor Pierce, and second by Mr. Regan, the Board voted unanimously by a Roll Call vote, to determine the application complete and that the application does not meet the criteria for a Development of Regional Impact, and set the public hearing for March 17, 2021.

Mr. Woodfin – in favor, Councilor Pierce – in favor, Ms. Rosenberger – in favor, Ms. Smith-Meyer – in favor, Mr. Regan – in favor, Mr. Hicks – in favor, Mr. Fox – in favor, and Mr. Santacruce – in favor.

6. Design Review Applications by Consent

- 6A. Hodges Development Corp., on behalf of True Confections, requests ADR approval for the replacement of a non-illuminated wall sign, the installation of a new non-illuminated wall sign, the replacement of an externally illuminated panel on a freestanding sign, and the installation of a new non-illuminated projecting sign at 211 Loudon Road in the Gateway Performance (GWP) District.

Mr. Woodfin requested that this application be pulled for the consent agenda.

- 6B. Hodges Development Corp., on behalf of Rick Smith, requests ADR approval for the installation of a new externally illuminated wall sign at 211 Loudon Road in the Gateway Performance (GWP) District.

On a motion made by Ms. Smith-Meyer, and seconded by Councilor Pierce, the Board unanimously approved the design as submitted by consent, subject to ADR recommendations. A Roll Call Vote was taken as follows:

Mr. Woodfin – in favor, Councilor Pierce – in favor, Ms. Rosenberger – in favor, Ms. Smith-Meyer – in favor, Mr. Regan – in favor, Mr. Hicks – in favor, Mr. Fox – in favor, and Mr. Santacruce – in favor.

- 6C. Lilise Designer Resale requests ADR approval for the installation of a non-illuminated wall sign and a new non-illuminated blade sign at 7 North Main Street in the Central Business Performance (CBP) District.

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On a motion made by Ms. Smith-Meyer, and seconded by Councilor Pierce, the Board unanimously approved the revised sign design as submitted by consent, by a Roll Call Vote as follows:

Mr. Woodfin – in favor, Councilor Pierce – in favor, Ms. Rosenberger – in favor, Ms. Smith-Meyer – in favor, Mr. Regan – in favor, Mr. Hicks – in favor, Mr. Fox – in favor, and Mr. Santacruce – in favor.

- 6D. Gerónimo Properties, on behalf of MVPT, requests ADR approval for the installation of two new externally-illuminated wall signs and a non-illuminated wall sign at 5 Clinton Street in the Neighborhood Commercial (CN) District.

On a motion made by Ms. Smith-Meyer, and seconded by Councilor Pierce, the Board unanimously approved the design as submitted by consent, by a Roll Call Vote as follows:

Mr. Woodfin – in favor, Councilor Pierce – in favor, Ms. Rosenberger – in favor, Ms. Smith-Meyer – in favor, Mr. Regan – in favor, Mr. Hicks – in favor, Mr. Fox – in favor, and Mr. Santacruce – in favor.

Public Hearings

7. Design Review Applications

- 6A. Hodges Development Corp., on behalf of True Confections, requests ADR approval for the replacement of a non-illuminated wall sign, the installation of a new non-illuminated wall sign, the replacement of an externally illuminated panel on a freestanding sign, and the installation of a new non-illuminated projecting sign at 211 Loudon Road in the Gateway Performance (GWP) District.

Mr. Woodfin asked if the ice cream cone sign that hangs from the pedestal sign is a permitted sign. He expressed concern about hanging signs off pedestal signs in the area. Ms. Shank explained that the signs are all approved by the Code Department. It was determined by the Zoning Administrator that there was enough frontage for the blade sign. She added that there is nothing to prevent other property owners from adding these types of signs as long as they do not exceed the square footage. Mr. Durfee noted that all of the signs have been installed.

On a motion made by Mr. Woodfin, and seconded by Mr. Hicks, the Board unanimously approved the design as submitted, by a Roll Call Vote as follows:

Mr. Woodfin – in favor, Councilor Pierce – in favor, Ms. Rosenberger – in favor, Ms. Smith-Meyer – in favor, Mr. Regan – in favor, Mr. Hicks – in favor, Mr. Fox – in favor, and Mr. Santacruce – in favor.

- 7A. New Hampshire Distributors Inc. requests ADR approval for the construction of a new 345 square foot entry vestibule on the east side of the building at 1 Horseshoe Pond Lane in the Opportunity Corridor Performance (OCP) District.

Bill Hickey of The H.L. Turner Group along with Tom Painchaud from NH Distributors represented the application.

Chairman Woodfin opened the public hearing.

Mr. Hickey gave an overview of the proposal. He explained that the entrance to the building is via one exterior door, which has been shared by two tenants. Access was provided by an exterior wooden staircase and ramp. A new tenant desires a different egress. The proposal is to add a new 345 square foot vestibule facing Commercial Street. The vestibule will have two doors allowing each tenant to access their own space. Stairs will be added along with a wheelchair lift. The exterior of the building will be changed so that it will match the entryway on the north side. There will be a new paved sidewalk from

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the existing parking lot leading to the new door. Curbing will be removed as well. Any disturbed area will be loamed and seeded once the construction is complete.

Mr. Painchaud stated that this is a great change for the tenants.

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

On a motion made by Mr. Santacruce, and seconded by Mr. Fox, the Board unanimously approved the design as submitted, by a Roll Call Vote as follows:

Mr. Woodfin – in favor, Councilor Pierce – in favor, Ms. Rosenberger – in favor, Ms. Smith-Meyer – in favor, Mr. Regan – in favor, Mr. Hicks – in favor, Mr. Fox – in favor, and Mr. Santacruce – in favor.

7B. The Granite Group Inc. requests ADR approval for the construction of a new air lock entry to the north side of the building located at 6 Storrs Street in the Opportunity Corridor Performance (OCP) District.

Nicholas Colarusso of Cedar Mill Group represented the application.

Chairman Woodfin opened the public hearing.

Mr. Colarusso explained that the proposal is an extensive remodel to the showroom. They are proposing a new airlock concept for an entrance, enclosed, with proper footings. This will be a permanent part of the structure and will match the existing elevations and pitch.

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

On a motion made by Councilor Pierce, and seconded by Ms. Smith-Meyer, the Board unanimously approved the design as submitted, by a Roll Call Vote as follows:

Mr. Woodfin – in favor, Councilor Pierce – in favor, Ms. Rosenberger – in favor, Ms. Smith-Meyer – in favor, Mr. Regan – in favor, Mr. Hicks – in favor, Mr. Fox – in favor, and Mr. Santacruce – in favor.

8. Site Plan, Subdivision and Conditional Use Permit Applications

8A. Richard Bartlett and Associates, LLC, on behalf of the Concord School District, requested Minor Subdivision approval for a two-lot subdivision and Conditional Use Permit approval for off-site parking at 111 1/2 Warren Street in the Institutional (IS) District.

On a motion made by Mr. Hicks, and second by Ms. Smith-Meyer, the Board voted by a Roll Call vote, to determine the application complete and that the application does not meet the criteria for a Development of Regional Impact, and open the public hearing.

Mr. Woodfin – in favor, Councilor Pierce – in favor, Ms. Rosenberger – in favor, Ms. Smith-Meyer – in favor, Mr. Regan – in favor, Mr. Hicks – in favor, Mr. Fox – in favor, and Mr. Santacruce – in favor.

Mr. Durfee gave an overview of the project. He explained that this is a joint project between the City and the School District and meets the requirements per RSA 674:54. The site is the former Concord stables building and the request is to separate the historic building from the parking lot between Warren Street and Pleasant Street. At this time the parking lot is utilized by school district. Variances are required for lot size, setbacks, frontage, and lot coverage. The applicant will be meeting with the Zoning Board of Adjustment in March. The future purpose is to utilize the building as a museum for the Concord coaches. Waivers have been requested and are supported by staff.

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Jack Dunn, School District Business Administrator, and Matt Cashman, Facilities Director, represented the application for the School District. Tom Aspell, City Manager, represented the application for the City of Concord.

Mr. Dunn explained that the 1905 building is an old stable building and is currently boarded up. The Abbott Downing Coach Company would like to use the building to store the coaches and transform the building into a museum. At this time the parking lot is utilized by Concord High School. The School District feels that this is a worth-while project. He noted that it would be great to return the building into an active use. He believes that the City and School District can work together to coexist on the lot.

Mr. Santacruce asked if there will be any signage designating specific parking spaces for the museum. Mr. Dunn explained that the school uses the parking lot Monday thru Friday from 7 AM to 4 PM. The museum would utilize the parking lot on the weekends so he does not see that there would be any conflict for parking spaces; however, added that they could work out a memorandum of agreement after the fact, if deemed necessary. One handicap accessible space is required for the use.

Matt Cashman explained the building construction and layout of the levels. He stated that all codes will be met with the refurbishment. He stated that the City will own the property and the school will use the parking. There will be a parking lease to the Abbott Downing Coach Company. All parties are working together to make the building active and reused.

Councilor Pierce thanked all entities involved that have worked on this project. He stated that this is an important endeavor; it is a grand building that can have another great use.

Mr. Aspell spoke to the grant programs available allowing this project. He noted that the City has also been working with Historical Society with regards to this project. He stated that are lead and asbestos issues that will need to be addressed. He noted a sense of urgency to obtain the building before there are physical problems.

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

On a motion made by Ms. Smith-Meyer, and seconded by Mr. Regan, the Board unanimously voted, by a roll call vote, to **grant the Conditional Use Permit** per Article 28-7-11 Alternative Parking Arrangements (a) *Off-site Parking* of the Zoning Ordinance given the off-site spaces will be close to the use and will be leased to the Concord Stables.

Mr. Woodfin – in favor, Councilor Pierce – in favor, Ms. Rosenberger – in favor, Ms. Smith-Meyer – in favor, Mr. Regan – in favor, Mr. Hicks – in favor, Mr. Fox – in favor, and Mr. Santacruce – in favor.

On a motion made by Mr. Santacruce, and seconded by Ms. Smith-Meyer, the Board unanimously voted, by a roll call vote, to **grant the following waivers** to the subdivision regulations given there are no proposed site alterations, 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:

- 12.03(5) Wetlands
- 12.07 Wetland Delineation
- 12.08(3) Topography
- 12.08(5) Natural Features
- 12.08(d) Useable Land

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Mr. Woodfin – in favor, Councilor Pierce – in favor, Ms. Rosenberger – in favor, Ms. Smith-Meyer – in favor, Mr. Regan – in favor, Mr. Hicks – in favor, Mr. Fox – in favor, and Mr. Santacruce – in favor.

On a motion made by Mr. Hicks, and seconded by Councilor Pierce, the Board unanimously voted, by a roll call vote, to **grant the Minor Subdivision** approval for the two-lot subdivision at 111 ½ Warren Street in the Institutional (IS) District subject to the following conditions:

- (1) Address Technical Review Comments, noted above, to the satisfaction of the Planning Division.
- (2) Address Engineering Review Comments, to the satisfaction of the Engineering Division.
- (3) The applicant shall submit a variance application and appear before the Zoning Board of Adjustment to apply for 4 counts of relief from Article 28-4-1(h) for setbacks, frontage, lot size, and coverage as applicable.
- (4) Waiver(s) and Conditional Use Permit(s) granted are to be noted and fully described on the plan including date granted and applicable Section/Article number(s) of the Subdivision Regulations/Zoning Ordinance. Should the Board vote to deny the waiver(s) or Conditional Use Permit(s), the applicant shall comply with said submission requirement(s).
- (5) 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.
- (6) The Licensed Land Surveyor shall sign and seal 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.

Mr. Woodfin – in favor, Councilor Pierce – in favor, Ms. Rosenberger – in favor, Ms. Smith Meyer – in favor, Mr. Regan – in favor, Mr. Hicks – in favor, Mr. Fox – in favor, and Mr. Santacruce – in favor.

- 8B. Nobis Group, on behalf of Capital Region Health Care Corporation, requests Minor Subdivision approval to subdivide the new medical office building and ambulatory surgery center lot from the main Concord Hospital Campus at 250 Pleasant Street and 116 Langley Parkway in the Institutional District (IS). The applicant also requests Minor Condominium Subdivision to subdivide the new lot into condominium units.

On a motion made by Mr. Santacruce, and second by Mr. Fox, the Board unanimously voted, by a Roll Call vote, to determine the application complete and that the application does not meet the criteria for a Development of Regional Impact, and open the public hearing.

Mr. Woodfin – in favor, Councilor Pierce – in favor, Ms. Rosenberger – in favor, Ms. Smith-Meyer – in favor, Mr. Regan – in favor, Mr. Hicks – in favor, Mr. Fox – in favor, and Mr. Santacruce – in favor.

Ms. Fenstermacher gave an overview of the project. She explained that the proposal is to subdivide a 2.85 acre lot from the existing 55.8 acre Concord Hospital campus. In addition, the applicant is also requesting to create condominium units within the new 2.85 acre lot. She noted that Concord Orthopaedics will be occupying one floor, and part of the agreement with the Hospital is that this area will be under condominium ownership. Variances for setbacks and lot frontage have been granted.

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Scott Sloane, Concord Hospital CFO, represented the application along with Sean McDowell from Nobis Group, and William Tucker from Wadleigh, Starr & Peters, PLLC.

Mr. Sloan provided a history of the progress of the building. He explained that the proposal is for a minor subdivision on the hospital campus to account for additional medical offices.

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

On a motion made by Ms. Smith-Meyer, and seconded by Mr. Hicks, the Board unanimously voted, by a roll call vote, to **grant Minor Subdivision approval** to subdivide a 2.85-acre lot from the existing 55.8-acre Concord Hospital campus, and subdivide the new lot into condominium units, 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 Planning Review comments to the satisfaction of the Planning Division.
- (2) Address Engineering Review comments to the satisfaction of the Engineering Division.
- (3) Condominium documents, including declaration of condominium and by-laws, to be reviewed and approved by the City Solicitor, City Assessor, and Clerk of the Board.
- (4) The Licensed Land Surveyor and Registered Architect shall sign and seal final plans and mylars.
- (5) The Applicant shall deliver to Planning, two plan sets and one mylar(s) of the subdivision plat and condominium plans for endorsement by the Planning Board Chairman & Clerk and recording at the Registry of Deeds.
- (6) 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) tax maps. The information shall be submitted in accordance with Section 12.09 of the Subdivision Regulations.
- (7) 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.

Mr. Woodfin – in favor, Councilor Pierce – in favor, Ms. Rosenberger – in favor, Ms. Smith-Meyer – in favor, Mr. Regan – in favor, Mr. Hicks – in favor, Mr. Fox – in favor, and Mr. Santacruce – in favor.

8C. TF Moran, on behalf of KRJ Finance, LLC, request Minor Subdivision approval for a three-lot subdivision at 462 Josiah Bartlett Road in the Medium Density Residential (RM) District.

On a motion made by Mr. Santacruce, and second by Councilor Pierce, the Board unanimously voted, by a Roll Call vote, to determine the application complete and that the application does not meet the criteria for a Development of Regional Impact, and open the public hearing.

Mr. Woodfin – in favor, Councilor Pierce – in favor, Ms. Rosenberger – in favor, Ms. Smith-Meyer – in favor, Mr. Regan – in favor, Mr. Hicks – in favor, Mr. Fox – in favor, and Mr. Santacruce – in favor.

Mr. Durfee gave an overview of the application. He stated that the request is a minor subdivision proposing to subdivide a 14.6 acre lot into three lots. He explained that two of the lots are on the north and south corners. There is a natural drainage swale which runs into the southern new lot and through the protective well radius. Staff recommended that the well for lot 2 be relocated as the run drainage swale could negatively affect the well water.

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Chris Rice, of TF Moran represented the application along with Michael Whitcher of KRJ Finance LLC.

Mr. Rice stated that the lot is 14.6 acres and the proposal is to subdivide into three lots. At this time, they plan to build one, single-family home. Lot 1 will include the existing house. The two proposed lots meet all requirements. The large remaining lot will be addressed at another time. He explained that they have shifted the well radius. Each lot will have a private well and septic system.

A discussion was held regarding the waiver request. The Applicant is requesting that they not be required to bury the overhead utility lines for the existing house; however, they will comply with all new structures and bury all overhead utility lines. Ms. Shank stated that the Board has addressed this waiver request for a few prior projects.

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

On a motion made by Ms. Smith-Meyer, and seconded by Mr. Santacruce, the Board unanimously voted, by a roll call vote, to **grant the waiver** to Section 26.02(1) the subdivision regulations to not bury the utilities for the existing house, 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.

Mr. Woodfin – in favor, Councilor Pierce – in favor, Ms. Rosenberger – in favor, Ms. Smith-Meyer – in favor, Mr. Regan – in favor, Mr. Hicks – in favor, Mr. Fox – in favor, and Mr. Santacruce – in favor.

On a motion made by Ms. Smith-Meyer, and seconded by Councilor Pierce, the Board unanimously voted, by a roll call vote, to **grant Minor Subdivision** approval for the three-lot subdivision at 462 Josiah Bartlett Road in the Medium Density Residential (RM) District subject to the following conditions:

- (1) Address Technical Review Comments, to the satisfaction of the Planning Division.
- (2) Address Engineering Review Comments, 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) Traffic and recreation fees shall be assessed for any construction on lots 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 2, Recreational Facilities Impact Fee per Variable Unit; and Table 3, Transportation Facilities Impact Fee per Variable Unit.
- (5) 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.
- (6) The Licensed Land Surveyor shall sign and seal final plans and mylars.
- (7) A NH Certified Wetland Scientist shall sign and seal the final plans and mylars.

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- (8) 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.
- (9) 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.
- (10) Prior to the issuance of any building permits, the 50' wetland buffer shall be marked with discs available at the Planning Division.

Mr. Woodfin – in favor, Councilor Pierce – in favor, Ms. Rosenberger – in favor, Ms. Smith-Meyer – in favor, Mr. Regan – in favor, Mr. Hicks – in favor, Mr. Fox – in favor, and Mr. Santacruce – in favor.

8D. Brenda Perkins requests a Minor Site Plan approval to allow a third dwelling unit at 195 East Side Drive in the Single Family Residential (RS) District.

On a motion made by Councilor Pierce, and second by Mr. Santacruce, the Board unanimously voted, by a Roll Call vote, to determine the application complete and that the application does not meet the criteria for a Development of Regional Impact, and open the public hearing.

Mr. Woodfin – in favor, Councilor Pierce – in favor, Ms. Rosenberger – in favor, Ms. Smith-Meyer – in favor, Mr. Regan – in favor, Mr. Hicks – in favor, Mr. Fox – in favor, and Mr. Santacruce – in favor.

Ms. Fenstermacher gave an overview of the application. She stated the applicant is requesting approval to convert a two-family residence into a three-family dwelling. All proposed construction is within the building. There will be no site work done with the exception of upgrades to the water line. Variances for the use, driveway width, and setbacks for the parking were granted in 2019. Waiver requests were submitted to utilize the previous existing conditions plan and to not provide a new site plan.

Brenda Perkins stated that she has been working with all the City departments to legitimize the existing third unit, which was built without approvals by the prior owners. She stated that she can meet all the requirements for the approval.

Mr. Santacruce asked if a sign and striping are required for the handicapped parking space. Ms. Perkins stated that she would prefer to not have the signage and pavement marking so that the property will still look like the rest of homes in the neighborhood; however, she would add a sign if it is required. Ms. Smith-Meyer stated that she does not believe it is necessary to mark a handicapped space in residential areas, especially if the residence is owner occupied. Mr. Santacruce requested that Staff work with the applicant further should it be deemed that a sign and pavement markings are necessary.

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

On a motion made by Mr. Santacruce, and second by Mr. Fox, the Board voted by a Roll Call vote, to **grant the following waivers** to the Site Plan Regulations utilizing the criteria of RSA 674:44(1) which states that strict conformity would pose an unnecessary hardship to the applicant and waiver would not be contrary to the spirit and intent of the regulations:

- Section 15.03 to utilize a previous existing conditions plan, titled “Subdivision, Land of Peter G. Richter”, dated September 1985, prepared by B. Gregory Miller, Civil Engineer, to meet the requirement for the Existing Conditions Plan. Site conditions have not changed, and the

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plan provides sufficient information for review, *with the condition that property bounds be located and confirmed prior to the commencement of utility line work.*

- Section 15.04 to not submit a Site Plan. With the exception of a water line upgrade, no site work is proposed or required.

Mr. Woodfin – in favor, Councilor Pierce – in favor, Ms. Rosenberger – in favor, Ms. Smith-Meyer – in favor, Mr. Regan – in favor, Mr. Hicks – in favor, Mr. Fox – in favor, and Mr. Santacruce – in favor.

On a motion made by Mr. Santacruce, and second by Mr. Fox, the Board voted by a Roll Call vote, to **grant Minor Site Plan** approval for the proposed conversion of two-family dwelling to a three-family dwelling at 195 East Side Drive, 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 all Review comments to the satisfaction of the Planning and Engineering Divisions.
- (b) Subsequent Conditions – to be fulfilled as specified:
 - (1) Prior to the issuance of a utility connection and excavation permit, a Fire Protection Engineer shall provide, on their letterhead, a document certifying that the new proposed fire service water line is appropriately designed (including size and material) for the proposed site conditions.
 - (2) Property bounds shall be located and confirmed prior to the commencement of utility work.
 - (3) Prior to commencement of construction activity, payment of inspection fees in an amount approved by the City Engineer shall be made.
 - (4) 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. Number of copies to be determined by Engineering Services Division.
 - (5) Prior to issuance of the final 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) Traffic and recreation fees shall be assessed for the additional unit. 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 2, Recreational Facilities Impact Fee per Variable Unit; and Table 3, Transportation Facilities Impact Fee per Variable Unit.
 - a. Recreational Facilities – Multi-unit/apartment (per dwelling unit)
 - b. Transportation Facilities - Multi-unit/apartment (per dwelling unit)

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Mr. Woodfin – in favor, Councilor Pierce – in favor, Ms. Rosenberger – in favor, Ms. Smith-Meyer – in favor, Mr. Regan – in favor, Mr. Hicks – in favor, Mr. Fox – in favor, and Mr. Santacruce – in favor.

- 8E. Keach-Nordstrom Associates, Inc., on behalf of Martin & Mary Jane Coronis, request Major Site Plan approval for a conversion of 4-unit dwelling to a 5-unit dwelling at 264-266 North State Street in the Urban Transitional (UT) District.

On a motion made by Councilor Pierce, and second by Ms. Smith-Meyer, the Board unanimously voted, by a Roll Call vote, to determine the application complete and that the application does not meet the criteria for a Development of Regional Impact.

Mr. Woodfin – in favor, Councilor Pierce – in favor, Ms. Rosenberger – in favor, Ms. Smith-Meyer – in favor, Mr. Regan – in favor, Mr. Hicks – in favor, Mr. Fox – in favor, and Mr. Santacruce – in favor.

Mr. Durfee stated that the applicants have submitted a waiver requesting to hold the public hearing at this meeting. Staff does support granting this waiver.

On a motion made by Mr. Fox, and second by Mr. Regan, the Board unanimously voted, by a Roll Call vote, to **grant the waiver** to Section 6.03(2)(c) of the Site Plan Regulations to hold the public hearing during the same meeting as the determination of completeness 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, given the applicant has worked extensively with staff to address comments prior to the Planning Board meeting, and to also open the public hearing.

Mr. Woodfin – in favor, Councilor Pierce – in favor, Ms. Rosenberger – in favor, Ms. Smith-Meyer – in favor, Mr. Regan – in favor, Mr. Hicks – in favor, Mr. Fox – in favor, and Mr. Santacruce – in favor.

Mr. Durfee gave an overview of the application. He explained that the proposal is for the conversion of a 4-unit dwelling to a 5-unit. Site work in the rear of the property will be done to allow for additional parking and drainage. As the properties in the area are very tight, a loop driveway is proposed. Proposed access easements are only verbally confirmed at this time. He commented that this is a creative solution for this property.

Matt Peterson of Keach-Nordstrom Associates, LLC, represented the application.

Mr. Peterson explained there was a fire at this residence last year and the owners are doing a lot of restorations to the property and are proposing to add a fifth unit to the top floor. All units will be sprinklered and the existing water services will be abandoned. Sewer issues will be addressed accordingly. He explained that there is an existing 4 ft wide easement. Mr. Peterson described the plan to reposition and square off the driveway in order to obtain the width and meet the required parking spaces. The driveway will be a one-way driveway over to the abutters' property.

Mr. Santacruce asked about parking in front of the garage and if there would be a potential to block access. He also expressed concern if that area were blocked then the driveway would be used as a two-way drive. Mr. Peterson offered to add a no parking/stripped area, if necessary. It was suggested that an agreement be created between the property owners.

Mr. Peterson stated that the two trees will need to be removed in the rear of the property; however, he believes that there will be space to replace the trees. ADRC reviewed the landscaping proposal and suggested that additional trees be added to the front of the property as well.

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With regard to drainage, Mr. Peterson explained that there is a 19% slope in the back. He noted that it is not a bluff. They are proposing an infiltration basin.

Mr. Santacruce asked about a handicapped parking space and ramp entering the building. He requested that they work with engineering for a viable sketch for a ramp or other structure that could be acceptable.

Abutter Peter Denoncourt stated that he would like to have everything lined up prior to the driveway being widened. He stated that he would still want to continue to parking in front of his garage; there has never been a problem with getting around the area. He noted that the driveway has been paved and a shared driveway for decades. He stated that he does not have any issues with the proposed changes; however, will want to see the final plans prior to signing off on the easement. It was suggested that a condition of approval be added that Staff must review the access easement and make sure it is amenable to the proposed language.

Mr. Fox stated that he has visited this property and does not feel that there will be any issues.

Mr. Peterson stated that there is no additional lighting proposed. Ms. Shank stated that a lighting plan is not required if no lighting is proposed; however, she indicated that a landscaping plan is a requirement.

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

On a motion made by Councilor Pierce, and second by Mr. Fox, the Board voted by a Roll Call vote, to **grant Architectural Design Review approval** for the site layout and landscaping subject to the condition that the two trees identified to be removed in the back of the house be replaced.

Mr. Woodfin – in favor, Councilor Pierce – in favor, Ms. Smith-Meyer – in favor, Mr. Regan – in favor, Mr. Hicks – in favor, Mr. Fox – in favor, and Mr. Santacruce – in favor. Ms. Rosenberger was temporarily unavailable and did not vote.

On a motion made by Ms. Smith-Meyer, and second by Councilor Pierce, the Board voted by a Roll Call vote, to **grant Major Site Plan approval** for the conversion of a 4-unit dwelling to a 5-unit dwelling at 264-266 North State Street subject to the following conditions:

- (1) 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 all review comments to the satisfaction of the Planning and Engineering Divisions. For all subsequent submissions, applicant shall provide a response memo addressing/acknowledging all comments.
 - (2) Provide at least one shade tree adjacent to the parking lot in the rear of the building.
 - (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) Final plans shall be signed and sealed by the NH Registered Land Surveyor, Landscape Architect, and Professional Engineer.
 - (5) 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:

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- (1) Prior to commencement of construction activity, payment of inspection fees in an amount approved by the City Engineer shall be made.
- (2) Traffic and recreation fees shall be assessed for any construction on lots 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 2, Recreational Facilities Impact Fee per Variable Unit; and Table 3, Transportation Facilities Impact Fee per Variable Unit.
- (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 issuance of the final 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) The access easement for driveway circulation between 264-266 North State Street and the abutter at 268 North State Street shall be submitted to staff for review.

8F. CP Concord, LLC, requests Major Site Plan approval for the construction of a new restaurant and drive-through facility with associated site improvements at 310 Loudon Road in the Gateway Performance (GWP) District.

Mr. Durfee provided an overview of the project. He stated that the proposal is for a 2,200 sf restaurant with a drive-through service. There is an existing pad site just west of the existing Harbor Freight store.

Matt Robillard with BL Companies and Robert Gimaldi represented the application.

Chair Woodfin opened the public hearing. Mr. Robillard gave a PowerPoint presentation showing details of the site and building. He stated that this is a separate pad site; however, the access to the site is shared with Harbor Freight. There are no variances requested for the project. It is a permitted use for the area. Mr. Robillard added that there are 31 parking spaces required and they do meet all the parking requirements. The snow storage area was noted along with the dumpster location.

Mr. Robillard stated that they are requesting a waiver to not provide a by-pass lane for the inside stacking lane of the drive-through. He explained that they do not feel it is necessary due to the fact that once the stacking lanes merge, a by-pass lane is provided.

Mr. Robillard continued to state that the site meets all requirements with regards to grading and drainage. He stated that there are five light poles, they are 25 feet high and have LED fixtures. There is no light spillage off the property and the lighting meets all requirements. The delivery area was reviewed and the truck route was described. Mr. Robillard stated that all deliveries are during off peak hours. They are proposing to use the same truck route that is happening today for Harbor Freight deliveries. A traffic impact study was completed and they will be able to improve the site distance and are proposing to clear some vegetation.

Mr. Woodfin asked if there is landscaping being removed. Mr. Robillard replied that there is at the entrance and at the secondary exit to improve the site distance. He explained that there are trees that

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will need to be removed on the site and five other trees to meet the intersection requirements. He referred to the landscaping plan which notes that there will be trees replaced along the back of the site. Discussion ensued. Ms. Smith-Meyer stated that none of the trees should be removed and she feels that the removal is excessive. Mr. Robillard stated that the traffic study had mentioned that there were trees in the sight distance triangles and if they do not remove these trees then they will not be able to provide adequate site distance. He added that the traffic engineer had noted accidents at this intersection and recommended to remove the trees for site distance. Mr. Durfee stated that this is not the intersection that is noted to have accidents. That was the intersection of Sheep Davis Road. Mr. Santacruce noted that many trees on the site have already been cut. Ms. Shank stated that Staff will need to look at the original design as these trees were most likely part of the original site plan approval and will need to be replaced.

Mr. Woodfin asked about signage. Mr. Robillard stated that the sign package will be under a separate application. Mr. Woodfin asked if the speed bumps are still on the property. Mr. Robillard replied yes.

Ms. Shank stated that the condo has not been approved to date; therefore, the property is still all one site; she was not aware that the site was not in compliance. She explained that the entire site should comply with all of the original landscaping. The applicant will need to address the compliance issue and the outstanding condo requirements if they want the property to be condominiums.

Mr. Santacruce asked about the connecting sidewalk. He stated that this sidewalk has very poor connectivity and this is the Board's opportunity to address issues and correct them. Ms. Shank noted that both the sidewalks and the trees are required to be provided.

Additional discussion was held regarding pedestrian safety in relation to trees within the parking lot. Ms. Shank stated that there are requirements for trees within parking lots. Discussion ensued regarding the landscaping requirements and if an administrative approval could be done for landscaping. It was determined that would be fine if there were no major changes from the originally approved plan.

Mr. Santacruce referenced the intersection at Rte. 106 and Walmart and mentioned that there are some concerns with safety and this area should be looked into. He suggested that there be a condition added that an engineer conduct a signal warrant analysis. Mr. Robillard stated that he will work with NHDOT. Discussion ensued regarding the Board sending a letter to NHDOT addressing safety concerns. Mr. Santacruce offered to draft a letter to NHDOT expressing safety of residents at this intersection and the fact that it needs to be lit.

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

Ms. Shank thanked Mr. Robillard and his team for being cooperative through this process and very responsive to Staff as the application has been postponed a few times to continue to develop the site and address issues.

On a motion made by Mr. Fox, and second by Mr. Regan, the Board unanimously voted, by a Roll Call vote, to **grant the waiver** to Section 18.08 *Design of Stacking Spaces* of the Site Plan Regulations to not provide a by-pass lane for the drive-through service, 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, given the applicant can provide the required stacking spaces with two lanes.

Mr. Woodfin – in favor, Councilor Pierce – in favor, Ms. Rosenberger – in favor, Ms. Smith-Meyer – in favor, Mr. Regan – in favor, Mr. Hicks – in favor, Mr. Fox – in favor, and Mr. Santacruce – in favor.

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On a motion made by Mr. Regan, and second by Mr. Woodfin, the Board unanimously voted, by a Roll Call vote, to **grant Architectural Design Review approval** for the building design, landscaping, and site layout subject to the ADRC's recommendation that a more durable material than EIFS be used for the lowest part of the building around the drive-through lane.

Mr. Woodfin – in favor, Councilor Pierce – in favor, Ms. Rosenberger – in favor, Ms. Smith-Meyer – in favor, Mr. Regan – in favor, Mr. Hicks – in favor, Mr. Fox – in favor, and Mr. Santacruce – in favor.

On a motion made by Mr. Fox, and second by Ms. Smith-Meyer, the Board unanimously voted, by a Roll Call vote, to **grant Major Site Plan approval** for the development of a restaurant with drive-through service and associated site improvements at 310 Loudon Road subject to the following 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) Address all Review comments to the satisfaction of the Planning and Engineering Divisions. For all subsequent submissions, applicant shall provide a response memo addressing/acknowledging all comments.
 - (6) 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).
 - (7) Final plans shall be signed and sealed by the NH Registered Land Surveyor, Landscape Architect, and Professional Engineer.
 - (8) 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.
 - (1) 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.
 - (2) Prior to issuance of the final 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.
 - (3) The entire 5.4 acre site, must be brought into compliance with the landscaping and sidewalk regulations detailed in the Zoning Ordinance and Site Plan Regulations

Other Business

- 9. Request to re-zone approximately 30 acres off of Kyle Road from Open Space Residential (RO) and Single Family Residential (RS) to Medium Density Residential (RM).

This item was postponed to the March 17, 2021 meeting.

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10. Planning Board designee to the Heritage Commission

This item was continued to the March 17, 2021 meeting to allow members to attend the March Heritage Commission meeting.

Adjournment

At the request of Chairman Woodfin, Mr. Fox made a motion to adjourn at 9:37 PM, seconded by Ms. Smith-Meyer.

Mr. Woodfin – in favor, Councilor Pierce – in favor, Ms. Rosenberger – in favor, Ms. Smith-Meyer – in favor, Mr. Regan – in favor, Mr. Hicks – in favor, Mr. Fox – in favor, and Mr. Santacruce – in favor.

The motion passed unanimously; 8/0.

A TRUE RECORD ATTEST:

Lisa Fellows-Weaver,
Administrative Specialist