

City of Concord Planning Board
October 20, 2021
Minutes

The regular monthly meeting of the City Planning Board was held on October 20, 2021, in City Council Chambers, in the Municipal Complex, at 37 Green Street, at 7:00 p.m.

Attendees: Vice-Chair Carol Foss, Councilor Erle Pierce, Teresa Rosenberger (Ex-Officio for City Manager), Members Matthew Hicks, David Fox, and Jeff Santacruce.

Absent: Chairman Richard Woodfin, Susanne Smith-Meyer, 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 City Engineer).

1. Call to Order

Vice-Chair Foss called the meeting to order at 7:00 p.m.

2. Roll Call

Vice-Chair Carol Foss, Councilor Erle Pierce, Teresa Rosenberger (Ex-Officio for City Manager), Members Matthew Hicks, David Fox, and Jeff Santacruce.

3. Approval of Planning Board Meeting Minutes

September 15, 2021 Minutes

On a motion made by Councilor Pierce, and seconded by Mr. Fox, the Board voted unanimously to approve the September 15, 2021, Planning Board Meeting Minutes, as written.

4. Planning Board Chair Overview

Vice-Chair Foss stated that there were no changes made to the agenda.

5. Design Review Applications by Consent

- 5A. Philadelphia Sign Co., on behalf of Citizens Bank, requests ADR approval for the replacement of an internally-illuminated freestanding sign, and two internally-illuminated wall signs at 188 Loudon Road in the General Commercial (CG) District.

On a motion made by Councilor Pierce, and seconded by Ms. Rosenberger, the Board voted unanimously to approve the design as submitted by consent.

- 5B. Sundance Sign Co., on behalf of Bed, Bath and Beyond, requests ADR approval for the replacement of an internally-illuminated wall sign, the installation of a temporary banner, and the replacement of an internally-illuminated freestanding sign panel, at 10 Loudon Road in the Gateway Performance (GWP) District.

On a motion made by Councilor Pierce, and seconded by Ms. Rosenberger, the Board voted unanimously to approve the design of the freestanding sign panel as submitted by consent, provided the measurements reflect the design as presented on sheet 6 of the application packet; the Board voted unanimously by consent to approve the design of the temporary banner as submitted on the condition that the temporary permit be revoked once the permanent sign is installed; the Board voted unanimously by consent to approve the design of the wall sign as submitted.

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- 5C. Sundance Sign Co., on behalf of Bed, Bath and Beyond requests ADR approval for the renovation of a portion of the façade at 10 Loudon Road in the Gateway Performance (GWP) District.

On a motion made by Councilor Pierce, and seconded by Ms. Rosenberger, the Board voted unanimously to approve the design for the façade change as submitted.

Public Hearings

6. Design Review Applications

- 6A. The Granite Group Inc. requests an amendment to a previous 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.

Mr. Durfee provide an overview of the application explaining that the ADRC had approved a barrel-style vestibule roof in March 2021. At this time, the Applicant is requesting a change to the roof design to either a shed or gable-style roof due to time constraints as well as being very expensive to install. The Granite Group's preference is the gable-style roof.

Vice-Chair Foss opened the public hearing. With no comments from staff, members of the Board, or public, Vice-Chair Foss closed the public hearing.

On a motion made by Mr. Hicks, and seconded by Councilor Pierce, the Board voted unanimously to approve the change to a gable-style roof as submitted.

7. Site Plan, Subdivision and Conditional Use Permit Applications

- 7A. RJB Engineering, on behalf of Amy S. Rafferty Revocable Trust, requesting Conditional Use Permits (CUP) to allow disturbance in the Shoreland Protection District and encroachments in the Floodway for the replacement of an existing retaining wall and associated re-grading of lawn at 16 Millstream Lane in the Medium Density Residential (RM) District.

Ms. Fenstermacher provided an overview of the project explaining the request is to replace an existing retaining wall and relocate it closer to the house. No additional fill is proposed and there are no changes to the grading proposed. She added that the project went before the Conservation Commission and they recommend approval as submitted.

Kevin Kanakarathna from Green Globe landscaping represented the Applicant Amy Rafferty. He reviewed the plan and explained that they will be rebuilding the retaining wall and are using fill from the site for the grading. The existing wall is constructed of boulders, which will be removed. They are proposing to install wall blocks for the new retaining wall.

Vice-Chair Foss opened the public hearing. With no comments from staff, members of the Board, or public, Vice-Chair Foss closed the public hearing.

On a motion made by Mr. Hicks, and seconded by Mr. Santacruce, the Board voted unanimously to grant Conditional Use Permit approval in accordance with Article 28-3-3(f) Zoning Ordinance (ZO) to allow disturbance of the 75-foot Vegetative Buffer in the Shoreland Protection District and Article 28-3-2(e) for Encroachments in the Floodway for the replacement of an existing retaining wall and associated re-grading of lawn at 16 Millstream Lane in the Medium Density Residential (RM) District 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 the commencement of site construction, unless otherwise specified:

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(1) Address the following Planning Staff review comments to the satisfaction of the Planning Division:

- a. Add the reference lines on the plan for the Shoreland Protection Buffers per Article 28-3-3(e) to show the 75-foot Vegetative Buffer. This is in addition to the State's 50-foot Waterfront Buffer.
- b. Add a note on the plan indicating that the project is located within a FH – Flood Hazard Zoning Overlay District, including the FEMA map reference. In addition, the location of the boundary line shall be shall if it transects the property.

(2) Submit two (2) 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) Applicant shall comply with all conditions of the NHDES Shoreland Impact Permit.
- (2) Prior to final construction sign-off, staff shall be contacted to inspect the restoration area.

7B. Interchange Development, LLC, requests an amendment to a previously approved Major Site Plan to allow for the issuance of one Certificate of Occupancy for the mixed use development prior to the completion of off-site improvements, at 1 Whitney Road in the Gateway Performance District.

Ms. Fenstermacher provided an overview of the project. She stated that there have been some construction and permitting delays for the roundabout at Route 4, and construction will not commence until Spring 2022, which will cause delays for the issuance of COs within development. The State Liquor Store is on track to be opening in December or January. The Applicant is requesting that the condition from the original Site Plan approval for the roundabout to be finished prior to the issuance of any COs be amended to allow for a Certificate of Occupancy be issued to the liquor store. She stated that Staff reached out to NHDOT to amend the driveway permit to allow for additional traffic to enter Hoit Road without the roundabout. The amended permit was issued; therefore, staff is recommending the approval of the amendment to issue the CO for the liquor store only.

Mr. Santacruce stated that he has reviewed the traffic counts and has some concern that the counts will be higher than presented since they used numbers from the ITE and not actual traffic counts from other liquor stores. He also asked if there are further delays will there be additional amendments for other tenants; is this setting a precedent. Ms. Fenstermacher replied that NHDOT has stated that they will not allow any other CO's to be issued.

Vice-Chair Foss opened the public hearing.

David and Laurie Rauseo were present, representing the project. Ms. Rauseo clarified that the small roundabout is currently under construction and should be operational by the end of 2021.

Councilor Pierce asked if the construction of the development is still on schedule with the ongoing delays. Ms. Rauseo replied that there have been some delays with the construction of the buildings due to availability of materials, but otherwise the development is on schedule.

With no further comments from staff, members of the Board, or public, Vice-Chair Foss closed the public hearing.

On a motion made by Councilor Pierce, and seconded by Mr. Hicks, the Board voted unanimously to **grant a waiver to Section 7.08(7) of the Site Plan Regulations** to allow for the issuance of a Certificate of Occupancy for the NH Liquor & Wine Outlet prior to the completion of public and private off-site improvements, subject to the conditions stated under Recommendation 4.2(1) thru (4).

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On a motion made by Councilor Pierce, and seconded by Mr. Hicks, the Board voted unanimously to grant approval to **amend the conditions of the Major Site Plan approval**, authorizing the issuance of the first Certificate of Occupancy for 11 Merchants Way (NH Liquor & Wine Outlet) prior to the completion of off-site improvements subject to the conditions below. *No other COs within this development shall be issued until all site improvements in the original approved Site Plan approval are constructed.*

1. The following improvements shall be completed to the satisfaction of the Engineering Division and City Fire Department:
 - a. The water mains on Interchange Drive and Merchants Way shall either be fully installed, tested, and operational, or a NH Fire Protection Engineer shall certify (via a stamped letter) that the single water main feed along Merchants Way meets the fire flow requirements for the sprinkler system and will provide sufficient flow to all proposed hydrants along Merchants way. The Concord Fire Department must agree with the fire protection engineer's conclusions.
 - b. Base pave the entirety of Interchange Drive, or receive confirmation from the Concord Fire Department that emergency access to the site is sufficient.
 - c. Any additional items that the City Planner, City Engineer, and City Fire Marshall determine at the time of inspection are required for safe use of and access to the Site.
2. Provide a financial guarantee in accordance with Section 36.18(3) (SPR) for the remaining deferred work. Prior to issuing the financial guarantee, the City Planner, City Engineer, and City Manager shall approve the estimate to be provided by the Applicant for the deferred work (including, but not limited to, finish paving, final pavement markings, utilities, and landscaping) for Phase 1 (not including items within the Market Basket site) and any off-site improvements to be undertaken by the Applicant (if any).
3. Provide an interim as-built plan to the satisfaction of the Engineering Division in accordance with Section 12.09 (SPR).
4. The site shall be in compliance with any other local, state, or federal permits or regulations for occupancy.

8. Other Items

8A. Public hearing to consider and receive public comments relative to adoption of a Trail Master Plan.

Craig Tufts from Central NH Regional Planning Commission (CNHRPC) met with the Planning Board to present the final draft of the Trails Master Plan document.

Mr. Tufts gave an overview of the timeline of the creation of the Master Plan which began in November of 2019.

Ms. Fenstermacher stated that the document has been presented to the Conservation Commission and they have recommended approval of the document. She noted that one recommendation that has come to fruition from the document was that the City establish a new position and hire a trail ranger. She introduced Melina "Ranger Mel" Caron.

Mr. Hicks commended those that have worked to create this document. He stated that the trail systems in Concord are very valuable and there are a lot of people that use the City trails. He stated that this is a great accomplishment. He mentioned the safety for the trails.

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Mr. Tufts stated that the primary purpose of the document is for the management of the trails. He explained that the document will also look at other trails not on conservation properties as well and he mentioned the ongoing project with the Merrimack River Greenways Trail and its functions.

Ms. Fenstermacher added that there are also goals to identify future connections. This document will also allow for opportunities to add trails and neighborhood connections through the Planning Board process so that everyone will have access to trails. She stated that there is no proposal to take any land; just provide the opportunities to explore for future connections.

Ms. Fenstermacher noted a few comments that had come in from the public regarding the proposed document. One comment recommended that the Plan include discussion on designing the Merrimack River Greenway Trail to include a “rail with trail” design option. She stated that this is not the appropriate documentation, and any details would be a part of the feasibility and design process for developing that trail.

Vice-Chair Foss opened the public hearing.

Michael Breau, 16 Prospect Street, expressed concern with the trail going through his property, specifically the Concord-Claremont railroad. He stated that his deed indicates he owns the land down to the river. He stated that a trail behind his house will open up his property, and he is not in favor of this trail.

Ms. Shank replied that there are no proposed trails at this time; this document is a concept for a vision to connect networks.

Ms. Fenstermacher stated that the land Mr. Breau is referencing is a portion of the Pan Am property. Currently there is a Purchase and Sales agreement between Pan Am and the City. The City is doing their due diligence of the property; if the project moves forward, more research would still need to be done relative to the property and abutting land. She stated that the current recommendation is to look at options for potential future trails, including the Concord-Lake Sunapee Trail, but the Plan does not include specific locations. She suggested that Mr. Breau contact Matt Walsh for additional information. Councilor Pierce stated that City Council is doing their due diligence with this property.

With no further comments from staff, members of the Board, or public, Vice-Chair Foss closed the public hearing.

On a motion made by Mr. Hicks, and second by Councilor Peirce, the Board voted unanimously to adopt the Trails Master Plan, as submitted.

Other Business

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

a. Government Partner Award

Mike O’Meara from Concord Community TV stated that it has been great to see the trail network develop throughout the City. He stated that every year Concord TV gives out a variety of awards and this year the Government Partner award is awarded to Beth Fenstermacher. Beth has been a great partner to work with in the City and her efforts with the trails and her work with the Conservation Commission is why there has been success with the trail system.

Congratulations and Well Done Beth!

b. Roundabout at Alice Drive and Kyle Road

Ms. Fenstermacher provided an update regarding the roundabout at Alice Drive and Kyle Road. She explained that at the September meeting Reginal Moreau spoke to the design of the roundabout and

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stated that there were funds set aside to construct the roundabout that are still available. At that time, the Staff recommendation was to receive the funds and do the landscaping. Mr. Moreau has since expressed concern with spending the funds to do the landscaping and when they rebuild the roundabout the landscaping will be removed. It has been suggested that any landscaping wait to be completed to the spring or until the improvements have been done to the roundabout. Councilor Pierce asked where the funds are located. Ms. Fenstermacher replied the funds have been received and are in an escrow account.

Adjournment

At the request of Vice-Chair Foss, Mr. Hicks made a motion to adjourn, seconded by Councilor Pierce. The motion passed unanimously at 7:46 PM.

A TRUE RECORD ATTEST:

Lisa Fellows-Weaver,
Administrative Specialist