

City of Concord Planning Board
March 16, 2022
Minutes

The regular monthly meeting of the City Planning Board was held on March 16, 2022, in City Council Chambers, in the Municipal Complex, at 37 Green Street, at 7:00 p.m.

Attendees: Chairman Richard Woodfin, Vice-Chair Carol Foss, Councilor Byron Champlin, Members Teresa Rosenberger (Ex-Officio for City Manager), David Fox, and Amanda Savage.

Absent: Susanne Smith-Meyer, Matthew Hicks, Jeff Santacruce, Alternate Chiara Dolcino, and Alternate Frank Kenison.

Staff: Beth Fenstermacher (Assistant City Planner), Sam Durfee (Senior Planner), Lisa Fellows-Weaver (Administrative Specialist) and David Cedarholm, (City Engineer).

1. Call to Order

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

2. Roll Call

Chairman Richard Woodfin, Vice-Chair Carol Foss, Councilor Byron Champlin, Members Teresa Rosenberger, David Fox, and Amanda Savage.

3. Approval of Planning Board Meeting Minutes

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On a motion made by Mr. Fox, and seconded by Ms. Rosenberger, the Board voted unanimously to approve the February 16, 2022, Planning Board Meeting Minutes, as written.

4. Planning Board Chair Overview

Chairman Woodfin stated that items 5A and 5B will be pulled from consent and addressed separately.

5. Determination of Completeness Items by Consent

5A. Wilcox & Barton, on behalf of 125 NSS, LLC, requests Major Site Plan approval for construction of a 3-story office building addition at 125 North State Street in the Neighborhood Residential (RN) District.

Mr. Durfee provided an overview of the project. He stated that staff has received recent correspondence regarding the expiration of variances previously granted by the ZBA. At this time, Staff is working with the Code Department and will continue to review materials with the applicant. He stated that Staff is recommending the Board determine the application complete and set the public hearing for April 20, 2022.

On a motion made by Councilor Champlin, and seconded by Ms. Foss, the Board voted unanimously to determine the application complete; determined that the project does not meet the criteria for a Development of Regional Impact (DRI), per RSA 36:55, and set the Public Hearing for April 20, 2022.

5B. The John Flatley Company, on behalf of the City of Concord, requests Major Site Plan approval to demolish an existing structure and construct a new multifamily residential building consisting of 64 units, and associated site improvements at 32-34 South Main Street in the Central Business Performance (CBP) District.

On a motion made by Councilor Champlin, and seconded by Ms. Foss, the Board voted

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unanimously to determine the application complete; determined that the project does not meet the criteria for a Development of Regional Impact (DRI), per RSA 36:55, and set the Public Hearing for April 20, 2022.

6. Design Review Applications by Consent

- 6A. Advantage Signs, on behalf of Mariner Wealth Advisors, requests ADR approval for the replacement of an internally illuminated sign and a non-illuminated wall sign at 6 Eagle Square in the Central Business Performance (CBP) District.

On a motion made by Councilor Champlin, and seconded by Ms. Foss, the Board voted unanimously to approve the revised sign design as submitted, by consent,

- 6B. Advantage Signs, on behalf of The Davis Agency, requests ADR approval for the installation of a new non-illuminated projecting sign at 24 Warren Street in the Central Business Performance (CBP) District.

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

- 6C. Sousa Signs, LLC, on behalf of Ed Reilly's Subaru, requests ADR approval for the replacement of an internally-illuminated wall sign at 150 Manchester Street in the Highway Commercial (CH) District.

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

- 6D. Sign-A-Rama, on behalf of Sleep Haven Mattress, requests ADR approval for the replacement of an internally-illuminated wall sign at 108 Fisherville Road in the General Commercial (CG) District.

On a motion made by Councilor Champlin, and seconded by Ms. Foss, the Board voted unanimously to approve the design as submitted, by consent, with the recommendation that the white background be opaque.

- 6E. First Sign, on behalf of Double Midnight Comics, requests ADR approval for the replacement of two internally-illuminated wall signs at 341 Loudon Road in the Gateway Performance (GWP) District.

On a motion made by Councilor Champlin, and seconded by Ms. Foss, the Board voted unanimously, by consent, to approve Sign "A" as submitted with the recommendation that any white background be opaque and to approve Sign "B" with the recommendation that any white background be opaque and have no border.

- 6F. Sundance Sign Co., on behalf of Emmett Soldati, requests ADR approval or the replacement of an externally-illuminated sign at 57 North Main Street in the Central Business Performance (CBP) District.

On a motion made by Councilor Champlin, and seconded by Ms. Foss, the Board voted unanimously to approve the design as presented, by consent.

- 6G. Shane Belanger, on behalf of Concord Church of Christ, requests ADR approval for the replacement of an externally illuminated marker sign at 145 Fisherville Road in the Urban Transitional (UT) District.

On a motion made by Councilor Champlin, and seconded by Ms. Foss, the Board voted unanimously, by consent, to approve the design as submitted with the recommendation that the

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address, phone number, and website be removed from the sign, and the street number be placed on the sign post in a legible size.

Public Hearings

7. Design Review Applications

- 7A. Advantage Signs, on behalf of Capital Fitness Center, requests ADR approval for the installation of a new non-illuminated window sign at 85 S. State Street, in the Urban Transitional (UT) District.

Mr. Durfee explained that the Architectural Design Review Committee (ADRC) expressed some concerns with the window graphics span over the emolument. A revised rendering was provided showing it is only a few millimeters wide. In addition, the web address was also removed per ADR recommendations.

On a motion made by Councilor Champlin, and seconded by Ms. Foss, the Board voted unanimously, to approve the revised sign design as submitted.

- 7B. Todd Roy requests ADR approval for the installation of a new awning over a restaurant patio at 17 Depot Street in the Opportunity Corridor Performance (OCP) District.

Mr. Durfee explained that the Architectural Design Review Committee expressed concerns with the location of the awning due to the fact that there are waterlines under the patio. He added that ADR also requested samples of the awning material, which was provided and passed around to the Board. He stated that Staff is comfortable with a conditional approval that engineered plans be provided showing where the Sonotubes are proposed. Colors of the frame were noted to be either white or quaker brown/bronze.

Mr. Roy was present to represent the application. He noted that the awning is fully retractable.

On a motion made by Councilor Champlin, and seconded by Ms. Foss, the Board voted unanimously, to approve the design with the condition that an engineered plan be provided showing where the Sonotubes will be located in relation to the existing underground utility lines.

8. Site Plan, Subdivision and Conditional Use Permit Applications

- 8A. Richard D. Bartlett & Associates LLC, on behalf of Penacook Community Youth Center, requests Minor Subdivision approval for a lot line adjustment at 76 Community Drive and 83 High Street in the Neighborhood Residential (RN) District.

On a motion made by Ms. Foss, and seconded by Councilor Champlin, the Board voted unanimously to determine the application complete; determine that the project does not meet the criteria for a Development of Regional Impact (DRI), per RSA 36:55, and open the Public Hearing.

Mark Sargent of Richard Bartlett & Associates represented the application.

Mr. Sargent gave an overview of the project explaining that the purpose of the lot line adjustment is to annex the entirety of lot 41 and 0.05 acres of lot 38 to lot 40. Lot 38 will become 0.25 acres and 94.14 feet of frontage and lot 40 will be 0.53 acres and 150 feet of frontage on Dolphin Street.

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

On a motion made by Mr. Fox, and seconded by Ms. Foss, the Board voted unanimously to **grant Minor Subdivision approval** for the lot adjustment to annex the entirety of Map 1424P Lot 41 and 2,306 sf from Map 1424P Lot 38 (83 High Street) to Map 1424P Lot 40 (76 Community Drive), subject to the following precedent conditions to be fulfilled within one year and prior to

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

- 1) Address Technical Review comments to the satisfaction of Planning Division and Engineering Services Division staff.
- 2) The monumentation for the proposed lot lines shall be set prior to recording.
- 3) The final plat shall be signed and sealed by the NH Licensed Land Surveyor and NH Certified Wetland Scientist.
- 4) Prior to the final plat being signed by the Planning Board Chair and Clerk, digital information shall be provided to the City Engineer for incorporation into the City of Concord Geographic Information System (GIS) and tax maps. The information shall be submitted in accordance with Section 12.09 of the Subdivision Regulations.
- 5) The Applicant shall submit two checks for recording the plan at the Merrimack County Registry of Deeds (including a separate check in the amount of \$25.00 for the LCHIP fee). Both checks are to be made payable to the Merrimack County Registry of Deeds.
- 6) Upon confirmation from staff that the review comments have been addressed, The Applicant shall deliver to Planning two (2) plan set(s) and one (1) mylar(s) for endorsement by the Planning Board Chairman & Clerk and recording at the Registry of Deeds.

8B. Concord Christian Academy requests an amendment to a Major Site Plan approval to allow the Pembroke Road access to be used for drop off/pick up.

Brian Burbach, headmaster of Concord Christian Academy, was present to represent the application.

Mr. Burbach explained that the request is to utilize the existing driveway at Pembroke Road, previously approved for deliveries and school bus access only, as access/egress at for student drop offs and pick-ups. This change in the traffic pattern was generated due to Covid. He also explained that there have been issues with many cars that cut through the location. They are planning to install a fence and gate for the back of the property. They were approved by the Department of Homeland Security for funding of the gate.

Discussion ensued as to the traffic pattern. Mr. Fox asked if the traffic is only one way. Mr. Burbach replied it is two-way access.

Chairman Woodfin asked if there will be room for trucks to queue while waiting for the gate to open without causing back up on Pembroke Road. Mr. Burbach replied yes.

Councilor Champlin asked if the gate is compliant with the Concord Fire Department and Mr., Burbach replied it is.

Mr. Burbach noted that there are 167 days of school and the traffic will be reduced during the out of school times of year; the gate will be closed when school is not in session.

Ms. Fenstermacher stated that public testimony via email was received today from Braden Craggy, who resides at 91 Pembroke Road, who expressed concern with the traffic and conflicts with Branch Turnpike, and suggested that a stop sign be added at the driveway. Ms. Fenstermacher stated that she spoke with the City's Transportation Engineer who indicated that this is private property and the City cannot enforce a Stop sign; however, it may be helpful and the Board can recommend that a stop sign be installed. Mr. Burbach agreed to add a stop sign.

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Ms. Fenstermacher stated that she has spoken to the Code Administrator regarding an “install by date” who suggested May 31, 2022. Mr. Burbach stated that there is a lag in delivery and requested end of August which would also allow time for the federal funding.

With no additional comments from staff, members of the Board, or public, Chair Woodfin closed the public hearing.

On a motion made by Councilor Champlin, and seconded by Ms. Foss, the Board voted unanimously to **grant approval of the amendment to Major Site Plan** for Concord Christian Academy to allow for the installation of a gate, subject to the following conditions:

1. The gate shall only remain open during the following timeframes:
 - Monday through Friday, 6 a.m. to 8 a.m., and 2 p.m. to 4 p.m. during the school year
 - If the gate is required to be open outside these hours for game buses or lunch delivery vehicles, the gate shall be immediately closed upon completion of drop-off/pick-up and delivery
2. Applicant shall coordinate with the Fire Marshall to confirm compliance with requirements for emergency access. Per the Fire Marshall, the gate opening controller shall be capable of responding to the Fire and Police Departments’ vehicle mounted, GTT or TOMAR brand, high priority, infrared traffic signal preemption emitters.
3. To avoid further enforcement action by Code Administration, the gate shall be installed by August 31, 2022.
4. The Board recommends that the Applicant add a private Stop Sign at Pembroke Road, but it is not required.

8C. Richard D. Bartlett & Associates LLC, on behalf of HDC-192 Loudon Road LLC, requests Minor Subdivision approval for a lot line adjustment at 192-196 Loudon Road in the General Commercial (CG) District.

On a motion made by Ms. Foss, and seconded by Councilor Champlin, the Board voted unanimously to determine the application complete; determined that the project does not meet the criteria for a Development of Regional Impact (DRI), per RSA 36:55, and open the Public Hearing.

Mark Sargent of Richard Bartlett & Associates represented the application.

Mr. Sargent gave an overview of the project explaining that the proposal is a lot line adjustment to annex 0.08 acres from lot 62 to lot 63 and 0.73 acres of lot 63 to lot 62. 41 and 0.05 acres of lot 38 to lot 40. Lot 62 will become 1.56 acres with new frontage of 183.4 feet; lot 63 will be 2.36 acres with 189.5 feet of frontage. He added that the City has requested a seven foot wide Right-of-Way Easement for the land.

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

On a motion made by Councilor Champlin, and seconded by Mr. Fox, the Board **voted unanimously 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:

- 12.05 *Vicinity Plan*
- 12.07 *Wetland Delineation*

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- 12.08(3) *Topography*

On a motion made by Councilor Champlin, and seconded by Ms. Foss, the Board **voted unanimously to grant the Minor Subdivision** approval for the lot line adjustment at 192-196 Loudon road, subject to the following 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 Engineering Comments in the February 4, 2022 memo to the satisfaction of the Engineering Division.
- (2) The 2016 easement plat and associated deeds must be recorded at the Merrimack County Registry of Deeds.
- (3) Waiver(s) granted are to be noted and fully described on the plan including date granted and applicable Section number(s) of the Subdivision Regulations. Should the Board vote to deny the waiver(s), the applicant shall comply with said submission requirement(s).
- (4) Prior to the final plat being signed by the Planning Board Chair and Clerk, digital information shall be provided to the City Engineer for incorporation into the City of Concord Geographic Information System (GIS) and tax maps. The information shall be submitted in accordance with Section 12.09 of the Subdivision Regulations.
- (5) The Licensed Land Surveyor shall sign and seal final plans and mylars.
- (6) 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.
- (7) 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.

8D. Sevan Multisite Solutions, on behalf of Alan Johnson, requests Major Site Plan approval for the construction of a car wash at 192-196 Loudon Road in the General Commercial (CG) District.

Mr. Durfee provided an overview of the site noting that there was a previously approved site plan for this location. He stated that significant meetings were held with the property owner to develop the current configuration. The applicant will add more robust landscaping and a street wall to help mitigate the impact to the streetscape. Revised plans were just submitted and they reflect some of Staff's comments. With regards to the ADR comments, ADR did like the silo closer to the road frontage; however, that configuration was not able to be done. The gambrel roof will be brought forward and be more present on the street scape.

Jim Waterman and Brady Carlucci represented the application.

The project is an express car wash tunnel; quick-in and quick-out. A free vacuum area will also be provided. At this time there are 10 locations in New England. Chairman Woodfin expressed concern with cars on Loudon Road. It was explained that the system is automated; there are days where capacity is reached. Queuing was provided for demonstration purposes.

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

On a motion made by Councilor Champlin, and seconded by Ms. Foss, the Board voted unanimously to **grant ADR approval** for the building design, landscaping, and site layout with the recommendations that the barn entrance elevation be positioned to face Loudon Road, the silo be a darker color than the rest of the building and be situated on the Loudon Road elevation if possible.

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On a motion made by Councilor Champlin, and seconded by Mr. Fox, the Board voted unanimously to **grant Major Site Plan approval** for the carwash and associated site improvements at 192 Loudon Road in the General Commercial (GC) 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 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) Final plans shall be signed and sealed by the NH Registered Land Surveyor, Landscape Architect, and Professional Engineer.
 - (3) Submit three (3) copies of fully revised plans for sign off by the Clerk and Chair of the Planning Board.
- (b) Subsequent Conditions – to be fulfilled as specified:
 - (1) Prior to commencement of construction activity, payment of inspection fees in an amount approved by the City Engineer shall be made.
 - (2) A pre-construction meeting shall be required prior to the start of any construction activities onsite. The applicant shall pick up one (1) set of signed plans at the Planning Office to make copies for the pre-construction meeting. A total of five (5) copies of the signed plan set shall be provided by the applicant at the pre-construction meeting.
 - (3) Prior to 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.

8E. Nobis Group, on behalf of HLF East, LLC, requests a Major Site Plan approval for the construction of new 22,800 sf structure and 1,250 sf structure for the purpose of a car dealership, and associated site improvements, and Conditional Use Permit for the addition of impervious surface area within the Aquifer Protection District, at 134 Manchester Street in the Highway Commercial (HC) District.

Chair Woodfin opened the public hearing. Ms. Fenstermacher provided an overview of the Staff concerns relative project. She stated that staff has been working with the Applicant and their Engineers regarding the traffic study and associated off site improvements. Updated plans were received Monday, which shift the driveway further from the Banks driveway, which addresses future conflicts identified in the traffic study. She indicated that staff has not fully reviewed the revised plans, however, the applicant will present those to the Board. She also explained that the applicant is proposing to increase the amount of impervious surface to be 80% of the site, which is a concern since the site is located within the Aquifer Protection District. The Town of Pembroke Planning Board reviewed the plans since this district benefits their water supply, and they shared the same concerns regarding the amount of impervious surface. Staff has requested that the Applicant reduce the amount of pavement; it appears that the applicant has added additional landscape islands in the revised layout.

Chris Nadeau, of Nobis Engineering, represented the application along with Amanda Grappone Osmer of Grappone-Mazda Dealership.

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Mr. Nadeau gave an overview of the site and project. He explained that the site was the former Volkswagen dealership site and has served as a wholesale lot; it is now being used for overflow and storage of inventory for Grappone. He stated that the Mazda dealership will be moving out of Bow to this site. The proposed project consists of a new 26,000 square-foot Mazda Dealership Building with service bay areas, a 1,250 square-foot private carwash, parking and landscaping areas, vehicle display spaces, and delivery access. Grappone will be giving up 12 feet of frontage for the future widening of Manchester Street. Mr. Nadeau explained that originally the design was that the driveway would be proposed in the center but the new layout pushes the driveway west, 175 feet from Banks, which allows approaching traffic from Pembroke to take a left turn into the site. Also proposed is a 12 foot bypass lane along the Banks frontage. 90 parking spaces are required; they proposed 148 display spaces.

Mr. Nadeau continued and explained the stormwater. He stated that currently everything discharges into the City's systems. The proposed infiltration system will infiltrate 100% of the site's stormwater runoff for the 50-year storm; almost a 100-year storm. The infiltration system provides protective measures for treatment prior to entering the aquifer; this is better conditions than what exists today. They have submitted a request for a CUP, required for the use within the Aquifer Protection District. The site is on the public water system and sewer. He added that the 15% increase of impervious surface is necessary to service the customers and have the space for inventory required by Mazda. Most of the car dealerships on Manchester Street have vehicles parked in many areas outside the paved storage areas, and the proposed space will provide ample room for storage to avoid parking outside of the paved areas on this lot. In addition, the increased driveway widths are required to provide transport trucks ample turning radius plus general traffic flow, parking spaces for guests and staff, and overall inventory. Mr. Nadeau stated that this design will provide the dealership the space they need and will also bring another business into Concord.

Lighting and landscaping plans have been submitted. A full sign package will be submitted separately to include a free standing sign. In addition, it was noted that charging stations will be added along the western side of the parking lot.

Ms. Fenstermacher added that Jeff Santacruce reviewed the revised plans depicting the driveway relocation and was pleased with the proposal.

Councilor Champlin thanked the applicant for working with staff to address and iron out the issues. He thanked the applicant for bringing their business to Concord.

Mr. Fenstermacher mentioned the request for waivers, and asked the Applicant if all of the waivers were still needed given the revised layout. Mr. Nadeau replied that yes, they were still needed.

Chairman Woodfin asked if anyone in the audience had any comments. With no additional comments from staff, members of the Board, or public, Chair Woodfin closed the public hearing.

Ms. Fenstermacher stated that staff provided comments that the large amount of pavement without landscaping was a concern; however, the revised layout improves that condition with the addition of the large landscape island on the east side of the side and reconfiguration of the parking, and the treatment of the storm water using best management practices to improve the existing conditions. She suggested that the Board remove the conditions on the Conditional Use Permit and driveway width waiver as stated in the staff report, given the revised design.

On a motion made by Councilor Champlin, and seconded by Mr. Fox, the Board voted unanimously to **grant Architectural Design Review approval** for the site plan and building elevations, with the condition that the Applicant work with staff to review tree plantings within the interior portions of the parking lot.

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On a motion made by Councilor Champlin, and seconded by Ms. Foss, the Board voted unanimously to **grant the following waivers to the Site Plan Regulations**. Per RSA 674:44, IIIe, specific circumstances relative to the site plan, or conditions of the land in such site plan, indicate that the waiver will properly carry out the spirit and intent of the regulations:

- Section 18.07 *Parking Lot Aisles*, to allow for parking lot aisle widths that range from 24 ft to 56 ft, where the maximum aisle widths shall not exceed 125% of the minimum aisle width (30 ft).
- Section 18.10 *Driveway Widths*, to allow a 35 ft driveway radius where a maximum of 25 ft is allowed.
- Section 19.05 Interconnected Parking lots, to not provide interconnections to the abutting properties.

On a motion made by Councilor Champlin, and seconded by Ms. Foss, the Board voted unanimously to **grant the following Conditional Use Permits**:

- CUP in accordance with Section 28-7-7(f) of the Zoning Ordinance to allow for the construction of a 40 ft wide driveway entrance where 28 ft is the maximum width.
- CUP in accordance with Section 28-3-6(d)(4) *CUP Required for Certain Uses in the AP District (ZO)* for the construction of additional impervious surface area in the AP District and storage of regulated substances over 100 gallons

On a motion made by Councilor Champlin, and seconded by Ms. Foss, the Board voted unanimously to **grant Major Site Plan** approval for the construction of a 22,880 sf Mazda dealership with service bay areas, a 2,250 sf self-serve carwash facility, associated parking, and vehicle display areas, 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. For all subsequent submissions, applicant shall provide a response memo addressing/acknowledging all comments.
 - (2) The Applicant shall submit a Subdivision Application for the lot line adjustment to annex and convey a portion of the property to the adjacent property. Prior to final approval of the Site Plan, the subdivision plan shall be approved and recorded.
 - (3) Conditional Use Permit(s) granted are to be noted and fully described on the plan including date granted and applicable Section number(s) of the Zoning Ordinance. Should the Board vote to deny the Conditional Use Permit(s), applicant shall comply with said submission requirement(s).
 - (4) 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), applicant shall comply with said submission requirement(s).
 - (5) Final plans shall be signed and sealed by the NH Registered Land Surveyor, Landscape Architect, and Professional Engineer.
 - (6) Submit three (3) copies of fully revised plans for sign off by the Clerk and Chair of the Planning Board.

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(b) Subsequent Conditions – to be fulfilled as specified:

- (1) Prior to commencement of construction activity, payment of inspection fees in an amount approved by the City Engineer shall be made.
- (2) A pre-construction meeting shall be required prior to the start of any construction activities onsite. The applicant shall pick up one (1) set of signed plans at the Planning Office to make copies for the pre-construction meeting. A total of five (5) copies of the signed plan set shall be provided by the applicant at the pre-construction meeting.
- (3) The amount and form of financial guarantee shall be proposed by the Applicant and approved by the Clerk of the Board and City Engineer. The guarantee shall be provided prior to the issuance of the Certificate of Occupancy.
- (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 Applicant or their successors shall be responsible for the regular maintenance of all plantings and other landscape features. Plant materials shall be maintained alive, healthy and free from pests and disease.

8F. Abbott Road, LLC, on behalf of Victor Engel, requests Major Subdivision Approval for a 16-lot subdivision for single family residences and Conditional Use Permit approval for the disturbance of wetland buffer at 145 Abbott Road in the Medium Density Residential (RM) District.

Chairman Woodfin opened the public hearing.

Mr. Durfee provided an update of the project. He stated that Staff has been working with the applicant prior to the final submission for the proposal of a 16-lot subdivision and Conditional Use Permit for disturbance to wetland buffer. He explained that the lot is a large triangular lot with a proposed extension of the sewer lines. They are also proposing to build a sidewalk along the Sewalls Falls frontage. Shared access is proposed whenever possible to minimize curb cuts. The CUP is necessary due to two sections of the proposed trail connection as it will impact wetland buffers. The Conservation Commission has reviewed the application and supports the CUP.

Jeff Burd of RJB Engineering along with Robert Pace of Abbott Road, LLC, represented the application.

Mr. Burd stated that the parcel is 8.4 acres and they are proposing to subdivide it into 16 building lots ranging in size from ¼ acre to 1½ acres. He explained they are proposing a trail connection from the proposed sidewalk on Sewalls Falls Road to the existing sidewalk on Abbott Road to provide access to the park, which they believe is a nice addition to the community. He noted the shared access points and proposal to combine drives at the entrances to limit the curb cuts.

Mr. Burd stated that the revised plans address most of the Engineering Department's comments and they will continue to work with Staff to address any outstanding items.

Mr. Durfee noted that as part of the discussions, the applicant has granted the City additional right-of-way along Sewalls Falls Road for a future CIP to address the intersection. He added that there may also need to be an easement at the sidewalk leading to the trail.

Councilor Champlin referenced the plan, which indicates that the existing house will be razed and the barn removed. Mr. Pace replied that the barn is 150+ years old and it will be sold and reused elsewhere; the house will be razed.

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Mr. Foss expressed concern with safety for the Abbott Road lots which do not have a sidewalk in front of them. Mr. Durfee stated that these lots have the opportunity to cross Abbott Road at crosswalks at the north and south ends of the parent lot.

Owners and residents of the Chocora Condo Association at Metalak Drive spoke in opposition to the project. Ms. Razka and Ms. Dube believe the development will impact the traffic in the area as well as disrupt the existing wetlands, the ecosystem and wildlife. They also expressed concern with drainage issues; Metalak Road is a private road maintained by the association.

Ms. Dube spoke to the sidewalk through the neighborhood and asked why this location was proposed when there is an existing cut-through. In addition, she referenced the trail along the border of the association land and the potential of impediment on private property. Chairman Woodfin asked if a fence would be adequate. Ms. Dube replied that it could be something to consider.

Danielle Hillstro, 114 Sewalls Falls Road, spoke to the drainage and felt that it was not shown well on the plans. She stated that she was concerned with more impervious surfaces causing more drainage issues. She mentioned that there will be headlights glaring into her windows and she requested screening be added. She stated that there is a lot of traffic on this road already and the development will only add to the traffic. She mentioned the excessive rates of speed that people travel on the road making it very dangerous; it is not safe to cross the street. Many times, the street ends up being overflow parking for the golf course and their events. She expressed concern with the number of houses proposed and noted that they could build four houses in the area already cleared. Ms. Hillstro asked about the construction timing and was concerned with the constant disruption to the roads. She also noted that the increase in the houses will be an impact to the sewer and water systems and could also impact the wetlands. She requested the Conservation Commission comments. She commented that overall, the proposal is not going to improve the neighborhood; it will only add issues.

Ben Allen of Abbott Road spoke to the need for housing; however, he expressed concern with the traffic load increase in the area as well as the increase forthcoming with the Whitney Road development. He added that more houses with more kids on a road that is already bad and will be worse. He added that there are also no zoning changes proposed.

Mr. Pace stated that they are meeting all of the City requirements; no waivers are being proposed. The extension of the sewer line is a benefit to the City not a detriment. Mr. Burd stated that they could add three or four more lots with the current density. He added that they are planting salt friendly trees. With regards to the drainage, they are proposing drip line trenches for infiltration and are proposing dry wells for the driveways which will infiltrate into the soil, which has been determined to be good sandy soil. He stated that he does not have any problems with the proposal. He added that they are not aware of any drainage issues currently on the site; it is very flat.

Ms. Foss asked about the stream and the buffer impacts. Mr. Burd stated that the proposed trail will go through the buffer; the trail is proposed to be over the sewer, will serve for walking and for sewer maintenance. He noted that the Conservation Commission supported the proposed impacts. He added that the trail was suggested by Staff and was a tradeoff; they could build a sidewalk rather than the trail.

Chairman Woodfin expressed concern with safety and the need for a sidewalk.

A question was raised in regard to the zoning of the parcel. Ms. Fenstermacher noted that the agenda was incorrect; the density is single family residential (RS). Mr. Durfee stated that the dimensional requirements of RM with sewer and RS are the same.

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With regarding to the construction timeframe. Mr. Pace stated that they will build 5 to 7 houses at one time; in total is should be less than 18 months until completion. The houses will be some type of a colonial house, between 1,800-2,100 square feet with a two car garage; overall, a modest house in today's market.

Ms. Savage asked about if there could be a fence placed on the property line and a gate between the developments. Mr. Pace replied that they have not had any discussions about adding a fence or gate; it is not on the plan. He stated that the area is wooded now with a natural buffer. Mr. Durfee stated that the City would be responsible for maintenance.

Ms. Raczka stated that the area is wooded; however, there is a lot of wet area. She is concerned with the fact that the water will need to drain somewhere. She does not feel that the drainage is being addressed. In addition, she commented that adding a fence would be ideal due to walkers on the trail trespassing onto their private land and the liability.

Mr. Durfee stated that he will recommend the Board add a note to amend the trail easement to include the sidewalk area.

Chairman Woodfin stated that he is surprised that there are no waivers needed for this proposal.

Mr. Fox expressed concern with safety with kids walking; he does not see a solution.

With no additional comments from staff, members of the Board, or public, Chair Woodfin closed the public hearing.

Mr. Cedarholm spoke to the sidewalk on Sewalls Falls Road and explained that all drainage percolates off the street onto the property. He stated that running the sidewalk down the west side of Sewalls Falls Rd and with the breaks in the sidewalk it will help with the drainage. He noted that there is a future sidewalk on Flume Road to Manor Road and will go down to the Sewalls Falls bridge. He stated that the sidewalk goes to the sewer easement now and it will connect to Abbott Road and Sewalls Falls with a crosswalk. Discussion ensued, which led to a suggestion to extend the stone dust to the trail into the right of way through to the walkway, then cross at crosswalk to the sidewalk along Abbott Road. Mr. Cedarholm stated that this may be a maintenance issue. Mr. Durfee noted the utility polls' positions and the walkway would then be on private property. This would require an easement, it also may not be plowed during the winter and may also require the lots to be reconfigured.

On a motion made by Councilor Champlin, and seconded by Mr. Fox, the Board voted unanimously to **grant the Conditional Use Permit** per Article 28-4-3(d) CUPs required for Certain Disturbance of Wetland Buffers of the Zoning Ordinance, given the Conservation Commission and staff are supportive of the trail location, resulting wetland buffer impacts are minimal, and a complete CUP narrative has been submitted.

On a motion made by Councilor Champlin, and seconded by Ms. Rosenberger, the Board voted unanimously to **grant ADR approval** for the building architecture styles and materials, landscaping, and site layout with the understanding that the applicant will use salt-tolerant species for frontage plantings, revise house designs so that no garage protrudes beyond the plane of the front door, and that the renderings and elevations reflect the same house designs.

On a motion made by Chairman Woodfin, and seconded by Councilor Champlin, the Board voted to **grant Major Subdivision approval** for the 16-lot subdivision at 145 Abbott Road, subject to the following conditions to be fulfilled within one year and prior to endorsement of the final plan by the Planning Board Chairman and Clerk, unless otherwise specified:

(1) Address Technical Review Comments, noted above, to the satisfaction of the Planning Division.

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- (2) Address Engineering Comments to the satisfaction of the Engineering Division.
- (3) 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.
- (4) CUP(s) granted are to be noted and fully described on the plan including date granted and applicable Article number(s) of the Zoning Ordinance. Should the Board vote to deny the CUP(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) A NH Licensed Professional Engineer shall sign and seal all construction plans and mylars.
- (7) The Licensed Land Surveyor shall sign and seal final existing conditions and subdivisions plans and mylars.
- (8) A NH Certified Wetland Scientist shall sign and seal the final plans and mylars where wetlands are delineated.
- (9) A NH Licensed Landscape Architect shall sign and seal the final landscaping plans.
- (10) 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.
- (11) 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.
- (12) Prior to the issuance of any building permits, the 50' wetland buffer shall be marked with discs available at the Planning Division.
- (13) The easement associated with the proposed trail will need to include the section of walkway on private property along the frontage of Lot 16.

Motion passed; 5/1. Ms. Foss was opposed.

- 8G. Northpoint Engineering, on behalf of Paul O. Bofinger Family Trust of 2019, requests Major Subdivision approval for a 20-unit cluster subdivision for property off Shaker Road in the Medium Density Residential (RM) District.

Ms. Fenstermacher gave an overview of the proposal and reviewed the waiver requests for the length of a dead-end street and the sidewalk. She added that a CUP has been submitted for the impacts to the wetland buffer. There is no recommendation from the Conservation Commission due to the fact that there was not quorum at the March 9, 2022 meeting. She stated that the Commission did do a site visit and recognized the limitations of the site. In addition, the Commission reviewed the application at their February meeting and requested that the Applicant present alternatives for the driveway location. The alternatives are included in the supplemental information and will be presented by the Applicant.

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Jeff Lewis of Northpoint Engineering represented the application along with Megan Spain, the developer. Mr. Lewis announced that he is a member of the Conservation Commission.

Mr. Lewis gave an overview of the proposal. He stated that the property is an undeveloped lot of approximately 15 acres. They are proposing to subdivide the lot into a 20-unit cluster subdivision, 20 single-family homes and duplexes with a cul-de-sac, which will result in both wetlands impacts and buffer impacts. There are two wetlands, one in the front and another in the rear of the site. He explained that there are existing drainage issues caused by the City road as well as the undersized culvert. He stated that they did look into other options for the development and how to utilize the property with the least impacts to the wetlands and buffers. There is a seasonal stream adjacent to Shaker Road that crosses under the road through a 12 inch culvert, which is undersized. Due to the undersized culvert, the site provides flood storage. He stated that they intend to keep as much of the stream intact. He presented plans that show 3 driveway location options, noting that there is not much for options for access without impacting the wetland or buffers. They are proposing a constructed gravel wetland that will pick up all the runoff from the development, private road and lots, except for the area where the road crosses the wetlands – the runoff will flow directly into the wetlands.

Mr. Lewis stated that the development will be condo units and all utilities will be underground. They are proposing to construct a private road that extends the road length allowed by the regulations by 150 feet, which is supported by the Fire Department.

Street trees will be added along the frontage of the new road and they plan to use the existing trees as part of the tree counts. Mr. Lewis stated that they will continue to work with Staff for any supplemental trees, if necessary after construction. Street lights are proposed and will be scattered throughout development, 12 feet high pedestrian lights. He showed the proposed open space, which required due to being a cluster subdivision. Density allows for 36 units, they are only proposing 20. He noted that the colors of the units will be the owner's choice.

Councilors Champlin asked if the street lamps are dark sky conducive. Mr. Lewis replied yes.

Councilor Champlin asked the diameter of the proposed culvert on-site. Mr. Lewis replied that they are proposing a 36" culvert, which will be more than adequate.

Mr. Fox asked about the placement for the garages relative to recent discussions about requiring garages be recessed. Ms. Fenstermacher stated that at this time the application is in compliance with code; recessed garage will be a future code requirement. She added that it is an ADR recommendation to recess the garages. Mr. Lewis stated that they have agreed to the ADR recommendations. Ms. Spain stated that they are working with their architect for recessed garages.

Chairman Woodfin stated that he is not confident with making any decisions on this application without having the Conservation Commission looking at the project. Ms. Fenstermacher stated that it is City policy to have the Commission review; however, it is not required as they are advisory. She noted that the applicant has addressed concerns to show that they are doing the least impactful alternative. Councilor Champlin added that the NHDES will also review the application and approve; consequently, the State has the jurisdiction over the wetlands.

Ms. Savage referred to units 1 and 2 and noted that these two lots are within the buffer lines. She expressed concern for the wetlands as well as future unknown impacts from future property owners. She suggested adding condition when approving the CUP that it is contingent on NHDES approval. Ms. Fenstermacher stated that the applicant would not have final approvals from the City without the State permits being approved.

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Rick Murray, abutter, gave an overview of the site and drainage changes over the past years. He expressed much concern with the water. Chairman Woodfin asked how the drainage will be worse. Mr. Murray replied that the area is saturated – the retention pond could be piped towards wetlands in the rear. He noted other accesses. He added that the area is heavily populated with wildlife. He questioned whether the stormwater basins are allowed where shown. Ms. Fenstermacher stated that the stormwater systems can be placed within the perimeter buffer. Mr. Murray also noted the potential traffic issues during construction and the overall impact to the area.

Judith Murray, abutter, also expressed concern with flooding and drainage.

Brett Murray, representing abutter Esther Murray, stated that he has concerns with water and drainage. He explained that if the water should hit a layer of hardpan then it will not pass through. This will affect the retention ponds and will increase the water in the culverts. He stated that areas farther down-stream will also be affected.

Councilor Champlin asked the Murrays when their property floods, do they have water in their basements. Mr. Rick Murray replied yes and stated that the sump pump runs 24 hours a day. Councilor Champlin asked if there has been any use of the land that they have been denied due to water. Mr. Murray replied, yes, with their rental property and having a garden as the entire lawn between the properties floods.

Sarah Morrison, 59 Shaker Road, stated that for the majority of her 21 years, there have been some type of water issues in her basement; the sump pump runs 6-8 months of the year. She stated that she appreciates the work that has been done to mitigate the area. She echoed the drainage issues and noted the potential for downstream affects.

Mr. Lewis stated that hydraulic studies have been done and provided for review. He stated that there are two sets of comments from the City. There are no waivers request from drainage. The AoT permit has been submitted. He stated that they have made effort to make sure they are not increasing the affect and impact downstream and to the abutters. With regard to the hardpan, Mr. Lewis stated that they did do test pits throughout property and in the proposed basin locations; it is much better in the higher ground. He stated that they are meeting the requirements and they will continue to work with Staff.

With no additional comments from staff, members of the Board, or public, Chair Woodfin closed the public hearing.

Ms. Fenstermacher stated that the drainage is the biggest issue. She stated that the Board can continue the project to a date and time certain and the AoT and NHDES comments also be available for review as well. Chairman Woodfin stated that he would like to hear from the Conservation Commission.

On a motion made by Councilor Champlin, and seconded by Ms. Foss, the Board voted unanimously to continue the project to April 20, 2022.

- 8H. TFMoran, on behalf of Interchange Development, requests Major Site Plan approval for new construction of a new 6,750 sf multi-tenant building with a restaurant, retail, and a credit union with two drive through lanes, and associated site improvements at 4 through 8 Merchants Way in the Gateway Performance (GWP) District.

Ms. Fenstermacher stated that the applicants are returning tonight for the continuation of the Comprehensive Development Plan (CDP) hearing, as well as the Major Site Plan. She stated that the CDP subject to review tonight only addresses the revisions for the area of the Major Site Plan; the Board will not be voted on the second revised CDP that was presented last month, as there are

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several issues that still need to be worked out. She added that Engineering has not completed their review of the resubmission and a recommended condition of approval will be to meet any additional Engineering comments forthcoming. She notified that Applicant, and they are ok with that.

Laurie and David Rauseo represented the application along with Jason Hill of TF Moran.

Chairman Woodfin opened the public hearing.

Mr. Hill gave an overview of the project, which consists of mixed use commercial and retail spaces, along with a bank, a restaurant and two drive thru lanes. He also reviewed the revised sidewalk connections and noted the shrubbery around the building. In addition, a Conditional Use Permit has been submitted for only 36 parking spaces where 44 are required. Elevations were reviewed.

Chairman Woodfin commented that the proposal is much more appealing.

On a motion made by Councilor Champlin, and seconded by Ms. Foss, the Board voted unanimously to **grant approval of the amendment to the Comprehensive Development Plan**, as submitted.

On a motion made by Councilor Champlin, and seconded by Ms. Rosenberger, the Board voted unanimously to **grant Architectural Design Review** for the site plan and building elevations, subject to the Applicant providing additional lighting for the dumpster area.

On a motion made by Councilor Champlin, and seconded by Ms. Foss, the Board voted unanimously to **grant approval of the Conditional Use Permit** in accordance with Section 28-7-11(b) of the Zoning Ordinance to allow for the construction of 36 spaces where 44 are required.

On a motion made by Councilor Champlin, and seconded by Mr. Fox, the Board voted unanimously to **grant Major Site Plan** approval for the 6,750 sf multi-tenant building with a drive thru at 4 to 8 Merchants Way in the Gateway Performance (GWP) 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 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) Conditional Use Permit(s) granted are to be noted and fully described on the plan including date granted and applicable Section number(s) of the Zoning Ordinance. Should the Board vote to deny the Conditional Use Permit(s), applicant shall comply with said submission requirement(s).
 - (3) Final plans shall be signed and sealed by the NH Registered Land Surveyor, Landscape Architect, and Professional Engineer.
 - (4) Submit three (3) copies of fully revised plans for sign off by the Clerk and Chair of the Planning Board.
- (b) Subsequent Conditions – to be fulfilled as specified:
 - (1) Prior to commencement of construction activity, payment of inspection fees in an amount approved by the City Engineer shall be made.
 - (2) A pre-construction meeting shall be required prior to the start of any construction activities onsite. The applicant shall pick up one (1) set of signed plans at the Planning Office to

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

- (3) 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.

Other Business

9. Phase 2 Zoning Code Workshops - www.concordnext.info

Ms. Fenstermacher notified the Board of the upcoming web conferences that will be scheduled for the end of March with regard to Phase 2 of the ConcordNEXT Zoning Code Update.

Adjournment

At the request of Chairman Woodfin, Councilor Champlin made a motion to adjourn, seconded by Ms. Foss. The motion passed unanimously at 10:35 PM.

A TRUE RECORD ATTEST:

Lisa Fellows-Weaver,
Administrative Specialist