

**City of Concord Planning Board**  
**April 20, 2022**  
**Minutes**

The regular monthly meeting of the City Planning Board was held on April 20, 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 Erle Pierce, Members Susanne Smith-Meyer, Matthew Hicks, and Amanda Savage.

Absent: Teresa Rosenberger (Ex-Officio for City Manager), David Fox, Jeff Santacruce, Alternate Chiara Dolcino, and Alternate Frank Kenison.

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

**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 Erle Pierce, Members Susanne Smith-Meyer, Matthew Hicks, and Amanda Savage.

**3. Approval of Planning Board Meeting Minutes**

March 16, 2022 Minutes

On a motion made by Chairman Woodfin, and seconded by Ms. Foss, the Board approved the March 16, 2022, Planning Board Meeting Minutes, as written; 4/0/2. Councilor Peirce and Ms. Smith-Meyer abstained as they were not at the March meeting.

**4. Planning Board Chair Overview**

Chairman Woodfin stated that the applicant for 7F has requested to postpone the public hearing to June 15, 2022.

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. The applicant has requested to postpone the public hearing to the June 15th, 2022, Planning Board meeting.

On a motion made by Councilor Peirce, and seconded by Mr. Hicks, the Board voted unanimously to postpone item 7F to the June 15, 2022, Planning Board meeting.

**5. Determination of Completeness Items by Consent**

**5A. Maher Abbas, on behalf of Wow Billiard & Bar, requests ADR approval for this installation of a new, non-illuminated wall sign at 2 N. Main Street in the Central Business Performance (CBP) District.**

On a motion made by Councilor Pierce, and seconded by Mr. Hicks, the Board voted unanimously by consent to approve the design as submitted, subject to the recommendation that a solid green background be used, a 2-inch black or white border be added to the sign, and to take caution when choosing the red proposed in the sign so that it does not conflict with red of the façade.

**5B. David Libby, on behalf of Jillian Libby, requests ADR approval for the installation of a new, non-illuminated wall sign at 316 Village Street in the Central Business Performance (CBP) District.**

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On a motion made by Councilor Pierce, and seconded by Mr. Hicks, the Board voted unanimously by consent to approve the design as submitted, with the recommendation that the supporting boards be shorter or shaped to follow the sign's shape; if not possible, the holes in the supporting boards be filled and painted all white.

- 5C. Sign-A-Rama, on behalf of Christy Bergeron, requests ADR approval for the installation of a new, non-illuminated projecting sign at 21 Warren Street in the Central Business Performance (CBP) District.

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

- 5D. First Sign, on behalf of Double Midnight Comics, requests ADR approval for the replacement of an internally-illuminated monument sign at 341 Loudon Road in the Gateway Performance (GWP) District.

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

- 5E. First Sign, on behalf of Walden Mutual Bank, requests ADR approval for the installation of a new, non-illuminated wall sign and a new non-illuminated projecting City of Concord Page 1 Printed on 4/20/2022 Planning Board Agenda April 20, 2022 sign at 66 N. Main Street in the Central Business Performance (CBP) District.

On a motion made by Councilor Pierce, and seconded by Mr. Hicks, the Board voted unanimously by consent to approve the black sign on the white background as submitted.

**Public Hearings**

**6. Design Review Applications**

- 6A. Capital Commons requests ADR approval for an amendment to the previously approved architectural up lighting at 11 S. Main Street in the Central Business Performance (CBP) District.

Mr. Durfee stated that members of the Architectural Design Review Committee met with Jamie Simchik on site where they were able to watch lighting combinations with various colors, saturation and brightness levels. The request is to allow the applicant to display multiple, static colors on a trial basis. ADRC did have recommendations including that the lights are to be static but can be multiple colors; there will be no dynamic colors and no flashing allowed.

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

On a motion made by Ms. Foss, and seconded by Councilor Pierce, the Board voted to approve the application to allow the static display of multiple colors, with the following conditions:

- a. Light brightness shall not exceed 20% lighting intensity with darker colors being shown at lower levels and pastels shown closer to 20% intensity,
- b. The default up-lighting scene will be colors relative to weather conditions, which may be superseded by colors for special events.
- c. Multiple colors displayed at one time are permitted during the 6-month trial period and additional review can be triggered by the Architectural Design Review Committee and/or the Planning Board within the 6-month trial period.

Vote: 5/1. Ms. Smith-Meyer was opposed.

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- 6B. Stone River Architects, on behalf of 107 Storrs Street LLC, requests ADR approval for the installation for two new windows on the second floor of the south-facing façade, at 107 Storrs Street in the Central Business Performance (CBP) District.

Mr. Durfee stated the proposal is to install two new windows into the south-facing façade, which will not have any visual impacts as it will be impossible to see these new windows from pedestrian vantage points. He added that the applicant has asked for guidance regarding if the new casings should match the existing, which are bronze.

Chairman Woodfin opened the public hearing.

Mr. Hicks asked if this item would be required to come before the Planning Board with the new code. Ms. Shank replied that this is a building permit request within a specific district and it would still be required to be submitted to the Planning Board.

Ms. Smith-Meyer stated that the casings really do need to match otherwise they would stand out. With no 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 voted unanimously to approve the design as submitted with the condition that the window casings match the bronze color of the existing window casings.

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

- 7A. Timothy Greene, on behalf of Granite Center, LLC, requests Conditional Use Permit (CUP) approval for the addition of antennas and equipment upgrades for a rooftop telecommunications installation at 100 North Main Street in the Central Business Performance (CBP) District.

On a motion made by Ms. Foss, and seconded by Councilor Pierce, 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.

Timothy Greene from Terra Search represented the application. He explained that a Conditional Use Permit is required for the installation of new equipment on the top of the building. He stated that there has been equipment on the roof for the past 20 years. There are now nationwide upgrades and T-Mobile is looking to make changes and modifications to the existing equipment.

With no additional 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 Mr. Hicks, the Board voted unanimously to grant ADR approval, as submitted.

On a motion made by Ms. Foss, and seconded by Councilor Pierce, the Board voted unanimously to grant a Conditional Use Permit for the expansion of roof top equipment.

- 7B. S & H Land Services, on behalf of The Jobin Family Trust, requests Minor Subdivision approval for a 2-lot subdivision and lot line adjustment for property off Warner Road and Blackwater Road (Tax Map 33Z) in the Open Space Residential (RO) District.

On a motion made by Ms. Foss, and seconded by Councilor Pierce, 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.

Mr. Durfee stated that the application is for a lot line adjustment and a minor subdivision. He stated that a waiver has been requested to use soil data from the USDA Web Soil Survey and not

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provide a Licensed Soil Scientist stamp. Test pit data has been provided indicating that the land will support the proposed development. Staff supports the waiver.

Robert Degan from S & H Land Services represented the application along with property owner Rich Jobin.

Mr. Degan gave an overview of the proposal explaining that they would like to do a lot line adjustment between lots 33Z/1 and lot 4, which will increase lot 4 to 4 acres, then subdivide Lot 4 into 2 lots of 2 acres each. He described the land as being very flat with great soils. The lots will be sold as undeveloped land; therefore, conceptual plans have not been completed. Mr. Durfee commented that Staff will review these when the lots are sold.

Chairman Woodfin asked why they have requested a waiver for soils. Mr. Degan explained that they did not feel a soil scientist was necessary as the test pits verify the data provide information that the land could support the development and there are not wetlands on the property.

Ms. Foss asked about the barn. Mr. Jobin replied that the barn will be sold on its own land; they hope it will be restored and saved.

Councilor Pierce asked about underground utilities. Mr. Degan stated that the owner is not planning to develop the lots. He added that when the lots are sold the developer can request a waiver from requiring underground utilities at that time, if the developer chooses to do so.

With no additional 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 Mr. Hicks, the Board voted unanimously to grant the **waiver** to Section 12.03(6) *Soils* of the subdivision regulations, 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 USDA Web Survey Soil data has been provided and test pits have confirmed the lots could support future single-family homes.

On a motion made by Councilor Pierce, and seconded by Ms. Foss, the Board voted unanimously to grant **Minor Subdivision** approval for the lot line adjustment and 2-lot subdivision at the corner of Warner Road and Blackwater 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:

- (a) Precedent conditions to be fulfilled within one year and prior to endorsement of the final plan by the Planning Board Chairman and Clerk, unless otherwise specified:
- 1) Address Technical Review comments to the satisfaction of Planning Division.
  - 2) The monumentation for the proposed lot lines shall be set prior to recording.
  - 3) Prior to the final plat being signed by the Planning Board Chair and Clerk, digital information shall be provided to the City Engineer for incorporation into the City of Concord Geographic Information System (GIS) and tax maps. The information shall be submitted in accordance with Section 12.09 of the Subdivision Regulations.
  - 4) The 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.
  - 5) 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

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endorsement by the Planning Board Chairman & Clerk and recording at the Registry of Deeds.

- (b) Subsequent Conditions, to be fulfilled prior to the issuance of the building permit:
- (1) Traffic and Recreation fees shall be assessed for each new dwelling unit in the 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.
    - a. Recreational Facilities – Single Family Residence (per dwelling unit)
    - b. Transportation Facilities – Single Family Residence (per dwelling unit)

7C. Michael Chapman requests Minor Site Plan approval to add a third unit in an existing duplex at 27 Fayette Street in the Downtown Residential (RD) District.

On a motion made by Councilor Pierce, 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 open the Public Hearing.

Mr. Durfee stated that the property is currently a two unit condominium with two separate owners. The proposal is to add an additional unit with paved parking for the additional unit. He explained that the lot is very tight and it is difficult to park on the southerly side. Staff has been working with the applicant to develop an agreement or easement to allow reciprocal access for tenants with the owner of the adjacent lot to the west. A variance could also be pursued. He added that Staff recommends a conditional approval with either seeking a variance or the establishment of a reciprocal access easement with the neighbor. He noted that the lot coverage calculations are still outstanding from a surveyor.

Michael Chapman was present to represent the application.

A discussion was held regarding parking and access. Chairman Woodfin expressed concern with backing out into the street.

Mr. Chapman stated that currently the parking situation works fine. He explained that added the required ADA spot is the issue as it limits the turnaround space. He stated that he may need to return to the Zoning Board for parking. He noted that the ADA space is required; however, there is not wheel chair access to the building. Discussion ensued regarding pursuing a five foot ADA space versus to an eight foot van ADA space, which may alleviate some of the issues.

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

On a motion made by Chairman Woodfin, and seconded by Ms. Foss, the Board voted unanimously to grant **conditional Minor Site Plan approval** for the conversion of the 2-unit building to a 3-unit building at 27 Fayette Street, 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:

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- (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) 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) Submit revised condo documents for review by Staff.
  - (4) Final plans shall be signed and sealed by the NH Licensed 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:
- (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.

7D. Daniel Crisman & Amber Brooks are requesting an amendment to conditions of a previously approved Minor Subdivision regarding a shared driveway at 35 Hot Hole Pond Road in the Open Space Residential (RO) District.

Ms. Fenstermacher gave an overview of the proposal. She stated that the Applicants are requesting an amendment to a Subdivision Plan, previously approved, as well as an amendment approved in 2021, which reduced the length of the shared driveways for 31 and 35 Hot Hole Pond Road. The Crismans would like to return to the original driveway layout; however, they are not requesting to rescind the amendment from 2021 as they would keep the conditions from that approval to reduce the driveway from 22 feet down to 15 feet and to not pave the entire driveway. This current request is only to return to the realignment from 2008.

Mark Crisman was present to represent Daniel Crisman and Amber Brooks.

Mr. Crisman explained that the amendment approved on April 21, 2021, by the Planning Board, amended the 2008 subdivision plan, to allow for the construction of a 12 foot to a 15 foot wide

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gravel driveway. They are requesting to return to the 2008 alignment authorized by the Planning Board at that time. He provided a plan showing the approved plan and the proposed design.

Abutter Walt Griffin provided a sketch along with a copy of an email he sent today. He gave an overview of the property and explained the sketch he provided showing the 1/8 mile of road to the house. He noted that the driveway is 90% complete and has handled the weight of construction vehicles. He commented that he does not understand why the applicants are proposing to un-share ¼ of the driveway. He stated that he is unclear why they want to build another driveway from the existing driveway to the new lot, which will be longer than the private driveway and will destroy his front lawn. He stated that both of the driveways are unnecessary as there is a driveway that meets the City requirements already. This will also destroy the forest and conservation areas. He explained that the Planning Board required their driveway to be 22 feet wide when the road is only 18 feet and they were also required to pave the driveway. Only recently was Hot Hole Pond Road paved. He commented that having two driveways parallel and narrower and graveled is a bad solution to a bad plan and this is a mistake to return to that feature. He reiterated that there is already a serviceable driveway that the applicants do not want to use, this is a legally binding plan and it saves them all money as well as saving two large pieces of land and wetlands; they have been sharing the driveway for past year.

Councilor Peirce asked how long the Griffins have resided on Hot Hole Pond. Mr. Griffin replied they have lived in the house for 31 years. He stated that he has been responsible for maintenance but they did reach an agreement to share costs for maintenance from the shared driveway. He explained the wetlands on the three lots.

Ms. Smith-Meyer asked if you have to cross their land to access the new house. Mr. Griffin replied yes and stated that they all share the maintenance of the shared driveway from the road to the private driveway equally. She added that the parties followed the path that had been agreed on; it is an irrevocable commitment to share the driveway.

Ms. Foss asked if there is any intent for the hammer head to the west to be another driveway. Ms. Fenstermacher replied that no it is not intended for future use; it is a turnaround for the fire department.

Chairman Woodfin read the letter received from James Laboe, Orr & Reno, which spoke to the reasons as to why the Applicants are requesting the Board to revert back to the original plan from 2008, Mr. Griffin had offered to assist with paying 50% of the subdivision's associated costs, but then reneged on that offer. It also indicated that the Applicants would not have moved forward with the 2021 amendment had it not been for Mr. Griffin's offer. They now feel it is best to have the least amount of shared driveway with the Griffins.

Mr. Griffin stated that he did not offer to pay the 50%. He stated that they would lose money with a longer driveway and not sharing in the maintenance costs. He stated that this is the right, fair, and proper way to handle the matter and legally share the driveway.

Mr. Crisman stated that while preparing to have the lot cleared they talked about access to the back lot. He added that they did not believe that they would be held to the plan and thought of it as another option. They do not want to change materially and that was not the previously approved plan. They do not want to be held to the extension of the driveway. He added that the temporary entrance is not 90% complete; a new gravel base is needed. He explained that the new portion of the driveway to be constructed under the older plan is not any longer than the temporary driveway is now. The plan was approved with the driveways, which allowed the sale of the other two lots. The existing driveway, per deed, was to abandon the driveway. Mr. D. Crisman and Ms. Brooks are prepared to build a separate driveway, any shared portion is 50/50

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and there are no added expenses to the Griffins. Mr. Crisman added that the only way to get to the house is through the Griffin's property. He added that there is an easement and going back will need to restore the area and they can do what they can to restore it.

Mr. Hicks asked why they want to deviate from the amended agreement. Mr. Crisman stated that they came to the Board last year seeking approval and believed that, if approved, then it would be another option; they did not know that it was a viable option. Mr. Hicks stated that if the amendment was just a conversation why did it come to the Board. Ms. Shank replied that when the request was approved, the Applicant thought there were now two options for the driveway, not that the most recent approval was the only option.

Ms. Smith-Meyer asked about any infringements within the buffers. Ms. Fenstermacher stated that the impacts are outside of the wetland buffer. She added that there is a conservation easement on the property that extends to the buffer. The 2008 alignment is outside of the buffer. Ms. Smith-Meyer commented that the revised 2021 plan seems to cause destruction on the open space and would be more logical and make more sense.

Mr. Griffin commented that Mr. Crisman is making the matter more confusing and he is incorrect. He stated that the previous plan was reviewed with City Engineer and Fire Marshall along with the realtor and applicant and subsequently found it meets all of the requirements for a shared driveway; it would be shorter, more direct, more environmentally friendly and would save money. He stated that this is the plan approved by the Planning Board last April, approved with a shared driveway from the culvert to where their private driveway begins; it is 200 yards, shared, from Hot Hole Pond Road to the culvert. He noted that there have been many loads of material poured into the driveway, which is 90% completed with a destroyed swath of land.

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

Ms. Fenstermacher stated that it was her that had attended the site walk not the realtor. She stated that Staff supported the revised plan with the reduction of size in the driveway and not paving it. Staff visited the site to make sure that the proposal would work and supported the proposal; therefore, recommending that it go to the Planning Board for approval.

Councilor Peirce asked if the Planning Board has ever done this before, reversing a previous decision. Chairman Woodfin replied, yes but it has been done for other issues, not for a shared driveway.

Mr. Hicks stated that he has problem with accepting the ignorance of the property owner and going back on the plan.

Ms. Smith-Meyer stated that these folks are new homeowners and were enthusiastic for the change. Now to go back with all the destruction, does not make sense.

Ms. Savage mentioned the economics with having two new driveways. The 2021 revised plan makes sense and they are currently using the driveway that has been cut through for construction. She stated that there are not two options approved; there is one option, the approved option from 2021.

Chairman Woodfin stated that he is concerned with the costs involved.

Councilor Pierce stated that most of the comments from the two parties are civil matters and beyond the scope of the Planning Board. He added that he agrees with the other comments from members and the Board should approve what was approved and if it is not working out than the parties need to find a way to work it out.

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Ms. Foss stated that the Griffins have already paid for what would become the driveway for the other lot as it is adding to the shared driveway. She is confused with the financial and civil arguments. She stated that from her perspective the Board's currently approved plan makes sense to her.

Mr. Hicks asked if there could be another amendment proposed that all parties could agree on. Ms. Foss asked if there was an option to bring a driveway from their frontage. Ms. Fenstermacher replied no due to the fact that it is all conservation land.

On a motion made by Mr. Hicks, and seconded by Councilor Pierce, the Board voted to deny the requested amendment to the conditions of the 2008 subdivision and subsequent 2021 amendment to allow for the realignment of the shared driveway. Vote: 5/1. Chairman Woodfin was opposed.

- 7E. Stantec Consulting Services, on behalf of Eversource Energy, requests five Conditional Use Permit (CUP) approvals for work associated with replacements of wooden poles with steel poles, including CUPs for the use in a residential district, wetland and bluff buffer impacts, and Shoreland Protection (SH) District and Flood Hazard (FH) District impacts, for property between Antrim Road and Farmwood Road, and along either side of Garvins Falls Road in the RO, RM, RH, GWP, IN, and OFP Districts.

On a motion made by Councilor Pierce, 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 open the Public Hearing.

Ms. Fenstermacher provided an overview of the project. She noted that the Applicant met before the Conservation Commission on April 13 and the Commission did not have any objections to the proposal. She added that there was some discussion about the pole heights. The majority of the poles for this project are below 75 feet and most of the vegetation is 50 feet to 75 feet; visual impacts are not as much of a concern as with the Northern Pass project.

Tom Tetreau from Stantec along with Sarah Hoodlet from Eversource represented the application.

Mr. Tetreau explained that the project is various replacements on Eversource's P145 transmission line through Concord and Bow; all existing structures along the existing P145 corridor require replacement due to deterioration from age, cracking, rot, and/or woodpecker damage. He stated that five Conditional Use Permits are required due to various impacts to the 50-foot wetland buffer zone, 50-foot bluff buffer, Flood Hazard District, the Shoreland Protection District, and the height and location changes in the residential districts.

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

On a motion made by Mr. Hicks, and seconded by Ms. Foss, the Board voted unanimously **granted the following Conditional Use Permit approvals** in the existing utility right of way for the Eversource P145 Transmission Line rebuild project located between Farmwood Road and Antrim Avenue, and on either side of Garvins Fall Road, subject to the subsequent conditions noted below:

- CUP in accordance with Article 28-4-3(d) for *Disturbance of Wetland Buffers*;
- CUP in accordance with Article 28-3-3(f) for *Disturbance of Buffers in the Shoreland Protection District*;
- CUP in accordance with Article 28-4-4(d) to allow for *Disturbance of Bluff Buffer*;

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- CUP in accordance with Article 28-3-2(e) for *Encroachments within the Floodway*; and,
  - CUP in accordance with Article 28-2-4(c) *Uses Permitted by CUP* to allow for the construction of Essential public utilities within the Open Space, Medium Density, and High Density Residential Districts with the condition that existing vegetative buffers be maintained
- (a) Subsequent Conditions – to be fulfilled prior to commencement of site construction, unless otherwise specified:
- (1) All work shall be performed in accordance with the City of Concord’s Construction Standards and Details (latest edition).
  - (2) A Temporary Traffic Control Plan (TTCP) will be required for all work in and adjacent to the City ROW that will require lane closures. The TTCP should be submitted to the Engineering Services Division (ESD) for review and approval a minimum of 2 weeks prior to the construction activities that require the lane closure(s).
  - (3) Any new or reconstructed access points/roads needed to access the transmission line ROW from the City ROW will require a driveway permit from (ESD) at least 2 weeks in advance of the construction activities.
  - (4) The Applicant shall submit copies of any state and/or federal permits associated with the site design once they are issued.

7G. 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 (CPB) District.

Ms. Shank gave an update for the Board. She stated that the representatives of the project have answered all of Staff’s site layout related comments and have made many changes to address the issues raised by the ADRC. Staff is recommending the Board grant a conditional approval for the project.

Attorney Raymond D’Amante of D’Amante Counsel represented the application along with Doug Richards and John Noonan from the John Flatley Company, and Dennis Mires from Dennis Mires, The Architects. Matthew Walsh, Director of Redevelopment/Downtown Services and Special Projects, was also present.

Attorney D’Amante provided an overview of the development of the project. He stated that they were granted many variances as well as a special exception by the Zoning Board. He explained the site layout and the difficulty with grade changes. The City of Concord NH has owned the property for many years and there is now an agreement with the Flatley Company for 64 units and associated improvements. He added that they also met with the ADRC twice and as a result of their ideas, there were successful changes made.

A presentation was given as the plans were reviewed by Mr. Newton. He noted that the lots will be merged. He explained the proposed layout of the building, which will include 33 parking spaces on the first floor level, including accommodating ADA spaces and a bike parking area. An additional 59 parking spaces are around the exterior of the property. The entrance to the garage was noted to be at grade, at street level. Discussion ensued relative to the grading issues of the site. Another change noted to the site plan was the pool area and the proposed landscaping, which was changed slightly to allow for two additional trees. Discussion ensued regarding the pool area and patio steps that will lead to a terrace area and a retaining wall that is landscaped on each side.

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In addition, a three foot wide easement will be granted to the Eagles Club and new utilities will be run to the club as well; the power runs along the easement. Drainage will also be upgraded and there will be an extended easement. A sidewalk easement has been conveyed to the City. Mr. Richards noted that all other utilities will be underground.

Ms. Savage asked about an ADA area to access the patio from the pool. Mr. Newman explained that the terrace is a separate area. He also noted the pedestrian connections onto Main Street.

The lighting plan was reviewed. Wall packs will be placed on the building for lighting where there is pedestrian traffic, in the parking areas, and at the entrance of the pool area.

Councilor Pierce asked about the heating and cooling systems. Mr. Richards replied that the service is 800 amps. Councilor Pierce noted that 1,000 amp service is required for underground utilities.

Ms. Foss asked if there will be vehicle charging stations. Mr. Richards replied yes and noted that it is standard in their residential developments. It was noted that the garage access will be a fob system for the entrance.

With regards to landscaping, Mr. Newton stated that they have added more trees along South State Street along with additional screening around the transformer and generator pad. They will add planters along the retaining walls; there is also a grass strip on the property. He noted that they have reduced the impervious surface by 4,000 square feet. He added that The Flatley Company is adding a bump up area that they will cover the costs for.

Mr. Hicks asked if there will be any solar panels for the project. Mr. Richards explained that with the condensers on the roof, along with all of the other equipment for the gas fired boilers and hot water and air handlers, there would not be adequate space.

The elevations were reviewed next. The apartments will be one and two bedrooms with a few studio apartments. Chairman Woodfin stated that the elevations look great and they did a good job with coming off of the street.

Chairman Woodfin commented that he appreciated the colors chosen and the balconies being accented.

Mr. Mires continued to explain proposed materials, they are using brick along the base. Each tower and corners are articulated with an overhang with a squared off roof over the deck. He added that they are using a series of grey colors and the recessed balcony areas will have a different color scheme as an accent.

Ms. Smith-Meyer asked if the existing trees will be protected during the construction process. Mr. Richards replied yes. She commented that the screening along State Street should be more robust; making sure the shrubs there are tall enough to screen the utility box and are purposeful.

Ms. Foss asked about the age bracket of the tenants and expressed concern for a play area for any children. Mr. Richards explained that the primary residents are young professionals and empty nesters; a project of this size would include about four or five percent of children which is approximately three or four in the building. Ms. Foss replied that the children still need a place to play.

Ms. Savage noted the blue area around the entrance and suggested that they do the same on the front of the building. Mr. Richards stated that they did not want to overwhelm the streetscape with too much color. Members commented that it was a nice way to identify the entrances and it is on a recessed area. Mr. Mires commented that a blue band on the front could be an option.

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A brief discussion was held regarding the two store front style windows on the Main Street side. Mr. Richards stated that they are working with Kimball Jenkins to add an art display area in the lobby and the shadow boxes.

Mr. Dane, Eagles Club, stated that they were originally concerned with the right of way as it was only 10 feet wide. They have worked with the representatives and have had a good report with them and they do not have any complaints; they support the proposal.

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

On a motion made by Chairman Woodfin, and seconded by Councilor Pierce, the Board voted unanimously to **grant the following waivers** to the Site Plan Regulations utilizing the criteria of RSA 674:44(1) and (2), which state 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, and 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:

1. Section 32.01 (SPR) to not provide a traffic study based on the trip generation for the previous and proposed uses, and the fact that the proposed use has a lower trip generation.
2. Section 19.01 (SPR) to allow a driveway with a 14.4% grade where a maximum of 10% is required due to the existing condition of the street.

On a motion made by Councilor Pierce, and seconded by Ms. Foss, the Board voted unanimously to **grant ADR approval** for the building design, landscaping, and materials submitted during the April 7, 2022 ADR meeting with the understanding that other features requiring building permits or further review will be submitted separately.

On a motion made by Ms. Foss, and seconded by Mr. Hicks, the Board voted unanimously to **grant Major Site Plan approval** for the proposed multifamily development at 32 South Main Street in the Central Business Performance (CBP) 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 Division.
  - (2) Address all VHB and Engineering review comments to the satisfaction of the Engineering Services Division.
  - (3) Waiver(s) granted are to be noted and fully describe on the plan, including the date granted and applicable Section number(s) of the Site Plan Regulations. Should the Board vote to deny the waiver(s), or the applicant cannot meet conditions of the waiver, the applicant shall comply with said submission requirements.
  - (4) A fire protection engineer shall provide, on their letterhead, a document certifying that the new proposed water service line is adequately sized and designed for the proposed site conditions, including addressing whether domestic water is also tapped off of the same line.
  - (5) Final plans shall be signed and sealed by the NH Registered Land Surveyor, Landscape Architect, and Professional Engineer.

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- (6) Submit three (3) copies of final plans for sign off by the Clerk and Chair of the Planning Board.
- (b) Subsequent Conditions – to be fulfilled as specified:
- (1) The applicant or designated agent shall contact the Engineering Services Division to schedule a pre-construction meeting prior to the start of any construction activities onsite. See Engineering memo for additional pre-construction items to be addressed.
  - (2) Prior to the issuance of the first Building Permit, the applicant will provide to the City Solicitor a financial guarantee for all public improvements on and off site and a guarantee for the site stabilization in an amount approved by the City Engineer, and in a form acceptable to the City Solicitor.
  - (3) The applicant shall coordinate sidewalk construction with the City of Concord General Services Department.
  - (4) Prior to issuance of a Certificate of Occupancy, 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) Traffic and recreation impact fees shall be assessed for any residential construction contained within the limits of the approved site plan. The impact fees and procedures shall be those in effect at the time of the issuance of a building permit as set forth in the City of Concord Code of Ordinances, Title IV, Subdivision Code: Chapter 29.2, Public Capital Facilities Impact Fee Ordinance. The specific fees assessed are those contained in Section 29.2.1-1 Assessment and Collection; subsection (b) Computation of the Amount of Impact Fees; Table 2, Recreational Facilities Impact Fee per Variable Unit; and Table 3, Transportation Facilities Impact Fee per Variable Unit.
    - a. Recreational Facilities – Multi-unit/Apartment
    - b. Transportation Facilities - Multi-unit/Apartment

### Other Business

#### **8. ConcordNEXT Zoning Code Update**

Ms. Shank gave a PowerPoint presentation of the new code update. She stated that there were three sessions held at the end of March. She is still working to get feed-back from the community. She stated that the consultants are currently working on drawings to demonstrate what the concepts presented might look like in various locations in the City.

#### **9. Regional Planning Commission**

Ms. Shank stated that she did a presentation for the Regional Planning Commission.

### Adjournment

At the request of Chairman Woodfin, Ms. Smith-Meyer made a motion to adjourn, seconded by Councilor Pierce. The motion passed unanimously at 9:50 PM.

A TRUE RECORD ATTEST:

Lisa Fellows-Weaver,  
Administrative Specialist