

City of Concord Planning Board
June 15, 2022
Minutes

The regular monthly meeting of the City Planning Board was held on June 15, 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 David Fox, and Matthew Hicks. Member Amanda Savage arrived at 7:45 p.m.

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

Staff: Heather Shank (City Planner), Beth Fenstermacher (Assistant City Planner), Sam Durfee (Senior Planner), Lisa Fellows-Weaver (Administrative Specialist), and José Lovell (Associate 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 Erle Pierce, Members David Fox, and Matthew Hicks. Member Amanda Savage arrived at 7:45.

3. Approval of Planning Board Meeting Minutes

May 18, 2022 Minutes

On a motion made by Mr. Fox, and seconded by Councilor Pierce, the Board voted unanimously to approve the May 18, 2022, Planning Board Meeting Minutes, as written.

4. Planning Board Chair Overview

Chairman Woodfin stated that all items on the agenda would be heard. Item 5A would be moved to the public hearing section.

5. Determination of Completeness Items by Consent

Chairman Woodfin stated that items 5A and 6D would be moved to the public hearing section.

6. Design Review Applications by Consent

- 6A. Signs Now NH, on behalf of CCW Management Corp., requests ADR approval for the replacement of a non-illuminated wall sign and an externally-illuminated wall sign at 28 Commercial Street in the Opportunity Corridor Performance (OCP) 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.

- 6B. Expose Signs & Graphics, Inc., on behalf of Concord Self Storage, requests ADR approval for the installation of a new, internally-illuminated wall sign and two new non-illuminated wall signs at 10 Ferry Street in the Opportunity Corridor Performance (OCP) 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.

- 6C. Barlo Signs, on behalf of Liberty Utilities, requests ADR approval for the replacement of an internally-illuminated wall sign at 116 North Main 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.

Public Hearings

7. Site Plan, Subdivision and Conditional Use Permit Applications

- 7A. Warrenstreet Architects and Wilcox & Barton, on behalf of Mendota Properties, requests Major Site Plan approval to convert a single-family residential home into a five-room residential social service center at 29 Tallant Road in the Open Space Residential (RO) Districts.

Ms. Fenstermacher stated that the public hearing was opened at the May Planning Board meeting and the Board continued the hearing to this meeting to allow staff to do further research on comments raised by abutters during the public hearing. She stated that the Fire Department along with Staff from the Planning and Engineering Departments and General Services looked at the conditions of the road. Engineering staff did traffic counts and identified that 60% of the vehicles using the road are from the Town of Canterbury that are using this as a cut through road. General Services does do maintenance on Tallant Road, which includes regrading it two to three times per year. The Fire Department, a few years ago, had done a test with their largest trucks and videoed movements at the intersection and identified that it only added 10 seconds to the response time. In addition, the Fire Department provided a summary of calls to the facility at 52 Loop Road, which shows that the calls increased to about 18-20 calls per year. Based on all of these findings, staff determined that the project does not warrant any upgrades or offsite improvements at this time. The conditions will remain as previously proposed for the project.

The hearing was reopened.

Erin Lambert of Wilcox and Barton represented the application along with Michael Medeiros from NeuroRestorative.

Ms. Lambert thanked City Departments and Staff for looking into the area and the conditions of the road.

Ms. Lambert stated that they have addressed the Boards and Staff comments from the May meeting. She stated they are adding screening to the front of the propane tank with evergreens, the light pole has been relocated and they are planning to add a paved walkway from the ADA parking spaces. She had originally planned to relocate the ADA spaces closer to the front door; however, due to the site grading they are not able to get that space and meet the ADA requirements, the closest parking space they can construct is as shown. She noted the concrete surface for the paved walkway to the front door.

Chairman Woodfin asked about the tree plantings. Ms. Fenstermacher stated that there is a note on the plan for the replacement of any trees should any existing be damaged. Ms. Lambert stated that they are proposing to use arborvitaes or white spruce trees as a vegetated buffer for additional screening. She noted that the generator will also be screened by a fence.

Ms. Fenstermacher noted that there have been some false alarms to the facility with regard to emergency trips, and pointed out a staff recommendation for the facility to address this issue. Mr. Medeiros replied they will make sure to educate the staff.

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

Ms. Fenstermacher provided clarification of RSA 674:54, from the City Solicitor's office after follow up with the Department of Health and Human Services; this use cannot be prohibited but they must meet all other zoning requirements.

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Mr. Hicks noted that the Mr. Stephenson had commented last month that he had applied for a four lot subdivision and changed it to only three lots due to the need to upgrade the road and intersection. Ms. Fenstermacher replied that the recommendations were from previous Engineering Staff, and the study for response times was completed after his subdivision. She stated that Planning Staff is recommending the Board remove this recommendation for Mr. Stephenson.

On a motion made by Ms. Foss, and seconded by Mr. Fox, the Board voted unanimously to **grant Architectural Design Review approval** for the site plan as submitted with the condition that the generator be screened with plantings and/or fencing.

On a motion made by Mr. Hicks, and seconded by Chairman Woodfin, the Board voted unanimously to **grant the following waivers to the Site Plan Regulations** utilizing the criteria of RSA 674:44 III(e)(1) as guidance, staff believes that strict conformity would pose an unnecessary hardship to the applicant and waiver would not be contrary to the spirit and intent of the regulations:

- Section 18.09 *Parking Lot Markings and Signage* to not mark parking spaces in accordance with MUTCD standards, with the condition that the applicant stripe the accessible parking space and provide signage to delineate the standard parking spaces.
- Section 18.10 *Driveway Widths* to allow the existing 13 ft wide driveway width where a 20 ft driveway is required for two-way traffic.

On a motion made by Ms. Foss, and seconded by Mr. Fox, the Board voted unanimously to **grant Major Site Plan** approval for the site improvements at 29 Tallant Road, 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) Any 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 request(s), applicant shall comply with said submission requirement(s).
 - (2) Address Planning and Engineering Review comments to the satisfaction of the Planning and Engineering Divisions.
 - (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, coordinate with the City Engineer on items required for pre-construction.

7B. Richard D. Bartlett & Associates, LLC, on behalf of Stephanie Bradley, requests Minor Subdivision approval for a lot line adjustment between 197 & 199 Oak Hill Road in the Open Space Residential (RO) 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 opened the public hearing.

Ms. Fenstermacher stated that the proposal is a lot line adjustment. In addition, a conservation

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easement exists on both lots and after approval of the subdivision, the conservation easement will be located entirely within the boundary of Lot 7; there are no revisions to the conservation easement required with this proposal.

Ms. Fenstermacher stated that they are requesting a waiver to not provide electronic data in the required datum based on the fact that the application is so minor and the mapped area is shown that the requirements have been met. The waiver was supported by staff.

Mark Sargent of Richard Bartlett & Associates represented the application.

Mr. Sargent explained that the proposal is to annex 19 acres from 197 Oak Hill Road to 199 Oak Hill Road; there are no changes proposed to the frontage of setbacks of the existing lots.

David Moore, 189 Oak Hill Road, asked about the plans for the driveways. Mr. Sargent provided clarification of the driveway locations noting the driveway will be more in the back of the lot.

With no additional 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 unanimously to **grant the waiver** to Section 12.09 of the Subdivision Regulations to not provide electronic data referencing NH State Plan Coordinates based on NAVD 1988, utilizing the criteria of RSA 674:36, II (n), criteria (1), which states that “strict conformity would pose an unnecessary hardship to the applicant and the waiver would not be contrary to the spirit and intent of the regulations.”

On a motion made by Ms. Foss, and seconded by Councilor Pierce, the Board voted unanimously to **grant Minor Subdivision approval** for the lot line adjustment to annex 19 acres from Map 23Z, Lot 6 (197 Oak Hill Road) to Map 23Z, Lot 7 (199 Oak Hill Road) in the Open Space Residential (RO) District, subject to the following precedent conditions to be fulfilled within one year and prior to endorsement of the final plan by the Planning Board Chairman and Clerk, unless otherwise specified:

- 1) Address 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.
- 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.

7C. Mark Boucher requests Minor Subdivision approval for a two lot subdivision for land off Elm Street in Penacook in the Medium Density Residential (RM) District.

On a motion made by Councilor Pierce, and seconded by Mr. Hicks, the Board voted unanimously to determine the application complete; determined that the project does meet the criteria for a Development of Regional Impact (DRI), per RSA 36:55, and opened the public hearing.

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Mr. Durfee stated the project does meet the criteria for a DRI due to the fact that there is a portion of the parent lot that straddles the Town line of Boscawen and the City of Concord. The Town of Boscawen Planning Board has approved the subdivision and had no comments. A statement was also received from CNHRPC indicating they did not anticipate any regional impact due of the scale of the proposed project.

In addition, the applicant has rescinded the waiver request for full wetland delineation due to a full wetlands survey having been completed; however, the proposed new lot is over 540 feet away from the wetlands. Staff does support the other waiver request for a full topographical survey.

Joseph Wichert represented the application.

Mr. Wichert provided an overview of the project explaining that the parcel is 12.55 acres with frontage on the north side of Elm Street with an overview of the brook, which bisects the RM and RO districts. The proposal is to create one building lot in the RM District with municipal sewer and water and the new lot will be serviced by the extension of sewer and water; the new lot is entirely buildable. He added that a wetlands scientist did look at the property and it is noted on the plan that the impact is less than 3,000 square feet, overall.

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 unanimously to **grant the waiver** to Section 12.08(3) *Topography* of the subdivision regulations given LiDar topography was provided on the plan, but has not been verified at this time, 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.

On a motion made by Ms. Foss, and seconded by Mr. Hicks, the Board voted unanimously to **grant the Minor Subdivision** approval for the two-lot subdivision at 126 Elm 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:

- (1) Address Engineering Comments to the satisfaction of the Engineering Division.
- (2) 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).
- (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) 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 and Certified NH Wetland Scientist shall sign and seal final plans and mylars.

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- (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.

5A. CATCH Neighborhood Housing requests Major Site Plan approval to construct a three story multifamily building consisting of 48 units, and a Conditional Use Permit (CUP) to not provide a commercial use at 303 Sheep Davis Road in the Gateway Performance (GWP) 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 opened the public hearing.

Chris Nadeau, of Nobis Group, along with Alexandria Panagiotakos from CATCH, represented the application.

Mr. Nadeau stated that the proposal is a 48 unit workforce housing development. The property in total is 6.3 acres; however, only 2.6 acres of the parcel is developable. 84 parking spaces are proposed. He added that there is a 25% requirement for a commercial for the CDP; however, a CUP is being submitted to not have any commercial use on the site due to the property constraints.

The plan was reviewed and additional discussion was held regarding the property site. Mr. Nadeau explained the slope and brook in the rear of the property. He added that the driveway is currently shared by the neighboring business. The road is under NHDOT jurisdiction and no new entrance is proposed.

Mr. Hicks stated that the neighboring business is a heavy equipment company and expressed concern with the existing use and adding the housing development. Mr. Nadeau replied that a traffic study was done and will be submitted to NHDOT. They have designed the entrance to be safe for both uses, employing stop signs for all existing approaches. He noted that only thru traffic is the incoming traffic.

Additional discussion was held regarding a sidewalk and the placement. Mr. Durfee stated that the location of the sidewalk is up to NHDOT and discussions still need to be held as to if the sidewalk will be within the NH 106 right-of-way, or on private property. Chairman Woodfin noted that Concord Area Transit may want to also provide some input on the discussion.

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

Councilor Peirce asked if they need a waiver to omit the commercial requirement for the GWP District. Mr. Durfee replied yes, that is the CUP they are seeking, which will be voted on during the public hearing in July.

On a motion made by Mr. Hicks, and seconded by Ms. Foss, the Board voted unanimously to **grant Comprehensive Development Plan**, subject to the resolution of the location of the required frontage sidewalk.

7D. 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.

Chairman Woodfin recused himself for this project. Amanda Savaged joined as a voting member (7:45).

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Mr. Durfee gave a brief overview of the site plan noting the changes proposed since 2019. He added that there has been much collaboration with ADR over the past two years and ADR supports the addition and the new design.

Erin Lambert of Wilcox and Barton, represented the application along with Kelly Ovitt Puc, Esq. of Sulloway and Hollis, and Fred Potter of KidsVax.

Vice-Chair Foss opened the public hearing.

Mr. Potter stated that replacing the stair tower is the last major step of the project; it is in a state of disrepair and collapsing.

Ms. Lambert reviewed the proposed site plan noting the changes that have occurred over the past few years and the new reduced proposal. She stated that the Zoning Board did grant the variance for the height due to the shaft for the elevator. She reviewed the exterior improvements and noted that there is no additional pavement proposed. Some grading will be done to provide access into the garage. There is no separate entrance proposed now, everyone will access through the front door and use the ADA access between the parking spaces. With regards to landscaping, all of the existing trees are proposed to remain except the two larger trees, which directly impact the building, and she pointed out where additional native plantings are proposed that will provide additional screening. She noted that a full landscape plan has been submitted. Pictures were also provided, which showed the existing and proposed landscaping around the site.

Ms. Lambert displayed the elevations that were provided to ADR, which show the replacement of the stair tower, which as noted, is in a state of disrepair. She added that there are more opportunities with this new proposal.

Nick Holmes, 131 North State Street, stated that he is representing 13 members of Rollins Court. He described the property as a unique property, eight units all on 1.21 acres. It is a dense area and is successful because of the shared front lawn. He stated that this project will be directly over the Rollins Court area. He referenced the letters of support received for the project and indicated that they are letters from Mr. Potter's tenants. He explained the scale and proportion of the project will double the size of the existing business. From the neighbor's perspective, the residents in Rollins Court will see a four-story office tower that will be directly over their private area. The large glass windows proposed are for non-residential uses. The building will not fit into the design of the neighborhood and will be two stories taller than the existing cottages. Mr. Holmes stated that the plans are inadequate and do not provide the necessary information; Rollins Court is not shown and therefore the application is not complete and the information should be provided to assess the impacts to the neighboring homes. There are significant public areas in the building that will overlook the public area of Rollins Court; it is a stretch to say that the office tower is harmonious with the pocket neighborhood. He stated that the four 7-8 foot tall trees proposed for the buffer are not adequate as the heights at installation should be 10 to 15 feet. In addition, the buffer should be maintained and this Board has the power to make the buffer a condition of approval. With regards to stormwater, residents of Rollins Court are concerned with storm water management as water is an issue and the application is not complete. The easements granted by Rollins Court to 125 NSS are not referenced; therefore, the application is incomplete and insufficient. The large underground storage area was a well-designed system and cannot be overloaded, the consequences could be horrendous with seven basements easily filled with water. Mr. Holmes stated that the applicant should be required to reference the easements on the plans and show that the application complies with the easement. He explained the easement, which allows three types of stormwater onto the Rollins Court property, the stormwater from the parking area is not an issue, the water flow over the land onto Rollins Court, which will be an issue, and 100% of the runoff from the building will be

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going into the drainage system and it is not allowed and should be resolved. He noted that the amount of impervious area that is being allowed should be limited to only 3,500 sq. ft. They are now proposing 600 sq. ft. over the limit with the new proposal and this will exceed the terms of the easement. Mr. Holmes stated that the residents of Rollins Court request the application be continued to allow the applicant to resubmit, and to define a precise buffer that will be built and full plans showing compatibility and drainage that does not include drains tied into the Rollins Court drainage system.

Councilor Pierce thanked Mr. Holmes for his testimony. He asked if Mr. Potter had spoken with the neighborhood about the 15 ft. trees for the buffer. Mr. Holmes replied that he received the landscaping proposal this morning and he is trying to impress on this Board that should the project go forward a key component is assuring that the buffer is well defined to insure the privacy of the residents in Rollin Court is protected as the office tower will look over the patio and the private areas and community gardens, all which will affect the most private portion of the neighborhood.

Karen Careu, 104 N. State Street, stated that as another owner in the area, she has appreciated the efforts and care taken with the architecture to save the big beautiful rectory and the care taken to blend the area all together with the landscape. She expressed concern with the impacts to the views and walkability of the green space and over all feel. In looking at the addition, along the side, this is a three story building that exists now. She is in support for what has been done and how it has been done.

Mr. Holmes provided clarification as to how the pocket neighborhood lays out over the lot.

Ms. Lambert noted that the two letters previously referenced are residents of 20 Franklin Street and 22 Franklin Street; they are not a part of the tenants at the 125 N. State Street building.

Ms. Lambert spoke to the drainage easement, which has been in place since 2019. She noted that she was a part of the original design with the development of Rollins Court and the 125 NSS build. She explained that the system was built to be a large detention system for Rollins Court, 125 N. State Street and also 20 Franklin Street. She reviewed the existing easement and the drainage system.

Mr. Potter commented that there were many discussions of the fence and common area, as well as the storm water; overall, this is a substantially reduced project. He addressed the concerns and noted that this is a smaller impervious area and they are only using 200 of 3,500 sq. ft. which is from run off.

Councilor Pierce asked about the treatment plan, downspouts and/or gutters. Ms. Lambert replied that any runoff from gutters, the roof, rain spouts are all a part of stormwater runoff. This proposal does not have any gutters proposed and there are no concerns. Mr. Potter referenced the language in the easement and stated that if they exceed that amount they would need to contain the runoff on site.

Mr. Hicks stated that there was a collaborated effort before the pocket neighborhood was designed and planned for prior to it being built. Ms. Lambert stated also with the landscaping easement as well; the community gardens are an easement to 20 Franklin Street, and an easement to benefit Rollins Court from 20 Franklin Street. Mr. Potter noted that the easements and storm water were required negotiations before Rollins Court could be developed. He stated that the retaining wall and stair tower needed to be replaced, which justified the addition.

Ms. Savage referenced the submissions throughout the past few years. Ms. Lambert provided a history of the project and the various proposals, which have become phased plans. Additional discussion was held regarding the required setbacks.

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Mr. Hicks asked about the overall water. Ms. Lambert stated that the building includes 2,000 sq. ft. of office space, 15,300 sq. ft. of pavement, and the building with the on-site addition will be 18,500 sf with the patio; there is not a big percentage from the runoff of the site.

Mr. Fox expressed concern with the buffer zone. Mr. Potter stated that they will not be disappointed as everything they have done exceeds the requirements and they will continue to do the best they can for the property and they do plan to save as many of the mature trees as they can. They plan to fill in gaps with evergreens for year round coverage. It was noted that white spruce trees were proposed. Ms. Lambert stated that their goal is to establish a buffer similar to what exists. Mr. Potter stated they will fill in with fast growing species.

Ms. Foss asked if the existing catch basins on these three properties all feed into a large retention basin on Rollins Court. Ms. Lambert replied that it is an underground system that is all purely for storage given the height of the groundwater in the area. The design infiltrates as much as it can and now makes up the size of the gallery. Mr. Potter added that catch basin 3 is for all of the cottage basements and drains downstream; the foundation drains were designed to keep drainage flowing and it has never been overtaken by retention basins. Ms. Foss asked if there is a way to monitor the capacity. Ms. Lambert replied there are no monitoring gauges but that is why there is drainage modeling and then you apply different storm events. Councilor Pierce noted that there are systems that can be alarms to a certain level. Mr. Potter stated that if there were to be a problem, any water would back up on to the 125 North State Street property. Ms. Foss asked if there was more space for retention on the 125 N. State Street property for additional accommodation. Mr. Potter replied yes, under the parking lot. Ms. Lambert replied that there is nothing precluding additional storage; though it is not warranted or needed at this time.

Atty Ovitt Puc stated that both projects were going forward and designed to make sure there would be adequate capacity for the addition on 125 NSS.

Ms. Foss asked about the pocket neighborhoods privacy concerns and stated that it would be helpful to have a line of site. She asked if the rooms that are directly over the pocket neighborhood's private areas could have shaded glass to provide more privacy to the residents. Mr. Potter stated that the windows are significantly smaller than the original proposal. He noted that the people in the office building are not concerned with looking out the windows. He stated that they could offer similar shades that are on the conference room to the Rollins Court side; however, he is not able to control the users of the space.

Discussion ensued regarding the line of site. Ms. Foss stated that it would be helpful to have a line of site from other directions showing what can be seen. Mr. Hicks stated that this Board has never had any other requirements for others; this is a part of living within the downtown area and any requirements are unfair. Mr. Fox agreed.

Ms. Shank stated that Mr. Holms mentioned that the application was not complete. She stated that we do know about the easements and do have that information and it does work from an engineering perspective. The system does work and works well. It is not the Board's purview to determine whether private legal documents are correctly implemented. She stated that there is a requirement to show the location of structures, however. The Board should be able to see the locations of structures to determine impacts. She stated that she would recommend the plans be revised to include this information. She also noted that the elevations should include the buffer to show the screening proposed. She added that the proposed white spruce trees could grow to be 40 – 60 feet high. She noted that the Board could require additional information, or add a condition to an approval to have plans be revised to include the required information.

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Bonnie Catcher, 131 N. State Street, stated that the building location does not affect her. However, she spoke to the fact that this residential area is now turning into a commercial area and that is not what she bought into for home. With the changes, there will be an invasion of privacy as the building faces the living rooms and bedroom of the residents and will affect personal lives. She expressed concern with water and where it will go and parking issues as there is not enough parking now. She asked about the potential of future development in the area with Mr. Potter's properties and additional parking constraints.

Mr. Holmes returned to further speak to the requirements for a buffer with a non-conforming use in a residential use. He added that there is a restriction with the easement and the amount that can be tied into the existing system; this should not be approved as the drainage is not allowed and shouldn't be approved. Mr. Durfee replied that the easement is a legal document between citizens and not the jurisdiction of the Planning Board.

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

Mr. Hicks asked if this Board has ever required plantings to be a certain height. Ms. Shank replied that the Planning Board can make that requirement and it would be deemed appropriate; it is within the realm of a condition that the Board can require to be added to the plan.

Mr. Hicks asked about certain height requirements for buildings. Ms. Shank stated that the applicant received a variance for the height of the tower.

Ms. Savage asked about the hours of operation. Mr., Durfee stated that nothing was provided relative to hours of operation.

Mr. Hicks asked what showing the buffer and site lines on the plans will provide. Ms. Shank replied that the Board would be able to see if any impacts were mitigated or what the impacts may be. However, it looks like there is a robust buffer and she is not clear as to what more they can do to make it be more robust.

Mr. Fox stated that 125 N. State Street was an established commercial business in the neighborhood and the Rollins Court development came in knowing that there was an existing business there; the residents should have considered that when they purchased their home.

On a motion made by Mr. Hicks, and seconded by Councilor Pierce, the Board voted unanimously to **grant Architectural Design Review approval** for the 2,035 sf building addition and associated site improvements at 125 North State Street in the Neighborhood Residential (RN) District.

On a motion made by Mr. Hicks, and seconded by Councilor Pierce, the Board voted unanimously to **grant Major Site Plan approval** for the construction of a 2,035 square-foot (footprint), three-story office building addition with an elevator and one-car garage to the existing building at 125 North State Street and associated drainage, grading, and landscaping improvements., subject to the following precedent and subsequent conditions noted below:

- (a) Precedent Conditions – to be fulfilled within one (1) year and prior to 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.

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- (3) Submit three (3) copies of fully revised plans for sign off by the Clerk and Chair of the Planning Board.
 - (4) Revise the plan set to show the buildings on the abutting Rollins Court lot.
- (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 a 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.
 - (4) Prior to the issuance of a Certificate of Occupancy or final construction sign-off, digital information shall be provided to the City Engineer for incorporation into the City of Concord Geographic Information System (GIS) and tax maps. The information shall be submitted in accordance with Section 12.08 of the Site Plan Review Regulations and all information shall be converted to a vertical datum of NAVD 88.

Mr. Woodfin returned to the meeting (9:18 p.m.)

- 7E. Erin Lambert, P.E., on behalf of the Concord Coalition to End Homelessness, requests Major Site Plan approval to convert a two-unit residential structure into a six-unit residential structure at 120-122 Pleasant Street in the Institutional (IS) District.

Erin Lambert of Wilcox and Barton represented the application along with Ellen Groh, Executive Director of the Concord Coalition to End Homelessness.

Mr. Durfee gave an update noting that the applicant is looking to convert the four existing apartments into eight units for permanent housing.

Ms. Lambert gave an overview explaining that the property is 0.56 acres with a proposal to convert the four existing apartments with eight bedrooms into eight, one bedroom apartments; no additional bedrooms are being added. There are no external improvements proposed other than shoring up the building, improving the parking lot and adding walkways on site. All necessary variances were granted relative to the square footage of the property.

Ms. Lambert reviewed the parking noting that there have been some changes made to make the parking work in order to preserve an existing tree.

The landscaping plan was reviewed. Ms. Lambert explained that they are working to preserve some onsite landscaping.

Chairman Woodfin asked about the ratio of units and parking spaces and lighting. Ms. Lambert explained that there will be a parking space for each unit. She added that there is no proposal for lighting the parking lot other than motion sensitive; there is parking along the street.

Ms. Savage asked about on site staffing. Ms. Groh stated that the facility is not staffed and there is no office on site. She added that not every tenant has a car so parking should not be an issue.

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Chairman Woodfin asked about the existing driveway changing. Ms. Lambert explained that they needed to make the driveway wider and now the parking will be closer to the house. Additional discussion was held regarding the sidewalk. Ms. Lambert explained that the grade drops off from the house down. She then reviewed the accesses to the carriage house and apartments and the ADA access and apartment.

Councilor Peirce asked about the history of the property. Ms. Groh stated that she believes that it was originally a single-family residence with a two bedroom apartment with a carriage house that was converted into apartments.

Mr. Hicks stated that there is a homeless problem in Concord and this seems to be a small chip. Ms. Groh stated that they estimate that there are 170 long term homeless in the City. They are only chipping away slowly; she wishes it was much faster.

Mr. Fox asked about the number of tenants in an apartment. Ms. Groh explained that the property is managed by Concord Housing and Redevelopment and there are rules and regulations that must be adhered to. She added that 99% of the residents, both men and women, are single with a few couples; occasionally there may be a family with a child but it is not typical for them to service a family.

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

On a motion made by Ms. Savage, and seconded by Mr. Hicks, the Board voted unanimously to **grant Architectural Design approval** for the conversion and site drive and sidewalk improvements at 120-122 Pleasant Street.

On a motion made by Councilor Pierce, and seconded by Ms. Savage, the Board voted unanimously to **grant Major Site Plan approval** for the conversion of an existing two-unit apartment building into a six-unit apartment building with associated shared driveway access and pedestrian sidewalk improvements, 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) 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.

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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) 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.

6D. Advantage Signs, on behalf of Village St. Apartments, requests ADR approval for the installation of a new, non-illuminated freestanding sign at 95 Village Street in the General Commercial (CG) District.

On a motion made by Councilor Pierce, and seconded by Ms. Foss, the Board voted unanimously to remove Item 6D from the table.

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

Other Business

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

9. Removal of Subdivision Condition – This item will be addressed at the next meeting.

10. Tabled - Cheshire Builders, on behalf of The Caleb Group, requests ADR approval for the installation of a new non-illuminated freestanding sign 33 Canal Street in the Opportunity Corridor Performance (OCP) District. No action was taken on this item.

Adjournment

At the request of Chairman Woodfin, Ms. Foss made a motion to adjourn, seconded by Mr. Hicks. The motion passed unanimously at 9:45 PM.

A TRUE RECORD ATTEST:

Lisa Fellows-Weaver,
Administrative Specialist