

**CITY OF CONCORD PLANNING BOARD
JANUARY 16, 2013 MEETING**

The regular monthly meeting of the City Planning Board was held on January 16 2013, in City Council Chambers, in the Municipal Complex, at 37 Green Street, at 7:00 p.m.

Present at the meeting were Chair Drypolcher and Members Lavers, Smith Meyer, Hicks, Swope, Foss, and Councilor Shurtleff. City Planner McPherson, Mr. Henninger, Ms. Hebert, and Ms. Muir of the City's Planning Division were also present, as was Ms. Aibel, the City's Associate Engineer.

At 7:00 p.m., a quorum was present and the Chair called the meeting to order.

PUBLIC HEARINGS

Architectural Design Review Applications

- 1. Applications by the following for approval of signs at the following locations under the provisions of Section 28-9-4 (f), Architectural Design Review, of the City of Concord's Code of Ordinances:**

The Chair opened the public hearings for all the sign applications.

- Application by CenterPoint Church requesting Architectural Design Review approval of two affixed signs located at 20 North State Street, within the Central Business Performance (CBP) District.**

Mr. Henninger stated that this proposal is for two affixed signs. He stated that the Architectural Design Review Committee (ADRC) reviewed the application and recommended approval of the two signs as submitted.

Joe Palmisano, from CenterPoint Church, was present to respond to questions from the Planning Board.

Mr. Swope moved to grant Architectural Design Review approval for two affixed sign as submitted by the applicant. Ms. Smith Meyer seconded the motion. Motion carried unanimously.

- Application by Eills Law requesting Architectural Design Review approval for the addition of panel to an existing freestanding sign at 35 Pleasant Street, within the Civic Performance (CVP) District.**

Mr. Henninger reported that the application is for the addition of a panel to an existing freestanding sign. He stated that the ADRC reviewed the proposal and recommended that the sign be reconfigured as a horizontal panel, with a dark blue panel and white lettering and no border, which is what was submitted for the Planning Board meeting.

Andrew Eills was present to respond to questions from the Planning Board.

Mr. Swope moved to grant Architectural Design Review approval for the addition of a panel to an existing freestanding sign, as revised by the applicant on January 10, 2013. Ms. Smith Meyer seconded the motion. Motion carried unanimously.

- **Application by Radio Shack requesting Architectural Design Review approval of a replacement affixed sign at 96 Fort Eddy Road, within the Gateway Performance (GWP) District.**

Mr. Henninger explained that the application is for a replacement affixed sign. He stated that the ADRC recommended approval of the sign as submitted.

Don Reed, from Barlo Signs, was present on behalf of the applicant to respond to questions from the Planning Board.

Mr. Swope moved to grant Architectural Design Review approval for the replacement affixed sign as submitted by the applicant. Ms. Foss seconded the motion. Motion carried unanimously.

- **Application by Village Street Garage requesting Architectural Design Review approval of two new affixed signs at 336 Village Street, within the Central Business Performance (CBP) District.**

Mr. Henninger reported that the application is for two new affixed signs. He stated that the ADRC recommended approval of the two new affixed signs as submitted.

Mr. Henninger stated that the applicant had a conflict and was unable to attending tonight's meeting.

Ms. Smith Meyer explained that the complete name of the company gets lost with the word "Garage" in a different font and color and located on the second line of type on the roof sign. She was also concerned with the telephone number on the sign.

Ms. Foss stated that the area code in the telephone number should be eliminated and agrees with Ms. Smith Meyer that the word "Garage" should be the same lettering, font, and color of the rest of the name of the establishment.

Ms. Foss moved to recommend approval of the banner affixed sign as submitted. Councilor Shurtleff seconded the motion. Motion carried unanimously.

Ms. Foss moved to grant Architectural Design Review approval of the design and installation of the roof sign with the stipulation that the word "Garage" be the same size, font, and color as "Village Street," and that the area code be deleted from the sign. Councilor Shurtleff seconded the motion. Motion carried unanimously.

Amendments to the Zoning Ordinance

- 2. Consideration of proposed amendments to Article 28-4, Development Design Standards, which would add a new development type, Continuing Care Retirement Community, and design and performance standards and corollary amendments to Section 28-8-4 (j), Table of Principal Uses, Section 28-9-4 (f), Decision by the Planning Board, Architectural Design Review and Section 28-7-2 (e) (A), Table of Off-Street Parking Requirements, Principal Uses, Residential.**

The Chair stated that the hearing, on the proposed amendment to Development Design Standards to add a new development type, Continuing Care Retirement Community (CCRC), was still open as it was continued from last month's meeting. He stated that the Planning Board requested the Planning staff compile additional information regarding CCRCs for further discussion at this month's meeting.

[Due to technical difficulties, the Chair requested that the Planning Board move on at this time and discuss Agenda Item #3 – Extension Request - 26 Centre Street (2009-0018) and Agenda Item #6 – consideration of the minutes of the December 19, 2012, Planning Board meeting.]

The Chair resumed the public hearing.

The Chair stated he understood there may be some public concern regarding this proposed amendment, as there were charts and a map included in the Planning staff reports to the Planning Board, which showed sites that could be used to develop Continuing Care Retirement Communities. He explained that these sites were only shown because they fit the available acreage and infrastructure requirements being proposed, and not because any development is currently being planned or proposed.

Ms. McPherson stated that at the previous Planning Board meeting, the Board requested tangible examples of what Continuing Care Retirement Communities (CCRCs) could look like. She stated that the Planning staff looked at other CCRCs around the state, including the Havenwood-Heritage Heights CCRC. Ms. McPherson reviewed five examples located in New Hampshire, providing an overview of the sites, number of residents, types and number of available beds, and other ancillary services provided at each of the sites.

The Planning Board looked at and discussed examples shown on Bing, including the parking configurations, density of the sites, available open space, as well as the location of the sites.

Ms. McPherson reviewed a map which showed possible locations within the City of Concord for CCRCs. She stated that the criteria used for selecting the sites included the proposed zoning (RS, RM, RN, RH, and IS) districts, the proposed minimum acreage, and access to municipal water and sewer services.

Councilor Shurtleff stated that some locations that were shown as possible sites, especially those in the South End, would hurt residents in the area due to an increase in traffic.

Ms. Smith Meyer was concerned with a developer proposing a minimum number of independent living units and a large nursing home on a site. Ms. McPherson responded that that scenario would not hold any financial incentives for developers, as the premise behind the CCRCs is to have the bulk of your residents in independent living units, then a percentage of those residents transitioning to assisted care units and then to nursing beds if necessary. Mr. Swope stated that he is familiar with the model of CCRCs and most require that the individual be able to live independently prior to moving into the community.

Ms. McPherson explained that it is important to break up the independent living units to limit the number of units in each building, which would alleviate a developer from building huge apartment-type buildings. She stated that the proposed amendment necessitates developers having at least five independent living building on each site. She explained that this would also allow any developed sites to have a campus-type feel to them.

Ms. Hebert stated that there is also a requirement in the proposed amendment that 35 percent of the useable site be kept for outdoor recreation.

Mr. Lavers asked whether the five examples provided are the only CCRCs in NH. Ms. McPherson stated that there are seven in NH. The Planning staff chose these five examples as they showed a good range of what different campus-like settings would look like. She noted that they were all non-profits. She stated that the for-profit examples did not reflect what would be permitted under the proposed zoning.

Ms. McPherson reviewed each of the sections of the proposed changes to the zoning ordinance and the Planning Board discussed and recommended changes on the following:

Ms. McPherson stated that in the *Table of Principal Uses* section, she added the Institutional (IS) Zoning District, as all individual features of a CCRC are allowed in this district.

Ms. McPherson stated that regarding the *Table of Off-Street Parking Requirements, Principal Uses, Residential* section, she would like to make the definition for assisted living residences match the RSAs and change the parking requirements to reflect the Institute of Traffic Engineers' standard requirement .5 spaces per licensed occupant. Mr. Henninger stated that this is consistent with the parking demands of the current licensed assisted living residences within the City.

The Chair noted that in section 28-4-9 (c) (1), Institutional (IS) Zoning District should be added.

Councilor Shurtleff, referring to section 28-4-9 (d) (1) (e), asked what "other medical facilities" would be. Ms. McPherson stated that she purposely left that open, as it could be a number of different types of services, such as outpatient or physical therapy services.

Ms. Foss, referring to section 28-4-9 (d) (1), states that "A CCRC shall contain ... including at least two of the following:" She believes it should state "independent living dwellings units and at least one of the following." Ms. McPherson explained that this was covered in 28-4-9 (4) (c), through density

requirements. She stated that it would make sense to change the section Ms. Foss referred to, in order to keep the intent clear.

Ms. McPherson stated that the parking requirements for Accessory Uses would be determined through the Site Plan Review process.

Planning Board members were all in agreement that 25 contiguous acres was the minimum area of land acceptable for CCRCs, in reference to section 28-4-9 (e) (1). Ms. McPherson explained that the Planning staff originally proposed a minimum of ten acres, then for discussion purposes showed what lots within town could be considered for CCRC with either 18, 20 or 25 acres. Ms. Foss said that based on the examples that were shown, she believes that 25 acres would be the absolute minimum, and that her general sense is that 25 acres would be tight and she would not want to see the minimum at less than 25 acres. Mr. Swope agreed that less than 25 acres would not work properly and he would question the financial viability of a CCRC on smaller acreage. Mr. Hicks stated that he is having a difficult time envisioning a CCRC in the South End, but can see it in an area such as Mountain Road, even if the minimum acreage was met. Ms. Smith Meyer asked whether the 25 acres is buildable land or the entire acreage. Ms. McPherson responded the entire acreage and noted that there is a proposed requirement that at least 35 percent of the site has to be set aside for outdoor recreation, so the entire 25 acres could not be built out.

Regarding the section on *Setbacks*, Ms. McPherson explained that the proposed setbacks are consistent with the setbacks required for other multi-family for the elderly uses. Ms. Smith Meyer asked whether more stringent setbacks could be required for the nursing home portion of a CCRC than those required for the independent living units. Ms. McPherson believed that would be possible.

Ms. Foss stated that she would prefer additional setbacks for surface parking as opposed to carports or garages because of the headlight issue. Ms. McPherson felt that landscaping, berms, and/or fences could help to alleviate headlight issues and that this could be better addressed in the Site Plan Regulations.

In the *Other Standards section*, Ms. Smith Meyer asked for an explanation of item (6) (c) regarding minimum set asides for outdoor recreation. Ms. McPherson explained the intention was to use the entire parcel to calculate open space requirements, even if a portion fell into a zoning district that couldn't be used to calculate density. She stated it was a way to maximize open space and stated that she would see if she could clarify this section.

Mr. Hicks stated that he appreciates the work done by the Planning staff. He said that he did not fully understand what was being presented last month, but does now. He noted that the Planning staff had done an excellent job in presenting this proposed amendment.

Mr. Ron Richter, a resident of Concord, addressed the Planning Board. Mr. Richter asked what zoning districts CCRCs are currently allowed in. Ms. McPherson responded that it is not a use currently listed in our zoning ordinance. Mr. Richter replied that classifying a new use was good, and asked whether there would be another public hearing. Ms. McPherson stated that the Planning Board opened the

public hearing last month and this is a continuation of that hearing. She explained that after it received all the information and testimony, the Planning Board would make a recommendation to the City Council and that City Council would hold a public hearing. She noted that only the City Council can amend the Zoning Ordinance.

Mr. Richter stated that it would be a major flaw to allow CCRCs in the RS zone and read from the permitted uses allowed in the RS zone as well as those uses allowed by special exception. He suggested that all Concord residents who live in RS zones should talk about this. He thinks CCRCs would be good in higher density zoning districts, but not in the RS zone.

Mr. Richter stated that there was another site in Concord that was overlooked in the Planning staff's examples. He reported that there is a 26-acre site in the Auburn Street/Rindge Road area. Mr. Richter stated that there is no road there now, but the Langley Parkway extension will open the area up to allow for a CCRC to be built.

Ms. McPherson read from the Zoning Ordinance that multi-use residential for the elderly is a use by right in the RS zone now.

Mr. Richter reiterated that compatible uses should be kept together and that only single family homes should be allowed in the RS zone. He believes that this will change zoning forever.

Mike Palmieri and Debra Nadeau, from Havenwood Heritage Heights, addressed the Planning Board. Ms. Nadeau stated that CCRCs are more than just nursing care facilities and they are regulated by the Insurance Commission in New Hampshire. She explained that people come into a CCRC other than for nursing care and must be able to live independently or in an assisted living situation for at least 180 days prior to going into nursing care. She said that if a couple is looking to live in a CCRC, then at least one of the couple must be able to live independently.

Mr. Palmieri explained that there would be more density in a high rise building, but Havenwood Heritage Heights fits into residential zoning, as the independent living cottages have both front and back doors, rather than high-rise apartment style living. He explained that this provides for a more campus-like feel.

Ms. Smith Meyer stated that she is more concerned with the nursing home component of CCRCs and how that component can be limited when a CCRC is proposed for a residential area. She feels that the commercialized nature of a nursing home would affect residents in residential zones. Councilor Shurtleff agreed that the challenge is to have a CCRC fit comfortably in a residential neighborhood. Ms. Nadeau responded that not all CCRCs are the same – each CCRC would need to have certain components, but each CCRC would look different.

The Board discussed the licensing requirements for nursing homes and the number of beds set aside for continuum of care tenants listed in the various examples provided by the Planning staff.

Tim O'Shea, a South End resident, addressed the Planning Board. Mr. O'Shea stated that he is at this meeting because he is worried about his neighborhood. He stated that he is also concerned with the

minimum number of acres in residential neighborhoods, as it could cause major impacts. He is not sure whether 25 acres is large enough and feels that it would like trying to shoehorn a CCRC into a small area. Mr. O'Shea pointed out an area in the South End where the acreage is 22 acres, and stated that a few house could be purchased and the result would be that the property is now 25 acres and available to build a CCRC on. He explained that major impacts on lives, traffic, and property values would occur with CCRCs in the residential neighborhoods. Mr. O'Shea stated that there needs to be a better way to communicate to the public when things of this nature are happening. He believes that the Planning Board should slow down and think about all the impacts prior to making their recommendation to the City Council.

Ms. Smith Meyer stated that there are a lot of different things that can be done in that South End area and other areas that were shown as examples under current zoning, and that the Planning Board seems to be more concerned with the nursing home component.

Ms. Foss asked whether it would be helpful if CCRCs were permitted by special exception in the RS zone instead of by right. She used the Lincoln Financial property off Rumford Street, stating that if Lincoln Financial ever moved, it would be a great site for CCRCs. She stated that she is reluctant to take RS zoning entirely out of the proposed zoning, but would be more comfortable with a higher level of scrutiny. Ms. McPherson noted that any scrutiny with special exceptions would be done by the Zoning Board of Adjustment and not the Planning Board. She suggested that if the Board wanted to go this route, a conditional use permit might make more sense because it could require performance standards.

Mr. Swope stated that the density requirements in RS zoning will help to keep CCRCs in check. Ms. McPherson explained that multi-family housing for the elderly is currently allowed in RS zoning, without the level of design standards that will be part of CCRC review. She noted that with CCRCs the primary use is residential and nursing homes are secondary. Councilor Shurtleff stated that the secondary use is more concerning to him than the independent living use. Mr. Hicks stated that if the required minimum acreage is increased, then the development of CCRCs is moved further out and away from city services and transportation and would create other issues.

Councilor Shurtleff said that he was concerned about the numbers on the examples provided by the Planning staff. Ms. McPherson suggested that the *Density* and *Other Standards* sections of the proposed ordinance could be revisited based on the larger lot size requirement of 25 acres. Mr. Swope said that if there are too many limits placed regarding the ability to concentrate the density of units, these limits could affect the amount of open space planned for outdoor recreation.

Ms. Smith Meyer asked whether it would be possible to isolate the nursing home within CCRCs by requiring a conditional use permit. Ms. McPherson replied that CCRCs are licensed continuum of care facilities and all components are necessary. Mr. Lavers suggested that the location of the nursing homes could be set so this segment of the CCRCs are away from abutting homes and larger buffer areas could be used in the residential areas.

Councilor Shurtleff stated that his main fear is the extra traffic in the residential neighborhoods. Ms. Foss stated that the traffic issue may be dependent on the level of road, such as on collector or

arterial roads the traffic will not be as noticeable as traffic access is on a local residential street. Mr. Henninger stated that traffic generation for multi-use residential for the elderly is comparable to that of CCRCs.

Mr. Henninger explained that it seems any fears are based on the worst case scenario and that if the acreage requirements are increased too much, there won't be any sites available and if this development use is created it should be done in a way that it can be utilized.

The Chair continued the hearing until next month and asked the Planning staff to work on the revisions to the proposed Ordinance based on the discussions this evening and bring the changes back to the Planning Board next month.

[The Chair then moved on to Item #4 on the agenda.]

REGULAR MEETING

3. Extension Request – 26 Centre Street (2009-0018)

Ms. Hebert reported that the applicant is requesting the remaining ten months of a one-year extension of the Planning Board approval through December 16, 2013. She explained that the Planning Board granted minor site plan approval and two conditional use permits to Twenty-Six Centre Street, LLC on December 16, 2009, to renovate the existing mixed-use building at 26 Centre Street. She explained that in November 2012, the Planning Board granted a two-month extension to provide the applicant time to repair all the windows to normal operation, including the replacement of glass panes and to close all the windows so that the building is weather tight and secure, as well as to remove the shutters and store them onsite for possible future restoration. Ms. Hebert reported that the Code Administrator confirmed that the applicant has satisfactorily completed all items requested by the Planning Board.

The Chair reminded the Planning Board that, if approved, this would be the final extension permitted for this project.

Mr. Swope moved to grant the remaining ten-month extension for the minor site plan and conditional use permit applications for Twenty-Six Centre Street, LLC, with the provision that all conditions of approval as set forth in the decisions of the Planning Board on December 16, 2009, shall remain in full force and effect. Ms. Foss seconded the motion. Motion carried unanimously.

[Due to continuing technical issues, the Chair requested that the Planning Board move on at this time and consider the minutes of the December 19, 2012, Planning Board meeting – See Item # 6]

4. Consideration of proposed amendments to Section 28-4-7, Cluster Development, which would add exemptions to the cluster development requirement in the Open Space Residential (RO) Zoning District, density standards and other performance standards, and corollary amendments to Section 28-5-46, Single Family Dwellings in a Standard (Non-

Cluster) Subdivision, Section 28-3-5, Penacook Lake Watershed Protection (WS) District, and Section 28-9-4 (f), Decisions by the Planning Board, Architectural Design Review.

The Chair tabled this item until the next Planning Board meeting.

- 5. Consideration of proposed amendments to Chapter 4, Design Standards, which would add a new section on Open Space Residential Development Design Standards and corollary amendments to renumber the Site Plan Regulations as necessary.**

The Chair tabled this item until the next Planning Board meeting.

- 6. Consideration of the Minutes of the December 19, 2012, Planning Board meeting.**

Mr. Swope moved to approve the minutes of the December 19, 2012, Planning Board meeting as written. Ms. Foss seconded the motion. Motion carried unanimously.

[With the technical issues resolved, the Chair resumed the hearing on the proposed amendment to Development Design Standards – See Item # 2]

INFORMATION

- Ms. McPherson reported that the Planning staff is planning to apply for a Community Planning Grant. Originally, Ms. McPherson thought that the grant should be something related to the Downtown Complete Streets project; however, after rethinking it, she would like to submit the grant application to address Penacook Village. She believes that the Village should be a separate zoning district, apart from the current mix of zoning. This would also be consistent with what is being done with the Design Guidelines, which is going to have separate standards for Penacook Village. The Board was in favor of the grant proposal.
- The Chair reminded the Planning Board that the next regular monthly meeting will be held on Wednesday, February 20, 2013, at 7:00 p.m., in City Council Chambers.

There was no further business to come before the Planning Board, and the meeting adjourned at 9:39 p.m.

A TRUE RECORD ATTEST:

Gloria McPherson
Clerk

djm