

**City of Concord Planning Board**  
**June 15, 2016**  
**Minutes**

The regular monthly meeting of the City Planning Board was held on June 14, 2016, in City Council Chambers, in the Municipal Complex, at 37 Green Street, at 7:00 p.m.

Present at the meeting were Chairman Richard Woodfin, Teresa Rosenberger (Ex-Officio for City Manager), Councilor Byron Champlin, Ian West, Matthew Hicks, and Susanne Smith-Meyer. Also present were Nancy Larson (City Planner), Heather Shank (Assistant City Planner), Beth Fenstermacher (Senior Planner), and Lisa Fellows-Weaver (Administrative Specialist of the City's Planning Division). Absent: Vice-Chair Carol Foss, John Regan; Alternates Chiara Dolcino, and Frank Kenison.

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

**Determination of Completeness:**

1. **Application by Nobis Engineering on behalf of Capital Region Health Care Corporation (Concord Hospital) requesting Major Site Plan Approval to demolish an existing parking deck and construct a 4 ½ level parking structure within the existing footprint at 139 Langley Parkway (south of Granite Ledges), in the Institutional (IS) District. Also requested is a Conditional Use Permit to disturb approximately 10,000 square feet of the 50-ft. wetland buffer and Architectural Design Review approval for the proposed site plan and building elevations. Map/Block/Lot: 95/3/4F (2016-33)**

The Board voted unanimously to determine the application complete and set the public hearing for July 20, 2016, on a motion made by Councilor Champlin, and seconded by Mr. Hicks.

**PUBLIC HEARINGS**

**Architectural Design Review Applications**

*Consideration of requests for Architectural Design Review Approval by the following applicants, for signs, buildings and/or site plans at the noted locations, under the provisions of Section 28-9-4(f), Architectural Design Review, of the Code of Ordinances:*

2. **Signs (Consent Agenda Items)**

- a. Application by The Rowley Agency requesting ADR approval to install one (1) new 121.5 sf wall sign consisting of internally illuminated channel letters at 45 Constitution Drive in the Opportunity Corridor Performance (OCP) District. MBL: 594/Z 5

Glen Shadlick provided comments stating that he feels the City's sign permitting process is being circumvented. He explained that there have been some cases where a sign has been installed, without a permit, and the sign was approved because it was already installed. He stated that something needs to be done as far as enforcement as well as consequences if the policy is not followed. He added that he appreciates the work of the Architectural Design Review Committee (ADRC) and the Planning Board (PB). He noted that the process does work if it is followed correctly; however, there is a message being sent to contractors and business owners that if a sign is already installed then it is ok and will be approved.

Ms. Rosenberger thanked Mr. Shadlick for coming and speaking to the Board regarding the policy. She agreed with concerns expressed by Mr. Shadlick and stated that this process is setting a bad precedent.

A discussion was held regarding the permit process and establishing fines if the process is not followed.

Ms. Shank stated that she appreciates Mr. Shadlick coming in to address this matter. She explained that staff has mentioned this issue to the Code Department and it is something that they would need to follow up with, whether it is by issuing fines, or something else. She stated that the ADRC reviewed this sign application and did not have any issues with it other than the fact that it was installed prior to the permitting process.

Ms. Larson stated that this issue has been addressed previously with the Code Department and she will mention this issue again. She stated that staff will work harder to let the ADRC members know that if a sign is installed and there are issues the ADRC can make decisions on the existing sign and can make recommendations. She added that issuing fines would be a discussion to be held with City Administration.

- b. Application by The Crazy Goat, on behalf of Emin and Nina Halilovic, requesting ADR approval to install one (1) 32 sf internally illuminated replacement wall sign; and one (1) 40 sf hanging sign at 76 N. Main Street in the Central Business Performance (CBP) District. MBL: 45/1/12
- c. Application by U-Haul, on behalf of Twenty-Seven SAC Self Storage, requesting ADR approval to install the following internally illuminated replacement signs on an existing freestanding sign: two (2) 82 sf signs; two (2) 12.25 sf signs; four (4) 48 sf signs; and two (2) 16 sf signs at 29 Stickney Avenue in the Opportunity Corridor Performance (OCP) District. MBL: 46/A2/2
- d. Application by Metro PCS, on behalf of Hades Basile N. Trustees, requesting ADR approval to install the following internally illuminated replacement signs: one (1) 37.5 sf wall sign and one (1) 20 sf hanging sign at 32 N. Main Street in the Central Business Performance (CBP) District. MBL: 45/7/1
  - **Staff does not support the proposed sign(s) as submitted and recommends that the Applicant return to the Architectural Design Review Committee with revisions as discussed during the June 6, 2016 ADRC meeting.**
- e. Application by Rymes Propane & Oils, Inc. requesting ADR approval to install the following new internally illuminated signs: one (1) 115 sf wall sign, one (1) 45 sf wall sign, and one (1) 148 sf freestanding sign at 257 Sheep Davis Road in the Gateway Performance (GWP) District. MBL: 111/H4/8.
  - **Staff supports the Architectural Design Review Committee recommendation to approve subject to the condition that the background for the heating oil price sign be changed to white as discussed during the June 6, 2016 ADRC meeting.**

The Consent Agenda was unanimously approved subject to the recommendations of the ADRC, including that the Metro PCS sign applicant return with revisions, and that the Rymes Propane & Oil freestanding sign be changed to a white background, on a motion made by Mr. Hicks, and seconded by Ms. Smith-Meyer.

- f. **Public Hearings** – For any item(s) pulled from the Consent Agenda  
*\*\*End of Consent Agenda\*\**

### **Amendments to Previously Approved Plans:**

- 3. Attorney Richard Uchida on behalf of Calamar Elderly Housing requesting approval of a partial refund of the Transportation Facilities Impact Fee paid for a previously approved Major Site Plan approval for a 140 unit elderly (over 62 years old) 3 story housing development proposed for 23 Triangle Park Drive in the GWP (Gateway Performance) and the OFP (Office Performance) Districts. Map/Block/Lot: 111B/1/16 (2015-0001)**

Ms. Rosenberger recused herself from this item and left the table.

Chairman Woodfin stated that the discussion is specific to fees only. Ms. Larson stated that the funds are encumbered and if the Board should approve the refund, the process is to forward to City Council for approval.

Richard Uchida from Hinkley Allen was present along with Brad Narkawicz. Mr. Uchida explained that they are requesting a refund to impacts fees paid for an elderly housing development. He explained that the traffic impact fee assessed for the project was \$202,983.20, which was based on the number of units proposed, using the multifamily housing category from the City of Concord Impact Fee Ordinance as was at that time an applicable category based on a number of different data sources. He explained that they requested a reduction based on reduced impacts from age restricted housing. The Board voted to approve the waiver request during the January 11, 2016 meeting but also required the applicant to provide a financial surety for the remaining amount of \$103,821.20. The applicant was to conduct a traffic study upon receipt of the Certificate of Occupancy or after achieving 80% occupancy to justify return of the surety.

The applicant has since provided the \$103,821.20 financial surety for the project, which is still under construction. The applicant is now requesting to amend the conditions of the approval in accordance with the new category for Senior Housing. Utilizing the new Senior Housing category, the fee for the project would be assessed at \$118,160. The applicant is requesting that \$18,998 of the financial surety they paid now be directly attributed to the traffic impact fee, and that the remaining \$84,823.20 of the surety be returned. The applicant is waiving any right to conduct a traffic impact study 18 months after receiving their Certificate of Occupancy or after achieving 80% occupancy to demonstrate fewer traffic impacts.

The Board voted unanimously to grant the applicant's request to adjust the amount of the traffic impact fee in accordance with the new Senior Housing category added to the Transportation Facilities Impact Fee Table, on a motion made by Mr. West, and seconded by Mr. Hicks.

At this time, Ms. Rosenberger returned to the board as a voting member.

### **Subdivision Plan Applications:**

- 4. Application by Jonathan Chorlian, on behalf of the Roman Catholic Bishop of Manchester, requesting a Minor Subdivision approval to subdivide one lot into two and approval of a Comprehensive Development Plan, in conjunction with a project to convert an existing church into a ten (10) unit residential condominium at 54 Pleasant Street in the Civic Performance (CVP) District. Map/Block/Lot: 36/3/14 (2016-28)  
*Postponed from the May 18, 2016 Planning Board Meeting.***
  - a. Determination of Completeness
  - b. Public Hearing
  - c. Deliberations and Action on the Application

Ms. Shank stated that the applicant asked to discuss all applications pertaining to his project together, including the following Site Plan and Subdivision applications.

The Board voted unanimously to combine the subdivision and site plan applications and to discuss as one application, on a motion made by Councilor Byron Champlin, and seconded by Mr. West.

**Site Plan Applications:**

**5. Application by Jonathan Chorlian, on behalf of the Roman Catholic Bishop of Manchester, requesting a Major Site Plan approval and Architectural Design Review approval to convert the former Sacred Heart Church into ten (10) residential units and to construct a parking lot and two (2) detached garage structures. Also requested is a Major Subdivision approval for the condominium conversion of the ten (10) residential units at 54 Pleasant Street in the Civic Performance (CVP) District. Map/Block/Lot: 36/3/14 (2016-30 / 2016-29)**

- a. Public Hearing
- b. Deliberations and Action on the Application

Chairman Woodfin stated that the applications were deemed to be complete at the May meeting and opened the public hearing.

Mr. Chorlian stated that he is proud to begin a viable project to the City for a historical building on the National registrar. He added that his project builds on the momentum of the ongoing downtown projects. He thanked all of the people involved with this project.

A slide show overview of the building was presented by Jon Chorlian depicting interior and exterior pictures, aerial photos, and floor plans for the conversion to ten (10) condominium units, with a portion of an existing parking lot and construction of two residential parking garages. He also depicted a private outdoor patio area.

Mr. Chorlian explained that 1/3 of the existing parking area will be removed to make way for garage areas. There are currently 65 spaces now, which will be reduced to 45 spaces. Several spaces on the Northwest corner are for condominium use including visitor spaces. The bulk of the parking area will be leased to the Federal District Court building. He proposes to subdivide off the commercial area of the parking lot.

Mr. Chorlian explained that the proposal includes a 5' privacy fence along the majority of the property and along a portion of the frontage. Views of the front of the building will be provided by a wrought iron style fence for the majority of the frontage. He stated that after discussions with the abutters, a portion of the fence along Federal St. will be eliminated. A lengthy discussion was held regarding the lawn area on the neighborhood side where the fence will be removed.

Mr. Chorlian stated that trees and shrubs are proposed along Federal St. and Pleasant St, with two trees planted in the front of the building on Pleasant St. He stated that the residential use areas will maintain the existing green space.

Mr. Chorlian noted that conditions have been placed by the seller relative to the exterior of the structure including removing any religious imagery; crosses, statues, crests over the doors, and some of the stained glass vertical windows; however, the tops of the stained glass windows will remain.

Mr. Chorlian stated that two garages are proposed, one with seven bays and the other with nine bays.

Ms. Smith-Meyer indicated that there is very little pervious area on the site and almost all is pavement. She felt that there should be more trees for mitigation. Ms. Shank added that the Board could ask for more trees and shrubs. She added that the grass areas have been proposed for snow storage. Mr. Chorlian replied that this is a tough area to address with snow; however, he did agree that there could be more plantings in this area but it could hinder plowing and snow storage. Ms. Smith-Meyer stated that there is more parking than what is needed since it is being leased out and she suggested sacrificing some parking for internal landscaping as it would be a benefit to the neighborhood. Mr. Chorlian stated that there is a viable economic use with this property and much of the value is based on parking aspects of the site; he is paying a higher price for the building due to the parking. Discussion ensued.

Ms. Smith-Meyer referred to the privacy fence right along the street. She suggested having a transparent gate at the main entrance to allow for better views of the front. Mr. Chorlian referred to the plan and indicated masonry areas and that the front area will be wrought iron and be open in the front.

Councilor Chapman asked about nighttime lighting on the building to accent the features. He stated that up-lighting strengthens views of the highway and the surrounding areas. Mr. Chorlian stated that he is currently not proposing any additional lighting; however, he stated that he would like to add exterior lighting and feels that this is a great opportunity to highlight the building and architectural design. Mr. Chorlian indicated that although up-lighting is not currently encouraged in the City he would like to come back to the Board with a lighting plan.

Dumpster location was noted to be a rolling container in the walkway area between the garages.

Secondary access was discussed. Mr. Chorlian stated that all units access through the main front door through the building with some having additional access via a secondary front door.

Ms. Larson asked about the access near the side fence around the North side. Mr. Chorlian stated that the area is a common area but needs to be accessible. He stated that he will re-think the access for this area.

Ms. Larson asked if the applicant would consider working with Ms. Shank regarding a final landscape plan. Mr. Chorlian replied that he will work with Ms. Shank to address landscaping concerns.

Mr. Woodfin opened the public hearing for abutter's comments.

Abutter Jeff Cota, 14 Federal Street, expressed concern with the plowing of the parking area. He stated that there is a concrete and steel post protecting his house from plowing and added that there are some trees that should be pruned. He stated that in the past there has been flooding in his basement due to the snow.. He stated that Mr. Chorlian has offered his crew to do the work. In addition, he noted that the back of the property is very a limited back yard. He explained that there is now a verbal agreement to provide a seasonal snow fence to keep snow away from the house.

Abutter Laura Culp, 17 Federal Street, referenced the City's Master Plan and the character of the City relating to types of housing, density, and historical structures. She provided photos of her house, the streetscape showing the overall area of the proposed project. Overall she stated that she supports the project; however, expressed concerns with the over usage of the street noting that it is much busier than what people expect, and that there is a safety factor due to the narrowness of the street. She added that the fence proposed will reduce the line of sight and access to light and green space as well as access for emergency vehicles.

Abutter Andrea Garneau, 19 Federal Street, provided an overview of the neighborhood. She addressed concerns with the placement of the fence, snow storage locations and the safety and accessibility for pedestrians. In addition, she noted that the green space area and that the existing trees provide privacy and shade.

Chairman Woodfin mentioned the safety concerns expressed by the abutters and explained the role of the Planning Board relative to making sure that all parties involved are working together and the proposal is a good project for all involved and the City. He stated that the Board does not have a role regarding fencing on private property. Ms. Shank added that meetings are held with all necessary staff in various departments; no comments were made regarding the fence in the proposed location and safety factors. She stated that if there was a concern relative to safety an easement would be suggested. She noted that the General Services Department commented that the City does not want to accept liability relative to the location of the fence and suggested moving it back; otherwise the fence was not noted.

Councilor Champlin suggested that the abutters contact their councilors regarding the aforementioned issues; street speeds, narrow streets, and obstructed views. Ms. Larson suggested that traffic engineer for the issues mentioned and also there is the TPAC available.

Mr. Chorlian stated that the next plan will show a portion of the fence removed the steel post for Mr. Cota's house corner, and the cluster of existing trees.

Abutters provided copies of their statements, which were added to the application file and are available for public view in the Planning office.

With no further discussion, Chairman Woodfin closed the public hearing.

Councilor Champlin moved to **grant Comprehensive Development Plan approval** for the concept to convert the former Sacred Heart Church into a ten (10) unit residential condominium with reconfigured parking, new residential parking garages, and the retention of existing parking for lease. Mr. Hicks seconded the motion. The motion passed unanimously.

#### **Minor Subdivision Application**

Mr. West moved to **grant the following waivers** from the Subdivision Regulations based on the fact that the site is already developed, and no new construction is proposed, utilizing the criteria of RSA 674:36, II (n) (2), which states that 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.

- (a) Section 12.08(3) and 15.03(4) requiring existing topography; and
- (b) Section 12.08(4) requiring soil information.

Ms. Smith-Meyer seconded the motion. The motion passed unanimously.

Councilor Champlin moved to **grant Minor Subdivision approval** for a 2-lot subdivision at 54 Pleasant Street, subject to the following precedent conditions:

- (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, noted in Section 3 above to the satisfaction of the Planning Division.

- (2) Address review comments from Jeff Warner, PE and Paul Gendron, LLS, to the satisfaction of the Engineering Division.
- (3) Provide digital information 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 Licensed Land Surveyor shall sign and seal final plans and mylars.
- (5) 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) The Applicant shall deliver to Planning, one plan set and mylar(s) for endorsement by the Planning Board Chairman & Clerk and recording at the Registry of Deeds.

Mr. West seconded the motion. The motion passed unanimously.

### **Major Site Plan Application**

Ms. Smith-Meyer moved to **grant the waivers** from Sections 22.06 and 22.08 of the Site Plan regulations to not provide a Stormwater Management Plan or calculations based on the fact that the site is already developed, and the applicant is reducing impervious surfaces overall, utilizing the criteria of RSA 674:44, which states that specific circumstances relative to the site plan, or conditions of the land in the site plan, indicate that the waiver will properly carry out the spirit and intent of the regulations. Councilor Champlin seconded the motion. The motion passed unanimously.

Councilor Champlin moved to **grant ADR approval** for the overall site design, landscaping and related site improvements, the construction of two residential parking garages, and changes to the façade of the structure subject to the condition that the applicant return to ADR to present final decisions on architectural details. Mr. Hicks seconded the motion. The motion passed unanimously.

Mr. Hicks moved to **grant Major Site Plan approval** for the reconfiguration of an existing parking lot and construction of two residential parking garages, subject to the 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) Provide an easement and deed for the realigned drainage system, the proposed new drainage connection to Federal Street, and the proposed sewer easement, in a form acceptable to the City Solicitor and City Surveyor for review.
  - (2) Address Technical Review Comments noted in Section 3 above to the satisfaction of the Planning Division.
  - (3) Address review comments from Jeffrey Warner, PE dated 6/8/16 to the satisfaction of the Engineering Division.
- (b) **Subsequent Conditions** – to be fulfilled as specified:
  - (1) After obtaining final sign off on the plans from the Clerk and Chair of the Planning board, and prior to commencement of construction activities, two (2) copies of the signed plan set shall be returned to the Planning office and seven (7) copies shall be provided by the applicant at the pre-construction meeting.

- (2) Prior to commencement of construction activity, payment of inspection fees in an amount approved by the City Engineer shall be made.
- (3) A pre-construction meeting shall be required prior to the start of any construction activities onsite. Seven copies of the signed plan set shall be provided by the applicant at the pre-construction meeting.
- (4) Prior to the 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) Prior to the issuance of a Certificate of Occupancy, 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.
- (6) Traffic impact fees shall be assessed for any non-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, 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 3, Transportation Facilities Impact Fee per Variable Unit.

Mr. West seconded the motion. The motion passes unanimously.

### **Major Subdivision Application**

**Ms. Rosenberger motioned to grant the waiver** from Section 12.08(4) of the Subdivision Regulations to not provide soil information, based on the fact that the site is already developed and the only new construction consists of residential parking structures, utilizing the criteria of RSA 674:36, II.(n), which states that specific circumstances relative to the subdivision, or conditions of the land in the subdivision, indicate that the waiver will properly carry out the spirit and intent of the regulations; and, to **grant Major Subdivision approval** for the conversion to a ten (10) unit residential condominium, subject to the precedent 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 Technical Review Comments, noted in Section 3 above to the satisfaction of the Planning Division.
  - (2) Address review comments from Jeff Warner, PE and Paul Gendron, LLS to the satisfaction of the Engineering Division.
  - (3) Provide digital information 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 Licensed Land Surveyor shall sign and seal final plans and mylars.
  - (5) 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) The Applicant shall deliver to Planning, one plan set and mylar(s), including the condominium plat, all easement documents, and floor plans for each floor of the building, for endorsement by the Planning Board Chairman & Clerk and recording at the Registry of Deeds.
- (7) Provide draft bylaws and condominium declaration documents for review by Planning staff.

Mr. West seconded the motion. The motion passed unanimous.

**6. Application by Richard Bartlett, LLC, on behalf of Daniel & Nicole Whyte Rev. Trust, requesting Minor Site Plan Approval to convert a 3-unit multifamily residence into a 4-unit multifamily residence and construct a 5 space parking lot. Also requested are two Conditional Use Permits (CUP): a CUP is requested to allow the construction of a second driveway with inadequate separation and road frontage; and a CUP is requested to allow an 18 foot wide driveway where 24 foot width is otherwise required, at 37 Clinton Street in the Single-Family Residential (RS) District. Map/Block/Lot: 21/5/2 (2016-32)**

- a. Determination of Completeness
- b. Public Hearing
- c. Deliberations and Action on the Application

The application is deemed complete and Chairman Woodfin opened the public hearing.

Mark Sargent was present representing the applicants. He provided an overview of the project requesting a Minor Site Plan Approval. He explained that the property is 0.4 acres with 132' of frontage on Clinton Street. The proposal is to convert a 3-unit multifamily residence into a 4-unit multifamily residence and construct a 5 space parking lot. Variances were granted by the ZBA in February. He explained that the access to the property is via one single driveway on the west side of the property and they are requesting an additional access; however, there is insufficient frontage and separation; a separation of 76.5 feet between driveways is provided where 150 ft. is required for the additional driveway. He stated that the second driveway access is 18 ft. wide where 24 ft. width is required. This will reduce the amount of pervious surface. Mr. Sargent noted that the parking lot is five spaces; a handicapped parking space will be constructed.

Chairman Woodfin opened the public hearing for this application. With no comments, the public hearing was closed.

Mr. West asked about snow removal due to the parking and landscaping. Mr. Sargent explained that snow storage is noted on the plan and is located in the rear of the property. Additional discussion was held regarding drainage. Mr. Sargent stated that a stone trench is proposed along the driveway, but there is not much run-off. He noted that the area is heavily landscaped; there are some trees around the building and parking lot. To buffer neighbors from headlights in the new parking area, low bush shrubs will be added.

Mr. Hicks asked about the need for two curb cuts and if the Board should support adding more curb cuts to the busy road. Ms. Fenstermacher stated that the two curb cuts were supported by the City's traffic engineer as it is a current safety issue when backing out onto Clinton Street; it is allowed but there was not enough separation.

Councilor Champlin moved to **grant the following Condition Use Permits:**

- (1) Pursuant to Section 28-7-11(f) (ZO) to allow construction of a second driveway where insufficient frontage and separation is provided; a separation of 76.5 feet between driveways is provided where a separation of 150 feet is required for a second driveway.
- (2) Pursuant to Section 28-7-11(g) (ZO) to allow an 18-foot wide driveway where a 24-foot wide driveway is required.

Seconded by Mr. Hicks. Motion passed unanimously.

Councilor Champlin moved to **grant the Conditional Minor Site Plan Approval**, subject to the following Precedent and Subsequent Conditions:

- (a) **Precedent Conditions** – to be fulfilled prior to issuance of any building permits or the commencement of site construction, unless otherwise specified:
  - (1) The Professional Engineer shall sign and seal final plans.
  - (2) Address to the satisfaction of the Planning and Engineering Divisions, the Technical Review Comments listed in Section (c) below.
  - (3) Any conditional use permit(s) granted are to be noted and fully described on the plan including date granted and applicable Section number(s) of the Zoning Ordinance.
  - (4) Note and fully describe Zoning Variances on the plan including date granted and applicable Section number(s) of the Zoning Ordinance.
  - (5) Submit one set of final plans for sign off by the Planning Board Chair and Clerk. Applicant shall then make three copies of the endorsed plan to be returned to Planning.
- (b) **Subsequent Conditions** – Staff also recommends that the following general and subsequent conditions be placed on the approval:
  - (1) Impact fees shall be assessed by the Clerk prior to the issuance of a building permit. The amount of the impact fees shall be determined using the information contained in the following table as they are in effect at the time of the assessment of the impact fee: Section 29.2.1-1 Assessment and Collection; subsection (b) Computation of the Amount of Impact Fees: Table 1, School Facilities; Table 2, Recreational Facilities; and Table 3, Transportation Facilities Impact Fee.

Seconded by Mr. West. Motion passed unanimously.

**7. Application by Nobis Engineering on behalf of Concord Christian Academy requesting a Major Site Plan approval and Architectural Design Review approval for the construction of a 38,565 sf building addition and expanded parking at 37 Regional Drive in the Office Park Performance District (OFP). In addition, the Applicant is requesting a Conditional Use Permit for Shared Parking Arrangements. Map/Block/Lot: 110/1/21 (2016-27)**

- a. Public Hearing
- b. Deliberations and Action on the Application

Chairman Woodfin opened the public hearing for this application.

Ms. Fenstermacher stated that the Applicant has expressed concern about a staff recommended condition, specifically to address the potential for overflow parking during special events. She indicated that currently the abutting parcels are allowing the school to utilize neighboring parking lots for events; however, staff would prefer that the proposed condition to address future No Parking enforcement on abutting streets remain should ownership of the parcels change.

Chris Adams of Nobis Engineering was present representing the applicant. He explained that in 2008 an approval was granted for a site plan for an addition; however, they are proposing a smaller addition at this time with classrooms and a gymnasium. He added that in 2007 they were granted a use variance by the ZBA to allow a school on this property. As part of the variance they must maintain a 100 buffer on Pembroke Rd. In April, 2016, the variance was modified. Mr. Adams continued and explained that along with the proposed addition they are proposing to add 52 parking spaces; totally 206 parking spaces.

Mr. Adams stated that the CUP submitted is based on shared parking and is based on the non-simultaneously use of the gymnasium, auditorium, and cafeteria. He added that letters from abutters have been provided allowing the school to utilize neighboring parking areas, as needed.

Mr. Adams further explained the project noting that any new utilities will tie into the existing underground utilities. He stated that there are two means of access for this parcel; Regional Dr. and Pembroke Rd., which will be used for any deliveries.

Mr. Adams stated that per the variance they were required to add supplemental plantings within the buffer along with screened plantings. Chairman Woodfin asked if there is any buffer encroachment on the Regional Drive side. Mr. Adams replied no.

General discussion ensued as the plans were reviewed. Mr. Adams noted that the future parking area on the west side of the property has been approved for construction but has not been constructed; it is currently a gravel base underneath the grass. Ms. Fenstermacher confirmed that a CUP was granted for the future parking spaces in 2007.

With no public comment, Chairman Woodfin closed the public hearing.

Mr. Adams stated that the Applicant would prefer that No Parking signage not be added, as per the staff recommended condition and they will monitor the parking. Ms. Fenstermacher added that the City does not want the signs either and will work with the Applicant to address the issue should it arise; it is a condition should there be an issue in the future.

Ms. Rosenberger moved to **grant CUP approval** pursuant to Article 28-7-11(c) and (c)(1) (ZO) for shared parking arrangements based on the non-simultaneous use of the auditorium, gymnasium and cafeteria for public assembly with conditions that the Applicant take future measures to preclude potential parking spillover onto the public ways. Mr. Hicks seconded the motion. The motion passed unanimously.

Mr. Hicks moved to **grant ADR approval for the proposed site plan**. Councilor Champlin seconded the motion. The motion passed unanimously.

Mr. Hicks moved to **grant Major Site Plan approval** for the construction of a 37,350 SF addition (25,295 SF footprint) to the existing private school building, and the construction of a new parking lot at 37 Regional Drive, subject to the following precedent and subsequent conditions and prior to issuance of any building permits or the commencement of site construction, unless otherwise specified:

**(a) Precedent Conditions** – to be fulfilled within two years and prior to endorsement of the final plan by the Planning Board Chairman and Clerk, and the issuance of any building permits, unless otherwise specified:

- (1) The Professional Engineer, Landscape Architect, and Land Surveyor shall sign and seal final plans.
- (2) Any conditional use permit (s) granted are to be noted and fully described on the plan including date granted and applicable Section number(s) of the Zoning Ordinance. Should the Board vote to deny any CUP request, the applicant shall comply with said submission requirement.
- (3) On the building elevation sheets, revise the roofing material and revise the trim on the bump-out to match the rest of the building.
- (4) Add a note to Sheet C-1 in the parking analysis along the lines of: “The use of the gymnasium, auditorium, and cafeteria by the students during regular school hours for regular school functions will not generate any additional parking. Further, the Headmaster assures that in the event public assembly is conducted concurrently with classroom use, CCA will not allow the simultaneous use of the gymnasium, auditorium, and cafeteria, and will limit the use of the auditorium to no more than 402 fixed seats for public assembly”.
- (5) Add a note to the plan: “If special event parking regularly overflows onto Pembroke Road and/or Regional Drive and causes safety concerns for residents and/or emergency responders, a “No Parking” zone will be implemented and enforced on the streets, and signs shall be erected at the expense of the Applicant.”
- (6) Add a note to the plan: “Should the actual parking needs of the Academy exceed the capacity of the constructed parking spaces, the Applicant shall construct the 73 “future spaces” in accordance with the approved Site Plan.”
- (7) The Applicant shall deliver to Planning, one plan set for endorsement by the Planning Board Chair & Clerk. Applicant shall then make two (2) copies of the endorsed plan to be returned to Planning and an additional seven (minimum) plan sets that they will bring to the pre-construction meeting.

**(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) Prior to commencement of construction activity, the applicant shall provide to the City Solicitor a financial guarantee for the site stabilization in an amount approved by the City Engineer, and in a form acceptable to the City Solicitor.
- (3) A pre-construction meeting shall be required prior to the start of any construction activity onsite.
- (4) Prior to the issuance of the final Certificate of Occupancy and the release of any financial guarantees, as-built drawings shall be provided to the City Engineer in accordance with Section 12.09 of the Site Plan Review Regulations. The as-built drawings shall be surveyed on NH State Plane coordinates and NAVD 88 Datum.
- (5) Prior to the issuance of the final Certificate of Occupancy and the release of any financial guarantees, 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.

- (6) Traffic impact fees shall be assessed by the Clerk prior to the issuance of a building permit. 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 amount of the impact fees shall be determined using the information contained in the following tables in Section 29.2.1-1 Assessment and Collection; subsection (b) Computation of the Amount of Impact Fees: Table 3, Transportation Facilities Impact Fee.

Mr. West seconded the motion. The motion passed unanimously.

**8. Application by Timothy Aguilar, on behalf of Granite State Baptist Church, requesting Major Site Plan approval and Architectural Design Review approval to redevelop an existing one-story garage into a two-story place of assembly with a parking lot at 236 Sheep Davis Road in the RO (Open Space Residential) and Industrial (IN) Districts. Map/Block/Lot: 111/2/6 (2016-14)**

- a. Public Hearing
- b. Deliberations and Action on the Application

Chairman Woodfin opened the public hearing.

Ms. Shank explained that this proposal is requesting Major Site Plan approval for conversion of a one-story garage into a two-story place of worship, and construction of a new parking lot with related site improvements at 236 Sheep Davis Road. She stated that the ADRC recommended approval, but had a few recommendations relative to improving the aesthetics of buildings and requested that the applicant return to the ADRC as a courtesy to continue discussions. In addition, the Conservation Commission held a site walk regarding the buffer. She stated that the Conservation Commission has recommended approval of the CUP for the current location of the parking lot, subject to the condition that the grading be revised to direct all stormwater runoff away from the slope and utilize a retention basin for infiltration.

Pastor Peter Chamberland, Greg MacAlister, and Tim Aguilar of Calderwood Engineering were present. Mr. Chamberland explained that the church has been renting another property for the past 2 ½ years and purchased this property in December. He stated that a variance was granted for an assembly being within an industrial zone in 2015 and there is a limit of industry on the east side of 106.

Mr. Chamberland explained that the property has had many uses and they are looking to improve the property. A NHDOT permit has been granted for the curb cut. He stated that they are looking to upgrade the 50' x 60' metal building and alterations will be made to add structural integrity. Updated plans were provided. Mr. Chamberland stated that the desire for the property is for a traditional New England church style with a steeple; FAA approval has been obtained for the steeple. All landscaping proposed is in the same New England style concept.

Mr. Aguilar provided an overview of the parking lot, which is currently graveled. He stated that this will be paved. Stormwater runoff will be directed to the south into a catch basin adjacent to the driveway. The

exterior of the building will be white vinyl. The structure will be connected into the City's sewer and water lines. Mr. Chamberland stated that a 4' x 4' sign will also be proposed in the future.

Ms. Smith-Meyer asked about the status of the ADRC. Mr. Aguilar replied that he plans to attend the next ADRC meeting with updated elevations. He stated that the committee's comments have been addressed. Mr. Chamberland stated that the ADRC expressed concern with the building still looking like a warehouse and new plans have been designed to add vertical elements to the structure from the steeple downward and add some vertical windows. He provided an overview of the future plans for occupying a second floor; however, they are not applying for at this time. Ms. Smith-Meyer suggested that the entry way be covered for parishioners to be out of the weather when they enter. Mr. Chamberland replied that this was considered; however, the ADA parking area is beside the door. Ms. Shank noted that this was also an ADRC suggestion. Ms. Smith-Meyer stated that there should be room for a small overhang to keep people dry.

General discussion ensued as the new plans were reviewed. Additional discussion was held as Mr. Aguilar explained the proposed landscaping. He stated that a 5 ft. buffer will be added around the parking area and all other existing landscaping will remain. Mr. Chamberland stated that the Conservation Commission recommended that the proposed rock spreader not be used as it could potentially saturate the top of the bluff. They have agreed to keep the proposed layout but redirect drainage to the south end of the parking lot. He stated that it is a 50 ft. slope down to the river.

With no further comment, Chairman Woodfin closed the public comment closed

Ms. Rosenberger moved to **grant the following waivers** utilizing the criteria of RSA 674:44, which states that 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:

- a) Section 15.03(3) requiring topography for the entire site, based on the fact that topography is provided for areas to be disturbed.
- b) Section 13.01(8)(e) requiring soil tests and soil surveys, based on the fact that USDA soil data was used to determine soil conditions and field visits support the existing data.

Councilor Champlin seconded the motion. Motion passed unanimously.

Councilor Champlin moved to **grant ADR approval** subject to the conditions that the applicant returns to ADR to present more accurate drawings, demonstrate the final intent of the building, and incorporate recommendations to the extent possible to improve the building façade. Ms. Smith-Meyer seconded the motion. Motion passed unanimously.

Mr. Hicks moved to **grant the CUP** pursuant to Section 28-4-4(d) (ZO) to allow disturbance of the buffer to bluff for a parking lot, subject to the condition that all stormwater runoff from the parking lot be directed away from the bluff and into a retention basin for infiltration. Ms. Smith-Meyer seconded the motion. Motion passed unanimously.

Ms. Rosenberger moved to **grant Major Site Plan approval** for conversion of a one-story garage into a two-story place of worship, and construction of a new parking lot with related site improvements at 236 Sheep Davis Road, subject to the following precedent and subsequent conditions:

- a) **Precedent Conditions** – to be fulfilled within one year and prior issuance of any building permits, or the commencement of site construction, unless otherwise specified:
  - (1) Address Technical Review Comments noted in Section 4 above.

- (2) Revise the Grading Plan to the satisfaction of Planning and Engineering staff, to direct all stormwater runoff from the parking lot away from the bluff and into a retention basin.
- (3) Address review comments from Jeff Warner, PE, dated 5/20/16, to the satisfaction of the City Engineer.

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

- (1) After obtaining final sign off on the plans from the Clerk and Chair of the Planning board, and prior to commencement of construction activities, two (2) copies of the signed plan set shall be returned to the Planning office and a minimum of seven (7) copies shall be provided by the applicant at the pre-construction meeting.
- (2) Prior to commencement of construction activity, payment of inspection fees in an amount approved by the City Engineer shall be made.
- (3) A pre-construction meeting shall be required prior to the start of any construction activities onsite.
- (4) Prior to the 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) Prior to the issuance of a Certificate of Occupancy, 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.
- (6) Traffic impact fees shall be assessed for any non-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, 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 3, Transportation Facilities Impact Fee per Variable Unit.

Councilor Champlin seconded the motion. Motion passed unanimously.

### **REGULAR MEETING**

- 9. Approval of the minutes of the May 18, 2016 Planning Board Meeting.**  
On a motion made by Mr. Champlin, and seconded by Ms. Rosenberger, the Board voted unanimously to accept the minutes of May 18, 2016, as written.
- 10. Any other business which may legally come before the Board.**

### **INFORMATION**

- 11. Minutes of the June 7, 2016 Design Review Committee meeting.**
- 12. Next regular monthly meeting on Wednesday, July 20, 2016.**

With no further business before the Board, Mr. Hicks made a motion to adjourn at 9:40; seconded by Mr. West. Motion carried.

A TRUE RECORD ATTEST:

Lisa Fellows-Weaver  
Administrative Specialist