

**City of Concord Planning Board
July 20, 2016
Minutes**

The regular monthly meeting of the City Planning Board was held on July 20, 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, Councilor Byron Champlin, Ian West, Matthew Hicks, John Regan and Alternate Frank Kenison. 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; and Alternate Chiara Dolcino.

Susanne Smith-Meyer arrived at 7:04 p.m. and was added to the voting designation. Teresa Rosenberger (Ex-Officio for City Manager), arrived at 7:09 p.m. and Mr. Kenison left later on in the meeting.

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

Chairman Woodfin noted the change in the agenda format, which is in anticipation of the new Granicus software forthcoming in August.

3. Approval of May 18, 2016 Planning Board Meeting Minutes

On a motion made by Mr. Champlin, and seconded by Mr. West, the Board voted unanimously to accept the minutes of June 15, 2016, as written.

Ms. Smith-Meyer arrived at 7:04 and was added as a voting member.

4. Planning Board Chair Overview

****Consent Agenda Items****

5. Determination of Completeness for Major Site Plan and Subdivision Applications

5A. There were no items presented.

6. Architectural Design Review Applications – Signs

At the start of the Consent Agenda, the Chair will ask whether anyone wishes to remove any items on the Consent Agenda for discussion. Should a Planning Board member or a member of the audience wish to discuss an item on the Consent Agenda, the item will be pulled from the Consent Agenda and the public hearing will be held under the public hearing portion of the agenda.

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.

Ms. Larson read each application into the record.

6A. Application by Spirit Halloween, on behalf of Steeplegate Mall LLC, requesting ADR approval to install two (2) 160 sf externally illuminated replacement wall sign at 270 Loudon Road in the Gateway Performance (GWP) District. *MBL:111/D1/5*

- 6B. Application by New Hampshire Historical Society requesting ADR approval to install one (1) new 11.67 sf non-illuminated monument sign at 30 Park Street in the Civic Performance (CVP) District. *MBL: 44/7/1*
- 6C. Application by ADF Flooring, on behalf of Millwood Partners LP VII, requesting ADR approval to install two (2) new 24 sf internally illuminated wall signs at 248 Sheep Davis Road in the Gateway Performance (GWP) District. *MBL:111/H3/3*
- 6D. 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*
- 6E. Application by Concord Craft Brewing Co. on behalf of Cibrowski Jacob Trust, requesting ADR approval to install one (1) new 30 sf non-illuminated wall sign at 117 Storrs Street in the Central Business Performance (CBP) District. *MBL: 45/8/4*
- 6F. Application by All About Kitchens, on behalf of Catch Neighborhood Housing, requesting ADR approval for one (1) 8.25 sf non-illuminated hanging sign, at 4 Pleasant Street Extension in the Central Business Performance (CBP) District. *MBL: 35/2/2*

Mr. Messenger, from the public, stated that he would like to speak to the board relative to item 6F, All About Kitchens. With no further comments from the board or from staff, Chairman Woodfin stated that item 6F would be pulled from the consent agenda and a public hearing will follow.

The Consent Agenda was unanimously approved; including Items 6A-6E, on a motion made by Councilor Champlin, and seconded by Mr. Hicks.

*****End of Consent Agenda*****

Public Hearings

7. **Architectural Design Review Applications** – For sign permit applications pulled from the consent agenda and for building permit applications for any exterior alterations within the performance districts.

- 6F. Application by All About Kitchens, on behalf of Catch Neighborhood Housing, requesting ADR approval for one (1) 8.25 sf non-illuminated hanging sign, at 4 Pleasant Street Extension in the Central Business Performance (CBP) District. *MBL: 35/2/2*

Chairman Woodfin opened the Public Hearing. Josh Messinger of Advantage Signs was present representing the applicant, All About Kitchens, on behalf of Catch Neighborhood Housing. He explained that the design proposed is to be a built up sign that will look similar to a kitchen cabinet door with either raised or recessed letters. He added that there is an existing bracket that will be replaced. He stated that the ADRC recommended other options to reconfigure the sign. He stated that the proposal fits the companies branding guidelines and the sign is designed as a kitchen cabinet. He stated that they feel that the proposed sign fits within the other signs in the downtown area and will complement their business as well as neighboring businesses.

Teresa Rosenberger arrived at this time; 7:09.

Mr. Messinger replied that they felt that it was aesthetically awkward and difficult to read. Ms. Shank stated that the committee felt that it was aesthetically awkward and suggested that there be some

reconfiguring of the box shape to fit within the banner but not difficult to read. She added that the applicant was not present at the ADRC meeting. Mr. Messinger stated that the owner is present.

Discussion ensued relative to the border and graphic. Mr. Messinger explained that the black border has been changed to be thinner.

With no further discussion, Chairman Woodfin closed the public hearing. The proposed sign was unanimously approved; on a motion made by Ms. Smith-Meyer, and seconded by Mr. Hicks.

- 7A. Application by Granite State College requesting ADR approval for exterior improvements including replacement of door, window, and building facade materials at 25 Hall Street in the Gateway Performance (GWP) District. *MBL: 15/2/10 (2016-35)*

Chairman Woodfin opens the public hearing.

Representing Granite State College was Jonathan Halle. Mr. Halle provided the history of the building to include the past uses of the building. He explained that there has been much water intrusion into the building, which has caused issues with mold, and other interior and exterior issues with the EFIS, window seals and panels as well as door and roof flashings. In addition, the dome on the top of the building is salvageable and will be resealed. He stated that little has been done to the exterior of the building except for routine maintenance. Mr. Halle explained that the exterior will be enveloped in three inches of foam and will maintain neutral colors on the exterior; muted in color and gray schemes.

The three access points will all be covered. Mr. Halle explained that the ADRC recommended that the EDU sign be lowered, which they will accommodate. Ms. Smith-Meyer asked about the locations of the signs. Mr. Halle stated that the sign locations are not changing just the directions; the signage facing I-93 was previously permitted and will be changed from linear to being in a stacked formation.

Councilor Champlin commented about the proposed exterior colors. He stated that this is a gateway structure and this area is a major entry way into the city. He feels that it would have been nice to see some color. He added that this area is a generic off ramp entrance into the city that suffers from the chain businesses. He noted that he does understand the rationale for changing the windows to be square; however, as a matter of policy we need to consider the entrances in to the City of Concord and how these areas are presented.

With no further comments, Chairman Woodfin closed the public hearing. Councilor Champlin made a motion to recommend ADR approval for the exterior improvements to include the replacements of doors, windows, and building facade materials, as presented. Ms. Smith-Meyer seconded the motion. The motion passed unanimously.

Mr. Kennison left the meeting at this time.

8. Subdivision Applications

- 8A. Application by Steeplegate Mall Realty, LLC, Steeplegate CH LLC, & Steeplegate Nassim, LLC, requesting Minor Subdivision approval to create three (3) condominium units for the existing Applebee's, the TD Bank, and the mall, at 270 Loudon Road in the Gateway Performance (GWP) District. *MBL: 111/D1/5 (2016-36)*
 - a. Determination of Completeness
 - b. Public Hearing

c. Deliberations and Action on the Application

Staff recommended that the application be deemed complete. Chairman Woodfin opened the public hearing.

Ray D'Amante was present along with Chris Nadeau of Nobis Engineering, Ken Farrell with CMC Engineering, and Mark Sargent from Bartlett and Associates. Mr. D'AMante explained that the proposal is to create three condo units consisting of Applebee's, TD Bank, and the Steeplegate Mall. He stated that the first step will be to revitalize the mall and this process will put the owners in the position to re-market the mall and generate revenue to accomplish their goals. He added that the condos will all be separate ownerships with easements and condo docs such that the perimeter will not change.

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

The applicant has requested waivers from the Subdivision Regulations as noted below, based on the fact that no new development is proposed, and that the waivers apply only to Land Unit 1.

The Board agreed to address the waivers all together, as follows:

- a) Section 12.07 requiring delineation of wetlands;
- b) Section 12.08(3) requiring topography;
- c) Section 12.08(4) requiring the identification of soil types;
- d) Section 12.08(5) requiring the location of natural features;
- e) Section 12.08(10) requiring the location of municipal utilities;
- f) Section 12.08(11) requiring the location of non-municipal utilities; and
- g) Section 17.03 requiring building floor plans.

Mr. West made a motion, second by Councilor Champlin, to grant all waiver requests, a-g, from the Subdivision Regulations, as submitted. The motion passed unanimously.

Mr. Hicks moved to **grant Minor Subdivision approval** for a 3-unit condominium subdivision at 270 Loudon Road, 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) 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.
 - (3) The Licensed Land Surveyor shall sign and seal final plans and mylars.
 - (4) Applicant shall submit two checks for recording the plan at the Merrimack County Registry of Deeds (including a separate check in the amount of \$25.00 for the LCHIP fee). Both checks are to be made payable to the Merrimack County Registry of Deeds.
 - (5) 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.

Councilor Champlin seconded the motion. The motion passed unanimously.

- 8B. Application by Private Reserve, LLC and REI Service Corporation requesting Minor Subdivision approval to create two (2) new single-family residential lots at 104 Bog Road in the Medium Density Residential (RM) and Residential Open Space (RO) Districts. MBL: 312/Z 3/1 (2016-34)
- a. Determination of Completeness
 - b. Public Hearing
 - c. Deliberations and Action on the Application

Based on a recommendation from Staff, the application is deemed complete and Chairman Woodfin opened the public hearing.

Mark Sargent was presenting representing along with the Applicants, Doris Labbe and Allen Clark from Private Reserve.

Mr. Sargent provided an overview of the project. He explained that the parcel is 23.91 acres with an existing single family home that is under construction. He referred to a previously approved project in 2015, which three lots were created. This is a proposal to create an additional lot to be 1.05 acres within the RN district. He stated that they are proposing to add a house to the remainder lot of 22.86 acres.

Mr. Sargent stated that the ZBA granted a variance to permit the creation of this lot with sub-standard frontage. He explained that the 2015 subdivision had similar waivers that were granted; however the Planning Board's approval was conditional based on no further subdivision unless water and sewer were to be extended. He stated that at that time there was a potential project consisting of 18 town houses. At this time, they are not proposing these town houses and the amount of work to develop a city street to meet the requirements do not seem possible and they are now only crating one additional lot and one new house. He stated that this proposed does not justify creating the new street and extending water and sewer that would service this one new house. He noted that they will agree to a condition that there will be no further subdivisions of the property.

Chairman Woodfin remembers the project and the conditional approval; however, he agrees that it is does not make sense and is not feasible to build a street as well as for the extension of the water and sewer main. Ms. Fenstermacher added that the Applicant has demonstrated that strict conformity to the regulations for the extension of the water and sewer main would pose an unnecessary financial hardship for the Applicant. The approximate cost is approximately \$250/linear foot to extend the sewer and \$150 per linear foot to extend the water service. In order to extend the water and sewer mains the required 900 linear feet, the Applicant would be responsible to pay approximately \$360,000. She added that the lot cannot be subdivided any further. Mr. Clark stated that a deed restriction will be added to the plan.

Ms. Fenstermacher suggested adding a precedent condition that the add variance criteria that was granted also be added to the plan.

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

Councilor Champlin made a motion, second by Mr. West, to grant the waiver requests based on the information presented in Section 2 above, utilizing the criteria of RSA 674:36:

- *Strict conformity would pose an unnecessary hardship to the applicant and waiver would not be contrary to the spirit and intent of the regulations; **OR***

- *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.*
- (1) Section 24.02 of the Subdivision Regulations, Municipal Water System – to not extend the municipal water system as is required for subdivisions within the Urban Growth Boundary on parcels of land which are within 1,500 ft. of an existing municipal water main
 - (2) Section 25.02 of the Subdivision Regulations, Municipal Sanitary Sewers – to not extend the municipal sewer system as is required for subdivisions within the Urban Growth Boundary on parcels of land which are within 1,500 ft. of an existing municipal sanitary sewer main.

The motion passed unanimously.

Ms. Smith-Meyer moved to **grant Minor Subdivision approval** for the 2-lot subdivision at 104 Bog Road, subject to the following precedent and subsequent 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) Any 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 any waiver request, the applicant shall comply with said submission requirement.
 - (2) Address Engineering Review Comments, noted in the Memo from Paul Gendron, dated July 1, 2016, and Jeffrey Warner dated June 28, 2016, to the satisfaction of the Engineering Division.
 - (3) Address Technical Review Comments, noted in Section 3 above, to the satisfaction of the Planning Division.
 - (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 Wetland Scientist shall sign and seal final plans and mylars.
 - (6) Final language for the Public Utilities and Access Easement documents reviewed and approved by the office of the City Solicitor to be submitted for recording at the Registry of Deeds.
- (b) **Subsequent Conditions** – to be fulfilled as specified:
 - (1) 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.
 - (2) 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. Applicant shall then make four copies of the endorsed plan set to be returned to Planning for recording.

- (3) Prior to the issuance of a building permit or Certificate of Occupancy, the 50' wetland buffers shall be marked with disks available from the Planning Division, per Section 28.07 (SDR).

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

9. Site Plan Applications

- 9A. 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)
 - a. Public Hearing
 - b. Deliberations and Action on the Application

Mr. Nadeau from Nobis Engineering was present along Dominic Ciavara from Concord Hospital. Mr. Nadeau gave a presentation of the entire hospital campus as well as an overview of the proposed project explaining that the project will be done in four phases to include a new parking 4½ story garage with 660 parking spaces; two stair towers with one having an elevator; a 100,000 sf medical office building with a bridge; with a separate project in the future to share parking with Concord Orthopedics, along with the possibility of a reconstruction project of Langley Park Road. He noted that there may be a roundabout proposed in the future.

Mr. Nadeau explained that the proposed parking garage for phase 1 is to replace the existing single level parking garage that is 15- 16 years old. The new garage will be within the same footprint as the existing 420' x 120' parking deck, but smaller, and is proposed to be the primary employee lot; patient parking is the current parking garage in the "F" lot. There will be no disturbance to the utility crossings.

An overview was given relative to the entrance and egress, which will remain the same and the new signal shows improvement and has proved to be effective and balances out the traffic in the area. Additional discussion was held regarding the future roadway to the north and the potential for a pedestrian overpass from the stairway tower over the roadway.

A landscaped plan was presented noting the street trees along Langley Park Road that will also accommodate for a future sidewalk and roundabout. Snow storage was noted to be pushed to the north and south ends of the parking garage.

Mr. Nadeau explained that the storm water detention pond needed to be enhanced in order to provide more treatment. He added that the wetland boundary is off and the proposed 9, 000 sq. ft. of disturbance to the 50' buffer has been previously impacted for the existing garage. He stated that they plan to enhance the runoff and build a treatment swale to better treat the discharge by adding plantings to the existing pond. He stated that this action was supported by the Conservation Commissions.

Additional information was given regarding the architecture of the building. It is explained that the design goal was to implement similar materials as the other garages and to use similar materials of the hospital; concrete, red brick, glass, and metal panels.

Mr. Ciavara provided additional information relative to the proposed phasing of the campus including the proposed new building for Concord Orthopedics Medical Offices.

Additional discussion was held regarding the lighting. The lighting on the top deck will be internal and down facing on 18 ft. poles.

Mr. Woodfin asked about the trees proposed for the site. Mr. Nadeau explained that they are proposing to use five Honey Locus trees on the north and two red oak trees. Ms. Smith-Meyer suggested red maples. It was noted that the Ash trees will be removed. Ms. Smith-Meyer asks if the city planting details will be followed and Ms. Fenstermacher replied that it will be part of the conditions.

Mr. Ciavara explained the total campus parking lots and spaces. He explained that with the proposed garage will have 650 spaces and the total campus will have 2847 spaces when the phasing is completed. He added that this garage is for staff and explained that there will need to be some shift parking throughout the hospital.

With no additional comments, Chairman Woodfin closed the public hearing.

Councilor Champlin moved to **grant CUP approval** pursuant to Article 28-4-3(d) to disturb approximately 10,000 sf within the 50-foot wetland buffer. Mr. Regan seconded the motion. The motion passed unanimously.

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

Councilor Champlin moved to **grant Major Site Plan approval** for the construction of a 385'x120', 4-1/2-story precast concrete garage to replace an existing 420'x120', 2-story parking deck, subject to the following precedent and subsequent 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, and the issuance of any building permits, unless otherwise specified:

- (1) The Professional Engineer, Landscape Architect, Wetland Scientist 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) Address to the satisfaction of Planning Staff the technical comments listed in Section 4, above.
- (4) Address to the satisfaction of Engineering Services comments listed in the memo from Jeffrey Warner, dated July 6, 2016 (see attached).
- (5) 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.

Chairman Woodfin asked about any impact fees relative to the building permit. Ms. Fenstermacher stated that this would be addressed.

Mr. West seconded the motion. Motion passed unanimously.

10. Proposed Subdivision Regulation Amendment

10A. The Planning Board will consider and receive public comments relative to proposed amendments to Section 11 of the Subdivision Regulations pertaining to Voluntary Merger Procedures and Requirements. The amendments are largely in response to recent amendments to RSA 674:39-a, effective August 23, 2016.

The full text of the proposed amendments is on file for public inspection in the Community Development Department, Planning Division 3rd floor, City Hall during regular business hours (8:00 AM – 4:30 PM, Monday thru Friday).

Ms. Larson explained that a change in a recent bill relative to lot mergers has required new language be added to the process. She stated that the period of time has been extended out another 5 years regarding involuntary lot mergers. She reviewed the document and the amendments proposed.

Mr. Woodfin opened the Public Hearing the amendments. With no discussion, the hearing was closed.

Ms. Smith-Meyer motion to approve the proposed amendments to Section 11 of the Subdivision Regulations pertaining to Voluntary Merger Procedures and Requirements. Councilor Champlin seconded the motion. Motion passed unanimously.

Regular Meeting

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

Referrals From City Council – At their meeting held on July 11, 2016, the City Planner/Clerk of the Board reported that the City Council made the following decisions.

- **Shenandoah Estates Gate:** City Council voted to reaffirm past City Council action regarding the gate located at the southern end of Shenandoah Drive, keeping it in place.
- **Carports for Manufactured Housing Parks, amendments to Section 28-4-6(g)(5) of the Zoning Ordinance regarding minimum building setbacks for carports within manufactured housing parks and to add a definition of “Carport” to the Glossary:** City Council voted to approve the proposed amendments as submitted.

Information

12. Minutes of the July 12, 2016 Design Review Committee meeting.

13. Next regular monthly meeting on Wednesday, August 17, 2016.

With no further business before the Board, Ms. Smith-Meyer made a motion to adjourn at 8:30; seconded by Councilor Champlin. Motion carried.

A TRUE RECORD ATTEST:

Lisa Fellows-Weaver
Administrative Specialist