

**City of Concord Planning Board**  
**October 19, 2016**  
**Minutes**

The regular monthly meeting of the City Planning Board was held on October 19, 2016, in City Council Chambers, in the Municipal Complex, at 37 Green Street, at 7:00 p.m.

1. Call to Order  
Chairman Woodfin called the meeting to order at 7:05 pm. Planning staff present included Heather Shank (Acting City Planner), and Lisa Fellows-Weaver (Administrative Specialist).
2. Roll Call  
**Present:** 6 – Chairman Richard Woodfin, Mayor Jim Bouley, Ian West, Matthew Hicks, Susanne Smith-Meyer, and Alternate Frank Kenison.  
**Absent:** 4 – Councilor Byron Champlin, Vice-Chair Carol Foss, Teresa Rosenberger (Ex-Officio for City Manager), John Regan, and Alternate Chiara Dolcino.
3. Approval of September 21, 2016 Planning Board Meeting Minutes  
On a motion made by Mayor Bouley, and seconded by Mr. West, the Board voted unanimously to accept the minutes of September 21, 2016, as written.
4. Planning Board Chair Overview  
Chairman Woodfin noted that nothing has changed or been pulled from the agenda.

**\*\*Consent Agenda Items\*\***

5. Determination of Completeness for Site Plan and Subdivision Applications by Consent
  - 5A. Irving Oil Corporation requesting Major Site Plan approval for existing site work not previously approved, and a CUP to install a new 30,000 gallon above ground propane tank next to two existing 30,000 gallon tanks at 54 Chenell Drive in the Industrial (IN) District.  
*MBL: 111G/1/21(2016-37)*  
  
On a motion made by Mayor Bouley, and seconded by Mr. West, the Board voted unanimously to determine the application complete by consent.
6. Design Review Applications by Consent – If an applicant, Planning Board member, or audience member wishes to remove an item from the Consent Agenda for discussion, it will be pulled for consideration during the public hearing segment of the agenda. Otherwise, consent items are approved subject to the recommendations of the Design Review Committee.
  - 6A. Key Collision of Concord requesting ADR approval to a new freestanding sign and a new wall sign consisting of channel letters at 94 Manchester Street in the Highway Commercial (CH) District. *MBL: 110/D3/10*  
  
On a motion made by Mayor Bouley, and seconded by Mr. West, the Board voted unanimously to approve the application by consent, subject to the recommendations of the Design Review Committee.
  - 6B. Mattress Firm, on behalf of Joseph Concord New Hampshire Trust, requesting ADR approval to replace a sign panel in two separate freestanding signs at 77 Fort Eddy Road in the Gateway Performance (GWP) District. *MBL:641/Z 45*

On a motion made by Mayor Bouley, and seconded by Mr. West, the Board voted unanimously to approve the application by consent, subject to the recommendations of the Design Review Committee.

- 6C. Cleary Cleaners, Inc., on behalf of Barbara Rosenfield Revocable Trust, requesting ADR approval for a replacement billboard-style roof sign installed without a permit at 82-84 South Main Street in the Urban Commercial (CU) District. *MBL: 28/2/4*

On a motion made by Mayor Bouley, and seconded by Mr. West, the Board voted unanimously to approve the application by consent, subject to the recommendations of the Design Review Committee.

- 6D. Wow Fried Chicken and Subs, on behalf of Arthur W. Aznive Trustee, requesting ADR approval for a new wall sign at 7 Depot Street in the Central Business Performance (CBP) District. *MBL: 45/7/4*

On a motion made by Mayor Bouley, and seconded by Mr. West, the Board voted unanimously to approve the application by consent, subject to the recommendations of the Design Review Committee.

- 6E. Polished Nails & Skin, on behalf of Lazio Investments LLC, requesting ADR approval for a replacement panel in a freestanding sign and a new wall sign at 341 Loudon Road in the Gateway Performance (GWP) District. *MBL: 111/F2/3*

On a motion made by Mayor Bouley, and seconded by Mr. West, the Board voted unanimously to approve the application by consent, subject to the recommendations of the Design Review Committee.

Ms. Smith-Meyer asked if the Cleary application was for the pre-existing sign. Ms. Shank replied yes.

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

## **Public Hearings**

7. Design Review Applications – For sign applications pulled from the consent agenda, and building permit applications for exterior alterations in performance districts.

- 7A. Sprint/RadioShack, on behalf of DSM MB LLC, requesting ADR approval for a new wall sign consisting of internally illuminated channel letters at 96 Fort Eddy Road in the Gateway Performance (GWP) District. *MBL: 59/Z16*

The applicant was not present. On a motion made by Mayor Bouley and seconded by Mr. West, the Board voted unanimously to approve the application, subject to the condition that the applicant submits a revised application complying with the zoning ordinance and approved by the Zoning Administrator.

- 7B. Dance Inspirations, on behalf of Millwood Partners LP VII, requesting ADR approval for a new wall sign at 248 Sheep Davis Road in the Gateway Performance (GWP) District. *MBL: 111/H3/3*

Owner Carol Coskren was present. Ms. Shank stated that the Architectural Design Review Committee (ADRC) denied the application as they felt that the shape of the sign should be elongated and enlarged and the size of phone number and website should be reduced or removed altogether. Ms. Coskren explained that the building may be going through renovations within the

next six months and asked if she could get a temporary sign permit, since she may need to return to ADR anyway if the renovations occur. Chairman Woodfin advised her that she could request a temporary permit through the Code Department.

A brief discussion was held noting the concerns of the ADRC. Chairman Woodfin commented that the ADRC thought the sign was not aesthetically pleasing and he asked if a new sign would be proposed. Ms. Coskren replied that she would like to keep the proposed sign. Mayor Bouley commented that the Planning Board and the ADRC have indicated that they do not feel that the sign is adequate and he added that there may be challenges with proposing the same sign at a later date.

Ms. Coskren requested to withdraw her application.

7C. Fire House Block Associates requesting ADR approval to replace an existing steam roof top air unit with a natural gas fired model at 46 Warren Street in the Civic Performance (CVP) District. *MBL: 44/4/1*

John Matlack was present representing this application. Per the request of ADRC he provided additional information and updated pictures that displayed the proposed units' location as well as the dimensions from the roof edge to demonstrate that the unit would not be visible from the ground. Chairman Woodfin complimented Mr. Matlack on his thorough presentation.

On a motion made by Mayor Bouley and seconded by Mr. West, the Board voted unanimously to approve as submitted.

7D. Langdon Street Real Estate Inc. requesting ADR approval for exterior renovations, including new windows, entrance, canopy, and exterior wall sign at 7 Langdon Ave in the Opportunity Corridor Performance (OCP) District. *MBL: 25/B1/2*

A representative from North Branch Construction was present representing the applicant. With no comments or concerns, on a motion made by Mayor Bouley and seconded by Ms. Smith-Meyer, the Board voted unanimously to approve as submitted.

## 8. Subdivision Applications

8A. Neil E. Burt, requesting Minor Subdivision approval for a lot line adjustment to remove an encroachment from City property at 10 Bow St. in the Single Family Residential (RS) District. *MBL: 9/1/1, (2016-48).*

On a motion made by Mayor Bouley, and seconded by Mr. West, the Board voted unanimously to accept the application as complete and open the public hearing. Chairman Woodfin opened the public hearing.

Neil Burt was present and provided an overview of the property explaining that there is an encroachment onto City property at 10 Bow Street. At this time, there is a purchase and sales agreement between Mr. Burt and the City for a boundary line adjustment that will result in a conforming lot. He stated that he is trying to make things right with the City.

The Chair asked if members of the public had any comments or questions.

There being no comments from the members of the public, the Chair closed the public hearing.

On a motion made by Mayor Bouley, and seconded by Mr. West, the Board voted unanimously to **grant the following waivers**, based on the fact that no new construction is proposed, utilizing the criteria of RSA 674:36, II (n) (2), which states that specific circumstances relative to the subdivision indicate that the waiver will properly carry out the spirit and intent of the regulations.

- Section 12.04 requiring a Location Plan;
- Section 12.08(3) & 15.03(4) requiring topographic conditions;
- Section 12.08(4) requiring soils delineation;
- Section 12.08(5) & 15.03(6) requiring the location of natural features including steep slopes;
- Sections 12.08(10, 11), & 15.03(11, 13, 15) requiring the location of existing municipal and non-municipal utilities;
- Section 12.08(23) requiring tabulations for existing buildings, useable land area, and impervious surface area;
- Section 15.03(3) requiring the contiguous area of buildable land.

On a motion made by Mayor Bouley, and seconded by Mr. Hicks, the Board voted unanimously to **grant Minor Subdivision approval** for a lot line adjustment at 10 Bow 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) A deed shall be submitted for review by the City Surveyor and City Solicitor prior to recording of the plat.
- (2) Address Engineering Review Comments to the satisfaction of the Engineering Division.
- (3) Address Technical Review Comments, noted in Section 3 above, to the satisfaction of the Planning and Engineering Divisions.
- (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 Scientist shall sign and seal final plans and mylars.
- (6) Applicant shall submit two checks for recording the plan at the Merrimack County Registry of Deeds (including a check in the amount of \$25.00 for the LCHIP fee). Both checks are to be made payable to the Merrimack County Registry of Deeds.
- (7) The Applicant shall deliver to Planning, two plan sets and one (1) mylar(s) for endorsement by the Planning Board Chairman & Clerk and recording at the Registry of Deeds.

8B. S&H Land Services, LLC, on behalf of Rachel Mitchell, requesting Minor Subdivision approval to create two (2) new lots at 20 Airport Road in the Single Family Residential (RM) District. *MBL: 115/3/11 (2016-47)*

On a motion made by Ms. Smith-Meyer, and seconded by Mr. West, the Board voted unanimously to accept the application as complete and Chairman Woodfin opened the public hearing.

Peter Stoddard of S&H Land Services, LLC was present along with the property owner Rachel Mitchell. Mr. Stoddard provided an overview of the proposed project to subdivide a 0.667 acre lot into 2 lots, in the RM (Medium Density Residential) District.

Mr. Stoddard noted that they are not asking for any waivers for this project. A brief discussion was held regarding the need to comply with the FAA. Mr. Stoddard explained that an aviation easement is being drawn up.

The Chair asked if members of the public had any comments or questions.

There being no comments from the members of the public, the Chair closed the public hearing.

On a motion made by Mayor Bouley, and seconded by Mr. Hicks, the Board voted unanimously to **grant Minor Subdivision approval** for the 2-lot subdivision at 20 Airport 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 Engineering Review Comments, noted in the Memo from Paul Gendron, dated October 7, 2016, to the satisfaction of the Engineering Division.
  - (2) Address Technical Review Comments, noted in Section 2 above, to the satisfaction of the Planning Division.
  - (3) Final language for the Aviation Easement documents reviewed and approved by the office of the City Solicitor to be submitted for recording at the Registry of Deeds.
  - (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 Scientist shall sign and seal final plans and mylars.
  - (6) Applicant shall submit two checks for recording the plan at the Merrimack County Registry of Deeds (including a separate check in the amount of \$25.00 for the LCHIP fee). Both checks are to be made payable to the Merrimack County Registry of Deeds.
  - (7) The Applicant shall deliver to Planning, two plan sets and one (1) mylar(s) for endorsement by the Planning Board Chairman & Clerk and recording at the Registry of Deeds.

8C. Diamond Hill Properties, requesting Minor Subdivision approval to create two (2) new lots at 64 Hooksett Turnpike, in the Open Space (RO) District. *MBL: 89/1/13 (2016-50)*

On a motion made by Mayor Bouley, and seconded by Mr. West, the Board voted unanimously to accept the application as complete and open the public hearing. Chairman Woodfin opened the public hearing.

Joe Wichert was present along with Keith Morency. Mr. Wichert provided an overview of the project explaining the proposal for a two lot subdivision from 4.09 acres. He stated that the RO district requires 2 acres and 200 ft. of frontage. He stated that the lot area has been met along with frontage. He added that this lot is within the Shoreland Protection District, and as such, is subject to the 75-foot buffer setback

Ms. Shank explained that the applicant needs a waiver for the minimum 60-foot width of the useable lot area rectangle requirement. She expressed concern regarding setting a precedent for

waiving requirements that serve to limit density in areas with sensitive natural features. She added that the intent of the requirement is to make sure that there is enough land appropriate for building a house, garage, and a driveway; it appears that there is room on this lot.

Discussion ensued regarding the configuration of useable area and contiguous buildable area. Mr. Stoddard stated that the lot does have constraints due to the location of the brook and the slope of the bank down to the water. They are proposing a pentagon shaped useable lot area. He reviewed style of homes that could be supported in this neighborhood. He noted that he has done test pits and it is a sandy soil. He added that state subdivision approval has been received. Chairman Woodfin noted that even with less than the 60-foot required lot width, the required minimum useable lot area of 8,712 sf has been met.

The Chair asked if members of the public had any comments or questions.

There being no comments from the members of the public, the Chair closed the public hearing.

The Board discussed the potential of setting a precedent and feels that the space has been changed to accommodate an odd shaped lot; however, it still maintains useable lot area and is a reasonable shape.

On a motion made by Mayor Bouley, and seconded by Ms. Smith-Meyer, the Board voted unanimously to **grant the waiver** for Section 19.04(5) of the Subdivision Regulations allowing a Useable Lot Area with less than the minimum required 60-foot width, based on the fact that the total minimum square footage for the Useable Lot Area is provided, utilizing the criteria of RSA 674:36, II (n) (2), which states that specific circumstances relative to the subdivision indicate that the waiver will properly carry out the spirit and intent of the regulations.

On a motion made by Mayor Bouley, and seconded by Mr. West, the Board voted unanimously to **Grant Minor Subdivision approval** for a 2-lot subdivision at 64 Hooksett Turnpike, 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) Provide an easement for review for the encroachment of the well radius in a form acceptable to the City Surveyor and City Solicitor
  - (2) Address Engineering Review Comments to the satisfaction of the Engineering Division.
  - (3) Address Technical Review Comments, noted in Section 3 above, to the satisfaction of the Planning and Engineering Divisions.
  - (4) Any waiver(s) granted are to be noted and fully described on the plan including date granted and applicable Section number(s) of the Site Plan Regulations. Should the Board vote to deny the request, Applicant shall comply with the applicable Site Plan Regulations to the satisfaction of the Planning and Engineering Division.
  - (5) 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.

- (6) The Licensed Land Surveyor Scientist shall sign and seal final plans and mylars.
- (7) Applicant shall submit two checks for recording the plan at the Merrimack County Registry of Deeds (including a 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.
- (8) The Applicant shall deliver to Planning, two plan sets and one (1) mylar(s) for endorsement by the Planning Board Chairman & Clerk and recording at the Registry of Deeds.

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

- (1) Prior to approval of any building permits, the wetland buffer shall be permanently marked with disks obtained from the Planning Division.

9. Site Plan Applications

9A. Keach-Nordstrom Associates, on behalf of Capital Region Health Care Corporation requesting Minor Site Plan approval to construct a 1,100 sf dining room addition at Granite Ledges, 151 Langley Parkway in the Industrial (IS) District. *MBL: 95/3/4D. (2016-49)*

On a motion made by Mayor Bouley, and seconded by Mr. West, the Board voted unanimously to accept the application as complete and open the public hearing. Chairman Woodfin opened the public hearing.

Jeff Merritt of Keach-Nordstrom was present representing the applicant along with architect Joshua O’Conner and Ray Mead from Genesis Health Care. Mr. Merritt explained that this project is a minor site plan application to add a 1,100 sf dining hall addition to an existing 71 unit assisted living facility; developed in the early 1990’s. He stated that currently that the property is 5.6 acres.

Mr. Merritt provided an overview of the project and noted that this addition will be one-story. He stated there are shifts for dining as the existing area is not large enough for all of the residents to have dinner at one time. He stated that the additional access in the rear of the building will not be seen. He noted that the existing concrete patio that will integrated to be a more uniformed surface and they will be relocating the existing 4 post and roof canopy. He noted that they have met with the ADRC and the Committee recommended approval of the application, as submitted.

Mr. Merritt addressed the three waivers as follows:

- **22.08 Storm Water Design Standards for Minor Impact Site Plans** to not provide a full stormwater report since the addition is in an area previously paved, the site is relatively flat, and the drainage of the site will not be altered. The applicant has provided a Drainage Impact Letter containing sufficient information demonstrating that the drainage will not be significantly impacted.
- **12.07 Wetland Delineations** to not provide a wetland delineation since the area is limited to a small area of the entire site and is clearly not a wetland nor near a wetland area based on previously record plans.
- **12.08 Electronic Submission, 15.03(3) Existing Conditions, and 15.04(6) Proposed Site Plan** to not meet datum standards. The project plans utilize a vertical datum consistent with the as-built survey for the entire site which is different than the City standard.

Chairman Woodfin questioned the waiver for the electronic submission. Ms. Shank clarified that Staff rarely recommends this waiver, but that since the original survey was done using a different datum, Staff felt that it would be a burden to require the applicant to resurvey the entire site for disturbance to such a small area.

The Chair asked if members of the public had any comments or questions.

There being no comments from the members of the public, the Chair closed the public hearing.

On a motion made by Mayor Bouley, and seconded by Mr. West, the Board voted unanimously to **grant the waivers, as follows:**

- 22.08 Storm Water Design Standards for Minor Impact Site Plans to not provide a full stormwater report;
- 12.07 Wetland Delineations to not provide a wetland delineation;
- 12.08 Electronic Submission, 15.03(3) Existing Conditions, and 15.04(6) Proposed Site Plan to not meet datum standards.

On a motion made by Mayor Bouley, and seconded by Ms. Smith-Meyer, the Board voted unanimously to **grant Architectural Design Review approval** for the construction of a 1,100 sf addition to the existing dining hall and replace an existing patio.

On a motion made by Mayor Bouley, and seconded by Ms. Smith-Meyer, the Board voted unanimously to **grant Minor Site Plan approval** to construct a 1,100 sf addition to the existing dining hall and patio replacement subject to the following conditions:

- (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) The Professional Engineer shall sign and seal final plans.
  - (2) Address to the satisfaction of the Planning and Engineering Division, the Technical Review Comments listed in Section 3, above.
  - (3) Any waiver(s) granted are to be noted and fully described on the plan including date granted and applicable Section number(s) of the Site Plan Regulations. Should the Board vote to deny the request, Applicant shall comply with the applicable Site Plan Regulations to the satisfaction of the Planning and Engineering Division.
  - (4) Submit two set of final plans for sign off by the Planning Board Chair and Clerk. Applicant shall then make two (7) copies of the endorsed plan set for the pre-construction meeting.
- (b) **Subsequent Conditions** – Staff also recommends that the following general and subsequent conditions be placed on the approval:
  - (1) No site work shall commence until the approved site plan is endorsed by the Planning Board Chair and Clerk.
  - (2) Engineering and Planning staff shall inspect and approve final construction prior to use.

## 10. Other Items

10A. North & South Construction Services, on behalf of Abbott Farm, LLC, requesting an

extension for completion of subdivision phasing at 382 North State Street. *MBL: 71A/1/7 (2010-0048)*

Ms. Smith-Meyer recused herself from this discussion.

Jason Garland was present for this project. He explained that the completion of the project has been slower than what was anticipated and he is requesting extensions of the final subdivision approvals through October 2018 for Phase 4, October 2020 for Phase 5, and October 2022 for Phase 6.

Chairman Woodfin opened the public hearing and with no comment, the hearing was closed.

On a motion made by Mayor Bouley, and seconded by Mr. West, the Board voted unanimously to **grant approve an extension of timeline** as follows: Phase 4 to be completed and signed off by October 19, 2018; Phase 5 to be completed and signed off by October 19, 2020; and Phase 6 to be completed and signed off by October 19, 2022. As part of this action indicate that **all conditions of the original approval, extension, and amendment shall remain in full force and effect.**

Ms. Smith-Meyer returned to the Board.

10B. Nobis Engineering, on behalf of Key Auto, requesting an amendment to a previously approved site plan to remove proposed improvements pertaining to the used auto sales and oil lube buildings at 94 Manchester Street in the Highway Commercial (CH) District. *MBL: 110/D3/10 (2014-19)*

Mayor Bouley recused himself from this discussion.

Erin Lambert of Nobis Engineering was present along with Atty. Steve Patterson. Ms. Lambert explained that this is an amendment to the site plan as the business plan has since changed. She explained that the oil lube business and used car sales will no longer be a part of the business operation. Ms. Lambert continued to explain the changes noting that the driveway will not be changed at this time as was previously proposed; they will remain with the single lane due to the current location of utility poles as well as the fact that the City may have plans for Manchester Street.

Additional discussion was held regarding the temporary lease agreement for vehicle storage, Mr. Patterson explained that this lease has been formally terminated and all cars will be removed from the garage by November 13, 2016. It was noted that there will be no parking out front of the building.

Chairman Woodfin opened the public hearing and with no comment, the hearing was closed.

On a motion made by Mr. Hicks, and seconded by Mr. West, the Board voted unanimously to **grant approval for the revised plans** dated 9/27/16, removing improvements related to the oil lube and auto sales uses at 94 Manchester Street, subject to the following conditions:

- a) Address Technical Review Comments noted above.
- b) Address review comments from Jeff Warner, P.E., dated 10/3/2016 to the satisfaction of the Engineering Division.
- c) The original conditions from the June 23, 2014 approval shall apply.

- d) Prior to issuance of a certificate of occupancy, the applicant shall remove the storage of vehicles from areas outside the Collision Center, or document that a variance has been received to permit the use.

Mayor Bouley returned to the board.

With no further business before the Board, Mr. West made a motion to adjourn at 8:00; seconded by Mr. Hicks. Motion carried.

A TRUE RECORD ATTEST:

Lisa Fellows-Weaver  
Administrative Specialist