

**City of Concord Planning Board**  
**May 17, 2017**  
**Minutes**

The regular monthly meeting of the City Planning Board was held on May 17, 2017, in Library Auditorium, at 45 Green Street, at 7:00 p.m.

1. Call to Order  
Chairman Woodfin called the meeting to order at 7:00 pm. Planning Staff present included Beth Fenstermacher (Assistant City Planner), John Stoll (Senior Planner), and Lisa Fellows-Weaver (Administrative Specialist).
2. Roll Call  
**Present:** 7 – Chairman Richard Woodfin, Teresa Rosenberger (Ex-Officio for City Manager), Susanne Smith-Meyer, Ian West, David Fox, and John Regan. Vice-Chair Carol Foss arrived later in the meeting.  
  
**Absent:** 4 – Councilor Byron Champlin, Matthew Hicks, Alternate Chiara Dolcino and Alternate Frank Kenison.
3. Approval of April 19, 2017 Planning Board Meeting Minutes  
On a motion made by Mr. West, and seconded by Mr. Regan, the Board voted unanimously to accept the minutes of April 19, 2017, as written.
4. Planning Board Chair Overview  
Chairman Woodfin announced that item 5C, Lee B. Marden Revocable Trust of 2001 requesting Major Site Plan, has been pulled from the Consent Calendar.

**Consent Agenda Items**

5. Determination of Completeness Items by Consent
  - 5A. TF Bernier, Inc. on behalf of H. Byers Smith & Marian B. Smith Trust, requesting Major Subdivision approval for a 7-lot subdivision at 393 Mountain Road in the Medium Density Residential (RM) District. MBL: 122/4/3 (2017-0016)  
  
On a motion made by Mr. West, and seconded by Mr. Fox, the Board voted unanimously to determine the application complete.
  - 5B. JDH Realty Holding, LLC, on behalf of Jay W. Stewart Realty Holdings, LLC, requesting Major Site Plan approval for a 12,000 sf structure for the purpose of a warehouse and office, parking, and related site improvements at 52 Locke Road in the Residential Open Space (RO) District and the Industrial (IN) District. MBL: 40/Z/6 (2017-0015)  
  
On a motion made by Mr. West, and seconded by Mr. Fox, the Board voted unanimously to determine the application complete.
  - 5C. Richard D. Bartlett & Associates, on behalf of Lee B. Marden Revocable Trust of 2001 requesting Major Site Plan approval for the construction of a 14,650 sf addition to an existing 50,500 sf building at 132-134 Hall Street in the Industrial (IN) and Residential Open Space (RO) Districts. MBL: 5/1/8, 5/1/9 (2016-58)  
  
Ms. Fenstermacher stated that this is an application for major site plan which requires a public hearing and it would be set for June 21. However, the applicant has requested a waiver

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to hold the public hearing tonight. Due to significant comments that remain to be addressed, Staff recommended that the public hearing be scheduled for June as is the Board's practice.

Mark Sargent of Richard Bartlett and Associates was present and stated that the applicant has withdrawn the request for the public hearing to occur this evening.

On a motion made by Ms. Smith-Meyer, and seconded by Mr. West, the Board voted unanimously to determine the application complete and set the public hearing for June 21, 2017.

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. Mitsubishi Motors, requesting ADR approval to install three internally illuminated wall signs, including two replacement signs and one new sign, at 93 Manchester Street in the Commercial Highway (CH) District. MBL: 110/D1/7

On a motion made by Mr. Fox, and seconded by Mr. West, the Board voted unanimously to approve the application as submitted by consent.

- 6C. Concord Coach Lines, requesting ADR approval to install a new externally illuminated wall sign at 5 Langdon Street in the Office Park Performance (OCP) District. MBL: 25/B1/2

On a motion made by Mr. Fox, and seconded by Mr. West, the Board voted unanimously to approve the application as submitted by consent.

- 6D. Liberty Utilities, on behalf of, Mark Ciborowski, requesting ADR approval to install a new externally illuminated wall sign at 18 N. Main Street in the Central Business Performance (CBP) District. MBL: 35/3/6

On a motion made by Mr. Fox, and seconded by Mr. West, the Board voted unanimously to approve the application as submitted by consent.

- 6E. Jane Sylvia Salon, on behalf of Alexander Constant, requesting ADR approval to install a new freestanding sign at 30 S. Main Street in the Central Business Performance (CBP) District. MBL: 35/6/9

On a motion made by Mr. Fox, and seconded by Mr. West, the Board voted unanimously to approve the application as submitted by consent.

**Items Pulled from the Consent Agenda**

- 6B. HDC-192 Loudon Road, LLC, requesting ADR approval to install three new internally illuminated wall signs and a new internally illuminated freestanding sign at 196 Loudon Road in the General Commercial (CG) District. MBL: 117/D2/10

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Heather Dedko of National Sign represented the applicant. Three wall signs and one free standing sign are being proposed for Dairy Queen which will be internally illuminated with LED lighting. Ms. Dedko stated that the applicant is willing to comply with most of the recommendations from last week's meeting with the Architectural Design Review Committee (ADR); however, they would like to discuss the recommendation to use a stone façade instead of the aluminum post, as submitted. Ms. Dedko stated that ADR recommended the stone façade because the aluminum did not match any of the proposed building materials. Ms. Dedko stated that she went to the site and noted that the trim for the building is the same aluminum material that they are proposing for the post; therefore, it does match existing building features. Instead of a stone façade for the entire post, the Applicant is willing to build a short stone planter wall at the base of the aluminum post. She noted that there are proposed plantings at the base of the sign in the submitted landscape plan. Ms. Smith-Meyer felt that the proposed plantings would be sufficient and thought the stone planter wall was not necessary. Mr. West disagreed; he thought the stone planter wall would be a nice feature to add if the post is to remain aluminum.

On a motion made by Ms. Smith-Meyer, and seconded by Mr. Fox, the Board voted 6/1 to approve the application as submitted with the recommendations provided by ADR with the exception that the post remain aluminum and there be no stone façade or planter wall at the base.

**Public Hearings**

7. Building Permits for Exterior Alterations in Performance Districts

- 7A. Robert Baker, on behalf of Northern New England Tel Ops LLC, requesting ADR approval to install an 80 kW generator on a 5 foot by 10 foot concrete pad to support wireless equipment at 12 South Street in the Civic Performance (CVP) District. MBL: 36/1/6

Victor Manougian of McLane-Middleton represented the application; Robert Baker of Northern New England Tel Ops LLC, was in attendance as well. An overview of the project was provided explaining they are replacing the existing generator with a 80 kW generator on a 5 foot by 10 foot concrete pad. Verizon routinely installs generators at all of their sites for emergency services and in the absence of a power outage, the generator will cycle. Although this new generator is larger, it will not make any additional noise than the existing one. Generators typically cycle once per week for 5-10 minutes. An additional platform is being added over the existing one.

Mr. Manougian stated they have met with ADR and the Zoning Board of Adjustment. The ADR members suggested that the generator be painted a dark gray color.

Chairman Woodfin opened the public hearing. There being no further comments from members of the public, the Chair closed the public hearing.

On a motion made by Ms. Smith-Meyer, and seconded by Mr. West, the Board unanimously voted to approve the application as submitted with the recommendations provided by ADR.

- 7B. Chris Carley, on behalf of the Merrimack Superior Court House requesting ADR review of a proposed retaining wall and encroachment into the N. Main Street right-of-way in conjunction with construction of a new Courthouse at 163 North Main Street in the Civic Performance (CVP) District. MBL: 46/1/1 (2017-07)

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Ms. Fenstermacher stated that the State is in discussions with the City to not get a license to encroach in the right of way but to instead discontinue the right of way. A decision has not yet been reached.

Gary Goudreau presented this application. He explained that the proposal for the landscaping has been revised from the previous month's submission based on feedback from ADR and Planning Board members. A granite unit wall with a landscaping bed at the base of the wall along the sidewalk is proposed. Landscaping (creeping juniper) will be installed at the top of the wall to grow down the face of the wall, instead of up a trellis structure as was previously proposed. A decorative fence is proposed at the top of wall with a separate timber guard-rail to act as a stop for the parked cars. Pictures were reviewed. Community artwork for the retaining wall is included as a component of the license agreement, which states that it will be installed within one year of the certificate. Mr. Goudreau indicated that the developer is looking into granite artwork to be embedded into the retaining wall.

Mr. Goodreau stated that the new proposal was presented to ADR who recommended approval subject to the condition that proposed plant species are submitted for staff review, and with the recommendation that a central access for stairs be included for pedestrian access from North Main Street.

Additional discussion was held regarding the types of plantings proposed. Mr. Goodreau stated that the top of the wall could be creeping juniper, and grow-low sumac. He noted that the planting bed at the base of the wall would be a mix of perennials, which would die back in the fall and not be impacted in the winter.

Mr. Goodreau stated that the State is not amenable to including the central staircase as recommended by ADR. He explained that they are trying to get as many parking spaces as possible, and they would lose at least 3 parking spaces to add the central staircase. Discussion ensued regarding the access to the parking area from Pitman St. and Court St.

Ms. Smith-Meyer referred to the plan renderings and expressed concern with the aesthetics of the timber guardrail. She suggested upgrading to a system with a stronger fence and low wall that would accomplish the safety requirements for pedestrians and parked cars while allowing more room for landscaping. She suggested something similar to the wall system along Langley Parkway.

Chairman Woodfin opened the public portion of this project.

Mr. Roy Schweiker requested that the Board indefinitely postpone this application and really look in to what is good and bad for the City. He stated that it is not a good plan to get rid of right of ways for walls and it is more important to have the width on Main Street otherwise the traffic will look similar to that on Loudon Road, especially if Exit 14 should close. He stated that there are other options available than an encroachment.

Ms. Fenstermacher stated that the Planning Board does not have the ability to postpone an application for this project because it is a State project and under State statute they are only required to notify the Planning Board of the project prior to construction. Comments can be provided to the property owner but there is not an official application submitted. Additional discussion was held regarding RSA 674.54.

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Chairman Woodfin noted that any issues relative to the right of way will go before City Council and that is the avenue to address valid concerns.

Mr. West asked what the total encroachment is. Mr. Goodreau replied approximately 18 inches.

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

Ms. Smith-Meyer asked if any of the Board's other issues have been addressed yes. Ms. Fenstermacher stated that, at this time, they are returning to the Board for the retaining wall as that was an item that was not complete at their first presentation.

No further action of the Board is required.

Acknowledging Mr. Schweiker's comments, Chairman Woodfin stated that he does not want to see any of the City's right-of-way given away. He suggested that there be a note added to the minutes to be forwarded to City Council stating that the PB is concerned when any space within the right-of-way is given up. The Board unanimously concurred with Chairman Woodfin's request for a note to be added to the minutes.

8. Site Plan & Subdivision Applications

- 8A. Rob Harrison requesting a one year extension on the approval of a Major Subdivision application at 44 Carter Hill Road in the Open Space Residential (RO) and Penacook Lake Watershed Protection (WS) Districts. MBL: 51Z/5 (2016-17)

The applicant was not present. Ms. Fenstermacher provided a brief overview of the project explaining that the applicant received conditional Major Subdivision approval and Conditional Use Permit approval at the May 18, 2016 Planning Board meeting, to create a 4-lot subdivision at 44 Carter Hill Road in the Open Space Residential (RO) and Penacook Lake Watershed Protection (WS) Districts. In accordance with Section 10.09 (8) of the Subdivision Regulations (SDR), and the precedent conditions placed on the approval, the plan is expired if not recorded within one year of the date of conditional approval. The plan is set to expire May 18, 2017. She stated that the property owner is requesting a one-year extension in accordance with 10.09(9) (SDR). Staff does not object to approval of the one-year extension, subject to all original conditions placed on the May 18, 2017 approval.

Chairman Woodfin opened the public hearing. There being no comments, the Chair closed the public hearing.

On a motion made by Ms. Smith-Meyer, and seconded by Mr. West, the Board unanimously voted to approve the application as submitted.

- 8B. NH Audubon Society requesting an amendment to the conditions of a previously approved major site plan application for the purpose of constructing an enclosure for wildlife at 84 Silk Farm Road in the Residential Open Space (RO) District. MBL: 92/1/6 (2017-0014)

Ms. Foss recused herself from this project.

Kevin Wall was present representing the NH Audubon Society. He explained that the property received a conditional approval for a subdivision in 2008, with conditions that no net increase in impervious surface

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would be allowed on the 16.42 acre parcel without further approval from the Planning Board. He stated that the proposal is requesting approval for two 10x10x10 enclosures for raptors.

Chairman Woodfin opened the public hearing. There being no further comments from members of the public, the Chair closed the public hearing.

On a motion made by Ms. Smith-Meyer, and seconded by Mr. West, the Board unanimously voted to approve the construction of the raptor enclosure and the modification to the previously approved Minor Subdivision Plan to remove the special condition on the Minor Subdivision Approval prohibiting any increase in impervious surface without further approval by the Planning Board. As part of this action, all other conditions of the original approval shall remain in full force and effect.

Ms. Foss returned to the Board as a voting member.

- 8C. Richard D. Bartlett & Associates, on behalf of New Hampshire Federal Credit Union and George Kapos, requesting Minor Subdivision approval to for a lot line adjustment at 70 & 76 Airport Road in the IN (Industrial) District. Map/Block/Lot: 110/A 2/6 & 110/A 2/2 (2016-39)

Mark Sargent from Richard Bartlett and Associates was present representing New Hampshire Federal Credit Union (NHFCU) and George Kapos who was also present.

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

Mr. Sargent provided an overview of the project explaining that the applicant is requesting a minor subdivision to adjust the lot line between the credit union at 70 Airport Road (Lot 6) and the single story commercial building at 76 Airport Road (Lot 2). The driveway for Lot 2 has a small section of pavement that is encroaching onto Lot 6, NHFCU. The lot line adjustment proposes to add 227 sf of land to Lot 2, which will remove the encroachment from Lot 6. The credit union has agreed to annex that portion to Mr. Kapos. Mr. Sargent added that a variance was granted by the ZBA to permit a zero (0) setback for the driveway and parking lot where five (5) feet is required.

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

The waivers were reviewed and a discussion was held regarding the waiver to Section 12.09 which requires that the plan shall reference the NH State Plane coordinate system. Mr. Sargent stated that the original survey was done prior to this requirement; however, he may be able to leave the plan as is and the digital information for the lot lines could comply with the requirements. Ms. Fenstermacher and Bryant Anderson, Associate City Engineer, stated that Staff will work with the applicant relative to this requirement and the waiver would not be required. Mr. Sargent agreed to withdraw this waiver request.

On a motion made by Ms. Foss, and seconded by Mr. West, the Board **granted 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.

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- 12.03(5), 12.07, & 15.01(3) requiring the delineation of wetlands by a Certified Wetland Scientist;
- 12.03(6) & 12.08(4) requiring soil mapping;
- 12.08(3) & 15.03(4) requiring existing topography;
- 12.08(10) & 15.03(11) requiring the location of municipal utilities;
- 12.08(11) & 15.03(15) requiring the location of non-municipal utilities;
- 12.08(23)(d) and 15.03(3) requiring usable and buildable area calculations respectively;

On a motion made by Mr. West, and seconded by Mr. Regan, the Board **granted the Minor Subdivision approval** for a lot line adjustment at 70 & 76 Airport 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) Address Technical Review Comments, noted in Section 3 above to the satisfaction of the Planning Division.
  - (2) 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.
  - (3) The Licensed Land Surveyor and Certified Wetland Scientist 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.
- 8E. Northpoint Engineering, LLC, on behalf of GJC Associates, requesting Major Site Plan approval to expand an existing parking lot, and a Conditional Use Permit for disturbance of a wetland buffer, at 264 Pleasant Street in the Institutional (IS) District. MBL: 95/3/1 & 95/3/2 (2017-09)

Jeff Lewis was present for this application. He stated that the application was accepted as complete at the April 19 meeting. He has met with the ADRC and Conservation Commission (CC). He explained that the project is for Major Site Plan approval to construct 23,466 sf for an additional parking area, with a new access and circulation plan as well as necessary site improvements at 264 Pleasant Street in the Institutional (IS) and Residential Open Space (RO) Districts. He stated that at this time the parking situation is very difficult. He stated that at this time there are 156 spaces and the proposal is to add an additional 75 for a total of 231 parking spaces. Concord Orthopaedics has a shared agreement with the Unitarian Church for weekdays that is used by staff and the church uses their parking lots on the weekends. There are no building improvements or expansion proposed. In addition, the lot line adjustment was approved in January and they are waiting to close on the Unitarian Church parcel, which should be completed within a month. Concord Orthopaedics would like to have the parking lot completed

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by winter.

Pedestrian access from Langley Parkway and the adjacent Concord Hospital parking garage was discussed. Mr. Lewis explained that the hospital garage was for hospital employees and it is separate from the Concord Orthopaedics use. Discussion with regard to sidewalks ensued, it was agreed that this would be revisited at the time Langley Parkway was constructed with the new driveway alignment.

Mr. Lewis spoke to the significance of the drainage and the stormwater. He noted that the CUP is for impacts to the wetland buffer to the wetlands remaining after construction, not the wetlands that are proposed to be filled. A discussion was held regarding the permanent and temporary wetland impacts. Mr. Lewis explained the mitigation requirements which are necessary due to the 20,000 sq. ft. of wetland and stream impacts. He noted that the area has been previously impacted many times, as recent as the 1990's. He stated that the mitigation is proposed to be on the land recently acquired by Concord Orthopaedics at 297 Pleasant Street. He noted that the process is continuing for the easement to be finalized.

Mr. Lewis reviewed the landscape and lighting plans as well as a plan that shows a future access and egress to the lot when the revised Langley Parkway alignment is constructed.

Ms. Foss asked if the water is being carried from the intermittent stream under the parking lot in a culvert; which is independent of the subsurface drainage from the parking lot. Mr. Lewis replied that is correct.

Mr. Fox asked if this project has any connection to the newly acquired parcel at 297 Pleasant Street going forward. Chairman Woodfin stated that these are two different projects for the Board and 297 Pleasant Street is not on the agenda for tonight.

Nearby resident Laura Bailey asked about the appropriateness of the mitigation easement proposed at 297 Pleasant Street and the overall impacts of the mitigation on this project and the re-zoning at 297 Pleasant Street. Ms. Fenstermacher replied that NHDES determines whether the mitigation is appropriate, which they have. If they did determine that the mitigation is not appropriate then the applicant would pay into the Aquatic Resource Mitigation fund, so either way this project is independent of 297 Pleasant Street. She added that there are other venues for the impacts. Chairman Woodfin added that this is not a precursor to any other project.

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

On a motion made by Mr. Regan, and seconded by Ms. Foss, the Board **granted the Conditional Use Permit** pursuant to Section 28-4-3(d) of the Zoning Ordinance (Z0) to allow disturbance of the wetland buffer with the following condition(s):

(a) A right of public access will be included in the conservation easement, and that a public access easement will be included from Pleasant Street. In the event that the easement does not occur the applicant will be required to pay into the Aquatic Resource Mitigation Fund in order to mitigate their wetland impacts.

(b) The applicant will demonstrate proof of their receipt of a Wetlands Dredge and Fill Permit from New Hampshire DES prior to the issuance of a certificate of occupancy.

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On a motion made by Mr. West, and seconded by Mr. Regan, the Board **granted Architectural Design Review Approval** for the site design, landscaping, and related site improvements.

On a motion made by Mr. West, and seconded by Mr. Fox, the Board **granted Major Site Plan Approval** for the construction of 23,466 sf of additional parking area, new access and circulation, and related site improvements including landscaping and lighting at 264 Pleasant Street 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) Address all items under Comments 3 & 4 to the satisfaction of the Planning Division
    - (2) Address all Engineering comments in the memo dated April 11, 2017 and any subsequent revisions to the satisfaction of the Engineering Division
    - (3) Submit three (3) copies of fully revised plans for sign off by the Clerk and Chair of the Planning Board.
  - (b) Subsequent Conditions – to be fulfilled as specified:
    - (1) Prior to the commencement of construction activity, payment of inspection fees in an amount approved by the City Engineer shall be made.
    - (2) A pre-construction meeting shall be required prior to the start of any construction activities onsite. The applicant shall pick up one (1) set of signed plans at the Planning Office to make copies for the pre-construction meeting. A total of (7) copies of the signed plan set shall be provided by the applicant at the pre-construction meeting.
    - (3) Prior to the commencement of construction activity, 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.
    - (4) At the completion of construction activity, 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.
- 8D. Northpoint Engineering, LLC, on behalf of Thomsonburger Ventures, LLC, requesting Major Site Plan approval for a new 1,480 sf temporary cold-weather homeless shelter building, parking lot, and related site improvements to be constructed behind the existing building at 238 N. Main Street in the Urban Commercial (CU) District. MBL: 55/5/13 (2017-08)

Jeff Lewis was present for this application along with Ellen Groh from the Concord Coalition to End Homelessness.

Ms. Fenstermacher stated that the application has been accepted as complete. Due to site constraints many variances have been granted by the Zoning Board of Adjustment (ZBA). Landscaping has been requested by Staff and due to site constraints the applicant may request that this recommendation not be approved by Planning Board.

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Ms. Groh provided an overview of the proposal explaining that the goal is to provide a winter shelter for the homeless. It will be a separate structure of 1,480 square foot behind the existing building at 238 N. Main Street in the Urban Commercial (CU) District. She mentioned other shelters in the City and added that they did look into purchasing other properties throughout the City; however, they feel that the current location is the most optimal.

Mr. Lewis explained the site improvements including the construction of 6 parking spaces, 2 one-way access driveways, retaining walls, and stormwater improvements. He stated that the project will include the demolition and relocation of exterior stairways on the existing building to allow for the construction of the access driveways. He provided an overview of the topography of the property, which includes slopes in the rear of the property. This will require approximately 10 feet of fill to raise the grade for the proposed building. He further described the interior floor plan, and explained that a small mechanical room will be located in a partial basement. The parking area is paved and a subsurface drainage system is proposed to capture the storm water. Water and sewer are in the existing building and will be accessed via Main Street.

Mr. Lewis stated that he is working through the Staff comments and they will be working with coordinating with abutters as construction of the project proceeds.

Mr. Lewis stated that a waiver request has been submitted from Section 21.03 of the Site Plan Regulations (SPR), to not provide a sidewalk connection from the public sidewalk on North Main Street to the proposed building(s) on the site. He added that the amount of space to construct a sidewalk is limited, and they already received a variance for a reduction in the driveway width. The driveway will be maintained during winter months for safe passage, and there will be minimal vehicular traffic on the driveway. Per Section 21.03, the Planning Board may allow the connection be made from the sidewalk to the parking lots, provided that the pedestrian connection is not through a parking space. Ms. Fenstermacher stated that Staff supports this waiver, with the condition that the Applicant provides accommodations for persons with disabilities to safely access the facility 10 ft. wide drive aisles.

As far as landscaping, Mr. Lewis stated that there is limited space on the property and they are more concerned that there is room for snow storage.

Chairman Woodfin asked about the two curb cuts and if they were there for fire truck access. Mr. Lewis stated that there is not enough space for fire trucks to maneuver through the site; however, the two curb cuts are existing and they are using them for one way in and one way out. He explained that it is a safety issue as they cannot have people backing out of the property. He noted that there is a fire hydrant within 10 ft on the adjacent property to the east and they propose to add a gate in the existing fence which will only be accessible by the fire department with a knox box.

Chairman Woodfin asked about the capacity of the bunk room. Ms. Groh described the bunk room to have 17 bunks to fit 34 people, both men and women with a max height of two beds; 4 bathrooms and no showers.

Discussion ensued regarding the existing chain link fence along the property. It was determined that the ownership of the fence is not known. Ms. Smith-Meyer suggested rethinking the fence and noted the steep

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slopes. She also stated that there should be some room to place trees in the front of the site and she referenced utilizing the street tree program through the City. Mr. Lewis stated that the purpose for the building is a cold weather shelter from December to March and they would need the space to store snow. Ms. Smith-Meyer added that the trees are also for aesthetic purpose, and they should work with staff to find a location and still have room for snow storage.

Mr. Lewis reviewed the variances granted by the Zoning Board of Adjustment (ZBA):

- 1) 28-4-1(h), Table of Dimensional Regulations, to permit a structure to be built with the closest points being 2 feet +/- from the rear property line and 5 feet +/- from a side property where rear and side setbacks of 15 feet are required,
- 2) 28-4-1(h), Table of Dimensional Regulations, to permit a total lot coverage of 82% +/- where a maximum lot coverage of 80% is allowed,
- 3) 28-7-2(e), Table of Off-street Parking Requirements, to provide 6 zoning compliant parking spaces, including 1 zoning compliant accessible parking space where 31 parking spaces are required,
- 4) 28-7-7, Parking Area Design Standards,
  - a. Section (a), Standard parking spaces, to permit parking spaces with a depth of 18 feet where a depth of 19 feet is required,
  - b. Section(e), Minimum aisle widths, to permit a 22 foot +/- aisle width where an aisle width of 24 is required,
  - c. Section (f), Driveway widths, to permit one-way drive aisles with a width of 10 feet +/- where 12 foot widths are required,
  - d. Section (g), Setbacks and restrictions, to maintain one non-compliant accessible parking space in the front of the building and to provide off-street parking within 5 feet of a property line where parking in front of a non-residential building is prohibited and a 5 foot minimum setback is required

Mr. Lewis mentioned that the ADRC provided a recommendation to not provide siding along the foundation wall for aesthetic reasons. However, the ADRC would support the lowest cost alternative for the project.

Pat Mullen, manager of 254 N. Main Street, stated that he understands the mission; however, expressed concern with trespassing on their property as people leave the resource center. He stated that they currently have this issue and have tried to address it with the resource center without success. He requested some type of reassurances relative to the extension of fencing and the pedestrian traffic flow. He also expressed concern with the 393 sidewalk and the maintenance. He noted that they do support the filling of the bank that will make the bank area not so steep.

Angelo Marrone, owner of Citgo, stated that he believes that they will come to an agreement regarding the retaining wall; however, would request that the Board's approval be based on an approved agreement. In addition, he noted that there is no fence currently running east to west between the properties and noted that there have been some issues with loitering and trespass. He suggested extending the fence; however, nothing is proposed at this time. Chairman Woodfin explained that the Board's approval would not be contingent on an approval with the property owners regarding a retaining wall or fence.

Roy Schweiker suggested that the Board listen to the ZBA and asked what the intent of the Performance District is and whether they should be squeezing as much as possible into a site. He added that there are

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other locations suggested that should have been looked into. In addition, he added that the current winter shelter has not been working and was not used much, and over the course of summer with expansion of Salvation Army and apartments there has been sufficient amount of housing available. He stated that there no room for growth on this site. He added that as far as the 393 sidewalk maintenance, he suggested a PILOT program for maintaining the sidewalk.

Ms. Groh provided responses relative to the abutters concerns. She stated that she believes that the I-393 maintenance has been addressed by the City. As far as the location of the shelter, they did look into other locations and this use was not allowed in a few areas. She added that the Coalition felt that it was important for guests to be in walking distance to City services. She provided statistics of figures for other shelters, on an average of 35 people per night with 27 in previous winters. She stated that in years past the churches were busier. Ms. Groh explained that in prior years numbers were higher due to the fact that 2/3 attendance was from other communities throughout the State. She noted that working on more permanent housing opportunities takes time. She added that she understands that there is an issue with crossing through properties; there is a gap in the fence to the bridge. Adding a fence between the properties would not stop the crossing through of properties. As far as loitering, as far as she is aware, the police do not see this property as a nuisance. There are ways to treat the infractions if there was proof to show who was trespassing. She requested that the abutters talk to her directly to address their concerns if they were not previously addressed by other staff members. Mr. Lewis stated that they will continue to work on addressing the issues with neighbors regarding the trespass and fencing/gate options.

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

On a motion made by Mr. West, and seconded by Ms. Foss, the Board unanimously **granted Architectural Design Review Approval** for the site design, and related site improvements.

On a motion made by Ms. Smith-Meyer, and seconded by Mr. West, the Board unanimously **granted the waiver** to the Site Plan Regulations subject to the conditions as noted, and in accordance with RSA 674:36, II (n), which states that which states that strict conformity would pose an unnecessary hardship to the applicant, and a waiver would not be contrary to the spirit and intent of the regulations. The waiver to Section 21.03 (SPR) is to not provide a sidewalk from the public sidewalk to the new building, with the condition that the Applicant provides accommodations for persons with disabilities to safely access the facility.

On a motion made by Mr. West, and seconded by Mr. Regan, the Board **granted Major Site Plan Approval** to construct a 1,480 square foot cold-weather shelter, and related site improvements, including stormwater improvements, and parking, subject to the precedent and subsequent conditions noted below:

- (a) Precedent Conditions – to be fulfilled within one (1) year and prior to endorsement of the final plan by the Planning Board Chairman and Clerk, and prior to issuance of any building permits, or the commencement of site construction, unless otherwise specified:
  - (1) Address Technical Review Comments under Section 3 above to the satisfaction of the Planning Division.
  - (2) Address Engineering review comments in the memo dated April 10, 2017 to the satisfaction of the Engineering Services Division.

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- (3) Submit three (3) copies of fully revised plans for sign off by the Clerk and Chair of the Planning Board.
- (b) Subsequent Conditions – to be fulfilled as specified:
- (1) Prior to commencement of construction activity, payment of inspection fees in an amount approved by the City Engineer shall be made.
  - (2) A pre-construction meeting shall be required prior to the start of any construction activities onsite. The applicant shall pick up one (1) set of signed plans at the Planning Office to make copies for the pre-construction meeting. A total of seven (7) copies of the signed plan set shall be provided by the applicant at the pre-construction meeting.
  - (3) At least two weeks in advance of the pre-construction meeting, provide financial guarantee for all public improvements on and off site and a guarantee for the site stabilization in an amount approved by the City Engineer, and in a form acceptable to the City Solicitor.
  - (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 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.

Ms. Fenstermacher noted that the lighting is still outstanding and needs to be addressed as part of the technical comments.

Ms. Rosenberger requested that the applicant update staff on the final decision regarding the retaining walls, landscaping, and agreements with the neighbors. Mr. Lewis agreed to comply and will update Ms. Fenstermacher.

9. Amendments & Other Items

- 9A. Amendment to Title IV, Zoning Code; Chapter 29.3, Issuance of Building Permits on Certain Lots on Unaccepted Streets, and establish a new Article 29.3-3 to allow the issuance of building permits on Private Roads within the St. Paul's School Campus.

Ms. Fenstermacher provided an overview of the proposed amendment. She explained that in 2000, City Council granted the discontinuance of a portion of the public highways, Silk Farm Road and Dunbarton

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Road. With these discontinuances created a condition where building permits could no longer be issued for lots with frontage on private roads without an appeal to the ZBA. This change allows building permits to be issued on lots located on certain private roads within the campus. The campus understands that they will be responsible to take care of the roads and access issues. This amendment will not remove any other zoning requirements for these lots.

On a motion made by Ms. Smith-Meyer, and seconded by Ms. Foss, the Board unanimously agreed to recommend the amendment and forward it along to City Council.

**Other Business**

10. Main Street Guide Update

Ms. Fenstermacher stated that based on recommendations from City Council, the Heritage Commission, Planning Board, and ADR will begin working on a Main Street Guide to address design standards on Main Street, including but not limited to balconies and sandwich boards, etc. Work sessions to be scheduled in the future.

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

Correspondence

All correspondence was distributed and reviewed. No action was required.

Adjournment

With no further business before the Board, Mr. West made a motion to adjourn at 9:30 p.m., seconded by Mr. Fox. Motion carried unanimously.

A TRUE RECORD ATTEST:

Lisa Fellows-Weaver  
Administrative Specialist