

City of Concord Planning Board
November 15, 2017
Minutes

The regular monthly meeting of the City Planning Board was held on November 15, 2017, 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 7:00 pm. Planning Staff present included Heather Shank (City Planner), Beth Fenstermacher (Assistant City Planner), John Stoll (Senior Planner), and Lisa Fellows-Weaver (Administrative Specialist). Engineering Staff present included Bryant Anderson (Associate Engineer).

2. Roll Call

Present: 6 – Chairman Richard Woodfin, Vice-Chair Carol Foss, Councilor Byron Champlin, members Susanne Smith-Meyer, David Fox, and John Regan.

Absent: 5 –Teresa Rosenberger (Ex-Officio for City Manager), Ian West, Matthew Hicks, Alternate Chiara Dolcino, and Alternate Frank Kenison.

3. Approval of October 18, 2017 Planning Board Meeting Minutes

On a motion made by Mr. Fox, and seconded by Ms. Foss, the Board voted unanimously to accept the minutes of October 18, 2017, as written.

4. Planning Board Chair Overview

Chairman Woodfin announced that Items 6B and 8G have been postponed to the December 20, 2017 meeting. Also, Items 7H and 7K have been pulled from the consent agenda and will be addressed in the Public Hearing Section of the meeting.

In addition, the petitioners for Item 9A, the City Council referral regarding a request from Concord Orthopaedic to rezone portions of the Medium Density Residential (RM) District along Pleasant Street to the Institutional (IS) District requested to postpone to the December 20, 2017 meeting. Chairman Woodfin recommended that the Planning Board instead table the referral since this would be the fifth month of postponement. On a motion made by Councilor Champlin, and seconded by Ms. Foss, the Board voted unanimously to table the City Council referral regarding a request from Concord Orthopaedic to rezone portions of the Medium Density Residential (RM) District along Pleasant Street to the Institutional (IS) District is application.

5. Presentation by Suzi Pegg, Economic Development Director

Ms. Pegg, introduced herself. She provided an overview of her time here over the past six months and the projects she has been working on. She stated that a new website pertaining to economic development in the City will be going live by the end of the month with a new look and new brand. She described marketing for the City and stated that the City needs to be building up assets and showing what there is to offer.

Councilor Champlin asked what the biggest challenges and opportunities or assets of the City are. Ms. Pegg replied that one challenge is the current unemployment rate; it should be higher to attract new employers, but this is an issue all over New England. She is currently working with the State and local colleges to address this.

Ms. Pegg commented on the new growth in the area, which in large part was a result of the revival of Main Street as that project was the kickoff in the area. She stated that other development needs to occur with other areas of the City as well. She stated that there are many unique opportunities and the quality of the City is very important for the region. She stated that it is critical to look at what

City of Concord Planning Board
November 15, 2017
Minutes

people see, read, and hear and put it into place in order to leverage new economic development and opportunities. It is very important to use all media possible to get people to come in to the City. It is also important to change the way people think about Concord and broaden their feeling that Concord is not just the capital.

Chairman Woodfin asked what pieces she is looking at throughout the City as key items to build the economic development plan. Ms. Pegg replied that it is important to build on the current vision and develop a business brand for the City along with the current infrastructure of the City. She stated that there needs to be collaboration with the City and State. She suggested businesses that are for distribution, services for health and medical, and technology related businesses that will build the industry. She added that it is also important to protect the beauty and nature of the region, and to work to improve the quality of life.

Ms. Shank asked about the current housing market of the City and how it relates to the need to develop work force housing. Ms. Pegg replied that there is not much opportunity at this time and this is an item that should be addressed. She stated that the City needs more housing that suits the people that we are trying to attract and that there is more room for growth.

Councilor Champlin asked what the Board should be keeping in mind for 2018. Ms. Pegg stated that the Form Base Code is an excellent example of moving forward in the right direction.

Chairman Woodfin thanked Ms. Pegg for attending the meeting and suggested that there be additional meetings with Ms. Pegg for her to provide direction to the Board regarding large potential development projects.

Consent Agenda Items

6. Determination of Completeness

6A. Nobis Engineering on behalf of Granite State Glass requesting Major Site Plan approval for construction of a new 10,470 sf building, parking, and associated site improvements at 135 Old Turnpike Road in the Industrial (IN) District. MBL: 110A/4/6 (2017-41)

On a motion made by Councilor Champlin, and seconded by Mr. Reagan, the Board voted unanimously to determine the application complete by consent and set the public hearing for December 20, 2017.

6B. 117 Manchester Street, LLC requesting Major Site Plan approval for the renovation of a 22,000 sf building to accommodate 31 residential units, along with associated site improvements, at 117 Manchester Street in the Highway Commercial (CH) District. MBL: 110D/1/8 (2017-50) – Postponed to the December 20, 2017 Planning Board meeting.

7. 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.

7A. McGown Fine Art, on behalf of Mark Ciborowski, requesting ADR approval to install a new externally illuminated projecting sign at 2 Phenix Ave. in the Central Business Performance (CBP) District. MBL: 45/7/2

City of Concord Planning Board
November 15, 2017
Minutes

- 7B. D'Amante Companies requesting ADR approval to install a new internally illuminated freestanding sign at 275 Loudon Road in the Gateway Performance (GWP) District.
- 7C. All Out Fitness, on behalf of ADN Realty Trust, requesting ADR approval to install a new internally illuminated wall sign at 219 Fisherville Road in the General Commercial (CG) District. MBL: 201P/3
- 7D. 9 Round, on behalf of 89 Fort Eddy Road, LLC, requesting ADR approval to install a new internally illuminated wall sign and a replacement panel in an existing freestanding sign at 89 Fort Eddy Road in the Gateway Performance (GWP) District. MBL: 59Z/17
- 7E. Cumberland Farms requesting ADR approval to replace a panel in an existing internally illuminated freestanding sign at 47 Fisherville Road in the High Density Residential (RH) District. MBL: 304Z/1
- 7F. Kay Jewelers, on behalf of Siena Investments, requesting ADR approval to install two new wall signs at 265 Loudon Road in the Gateway Performance (GWP) District. MBL: 111E/1/12
- 7G. O'Reilly Auto Parts, on behalf of Mark LeFebvre, requesting ADR approval to install a new wall sign at 61 Hall Street in the Opportunity Performance Corridor (OCP) District. MBL: 14/2/7
- 7H. Citizens Bank, on behalf of Capitol Plaza Concord LLC, requesting ADR approval to install a new wall sign and relocate a projecting sign at 57-81 North Main Street in the Central Business Performance (CBP) District. MBL: 45/1/12
- 7I. Lakes Region Tent & Event requesting ADR approval to install a new freestanding sign and a new wall sign at 6 Whitney Road in the Industrial (IN) District. MBL: 6/P12/1
- 7J. BP & 7-Eleven, on behalf of Bo & Pop Limited Partnership, requesting ADR approval to install four (4) new panels in an existing internally illuminated freestanding sign, a new internally illuminated wall sign, and an internally illuminated window sign at 9 Village Street in the General Commercial (CG) District. MBL: 192P/90
- 7K. Bank of NH Wealth Management, on behalf of Ciborowski Jacobs Trust, requesting ADR approval to install a new internally illuminated wall sign and a new window sign at 116 N. Main Street in the Central Business Performance (CBP) District. MBL: 45/6/11
- 7L. Gale Motor Co, on behalf of Remi Hinxhia, requesting ADR approval to install a new externally illuminated projecting sign and a new window sign at 148 North Main Street in the Central Business Performance (CBP) District. MBL: 45/6/13

On a motion made by Councilor Champlin, and seconded by Mr. Fox, the Board voted unanimously to approve the sign applications by consent, except for Items 7H and 7K. Councilor Champlin amended his motion to include that the applications are approved subject to the recommendations from the ADRC, seconded by Mr. Fox. The motion passed unanimously.

Items Pulled from Consent Agenda for Public Hearing

- 7H. Citizens Bank, on behalf of Capitol Plaza Concord LLC, requesting ADR approval to install a new wall sign and relocate a projecting sign at 57-81 North Main Street in the Central Business Performance (CBP) District. MBL: 45/1/12

Ms. Shank explained that this application was requested to be pulled from the consent agenda by the applicant.

City of Concord Planning Board
November 15, 2017
Minutes

Ms. Shank stated that the projecting sign is being relocated closer to the entryway of the business. ADRC members felt that the projecting sign was too wide and did not fit with the scale of the streetscape. They also felt that it extended too far over the sidewalk into the right-of-way. ADR felt that decreasing the width of the sign would be appropriate considering the redesign of Main Street and the higher expectations for attractive and appropriately scaled signage. Doing so would not diminish the visibility of the sign because it is still sufficiently large, and the revised design with the green background and white lettering would increase legibility. The ADRC recommended that the sign be reduced from 70 inches in width to 60 inches. Ms. Shank stated that the ADRC also discussed amending the ordinance to reduce the width of signs permitted on Main Street to 4 feet.

Heather Dudko represented the application. She stated that the proposal is to replace the existing wall sign panel and projecting sign, and relocate the projecting sign closer to the space occupied by the business. The existing bracket will be reused. She stated that there is 8 ft. of clearance and the bank would like to retain the width. They feel that with the width of the sidewalk and clearance the sign is not out of place or interfering with Main Street. She noted that the sign is currently allowed as it exists; however, Citizens understands the vision being developed and is amenable to reducing the width of the sign if required.

Ms. Smith-Meyer noted that other signs along Main Street are much smaller. She also noted that if the sign were higher it might not appear so out of place. Discussion ensued regarding the changes proposed. Members felt that a smaller sign would still be visible and easy to read.

On a motion made by Ms. Smith-Meyer, and seconded by Ms. Foss, the Board voted unanimously to approve the wall sign as submitted, and the projecting sign subject to the condition that the sign be reduced to 60 inches in width, and subject to all other recommendations from the ADRC.

7K. Bank of NH Wealth Management, on behalf of Ciborowski Jacobs Trust, requesting ADR approval to install a new internally illuminated wall sign and a new window sign at 116 N. Main Street in the Central Business Performance (CBP) District. MBL: 45/6/11

Craig Moore of Barlo Signs represented this application. Ms. Shank stated that the wall sign was installed, though a temporary permit was obtained. She stated that the ADRC recommended approval as submitted for the window signs, but that they had several issues with the wall sign. The Committee felt that the front façade was in a prominent location, adjacent to the clock tower and across from the State house, and that internal illumination was not appropriate here. The previous sign was not internally lit. The Committee also felt that the proposed color scheme was stark and did not complement the existing tan and cream color scheme of the building, that the location of the text did not relate to the architectural features of the façade, and that the tag line should be smaller than the name of the business. .

Mr. Moore stated that the proposal is for an internally illuminated panel mounted to the façade, and a new window sign. He added that only the text would be illuminated. He stated that comments from the ADRC were discussed with the bank, who felt that the wealth management, and financial services text should be larger than the bank name since these are services available only at this location. He added that the applicant feels that the proposal adds character to the building. Discussion ensued as to the façade, which is currently cream with green. Mr. Moore stated that the white and black is being proposed to accent the façade and they are also looking to make the upper façade black as well.

City of Concord Planning Board
November 15, 2017
Minutes

Mr. Moore explained that they are proposing a black sign cabinet that will fit into the background. He noted that the internal light will push through the letters and make the letters three dimensional; at night, only the white letters will be illuminated. He provided photographs of other internally lit signs in the area, and signs that were white with a black background. Mr. Moore stated that the internal illumination would reduce sky glow. Councilor Champlin asked why the bank's website is maroon and why the change of colors to black now. Mr. Moore replied that the bank is trying to identify the financial services as a different entity.

Ms. Smith-Meyer stated that she felt that the proposal is not appropriate for this building because the sign is covering the architecture of the store front. She stated that the City is trying to keep the signs on Main Street simple, and that the purpose is to direct customers to the address, not advertise. She noted that this facility is not open at night so there is no need to illuminate for evening hours. She requested that another effort be made to submit a sign that is more compatible with Main Street. Mr. Moore replied that this facility will be open in the evening and will need the illumination. He explained that the proposed design and layout with this text are all a part of the corporate look.

Ms. Shank noted that there was no real character to the font used on the tag line, that it appears to be a very basic, generic Aerial font. In addition, she explained that the Committee always recommends external illumination that can be directed down and towards the building to minimize sky glow, glare, and adverse impacts for people living above. She stated that the internal illumination will shine out everywhere increasing the effects of sky glow, and increasing the effects of glare for cars and pedestrians.

Chairman Woodfin stated that it appears that the street windows are completely blacked out. Mr. Moore replied that they are; the bank did make that change.

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

On a motion made by Ms. Smith -Meyer, and seconded by Mr. Fox, the Board voted unanimously to deny the request for the wall sign based on the following:
The internal illumination was determined to be inappropriate in this location, the tag line is larger than the business name, the location of the text is not integrated with the architecture of the storefront, the color scheme was determined to be stark and not complementary to the existing tan and cream color scheme of the building, and the black painting of the background obscures important architectural features. The Board determined that the applicant should return to ADR with a revised proposal.

On a motion made by Councilor Champlin, and seconded by Ms. Foss, the Board voted unanimously to approve the window signs as submitted.

Public Hearings

8. Site Plan & Subdivision Applications

8A. American Legion Post 21 is requesting a Conditional Use Permit to allow a place of worship at 7-9 Perley St. in the Urban Commercial (CU) District. MBL: 28/2/7 (2017-47)

On a motion made by Councilor Champlin, and seconded by Mr. Reagan, the Board voted unanimously to determine the application complete and open the public hearing.

Craig Keeler represented the application along with Gabriel Fatukas and Bob Washburn.

City of Concord Planning Board
November 15, 2017
Minutes

Mr. Keeler explained that the applicant is requesting approval to allow a place of worship for a small religious group in a portion of the building at 7-9 Perley Street. He stated that there is no site work or interior construction proposed. The membership of the church consists of 15-20 senior citizens. Services will be held on Sundays from 10 AM to 12:30 PM and from 6-7 PM on Tuesday evenings. The parishioners are brought to this location by bus. The site has 44 existing parking spaces, including 10 accessible spaces. The proposed use occurs on a Sunday or at night. Since the demand for parking is not simultaneous, and since the members will be transported by bus, it appears the actual parking need may be for fewer than five spaces.

Mr. Stoll stated that the Clerk of the Board determined that existing plans and documentation of the site are sufficient to evaluate the impact and appropriateness of the proposed use.

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

On a motion made by Ms. Smith-Meyer, and seconded by Councilor Champlin, the Board voted unanimously to **grant Conditional Use Permit approval** to allow a place of worship for a small religious group in a portion of the building at 7-9 Perley Street in the Urban Commercial (CU) District.

Items 8B and 8C were discussed together.

8B. Donald C. Fannie requesting Minor Subdivision approval for a 2-lot subdivision at 83 Sewalls Falls Road in the Single Family Residential (RS) District. MBL: 302Z/72 (2017-49)

On a motion made by Ms. Foss, and seconded by Councilor Champlin, the Board voted unanimously to determine the application complete and open the public hearing.

8C. William Young Properties requesting Minor Subdivision approval for a 2-lot subdivision at 77 Sewalls Falls Road in the Single Family Residential (RS) District. MBL: 302Z/71 (2017-48)

On a motion made by Ms. Foss, and seconded by Councilor Champlin, the Board voted unanimously to determine the application complete and open the public hearing.

Joe Wichert represented both applicants. He explained that both applicants are proposing minor subdivisions to create two new lots. Utilities will be extended from Governors Way to service both properties. No waivers are requested for either property. Both lots are flat; 1 ft. contours are shown.

Abutter Kathleen Cleary, 10 Governors Way, read a letter expressing concern with privacy on her property, and with the style of housing that may be constructed. Ms. Cleary requested that any proposed home be constructed closer to the new lot line; that the size of the house be consistent with existing homes in the neighborhood; that trees on the lot be identified and evaluated for preservation prior to cutting; and that a privacy fence or evergreen tree buffer be installed on the lot line between her property and the new lot, or that the lot line be adjusted so that she could provide the buffer herself.

Heather Jones, 59 Peterson Circle, noted that the rear of the property will now be completely open and she is concerned with the proximity of a new house. She explained that this is an established subdivision now and the construction of these new houses will disrupt their lives. She was also concerned with traffic and the congestion caused by the construction. She

City of Concord Planning Board
November 15, 2017
Minutes

suggested that a stockade fence be added for privacy. She noted that there is one large tree on the property line that should be removed if there will be a house built.

Richard Cough, 87 Sewalls Falls Rd. stated that this is a good property and he supports the proposal, as presented. He also wanted confirmation that any house proposed for the new lot would be serviced by municipal sewer-and the location of the driveway access.

Ms. Smith-Meyer commented that there are no waivers or special permits requested. Therefore, the Board has no basis to place conditions on the approval for a buffer or fencing. She explained that the abutters should talk to the property owners for fencing and buffering requests.

Mr. Wichert responded to the abutter's comments and concerns. He explained that the proposal is to have municipal sewer for both projects and the existing septic systems will be abandoned. There is no proposal for any access onto Sewalls Falls Road; the access is from Peterson Circle only for both projects. He added that the deeds were researched for any restrictions for house sizes on the lots, there were no restrictions and the style is up to the buyer. In regards to Ms. Jones's and Ms. Cleary's comments, he is not able to respond to the removal of trees since he does not know the locations of proposed buildings. He noted that the builder could try to maintain the buffer, if possible. Relative to additional land, if he were to adjust lot lines then the lots would not be in compliance. There will be some disruption of traffic but all DPW requirements will be met as well as City regulations specific to the hours allowed for construction.

Chairman Woodfin added that the fencing, if needed, is not the Board's purview. The Board's task is to make sure that the development is fundamentally sound. Any other issues would need to be addressed by the neighbors and homeowners.

Ms. Foss explained the role of the Planning Board and what the jurisdictions are for property lines and setbacks. Ms. Shank noted that the Board cannot dictate housing styles for single family lots. She also mentioned that the Board's role is to ensure that the project complies with the subdivision regulations. She stated that the regulations do not require buffers between residential homes, and the Board would not typically place requirements for fencing or buffers for minor subdivisions.

There being no additional comments from staff or members of the public, the Chair closed the public hearing. The Board made the following motions for both project separately:

- 8B. On a motion made by Ms. Foss, and seconded by Ms. Smith-Meyer, the Board voted unanimously to **grant Minor Subdivision approval** for the 2-lot subdivision at 83 Sewalls Falls Rd., subject to the following 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 dated 11/6/2017 to the satisfaction of the Engineering Division.
 - (2) Address Technical Review Comments, noted in Section of the staff report dated 11/15/2017, to the satisfaction of the Planning Division.
 - (3) Prior to the final plat being signed by the Planning Board Chair and Clerk, digital

City of Concord Planning Board
November 15, 2017
Minutes

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.

- (4) The Licensed Land Surveyor shall sign and seal final plans and mylars.
- (5) The Applicant shall submit two checks for recording the plan at the Merrimack County Registry of Deeds (including a separate check in the amount of \$25.00 for the LCHIP fee). Both checks are to be made payable to the Merrimack County Registry of Deeds.
- (6) The Applicant shall deliver to Planning, one (1) plan sets and one (1) mylar(s) for endorsement by the Planning Board Chairman & Clerk and recording at the Registry of Deeds.

8C. On a motion made by Ms. Smith-Meyer, and seconded by Mr. Regan, the Board voted unanimously to **grant Minor Subdivision approval** for the 2 lot subdivision at 77 Sewalls Falls Road, subject to the following 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 dated 11/6/2017 to the satisfaction of the Engineering Division.
- (2) Address Technical Review Comments, noted in Section 2 of the staff report 11/15/17 to the satisfaction of the Planning Division.
- (3) 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.
- (4) The Licensed Land Surveyor shall sign and seal final plans and mylars.
- (5) The Applicant shall submit two checks for recording the plan at the Merrimack County Registry of Deeds (including a separate check in the amount of \$25.00 for the LCHIP fee). Both checks are to be made payable to the Merrimack County Registry of Deeds.
- (6) The Applicant shall deliver to Planning, three (3) plan sets and one (1) mylar(s) for endorsement by the Planning Board Chairman & Clerk and recording at the Registry of Deeds.

8D. Concord National Youth Softball, on behalf of The City of Concord, requesting a waiver from the expiration of a Major Site Plan approval for construction of a softball field, and a Conditional Use Permit for alternative surfacing of a parking lot at Russell Martin Park on Iron Works Road in the Single-Family Residential (RS) District. MBL: 10/1/3 (2015-0024)

Ms. Shank provided a summary of the project. She explained that the applicant is requesting a waiver from Section 11.09(8) of the Site Plan Regulations (SPR), which requires conditions of approval to be met within a certain time period or the approval expires. The current time period is one year, though at the time of the applicant's approval, it was two years. The applicant received Conditional Major Site Plan approval on July 15, 2015 and the approval expired on

City of Concord Planning Board
November 15, 2017
Minutes

July 15, 2017 due to the fact that the conditions of approval were not met.

Jim Rosenberg represented this application. He explained the original proposal for a three phased improvement plan to the athletic facilities at Russell Martin Park and is requesting that the Board extend the approval for one year. A waiver request has been submitted for Section 11.09(8) to allow for such an extension. He explained that there was a misunderstanding in the timing of the approval. He continued to provide an overview of the property and noted that the organization has the funding at this time for installation of the fence.

A discussion was held regarding setting a precedent. Ms. Shank stated that there could be a precedent set for waiving plan expiration. Mr. Rosenberg stated that this is a non-profit organization and this is for a fence, not a building, and that these are only minor adjustments. Ms. Shank stated that a plan needs to be submitted that meets the conditions of approval. She noted that trees must be shown on the plan along the parking lot, and the location of utilities must be shown. Mr. Rosenberg stated that the fence will need to be moved a few feet due to the proximity of a large rock.

Mr. Fox asked about parking issues as he believes that there is ample parking in the vicinity. Ms. Shank replied that the parking lot never received final planning board approval. The conditional approval was for a parking lot, a dugout, and concession stands. Mr. Rosenberg stated that there is ample parking available and there are no changes proposed to the parking lot.

Councilor Champlin asked what recourses are available for the applicant. Ms. Shank explained that the applicant would need to return next month for a new approval if the waiver is not granted. Mr. Rosenberg stated that the timing will delay the installation of the fence. Due to the possibility of snow, they want to begin as soon as possible so that they can utilize the field in the spring. He added that any delay will also impact the cost. Ms. Shank noted that a plan will still be required with the changes.

Ms. Smith-Meyer stated that she is comfortable with granting the waiver and does not see this as setting a precedent; it is an unfortunate oversight and only by three months. She felt that the Board could accommodate the entity.

Chairman Woodfin asked if any member of the public had comments.

Dan Dupris commented that this is a very simple plan and project that benefits the entire community. This is a volunteer organization and the waiver should be granted.

With no further comments, the public hearing was closed.

On a motion made by Ms. Foss, and second by Mr. Fox, the Board voted unanimously to **grant the waiver request** from Section 11.09(8) of the Site Plan Regulations (SPR), to allow a conditionally approved Site Plan to remain active after the deadline for conditions of approval had passed, subject to the conditions that all original conditions of approval remain in effect, and subject to the condition that the new deadline for meeting conditions of approval is July 15, 2018.

- 8E. Jeff Knight requesting an amendment to an approved Major Subdivision to request a waiver of the requirement to locate utilities underground for a 7-lot cluster subdivision at 393 Mountain Road in the Medium Density Residential (RM) District. MBL: 122/4/3 (2017-16)

City of Concord Planning Board
November 15, 2017
Minutes

This application was withdrawn per the applicant's request.

8F. Ashwood Development requesting an amendment to a previously approved Major Subdivision Plan to extend the phasing deadlines for the Oxbow Bluff Development on Abbott Road in the Single Family Residential (RS) District. MBL 202Z/6 (2005-67)

De Desharnais from Ashwood Development represented the application.

Ms. Fenstermacher provided an overview of the project explaining that the Planning Board granted conditional final subdivision approval for a three phased single-family 63-unit cluster condominium development on May 31, 2006. At this time the applicant is requesting an amendment to the approval to extend the phasing deadlines due to some issues that have caused delays for the development. Ms. Fenstermacher stated that some residents within the development have expressed concerns with the continuous delays of the project. She stated that staff is concerned with the delay in applying the wearing course due to the age of the base course as well as the raised utility structures that will remain throughout the winter. The developer has indicated that a contractor is under agreement to complete Phase 3 road construction and the roundabout construction, and work will commence in Spring 2018.

Ms. Fenstermacher stated that although the applicant has not requested an extension for the completion of Phase 3, staff recommends that the timeline be extended an additional year to account for any scheduling conflicts, and to avoid future requests to amend the timeline. She recommended that the Board give some flexibility to get the units completed within Phase 3 without the applicant having to return to the Board; she proposed November 2019 as the deadline for completion.

Chairman Woodfin asked if there was any member of the public that had comments. There being no comments from members of the public, the Chair closed the public hearing.

Mr. Anderson stated that he reviewed the area and that there are some issues with the pavement that have been corrected already. He added that he will review final pavement in the spring to make sure that everything is adequate.

On a motion made by Councilor Champlin, and second by Mr. Fox, the Board voted unanimously to **grant the request extension for phasing deadlines for the Oxbow Bluff Condominium development.**

On a motion made by Councilor Champlin, and second by Ms. Foss, the Board voted unanimously to **approve an amendment to the previously approved Major Subdivision to extend the of timeline of phasing** as follows:

- Phase 1 and Phase 2 roadway paving to be completed and signed off by May 31, 2018.
- Phase 2 - including site work, landscaping, and units - to be completed and signed off by May 31, 2018, with the exception of the completion of the roundabout.
- The roundabout construction shall commence by June 1, 2018, and be completed by September 30, 2018.
- Phase 3 to be completed and signed off by November 15, 2019.

City of Concord Planning Board
November 15, 2017
Minutes

As part of this action the Planning Board indicated that **all conditions of the original approval, extension, and amendment shall remain in full force and effect. Additionally, the following conditions shall be fulfilled as specified:**

- (1) Renewal of the Letter of Credit for the final completion of road work in Phase 1 and roadwork, grading and landscaping in Phase 2. No additional COs shall be issued after the Letter of Credit expires until the surety is renewed.
 - (2) Applicant shall provide a copy of the signed agreement with the contractor indicating they will commence roundabout construction in the spring 2018.
 - (3) No building permits for Phase 3 shall be issued until construction of Phase 2 is complete, with the exception of the roundabout.
 - (4) No COs for buildings in Phase 3 shall be issued until roundabout construction has commenced.
 - (5) No COs for Phase 3 shall be issued until utilities and base course for the Phase 3 portion of Richmond Drive is complete.
 - (6) Payment of inspection fees in an amount approved by the City Engineer to cover the roundabout construction. An estimate is included in the supplemental information.
- 8G. Betty Lou Nichols requesting Minor Subdivision approval for a 2-lot subdivision at 110 Lakeview Drive in the Residential Open Space (RO) District. MBL: 51Z/11 (2017-46)

This items was postponed to the December 20, 2017 Planning Board meeting.

Amendment & Other Items

- 9A. The City Council referral regarding a request from Concord Orthopaedic to rezone portions of the Medium Density Residential (RM) District along Pleasant Street to the Institutional (IS) District has been tabled.

Other Business

10. Pembroke Development of Regional Impact – Multiple approvals requested for a residential development consisting of 75 dwelling units proposed at 31-39 Whittemore Road off of Route 3 in Pembroke

Ms. Shank provided a brief overview of the regional impact project for Pembroke. There were no comments or concerns from the Board.

11. Main Street Guide Update

Chairman Woodfin provided an overview of the Main Street Guide. He stated that he attended the recent work session with the Architectural Design Review Committee (ADRC) and the revised document provided is a result of the work session. General discussions ensued.

Ms. Shank stated that she would like to present the document to City Council in December for their comments. The Board decided that they would like to have a joint work session with ADRC prior to any presentation to Council. Ms. Hengen, Co-Chair of the ADRC, has offered to rewrite the Purpose and Applicability section. Members will provide comments via email to Ms. Shank. The work session will be scheduled for the last week of November.

City of Concord Planning Board
November 15, 2017
Minutes

Adjournment

At the request of Chair Woodfin, Mr. Fox made a motion to adjourn at 9:33 p.m., seconded by Ms. Smith-Meyer. Motion carried unanimously.

A TRUE RECORD ATTEST:
Lisa Fellows-Weaver
Administrative Specialist