

City of Concord Planning Board
January 17, 2018
Minutes

The regular monthly meeting of the City Planning Board was held on January 17, 2018, 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), and Lisa Fellows-Weaver (Administrative Specialist). Engineering Staff present included Bryant Anderson (Associate Engineer).

2. Roll Call

Present: 7 – Chairman Richard Woodfin, Vice-Chair Carol Foss, Councilor Byron Champlin, Teresa Rosenberger (Ex-Officio for City Manager), members Matthew Hicks, Susanne Smith-Meyer, and John Regan.

Absent: 4 – Ian West, David Fox, Alternate Chiara Dolcino, and Alternate Frank Kenison.

3. Approval of November 29, 2017 and December 20, 2017 Planning Board Meeting Minutes

On a motion made by Councilor Champlin, and seconded by Mr. Hicks, the Board voted unanimously to accept the minutes for November 29, 2017 and December 20, 2017, as written.

4. Planning Board Chair Overview

Chairman Woodfin announced that a written request was received from Aaron Holt of Foxfire Property Management, Inc., on behalf of 2 Pillsbury Street, LLC, Item 6B, to continue the application requesting Minor Subdivision approval to consolidate 4,068 sf of Units 5A, 5B, and 5C into Unit 5B at 2 Pillsbury Street, in the Institutional (IS) District. MBL: 23/5/3, 23/5/6, 23/6/1, & 23/6/6 to the February 21, 2018 meeting. On a motion made by Councilor Champlin, and seconded by Ms. Foss, the Board voted unanimously to **grant the applicant's request to continue** the public hearing to the February 21, 2018 meeting.

Chairman Woodfin announced that a written request was received from 117 Manchester Street, LLC, requesting to continue the application for 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), to the February meeting.

On a motion made by Councilor Champlin, and seconded by Ms. Foss, the Board voted unanimously to **grant the applicant's request to continue** the public hearing to no date or time certain, requiring the applicant to re-notice abutters.

5. Design Review Applications by Consent

Chairman Woodfin announced that Item 5C and 5D have been pulled from the consent agenda and would be addressed in the Public Hearing section of the meeting. He asked if any member of the audience or any member of the Board wished to pull any other item from the consent agenda. He stated that all consent agenda items would be approved subject to the recommendations of the Architectural Design Review Committee (ADRC). No audience member responded.

On a motion made by Mr. Regan, and seconded by Mr. Hicks, the Board voted unanimously to approve the sign applications by consent, except for Item 5C and 5D, subject to the recommendations from the ADRC. The motion passed unanimously.

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- 5A. Sports Clips, on behalf of Joseph Concord NH Trust, requesting ADR approval to install a new wall sign at 75/77 Fort Eddy Road in the Gateway Performance (GWP) District. MBL: 641Z/45

This application was approved as submitted by consent subject to the ADRC recommending that the font be reduced, similar to the size of other existing tenant signs, that the location of the sign be shifted to the right such that the sign is left justified with the edge of the top parapet, and that the sign be horizontally aligned with the existing wall signs.

This application was approved by consent, subject to the conditions recommended by ADR.

- 5B. The Smoking Turtle Smoke Shop, on behalf of Evangelos Lillios, requesting ADR approval to install a new projecting sign at 9 Pleasant Street Ext. in the Central Business Performance (CBP) District. MBL: 35/3/10

This application was approved as submitted by consent.

Items Pulled from Consent Agenda for Public Hearing

- 5C. MHF Design Consultants, Inc., on behalf of Petrogas Group of New England, requesting ADR approval to replace four internally illuminated signs, including a new canopy sign, a new wall sign, and new panels in two freestanding sign structures. MBL: 44/2/1

- 5D. MHF Design Consultants, Inc., on behalf of Petrogas Group of New England, requesting ADR approval for exterior building modifications including a 379 sf addition for a walk-in cooler, a 267 sf building addition, and modification of the building façade at 417 South Main Street in the General Commercial (CG) District. MBL: 44/2/1

Ms. Shank explained that the proposed project does not meet the thresholds for Minor Site Plan review though it does trigger ADR review due to the building permits for exterior modifications.

Nicole Duquette of MHF Design Consultants, Inc., represented the application. She explained that the applicant is proposing to improve the existing gas station and is requesting to add a concrete pad with a 390 sf walk-in cooler and a 267 sf addition to the convenience store. A small portion of the addition will be in the Unitil easement and they are currently in the process of obtaining the necessary legal documents between Petrogas and Unitil for the encroachment. She added that there are multiple easements across the property.

Ms. Duquette explained the property layout. She noted that the rear of the property is sloped and the Unitil substation is located adjacent to the site. Due to the slopes at the rear of the site, a concrete pad will be constructed for the walk-in cooler at the rear of the building, all mechanical items will be relocated to the roof, and the addition will be located at the front of the building, extending the façade. She added that the parking, sidewalk, and ramp will comply with ADA requirements. Wheel stops will also be added for the parking spaces at the front of the store. The parking will be increased by two compact car spaces. Ms. Foss expressed concern with the parking area on the northern side of the property regarding the safety for pedestrians crossing through the pavement to the store. Ms. Duquette suggested having that parking area designated as an employee parking area.

Ms. Duquette stated that the dumpster screening will be changed to a new vinyl stockade fence, lighting will be updated to LED fixtures and additional landscaping will be provided at the driveway entrances.

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Additional discussion was held regarding the landscaping, specifically adding trees. Ms. Duquette stated that due to the slopes and easements, adding trees would be difficult and would block views. She noted that the existing shrubs are approximately 5 ft. tall. Ms. Shank noted that the ADR commented that the site is surrounded by robust vegetation. Ms. Smith-Meyer requested additional landscaping be added as this site is within the performance district. It was agreed that the applicant will continue to work with staff to add additional landscaping.

Ms. Duquette stated that the existing sign structures are not changing; they are re-facing all the existing signs.

On a motion made by Councilor Champlin, and seconded by Mr. Regan, the Board voted unanimously to approve Item 5C and 5D subject to the recommendations from the Design Review Committee.

Public Hearings

6. Site Plan & Subdivision Applications

6A. T.F. Bernier, Inc., on behalf of 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 Continued from December 20, 2017. (2017-46)

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

Mr. Tim Bernier represented the application. He explained that the proposal is to subdivide a 44.991 acre lot into two lots. The new lot will be 5 acres and will contain the existing house, well, septic, and driveway, with frontage on Lakeview Drive. The remainder lot of 39.991 acres will be vacant with frontage on Lakeview and the access off of Carter Hill Rd. He added that state subdivision approval is not required. He described the waiver requests.

Mr. Bernier explained that there are existing culverts along Lakeview Drive that have been there for many years. The City has requested drainage easements be conveyed to the City for any future maintenance. The applicants are not interested in conveying the easements and requested to have this condition of approval removed.

Ms. Fenstermacher noted that the requested easements had already been submitted and that this is the first time staff is hearing that there is a dispute. Mr. Anderson stated that the easements define an area for the City to do culvert maintenance and establish the rights of the landowner and City. Mr. Anderson requested the easements because the City needs to be able to maintain the culverts. He noted that this is only a recommendation, and the City still has prescriptive rights to maintain the culverts without the easements. While Mr. Anderson still recommends that the easement be provided, he noted that they have waived this request in the past. Ms. Shank stated that the Planning Division would support what Engineering is comfortable with. Mr. Bernier argued that the City does not have prescriptive rights and that this is not cleaning up the area as this has been there for 67 years. Chairman Woodfin asked what would happen if the condition was removed. Mr. Anderson replied that the recommendation would be stricken from the comments.

Abutters Robert and Melinda Harrison, 44 Carter Hill Rd. spoke in opposition of the proposed driveway location, stating that it is a dangerous corner on Carter Hill Road. Mr. Harrison

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stated that this is a busy road and he suggested that the driveway be placed in another location for safety.

Mr. Bernier replied that this driveway location exceeds the City's site distance requirement. He stated that it is consistent with other driveways in the area. He explained that the driveway is proposed to be on the inside of the curve. There are many other driveways on the road with less site distance. He stated that he feels that this is the best location for the driveway with the best site distance.

Mr. Harrison stated that the driveway could be located elsewhere. He added that he lives on the road and knows what is occurring there. He stated that this is the time to address any safety issues. He suggested an independent traffic consultant provide a report on the proposed driveway location.

Councilor Champlin asked if there was to be future development, which may dictate the location of the driveway. Mr. Bernier replied that this was the existing access to the field on the 40 acre lot.

Mr. Anderson stated that Engineering visited the site, and there is more than 200 feet of site distance; this meets the City's requirement.

There being no additional comments from staff or 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 strike precedent conditions number 4, eliminating the Drainage Easement requirement. In addition, any references to the easements in the engineering review will also be removed.

A discussion was held regarding the driveway. Ms. Smith-Meyer stated that the Engineering Division has reviewed the proposed location and it exceeds the City's requirements. Councilor Champlin stated that he recognizes the concerns of the abutters; however, the driveway exists and he would not support requiring the applicant to build an additional driveway.

On a motion made by Mr. Regan, seconded by Ms. Foss, the Board voted unanimously to **grant the requested waivers from the SDR**, utilizing the criteria from RSA 674:36(II)(n)(2): 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. The applicant has shown sufficient information to show buildable and useable areas and suitable soils to support a future house lot. In addition, the existing overhead utility line is located within a thickly vegetated area, is barely visible from the road, and the burial of lines will required substantial tree removal and earth disturbance within the watershed.

- 12.08(3) & 15.03(4) Existing Topography, to only show topography on a portion of the new lot.
- 12.08(5) & 15.03(6) Natural Features, to only show natural features on a portion of the lots
- 12.08(19) & 15.03(8) Setbacks and Buffers, to only show wetland setbacks in the areas of the field topographic survey.

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- 15.03(12) Septic Systems, to not supply soil test pit results
- 23.09, Storm Water Design Standards, to not provide stormwater calculations and plans
- 26.02(1) Underground Utilities, to not bury the existing overhead utilities serving Lot 11 off of Lakeview Drive.

On a motion made by Ms. Smith-Meyer, seconded by Mr. Regan, the Board voted unanimously to **grant Minor Subdivision approval** for the 2-lot subdivision, subject to the following 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 to the satisfaction of the Engineering Division, with the exception of the requirement for the drainage easements, which has been removed. The plans should be revised to reflect the elimination of the drainage easements.
 - (2) Address Technical Review Comments to the satisfaction of the Planning Division.
 - (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 Subdivision Regulations.
 - (4) Prior to the final plat being signed by the Planning Board Chair and Clerk, digital information shall be provided to the City Engineer for incorporation into the City of Concord Geographic Information System (GIS) and tax maps. The information shall be submitted in accordance with Section 12.09 of the Subdivision Regulations.
 - (5) The Licensed Land Surveyor and Wetland 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.
- 6B. Foxfire Property Management, Inc, on behalf of 2 Pillsbury Street LLC, requesting Minor Subdivision approval to adjust lot lines between existing condominium units at 2 Pillsbury Street in the Institutional (IS) District. MBL: 23/5/3, 23/5/6, 23/6/1, & 23/6/6

This item was continued to February 21, 2018.

- 6C. Allan Moses, on behalf of Penacook Assisted Living Facility, requesting ADR approval as part of a Major Site Plan approval for a two-story 6,600 sf addition to an existing building for 18 residential units and associated site improvements, and a Conditional Use Permit (CUP) to allow construction of fewer parking spaces than is required, at 30 Borough Road in the Medium Density Residential (RM) and General Commercial (CG) Districts. MBL: 192P/89

Mark McLeod of HL Turner Group represented the application.

Ms. Fenstermacher explained that the project is an expansion of the building, and additional parking. She stated that they are requesting a Conditional Use Permit to construct fewer parking spaces than what is required. Additional landscaped areas and walking paths have been added for the residents. No waivers are being requested.

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Mr. McLeod stated that the proposal is to construct a 6,600 sf addition to the existing assisted living facility at 30 Borough Road in the Medium Density Residential (RM) and General Commercial (CG) Districts. The addition is proposed to be shaped as an “L” and will be two floors, each floor with 9 residential units. The exterior of the building is intended to be consistent with the existing buildings. He stated that the ZBA granted a variance for the length of the building. The proposal includes additional landscaping, additional parking, new site lighting, stormwater controls and the realignment of the driveway. He added that with the site plan approval they will become ADA compliant with a few outstanding items.

A discussion was held regarding the existing vegetative buffer. Mr. McLeod stated that they requested a waiver to the perimeter landscape requirements because they are maintaining the buffer with existing vegetation. He stated that he believes it is sufficient. Ms. Fenstermacher added that staff previously requested additional shrub plantings along the new parking area to provide a mixture of trees, shrubs, and groundcover. She agreed with Mr. McLeod that the maintenance of the existing wooded area, along with the proposed tree plantings would meet the ordinance requirement, and a waiver would not be required; therefore, this is not addressed in the staff report.

A discussion was held regarding the parking. Resident Pat Wallace commented that typically most of the parking lot remains empty. Ms. Shank stated that the ADR Committee felt that there was too much parking still and asked if it could be scaled back more to reduce the impervious surface. Ms. Foss suggested that there be no new spots constructed. It was agreed that the applicant will work with staff to reduce the parking to only what is needed.

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

On a motion made by Councilor Champlin, and seconded by Mr. Hicks, the Board voted unanimously to grant **Architectural Design Review (ADR) approval** for the proposed site plan and building elevations.

On a motion made by Councilor Champlin, and seconded by Ms. Foss, the Board voted unanimously to grant the **Conditional Use Permit (CUP) approval** per Article 28-7-11(b) of the ZO to allow for the construction of fewer parking spaces than are required.

On a motion made by Ms. Foss, and seconded by Mr. Hicks, the Board voted unanimously to grant **Conditional Major Site Plan approval** for the proposed addition and site improvements, subject to the following precedent and subsequent conditions noted below:

- (a) Precedent Conditions – to be fulfilled within one (1) year and prior to sign off by the Clerk and Chair of the Planning Board and issuance of any building permits, or the commencement of site construction, unless otherwise specified:
 - (1) Address review comments from Engineering Services to the satisfaction of the Engineering Division.
 - (2) 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.

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- (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 five (5) copies of the signed plan set shall be provided by the applicant at the pre-construction meeting.
- (3) Prior to a Certificate of Occupancy or final construction sign-off, 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.
- (4) Prior to the issuance of a Certificate of Occupancy or final construction sign-off, 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.

6D. 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)

This item was continued to another meeting and requires re-notification.

7. Amendments & Other Items

7A. Article 29.2 of the Public Capital Facilities Impact Fee Ordinance, Section 29.2-1-2(b), Computation of the Amount of Impact Fee – update of the variable unit fee for Transportation, and Recreation Facilities in accordance with the annual inflationary rate.

Ms. Shank explained that this is an item that is brought to the Board annually for review. She also explained that while Council amended the ordinance to allow an automatic waiver for non-residential impact fees, the transportation and recreation fees for residential development still apply. The inflationary adjustment is recommended to Council to keep a steady pace with inflation for all categories in the event that the non-residential fees become active in the future. She stated that staff recommends increasing the Recreation Fee Table by 4.25%, which is the rate of inflation for recreation construction costs from July 2014 – July 2017 and increase the Transportation Fee Table by 8.38%, which is the rate of increase for highway construction costs from July 2015 – December 2017.

The public hearing was opened, and with no additional comments, the Chair closed the public hearing.

On a motion made by Ms. Smith-Meyer, and seconded by Councilor Champlin, the Board voted 4 to 3, (In favor: CF, SSM, BC, JR. Opposed: TR, RW, and MH) to **recommend** an adjustment to the Public Capital Facilities Impact Fee Ordinance, Section 29.2-1-2(b) to allow for a slight increase to the fees that are currently being collected.

7B. Amendment to the Code of Ordinances, Title IV, Zoning Code; Chapter 28, Zoning Ordinance, Article 28-6, Signs Regulations proposing to prohibit internally illuminated signs in the Central Business Performance (CBP) District., reduce the distance of sign projection permitted

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into the right of way to five (5) feet, and reduce the square footage permitted for projecting signs to 15 square feet.

Chairman Woodfin opened the public hearing. Ms. Shank explained that in 2017 the Board was asked to develop guidance for the City regarding features permitted within the right of way of Main Street and the sidewalk areas after the recent construction upgrades. As part of that process, and after considering a number of recent sign applications, the Board and ADR asked staff to propose amendments to the sign ordinance regarding internal illumination and projection into the right of way.

Ms. Shank noted that there had been an increase in internally illuminated signs since Main Street construction was completed, and that there was concern that it was changing the character of the streetscape. She noted that externally illuminated signs can be focused down towards the storefront and building, whereas internally illuminated signs increase sky glow and light pollution. The amendment adds the Central Business Performance (CBP) District to the list of Districts where internally illuminated signs are not permitted. Councilor Champlin asked about the use of neon signs. Ms. Shank noted that the Main Street Design Guide recommends that neon be permitted, and that it is the intent of the ordinance to permit neon signs. Councilor Champlin expressed support for allowing neon signs in appropriate settings.

Ms. Shank also explained that a photo survey was conducted to help the Board determine what size and distance of projection seemed appropriate for Main Street. A series of photographs of Main Street signs was taken and the area of the signs researched to demonstrate to the Board how signs of various sizes appear along the streetscape.

Additional discussion was held regarding decreasing the permitted protrusion into the right of way to five feet. It was suggested to add verbiage “...*from the property line*” to the end of the proposed amendment to clarify that the sign cannot extend further than 5 feet from the property line regardless of how wide the sign is. Member Hicks asked about the restrictions on the height of the sign. Ms. Shank stated that signs are not permitted to extend past the second floor windows, so this is what restricts the height.

Ms. Shank stated that the City Solicitor requested that the Board continue the public hearing to allow time for additional sign ordinance amendments to be drafted to ensure compliance with recent changes in the state statute. On a motion made by Councilor Champlin, seconded by Mr. Regan, the Board voted unanimously to support the current amendments subject to the recommended text changes, and to continue the discussion to the February meeting to allow for additional comments for the proposed sign ordinance amendment from the City Solicitor. The public hearing portion remained open.

Other Business

8. Re-Appointments to Architectural Design Review Committee
On a motion made by Mr. Hicks, and seconded by Mr. Regan, the Board voted unanimously to reappointment Mr. Gentilhomme, Ms. Czysz, and Mr. Doherty to the Architectural Design Review Committee with three year terms to expire December 31, 2021.

9. Main Street Guide Update

The updated guidelines were reviewed based on comments from last month’s meeting. Ms. Shank explained that a suggestion from Administration was to present the document with all

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regulatory language (“shall”) removed but with a report indicating the proposed regulatory changes. She stated that she will present the document to City Council in February, at which time they will provide feedback and/or vote on the proposed changes. Staff will then revise the document in accordance with Council decisions.

10. Form Base Code Update

Ms. Shank reviewed the proposed schedule of events for the Form Base Code (FBC) project.

11. Master Plan Budget Update

As a result of the FY19 budget, Ms. Shank provided a timeline for updating the Master Plan. She explained the various sections that need to go into the Master Plan and cost projections for the sections. She stated that the Board should be involved with developing the strategy and making recommendations for special studies. She also stated that she would ask administration to assist to get a better sense of the expectations for the next Master Plan.

Councilor Champlin commented that the Creative Economy should be included in the Economic and Demographic study as it is a benefit to the City. Regarding the line item for historical surveys he expressed concern with the timeline because of the significant amount of buildings being torn down throughout the City. He asked if there may be options to identify buildings sooner than 2024, and suggested creating a list to prioritize the preservation of historic buildings. Mr. Woodfin replied that the Heritage Commission may be able to assist.

At the request of Chair Woodfin, Mr. Hicks made a motion to adjourn at 8:45 p.m., seconded by Councilor Champlin. Motion carried unanimously.

A TRUE RECORD ATTEST:
Lisa Fellows-Weaver
Administrative Specialist