

City of Concord Planning Board
February 21, 2018
Minutes

The regular monthly meeting of the City Planning Board was held on February 21, 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), John Stoll (Senior Planner) and Lisa Fellows-Weaver (Administrative Specialist). Engineering Staff present included Bryant Anderson (Associate Engineer).

2. Roll Call

Present: 7 – Chairman Richard Woodfin, Councilor Byron Champlin, Teresa Rosenberger (Ex-Officio for City Manager), Members Susanne Smith-Meyer, David Fox, John Regan, and Alternate Chiara Dolcino.

Absent: 4 – Carol Foss, Matthew Hicks, Ian West, and Alternate Frank Kenison.

3. Approval of January 17, 2018 Planning Board Meeting Minutes

On a motion made by Mr. Regan, and seconded by Councilor Champlin, the Board voted unanimously to accept the minutes for January 17, 2018, as written.

4. Planning Board Chair Overview

Chairman Woodfin announced that Item 7A and 7B have been pulled from the consent agenda and would be addressed in the Public Hearing section of the meeting. No other Board members or audience members wished to pull any other items from the consent agenda.

5. Determination of Completeness by Consent

5A. JWB Realty, LLC, on behalf of Advantage Plastics Products, Inc., requesting Major Site Plan approval for a 10,100 sf building addition and associated site improvements at 38 Henniker Street in the Industrial (IN) District. MBL: 111/G1/61

5B. Nobis Engineering, on behalf of Capital Region Health Care Corporation, requesting Major Site Plan approval to construct a new 4-story 146,300 sf Ambulatory Health Care Building, and associated site improvements at 250 Pleasant Street, in the Institutional (IS) District. MBL: 95/3/4

On a motion made by Councilor Champlin, and seconded by Mr. Regan, the Board voted unanimously to determine Items 5A and 5B complete by consent and set the public hearings for March 21, 2018.

6. Design Review Applications by Consent

Mr. Fox recused himself from Item 6A.

6A. Amish Homestead, on behalf of Harry Shapiro & Son, requesting ADR approval to install a new externally illuminated wall sign at 80 S. Main Street in the Urban Commercial (CU) District. MBL: 28/2/3

On a motion made by Councilor Champlin, and seconded by Ms. Rosenberger, the Board voted to approve the sign applications by consent, subject to the recommendations from the ADRC. The motion passed, 6/0/1.

This application was approved as submitted by consent.

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- 6B. Dan O'Brien Kia, on behalf of 158 Manchester Street, requesting ADR approval to install a new wall sign and a new internally illuminated sign consisting of channel letters, at 158 Manchester Street in the Commercial Highway (CH) District. MBL: 110K/1/5

This application was approved as submitted by consent.

- 6C. C Gloss Nail Bar, on behalf of DSM MB I, LLC, requesting ADR approval to relocate an internally illuminated wall sign, at 96 Fort Eddy Road in the Gateway Performance (GWP) District. MBL: 59Z/16

This application was approved as submitted by consent.

Public Hearings

7. Items Removed from Consent

- 7A. The Works Bakery Café, on behalf of Ciborowski Associates, requesting ADR approval to replace an existing externally illuminated wall sign at 42 N. Main Street in the Central Business Performance (CBP) District. MBL: 45/7/2

Richard French represented the application. Mr. French explained that the business is updating their logo and the sign reflects that new logo.

Ms. Shank stated that the ADRC had some concerns over the proportions of the sign. The Committee commented that the sign violated the architectural integrity in relation to the granite band. They felt that the sign should be located entirely within the band or the area of the windows, not traverse both architectural features. They also recommended that the sign shift downward to be more aligned with the granite band. Ms. Shank stated that some members recommended that the applicant return to the ADRC with a new design. She stated that the applicant has made some revisions and is presenting a new design to the Planning Board.

Renderings of the original submittal were provided along with a new proposal. Mr. French stated that the size of the sign has been compressed and they still meet all requirements. He provided an overview of the features that were revised. He noted that the sign will be mounted in line with the granite lentil, as recommended by the ADRC. The background colors have been changed to accent the colors of the gold columns and red brick. The sign materials are salvaged wood that is hand carved and salvaged metal. The food portion of the sign is foam and the steam accent is metal.

Additional discussion was held regarding the "steam" accent of the sign. Mr. French explained that the steam is still under the windows. He noted that there is an additional granite sill on the building, which was not appropriately depicted in the first rounds of pictures.

Ms. Smith-Meyer commented that the new proposal is a much better solution. Councilor Champlin asked if the sign conforms to the new downtown guidelines. Ms. Shank replied that the sign complies with the codes. She added that nothing new has been suggested for building signs. Mr. Woodfin stated that the visuals are better and the new proposal seems to be an improvement especially with the lentil above included.

On a motion made by Ms. Smith-Meyer, and seconded by Mr. Fox, the Board voted unanimously to approve the sign application, per the renderings submitted at the meeting.

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- 7B. Warrenstreet Architects, on behalf of Merrimack County Task Force Against Domestic Violence (Crisis Center of NH), requesting ADR approval for exterior building modifications including a new ADA access, and modifications to the building façade at 4 Blake Street in the Civic Performance (CVP) District. MBL: 36/4/13

No one represented this application. Ms. Shank explained that Building on Hope is a non-profit organization and will renovate the entire building using local contractors and consultants as a pro bono project for the Crisis Center, a shelter for families and women. She explained that part of the proposal is to remove an area of the front porch to add an ADA accessible wheelchair lift. Additional discussion was held regarding the access for the ADA entrance and the parking spaces available. It was suggested that there be an accessible route provided through the parking area for the handicapped entrance.

Other renovations proposed include a new roof, siding, new windows, and interior renovations. It was suggested that an alternative exterior siding other than vinyl be used.

On a motion made by Councilor Champlin, and seconded by Mr. Regan, the Board voted unanimously to approve the plan, as submitted.

8. Site Plan & Subdivision Applications

- 8A. Foxfire Property Management, Inc. on behalf of 2 Pillsbury Street LLC, requesting Minor Subdivision approval to adjust lot lines existing condominium units at 2 Pillsbury Street in the Institutional (IS) District. MBL: 23/5/3, 23/5/6, 23/6/1, and 23/6/6.

Aaron Holt represented the application.

Mr. Stoll explained that on December 20, 2017 the Planning Board approved the transfer of 355 sf from Unit 3C to Unit 3B on the third floor. The applicant informed staff that the request was intended to transfer 355 sf from Unit 3B into Unit 3C on the third floor. The applicant has requested that the Board revisit the December 20, 2017 decision in order to correct their request.

Mr. Stoll stated that the applicant is also requesting that 4,068 sf of a currently merged section of the fifth between Units 5A, 5B, and 5C be consolidated into Unit 5B.

On a motion made by Councilor Champlin, and seconded by Mr. Regan, the Board voted unanimously to amend the previous decision and **grant Minor Subdivision approval** to transfer approximately 355 sf of Unit 3B to Unit 3C, 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:

- (a) Precedent Conditions – to be fulfilled within one year and prior to endorsement of the final plan by the Planning Board Chairman and Clerk, unless otherwise specified:

- (1) A Licensed land surveyor shall sign and seal final plans and mylars to certify that the plans meet the requirements of RSA 356-B.
- (2) The Certification statement on the plan shall be signed by the Engineer of Record
- (3) The applicant shall deliver to the Fire Department proposed floor plans

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depicting accurate exit locations shown to scale, prior to recording of the plans at the Merrimack County Registry of Deeds.

- (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.
- (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.

On a motion made by Mr. Fox, and seconded by Councilor Champlin, the Board also voted unanimously to **grant Minor Subdivision approval** to consolidate 4,068 sf of Units 5A, 5B, and 5C into Unit 5B for property at 2 Pillsbury Street, subject to the precedent conditions noted below:

- (a) Precedent Conditions – to be fulfilled within one year and prior to endorsement of the final plan by the Planning Board Chairman and Clerk, unless otherwise specified:
 - (1) A Licensed Land Surveyor shall sign and seal final plans and mylars to certify that the plans meet the requirements of RSA 356-B.
 - (2) The Certification statement on the plan shall be signed by the Engineer of Record.
 - (3) The applicant shall deliver to the Fire Department proposed floor plans depicting accurate exit locations shown to scale, prior to recording of the plans at the Merrimack County Registry of Deeds.
 - (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.
 - (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 plan set and mylar(s) for endorsement by the Planning Board Chairman & Clerk and recording at the Registry of Deeds.

8B. Keyland Enterprises, on behalf of Benjamin, Lisa, and Linda Stephenson, requesting Minor Subdivision approval for a three lot subdivision at 32 Tallant Road in the Open Space Residential (R)O District. MBL: 123/2/7 (2017-52)

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Alden Beauchemin represented the application. He explained that the proposal is to subdivide 19.10 acres to create two new single family house lots from an existing single family house lot. Lot 23-2-4-2 will be for sale and the other lot will remain within the family. Mr. Beauchemin presented the plans noting the steep slopes and wetlands, as well as the buildable and useable land areas. Well and septic requirements have been met. State approvals still need to be completed.

Ms. Shank stated that the original proposal for this lot was a 5 lot subdivision which triggered the cluster subdivision requirements for open space, as well as significant intersection improvements. A revised plan for a three lot subdivision was then submitted. The applicant agreed to add notes to the plan that stating that if the lots were to be further subdivided, then it would trigger the open space requirements of the cluster subdivision ordinance and the potential for intersection upgrades.

Chairman Woodfin asked if anyone from the public would like to speak.

Abutter Jennifer Bofinger stated that it is discouraging to see the project. She expressed concern with the poor road conditions and adding new houses will be additional impact.

Bryant Anderson stated that the road and the intersection were looked at by the engineering department. There are challenges with the road and it does get more difficult to traverse with use. He added that a larger development would require road and intersection improvements.

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

On a motion made by Mr. Regan, and seconded by Ms. Smith-Meyer, the Board voted unanimously to **grant Minor Subdivision approval** for the minor subdivision 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 February 12, 2018 to the satisfaction of the Engineering Division.
- (2) Address Technical Review Comments, noted in Section 2 above, to the satisfaction of the Planning Division.
- (3) 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, one (1) plan set(s) and one (1) mylar(s) for endorsement by the Planning Board Chairman & Clerk and recording at the Registry of Deeds.

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9. Amendments & Other Items

- 9A. Proposed Zoning Ordinance Amendment to Section 28-2-4, Allowable Principal and Accessory Uses in Zoning Districts, Paragraph J, Table of Principal Uses, by amending Use # C-5, Privately owned outdoor recreation facility including golf courses, tennis courts, or swimming pools, Use # C-7, Campground and youth camps, and Use #G-3, Bed and Breakfast to expand the allowable uses by Conditional Use Permit (CUP) in the Residential Open Space (RO) and Medium Density Residential (RM) Districts; Section 28-5-13, Campgrounds and Youth Camps, to include standards for Outdoor Recreational Facilities; and, the Glossary by adding a definition for Outdoor Recreational Facilities.

Ms. Fenstermacher explained the purpose of the ordinance amendment is to address uses commonly associated with Agritourism. She stated that the proposed amendment will allow the City to regulate events and activities that are not commonly associated with a farm operation in accordance with the RSAs. This amendment will not impact farm marketing events such as apple picking, corn mazes, etc. The amendment addresses expanding certain uses allowed through a Conditional Use Permit (CUP) to districts where agriculture is already permitted by right; this allows the Planning Board to review and impose any restrictions, and gives abutters the opportunity to provide testimony. Ms. Fenstermacher explained that the solution to expand certain uses through the CUP process will allow other open space properties not in agricultural use to expand uses, expanding the rural enterprise opportunities.

Discussion continued regarding the current court case in Henniker and the new Agritourism bill that is being proposed in Legislature and whether any decisions or the new State bill would pre-empt the City's ordinance change. Craig Walker, Zoning Administrator, commented that thru this process we are trying to avoid conflicts with the legislature. The proposed ordinance amendment will define and give the ability to regulate events so that they cannot be challenged at a later date.

The proposed verbiage was reviewed and discussions ensued. Ms. Dolcino and Ms. Rosenberger questioned whether this ordinance would cover events held strictly in barns, and not outdoors. Mr. Walker explained that the barn events would be covered under this section of the ordinance. It was suggested that the definition for Outdoor Recreation be amended to add the word "primarily" in regards to whether an event is held in a building.

The Board read into the record a letter received from Atty. Amy Manzelli from BCM Environmental & Land Law, PLLC, representing Generation Farm, dated February 21, 2018. The letter addressed their understanding of the ordinance change and they had no concerns on the impact to their business.

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

On a motion made by Ms. Rosenberger, and seconded by Mr. Regan, the Board voted unanimously to recommend the proposed zoning amendment, as amended with additional language under Section 4.

9B. Rules of Procedure

Revisions to the Planning Board's Rules of Procedures were previously provided for review. Councilor Champlin commented that the procedures were thorough and well done.

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On a motion made by Councilor Champlin, and seconded by Mr. Fox, the Board voted unanimously to recommend adopting the revisions of the Planning Board's Rules of Procedure, as presented.

- 9C. 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 stated that this is the same item that was brought to the Board last month at the January 17 meeting. Councilor Champlin stated that he requested this item be added to the agenda for reconsideration.

On a motion made by Councilor Champlin, and seconded by Mr. Regan, the Board voted unanimously to reconsider Article 29.2 of the Public Capital Facilities Impact Fee Ordinance. Councilor Champlin explained that he felt that encouraging development was more important than collecting greater impact fees.

Ms. Shank stated that this is an item that is brought to the Board annually for review. She stated that staff annually calculates the inflationary adjustment of impact fees. Fees collected offset costs of infrastructure and recreation. The inflationary adjustment is recommended by staff to keep a steady pace with inflation of construction costs for all categories.

Additional discussion was held regarding the need for housing in Concord and the continued promotion of economic development.

Ms. Dolcino asked what the recreation fees contribute to. Ms. Shank replied that the fees cover any project that pertains to a need for increased capacity of a recreation service, including for instance the new Canterbury Street community center. The fees have not been updated since 2015. She stated that she does not believe it would discourage recreation improvements; the money would just need to come from somewhere else, such as the General Fund.

On a motion made by Councilor Champlin, and seconded by Ms. Rosenberger, the Board voted 4 to 3 (In favor: BC, TR, RW, DF. Opposed: JR, CD, SSM.) to maintain the current impact fee tables.

Mr. Regan requested that Staff present information to demonstrate what contribution the fees make to City projects when presenting annual reviews of the fees in the future.

Other Business

10. Main Street Guide Update

Ms. Shank stated that she gave the Main Street Guide presentation to Council and it was very well received with positive feedback. She explained that several members expressed support for regulatory changes with a need for flexibility and other members were less supportive of regulatory changes. A public meeting was supported with the Main Street business owners, which should take place in the next month or so.

11. Form Base Code Update

Ms. Shank stated that the visit from Code Studio went well. The consultants received a lot of information and consistent comments and concerns from their interviews. Documents should be provided over the next few months and another meeting will be scheduled for late spring.

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12. Energy and Environmental Committee Meeting Summary

Ms. Fenstermacher stated that she and Ms. Shank recently met with the Energy and Environmental Committee to discuss goals and the update for the Master Plan. Ms. Fenstermacher mentioned that the Committee recently presented ambitious renewal energy goals to the City Council. She added that there were discussions about potential conflicts with other land use goals in the City, and that future study is needed to determine the best locations in the City to site renewable energy facilities. She added that the Committee plans to meet with the Conservation Commission in the future to discuss overlapping or conflicting goals.

At the request of Chair Woodfin, Mr. Fox made a motion to adjourn at 8:48 p.m., seconded by Mr. Regan. Motion carried unanimously.

A TRUE RECORD ATTEST:
Lisa Fellows-Weaver
Administrative Specialist