

City of Concord Planning Board
March 21, 2018
Minutes

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

2. Roll Call

Present: 9 – Chairman Richard Woodfin, Vice – Chair Carol Foss, Councilor Byron Champlin, Teresa Rosenberger (Ex-Officio for City Manager), Members Susanne Smith-Meyer, Matthew Hicks, Ian West, David Fox, and Alternate Frank Kenison.

Absent: 2 – John Regan, and Alternate Chiara Dolcino.

3. Approval of February 21, 2018 Planning Board Meeting Minutes

On a motion made by Mr. Fox, and seconded by Mr. West, the Board voted unanimously to accept the minutes for February 21, 2018, as written.

4. Planning Board Chair Overview

Chairman Woodfin announced that requests have been made by the applicants for Items 5C, 5D, and 5J to continue their applications to the April 18, 2018 meeting.

On a motion made by Mr. West, and seconded by Mr. Fox, the Board voted unanimously to continue Items 5C, 5D, and 5J to the April 18, 2018 meeting.

Chairman Woodfin stated that because so many items needed to be pulled from consent that the Board should pull all items and hold public hearings to avoid confusion.

5. Design Review Applications by Consent

All items were removed from the consent agenda and heard as public hearings.

Public Hearings

Items Pulled From Consent

5A. Blossom Yoga & Wellness, on behalf of Ciborowski Family Trust, requesting ADR approval to replace a projecting sign and a window sign at 120 N. Main Street in the Central Business Performance (CBP) District. MBL: 45/6/11

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

5B. Roy Nails & Spa, on behalf of Michael Montor Revocable Trust, requesting ADR approval to reface an existing freestanding sign at 89 Storrs Street in the Central Business Performance (CBP) District. MBL: 35/3/11

Ms. Shank stated that the Architectural Design Review Committee (ADRC) does not want to have a fully illuminated sign due to the character of the street. They felt that just the title and text should be illuminated.

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Bill Lustig of Sign-a-Rama was present and stated that the applicant is trying to avoid a white sign; therefore, they are proposing a bluish background. He expressed concern with the costs associated with an opaque background and the different process for a backlit sign. He noted that a sign with an opaque background will not be correctly illuminated at night.

Chairman Woodfin suggested that the application be sent back to the ADRC and continue to discuss options for a viable solution.

On a motion made by Councilor Champlin, and seconded by Ms. Foss, the Board voted unanimously to send the application back to the ADR Committee to discuss the possibility of using an opaque background.

- 5C. Bread & Chocolate, on behalf of 31 South Main Acquisition, LLC, requesting ADR approval to replace an existing projecting sign at 29 S. Main Street in the Central Business Performance (CBP) District. MBL: 35/1/1

This application was continued to the April 18th Planning Board hearing at the applicant's request.

- 5D. Taylorred Interiors, on behalf of 31 South Main Acquisition, LLC, requesting ADR approval to replace an existing projecting sign at 29 S. Main Street in the Central Business Performance (CBP) District. MBL: 35/1/1

This application was continued to the April 18th Planning Board hearing at the applicant's request.

- 5E. Bar Harbor Bank & Trust, on behalf of Flomac Limited Partnership, requesting ADR approval to install a new internally illuminated wall sign and replace a panel in an existing freestanding sign at 8 Loudon Road in the Gateway Performance (GWP) District. MBL:114/1/1

Chairman Woodfin recused himself from this application.

Josh Messenger represented the application. Updated renderings were distributed for the replacement panel in the freestanding sign and the wall sign. The applicant removed their logo from both signs.

With no further comment, the public hearing was closed. On a motion made by Ms. Smith-Meyer, and seconded by Ms. Rosenberger, the Board voted to approve the revised application as submitted during the meeting. The motion passed 8/0/1.

- 5F. Bar Harbor Bank & Trust, on behalf of PRM Holdings, LLC, requesting ADR approval to install a new internally illuminated wall sign at 43 N. Main Street in the Central Business Performance (CBP) District. MBL: 45/1/6

Chairman Woodfin recused himself from this application.

Ms. Shank stated that the ADRC recommended that the background be opaque and the new rendering meets that condition. Updated renderings were distributed for the replacement panel meeting the conditions.

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With no further comment, the public hearing was closed. On a motion made by Ms. Smith-Meyer, and seconded by Councilor Champlin, the Board voted to approve the revised application as submitted during the meeting. The motion passed 8/0/1.

- 5G. Consolidated Communications, on behalf of Fairpoint Communications, requesting ADR approval to replace an existing wall sign at 1 Horseshoe Pond Lane in the Opportunity Corridor Performance (OCP) District. MBL: 594/Z11

Ms. Rosenberger recused herself from this application.

With no further comment, the public hearing was closed. On a motion made by Ms. Smith-Meyer, and seconded by Mr. Hicks, the Board voted unanimously to approve the application as submitted. The motion passed 8/0/1.

- 5H. 201 South Realty Trust requesting ADR approval for a new wall sign at 29 S. Main Street in the Urban Commercial (CU) District. MBL: 26/1/8

Pavan Patel represented the application. Ms. Shank explained that the ADRC members felt that the proposed sign was too busy with the amount of text. New renderings were submitted with less text. She added that there was some concern that the logo was too small; however, the new proposal did not include the business name or logo. She stated that the revised graphic addressed ADR concerns with regard to simplifying the sign, but it was unclear if they would be in favor of the business name or logo not being present at all. Chairman Woodfin noted that this is not the primary sign. He suggested that the revised graphic be sent back to the ADRC for further review and comment.

On a motion made by Mr. West, and seconded by Ms. Smith-Meyer, the Board voted unanimously to return the revised application to ADRC for further review and comment.

- 5I. North & South Construction Services requesting an amendment to a previously approved design review to reduce the height of future buildings at Abbott Village from 3-story townhouses to 2-story townhouses, at Callaway Drive and Cleveland Ave. in the Neighborhood Residential (RN) District. MBL: 393/Z 113

Ms. Shank explained that this was a previous site plan approval and they are requesting to modify the elevations. It was presented to the ADRC for their review and comments.

Ms. Fenstermacher explained that the ADRC discussed several aspects of the facades, including the bump outs over the first floor, the rhythm and appearance of the dormers, and the colors of the garage and entry doors. Additional discussion was held regarding alternatives to make the entrance more inviting in light of the mass of the overhanging floor above. The applicant was in favor of the revisions.

Jason Garland from North & South Construction Services presented the application. He explained that the proposal is to modify the previously approved elevations from three story structures to two story structures.

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Mr. Garland explained that there are still some original units for sale. They chose to reduce the size of the units for future phases to improve marketability. He stated that the market is not carrying the costs of these buildings. He further stated that all of the materials are the same; the façade is different since a floor is removed.

Abutter Jeff Kellett, 9 Community Ave. #7 spoke to the project timeline. He explained that the project has been ongoing for 12 years and has gone through many hurdles including developers; this is the second. He expressed concern with the project coming to a standstill. He was concerned with the effect of the proposed changes on the current unit property values. In addition, he expressed concern with the fact that there has been no communication to the abutters. He stated that the unit owners were not aware of the changes. He requested that any further discussion be postponed to allow the time for the homeowners to speak with the developers. Other residents were in the audience and stated that Mr. Kellet is speaking on their behalf as well.

Chairman Woodfin stated that the Board is sensitive to the economic development of the project and added that the developers should get feedback from the residents. Mr. Garland stated that should the item be tabled, the project would be negatively affected with financing and it may put the project on hold until next spring or even longer.

Ms. Shank explained that this is an amendment to an approved site plan. She explained that Staff originally determined that the project would be addressed as an administrative approval, but that she later determined that ADR review would be required. She stated that abutter's notifications are not required for an administrative approval or the ADR approval.

Ms. Fenstermacher stated that the project was at a standstill. The phasing timeline was changed back in 2016. The developer has had a hard time selling the units and has not moved forward due to the building costs. The inspection fees, bonds are paid, and the utilities for the future phases are already in. She added that there is nothing in the City regulations to trigger that this change would require a full site plan review application and any notifications would go to the association or board, or the management company. She stated that Mr. Garland did notify management of the proposal. Mr. Garland confirmed that the management company was very aware of the proposed changes, but had not seen the details.

Ms. Smith-Meyer stated that this is within the same footprint and the proposal is to reduce the height. She feels that there is still a sense of cohesiveness as this is not changing location, and the same materials are being used. She suggested a condition of approval be added that the homeowners and developer meet to discuss the changes.

Mr. Kellet spoke to the price points of the proposed structures and the impacts to the property values. He explained that some units are being rented, which results in ownership issues for financing.

Julie Noel, another homeowner in the development, spoke to her concerns regarding notifications. In addition, she commented that the developer has worked with owners to address their parking concerns, however; she has concerns about the units being

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rented. She commented that she feels this is a substantial change and does not feel the proposed redesign is appropriate, and the homeowners should have the opportunity to comment.

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

Board members discussed the square footage and noted the reduction in the living space and story levels.

Mr. Hicks expressed concern with the business practice of notification to the property owners and residents. He holds the management company responsible. Councilor Champlin stated that he is sympathetic to the residents not receiving any notification and asked what the result will be if the item is held over for one month to allow for discussions with the developer and residents. There are units that are vacant; however, he is not clear as to what adjustment can be made by the developer to meet the homeowner's needs. Mr. Fox stated that he does not see any reason to postpone for a month and added that the Board cannot penalize the developer for the lack of communication from the property management.

A discussion was held regarding the ADRC comments and recommendations. Ms. Shank explained that the Board is only addressing the amendment to approve the proposal to reduce the height of the future buildings at Abbott Village from 3-story townhouses to 2-story townhouses.

On a motion made by Councilor Champlin, and seconded by Mr. Hicks, the Board voted unanimously to approve the application with the recommendation that the developer show a good faith effort to meet with the residents and property owners to address their concerns and subject to the ADR conditions.

- 5J. Warrenstreet Architects requesting ADR approval for a 826 sf two-story addition to the existing building at 27 Warren Street in the Civic Performance (CVP) District. MBL: 36/4/5.

This application was continued to the April 18th Planning Board hearing at the applicant's request.

6. Site Plan & Subdivision Applications

- 6A. Joseph Wichert, LLC, on behalf of Steven Burris and Burris Revocable Trust, requesting Minor Subdivision approval for a two lot subdivision at 152 Elm Street in the Residential Open Space (RO) & Medium Density Residential (RM) Districts. MBL: 15P/26

On a motion made by Councilor Champlin, and seconded by Ms. Foss, the board voted unanimously to continue Item 6A to April 18, 2018 at the request of the applicant.

- 6B. FWS Land Surveying, on behalf of Horace Hooper Family Trust and Lucinda Paige, requesting Minor Subdivision approval for a lot line adjustment at 40 ½ and 42

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Shaker Road in the Single Family Residential (RS) District. MBL: 118/3/22 and 118/3/36

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

Web Stout represented the application. Mr. Stout explained that the proposal is a lot line adjustment to annex 6.535 acres from Tax Map 118/3/22 into 118/3/36. He reviewed the following waivers requested:

- **Section 12.08(3) Topography:** The applicants have stated that they are requesting this waiver because both lots have existing structures and this is a simple lot line adjustment. No future construction is proposed as a component of this application. Based on the fact that both lots have existing structures and that this minor subdivision is little more than a lot line adjustment.
- **Section 12.08(4) Soils:** The applicants have stated that they are requesting this waiver because both lots have existing structures and this is a simple lot line adjustment. No future construction is proposed as a component of this application. Based on the fact that both lots have existing structures and that this minor subdivision is little more than a lot line adjustment.
- **Section 12.08(5) Natural Features:** The applicants have stated that they are requesting this waiver because both lots have existing structures and this is a simple lot line adjustment. No future construction is proposed as a component of this application. Based on the fact that both lots have existing structures and that this minor subdivision is little more than a lot line adjustment.

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

On a motion made by Councilor Champlin, and seconded by Ms. Foss, the Board voted unanimously to **grant the following waivers** 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:

- **Section 12.08(3) SDR Topography** to not show topographic conditions because no development is proposed on existing home lots.
- **Section 12.08(4) SDR Soils** to not identify and/or classify soils because no development is proposed on existing home lots.
- **Section 12.08(5) SDR Natural Features** to not identify wetlands because no development is proposed on existing home lots.

On a motion made by Councilor Champlin, and seconded by Ms. Foss, 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

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otherwise specified:

- (1) Address Engineering Review Comments dated March 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.

6C. Bedford Design Consultants, on behalf of RJ Moreau Communities, LLC, requesting Major Subdivision approval to convert the previously approved 26-unit Tuscany Village residential development Sonoma Lane into condominiums, located in the Medium Density Residential (RM) District. MBL: 193/Z/1

Ms. Fenstermacher stated that the Applicant has requested a waiver to Section 10.06 of the Subdivision Regulations to allow the public hearing to be held at the same meeting as the Determination of Completeness. She stated that this project came before the Board in 2016 for Major Site Plan approval and at that time, the Applicant was planning to rent the proposed units; therefore, the condominium subdivision did not occur concurrently. Given that the site layout has not changed, and the Site Plan is already approved, staff supports the applicant's request to hold the public hearing at this meeting.

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

Katie Weiss, of Bedford Design, represented the application. She provided an overview of the project explaining that they are requesting a Major Subdivision approval to create 26 condominium units associated with a proposed multi-family planned unit development. In October 2017, a Major Site Plan application for the development was approved; however, the condominium subdivision did not occur concurrently.

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Ms. Fenstermacher stated that one waiver is requested from Section 12.07, Wetland Delineations, of the Subdivision Regulations (SDR) to not have the NH Certified Wetland Scientist sign and seal the subdivision plat. She stated that the applicant will include a reference to the signed and approved Site Plan set. Since the wetland delineation was completed within the past 3 years, and the stamped plans are on record, staff supports this waiver request.

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

On a motion made by Mr. West, and seconded by Councilor Champlin, the board voted unanimously to **grant a waiver to Section 12.07 (Subdivision Regulations), Wetland Delineations**, to not have the NH Certified Wetland Scientist sign and seal the subdivision plat with the condition that the reference to the signed and approved Site Plan is included on the plat and **grant Major Subdivision approval** to create 26 condominium units for a multi-family planned unit development, 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) Applicant shall provide digital copies of the condominium documents, including declaration of condominium and by-laws, to be reviewed and approved by the City Solicitor and Clerk of the Board.
- (2) Address Engineering Review Comments to the satisfaction of the Engineering Division.
- (3) Address Planning Review Comments to the satisfaction of the Planning Division.
- (4) 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 shall sign and seal final plans and mylars.
- (6) 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.
- (7) The Applicant shall deliver to Planning, three plan sets and one (1) mylar(s) for endorsement by the Planning Board Chairman & Clerk and recording at the Registry of Deeds.

- 6D. 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

Ms. Fenstermacher stated that the application was determined complete at the

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February 21, 2018, Planning Board meeting.

Chris Nadeau from Nobis Engineering and Richard Peasey of Lavalle/Brensinger Architects represent the application. A PowerPoint presentation was shown detailing the campus and the proposal of the Ambulatory Health Care Building. The overall project will consist of the demolition of parking lots L, J, and G to allow for the construction of a 146,300 sf, 4-story Ambulatory Health Care Building. The lowest level of the AHCB will be at grade and half buried. The design concept was based off that of the Payson Center building. The proposed landscaping will add 66 new trees and 300 shrubs.

The Architectural Design Review Committee comments were noted. The ADRC had concerns about the vast expanse of silver metal panels on the western façade and recommended that the Applicant continue to explore treatments to break up the scale of the metal panels, including considering temporary installations. In addition, the Committee asked the Applicant to further develop the canopy at the southern entrance to ensure it does not appear cavernous, and is inviting to patients.

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

Bryant Anderson discussed the Traffic Study review, which was not available in time for the meeting. He stated that the study looked at three nearby intersections, Pleasant and Langley; East Hospital Drive at Pleasant; Pleasant, Warren, and Fruit streets, and it is the opinion of Engineer staff that this project does not warrant any improvements at this time. He asked about the ADA accessible route from Pleasant Street and if the drop off area is compliant. Mr. Nadeau replied that both entrances will be ADA accessible from the parking lots and he explained the public bus service routes within the campus provide access from Pleasant Street. Mr. Anderson suggested confirming with the Governor's Council that public bus routes are acceptable to address accessibility from Pleasant Street.

Ms. Smith-Meyer stated that deciduous trees would be a better choice on the southwest side of the site and suggested swapping out the evergreens around the new parking area and new building.

On a motion made by Mr. West, and seconded by Ms. Foss, the board voted unanimously to **grant ADR approval for** the proposed site plan and building elevations as submitted with the condition that the Applicant explores alternative treatments for the western façade and to continue exploring options for the canopy on the southern façade.

On a motion made by Mr. West, and seconded by Mr. Hicks, the board voted unanimously to **grant Major Site Plan** approval for the proposed commercial development, 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:

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- (1) Address Engineering review comments 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.
 - (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.
- 6E. 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 (2018-02)

Ms. Shank stated that the application was determined complete at the February 21, 2018, Planning Board meeting. She stated that a waiver has been requested from Section 22.07 Storm Water Design Standards for Site Plans with Significant Impact in order to allow 3-feet of separation from the bottom of infiltration practice to the estimated high water table, where 4-feet is required.

Patrick Colburn with Keach Nordstrom represented this application. He provided an overview explaining that this is an expansion of the current 12,000 sf structure, which was built in 2008. The existing structure contains a mix of manufacturing, warehouse storage, and ancillary office spaces. The proposed expansion is for a 10,100 sf single story addition to be used for warehouse storage. In addition to the building expansion, other proposed site improvements include additional parking, landscaping, lighting, and stormwater management. He noted that there are 25 employees. The parking spaces required are 29, while 35 spaces are proposed. ADRC was in favor of the proposal and overall site design and recommended approval with the condition that the dark colored panel, mid-elevation, be continued onto the addition to the far jamb of the first window on both the North and South elevations.

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

On a motion made by Ms. Foss, and seconded by Mr. West, the Board voted unanimously to **grant the waiver to Section 22.07 Storm Water Design Standards for Site Plans with Significant Impact** in order to allow 3-feet of separation from the bottom of infiltration practice to the estimated high water table, where 4-feet is required, based on the fact that the runoff is only roof water, and is therefore relatively clean, and utilizing the criteria of RSA 674:44, III.(e)(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.

On a motion made by Councilor Champlin, and seconded by Ms. Foss, the Board voted unanimously to **grant ADR approval for** the proposed site design and related site improvements, subject to the condition that the dark colored panel, mid-elevation, be continued onto the addition to the far jamb of the first window on both the North and South elevations.

On a motion made by Ms. Foss, and seconded by Mr. West, the Board voted unanimously to **grant Major Site Plan approval** for the 10,100 sf single story building expansion and related 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 issuance of any building permits, or the commencement of site construction, unless otherwise specified
- (1) Address All Comments noted in Sections 2 & 3 above to the satisfaction of the Planning Division.
 - (2) Address review comments from Engineering Services in the memo dated February 12, 2018 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.
 - (4) Any waivers granted are to be noted and fully described on the plan including date granted and applicable Section numbers of the Subdivision Regulations. Should the Board vote to deny any waiver request, the applicant shall comply with said submission requirement.
- (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.

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- (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 Plan coordinates and NAVD 88 Datum.
- (5) 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.

6F. 117 Manchester Street, LLC requesting Major Site Plan approval for the renovation of a 22,000 sf building to accommodate offices of health care practitioners, 16 residential units, along with associated site improvements at 117 Manchester Street in the Highway Commercial (CH) District. MBL: 110D/1/8 (2017-50)

Ms. Shank stated that the application was determined complete at the December 22, 2017, Planning Board meeting.

Attorney Philip Hastings of Cleveland, Waters, and Bass was present with Robert Sullivan to represent this application.

Ms. Shank provided some history of the project noting that the application was submitted back in December and has had some revisions.

Attorney Hastings gave an overview of the project explaining that the existing vacant two story 22,336 square foot building at 8 Old Suncook Road will be renovated to house approximately 10,060 square feet of offices of health care practitioners on the first floor and 15 residential units on the second floor. A small area of open space and additional landscaping is proposed, as well as first floor window and door relocations and/or replacements. He stated that this building has existing paved parking for over 150 cars (117 Manchester Street is also part of this parcel). Some of the existing parking will be removed to make room for the new green space. All utilities are existing with water/sewer, gas and electric all currently operational in building. All residential units will have individual mini-split heat and A/C units. The second floor will have a common hallway with gable end exits to the parking lot.

Mr. Sullivan added that fencing will be added to maintain a visual and physical separation from the car wash. He added that the existing building pillars will be changed out. No new lighting is proposed; however, the pole in middle of the island will be removed as the island will be removed. He stated that the proposed changes improve the property and he feels that this is the best use for this property.

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

On a motion made by Councilor Champlin, and seconded by Ms. Foss, the Board voted unanimously to **grant ADR approval** for the proposed site design and related site improvements, subject to the condition that the vents and added panels be painted to match their respective facades.

On a motion made by Mr. West, and seconded by Ms. Foss, the Board voted unanimously to **grant Major Site Plan approval** for renovation of an existing vacant 2-story 22,336 sf building at 8 Old Suncook Rd to house 15 residential units along with 10,060 sf of office space for health care practitioners and related 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 issuance of any building permits, or the commencement of site construction, unless otherwise specified:
 - (1) Address Technical Review Comments noted in Section 3 above to the satisfaction of the Planning Division.
 - (2) Address review comments from Engineering Services to the satisfaction of the Engineering Division.
 - (3) Add the City Planting Details to the *Notes, Plant Schedule, & Details Sheet* (LA- 3.0).
 - (4) Submit two (2) 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 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

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shall be converted to a vertical datum of NAVD 88.

- 6G. Ashwood Development requesting an amendment to a previously approved Major Subdivision Plan to revise the timing for Phase 3 building permits for the Oxbow Bluff Development on Abbott Road in the Single Family Residential (RS) District. MBL 202Z/6 (2010-48)

Ms. Fenstermacher explained that the applicant is requesting to begin phase 3 buildings prior to the completion of Phases 1 and 2. She noted that November 2017, the board granted an extension of the timeline to complete paving, site work, landscaping, and the construction of units for Phases 1 and 2, with the exception of the roundabout to be completed by May 31, 2018, and to complete Phase 3 by November 2019. Under the amended approval, no work in Phase 3 was to commence until Phases 1 and 2 are complete. She stated that the City would like to see this project move forward so it can be completed, therefore, she is recommending the approval of the request for three building permits to be issued for Phase 3 at this time, with the condition that the developer provide confirmation that Unitil has been contacted and relocation of the poles can occur within the previously agreed upon roundabout completion timeline.

De Desjardins from Ashwood Development presented the application. Ms. Desjardins stated that she has been in contact with Unitil and has requested a meeting on site with the City regarding the relocation of poles. She stated that they were hoping to receive 10 building permits as they have a waiting list for occupancy for the additional buildings. Phases 1 and 2 should be completed by this spring and the AOT permit has been obtained. Their goal is to be completed with all phases this year. In addition, they are asking for an exception to not pave Dempsey Drive and a portion of Richmond Drive within Phase 2 that enters Phase 3 until Phase 3 buildings are completed to reduce impacts to the new pavement from construction vehicles.

Ms. Fenstermacher expressed concern with repeating the issue of the City being put in the position of being asked to issue COs without site work being completed, as has happened in the past. Mr. Woodfin noted that there needs to be some assurances. Discussion ensued as to the prior conditions.

Discussion ensued as to the condition of the existing wearing course and the final paving process.

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

On a motion made by Councilor Champlin, and seconded by Ms. Foss, the board voted unanimously to **approve an amendment to the previously approved Major Subdivision** to allow a maximum of ten building permits for Phase 3 may be issued prior to the completion of Phases 1 and 2, with the exception of the roundabout, with the condition that the developer provide confirmation that Unitil has been contacted, and relocation of the poles can occur within the previously agreed upon roundabout construction timeline.

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On a motion made by Ms. Foss, and seconded by Mr. Fox, the board voted unanimously to **approve an amendment to the previously approved Major Subdivision** to allow the final roadway pavement in Phases 1 and 2 be completed and signed off by May 31, 2018, with the exception of Dempsey Drive and a portion of Richmond Drive to minimize damage from construction vehicles, with the condition that Engineering inspect the wearing course and any corrective action be taken prior to final pavement.

7. Amendments & Other Items

7A. David and Laurie Rauseo, on behalf of Susan Whitney, requesting to rezone 28.5 acres of land off of Whitney Road from Industrial (IN) and Urban Commercial (CU) to Gateway Performance (GWP). MBL: 6/P5 & 6/P6

Ms. Shank provided a summary of the request from Interchange Development LLC, to rezone 28.5 acres off Whitney Road from the Urban Commercial (CU) and Industrial (IN) Districts to the Gateway Performance (GWP) District. She explained that in October 2017 the Board voted to recommend to City Council to eliminate or modify the covenants for 9.6 acres off of Whitney Road and rezone 4.9 acres to Urban Commercial (UC). At that time, City Council did not support the rezoning request since it was not consistent with the Master Plan. It was suggested that the petitioners hold a public outreach meeting to gauge public interest in the proposal.

Laurie Rauseo, the petitioner, was present. Ms. Rauseo presented a PowerPoint describing the project and the public outreach process that took place with the services of a consultant from TF Moran. She also presented a revised concept plan based on staff recommendations for a more compact plan layout. The presentation explained the intent of the proposal is to provide commercial services such as a grocery store for local and regional commuters and Penacook residents. She stated that at the December meeting the majority of comments from residents expressed support for the project as it will provide opportunities to increase the tax base of Penacook to offset the high property taxes in the Merrimack Valley School District. Ms. Rauseo stated that they want to do something that is in the best interest of the neighborhood and would not negatively affect or duplicate businesses in Penacook Village.

Ms. Shank stated that the Rauseo's did a great job with the public presentation they held. The goal was to see if there were any objections from the community and to determine the uses the community would like to see. This was accomplished. In addition, a prospective layout was to be discussed, which was not really met.

Ms. Shank spoke to issues that staff feels that should be considered. She mentioned that the size of the area requested for zoning was much greater than originally proposed and would likely have a much greater impact on the surrounding community, considering the intensity and scale of development proposed. She stated that depending on the layout, the impact could still be reduced. She stated that the size and intensity of the proposal was not appropriate without a comprehensive master plan for the area that is in keeping with the goals of the City for coordinated

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compact development, and which is consistent with best planning practices. She expressed concern with the potential impacts to the commercial and residential development that may follow this development which will impact transportation, and land use patterns for northeast Concord, Whitney Road and the extension to Sewall's Falls Road, and the Village of Penacook. She added that when planning to create space and development is organized there is logical spacing for future buildings. Today's style of developments is pedestrian friendly, and may include multi-story buildings that are grouped together with shared parking areas and other amenities.

Additional discussion was held regarding the amount of traffic and the need for the intersection to be addressed and whose responsibility this is; state, city, federal, and/or neighboring towns. Ms. Shank stated that the developer that comes to this site would need to address these issues; however, there is the need to have a client committed to the property. She added that it is difficult to address the intersection and associated improvements without having a plan of how the intersection will be funded.

Ms. Shank stated that the zoning ordinance update process is underway and the Gateway Performance District is being considered. One critical reason for the update is to look at the tools that are needed to create coordinated town center style development, which is what one would find in a gateway area. Since, there are many issues for a developer to resolve pertaining to the intersection, it may be that the zoning update will be completed by the time a site plan is submitted. However, if not, the City has few regulatory tools to ensure a quality development consistent with modern best practices is constructed.

Ms. Rauseo stated that the Gateway Performance District would be an appropriate change and fit for this location and community. Ms. Smith-Meyer stated the area does not feel like a gateway to her; you cannot see it from the highway. She stated that it is important to have diversity of zones. She notes that this would not only service Concord; it would have a regional impact. She added that the whole city needs to be considered when discussing this area.

Ms. Shank stated that this proposal does need to be discussed as an overall impact to the entire City of Concord. The impact is not only to the land use but to the transportation as well and should include the neighboring towns of Boscawen and Canterbury. In regards to the tax base in Penacook, there could be a positive effect to that community.

Councilor Champlin stated that he appreciated that time and effort of the Rauseo's. He mentioned the property tax base stress on residents in Penacook and explained that everyone is looking for relief for the Penacook area through long term planning and development of the City. He stated that he feels that the GWP is applicable zoning for this area; however, the intersection is the problem and he asked who deals with this issue to get it resolved; it is a \$2.5 million project. He asked how far can we go with a development to this scale without knowing what will happen with the intersection.

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Ms. Rauseo stated that the intersection also services East Concord. She stated that there are 20,000 cars on Rte. 4 and 45,000 on I-93. She noted that the area supports an Xtramart with a Dunkin Donuts drive through and a Mobil gas station. She noted that this is a very busy location; in fact, it is the fourth busiest store out of 150 stores owned by Global. She added that this area is a part of Concord and there is not a lot of land available for this type of development in the area. She stated that this location is the most economic spot in the area. She stated that they have owned the property since 2005. Other neighboring businesses have filed for tax abatements. She explained that they have also been trying to get attention for this intersection but there is not enough traffic to trigger the warrants for the signal until the next development, which will not pay for the improvements if it is too small. She mentioned that the area businesses have been paying the impact fees and still the intersection has not been addressed.

Richard Kleinschmidt of Canterbury reiterated concerns about the hazardous conditions of the intersection.

Matthew Whiting suggested another rotary be added in this area. He added that Penacook needs assistance for taxes and this development would save time for residents who currently need to travel into Concord to grocery shop.

Lucy Nichols, 32 Oxbow Road, explained that Town of Canterbury's letter stating that they are in support of the project and noted that the intersection needs to be addressed. She stated that only 1.5% of the traffic in this area is coming from Canterbury. She sees this area as a gateway of western NH and everyone needs to think through the impacts in a regional way as it is a very difficult area.

Eric Crane, Winterbury Lane, commented that there are new people coming to this area and there is a great need for services. He stated that this development would benefit many surrounding towns, and that Penacook gets forgotten about. He indicated that it seems that there are many hurdles for the developer. He stated that the development needs to be done, and will aid in money being generated in the area. He stated that he would love to see the project come to fruition and see the City help the developer.

Councilor Champlin stated that the City of Concord has spent millions on the Town of Penacook. He stated that he too would like to see a grocery store for this site along with a sit down restaurant in this development.

David Wolpert, Henniker, stated that this is the time to take this opportunity; this is a gateway and noted that there needs to be a road from this area to Sewall's Falls Road as well. He commented that his is a good design for the area and suggested that this development could be a trigger for residential office, apartments, and restaurants in this area. He indicates that these are all the things that could happen with the development.

John Lentne, 14 Whitney Road, commented that this is a good opportunity, and the road needs to be fixed regardless of the development. He stated that this is a good

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way to start and help the tax base. This would show that Concord is a business friendly City.

Matt Henry, Amy Way, commented that he would like to see a grocery store and will visit the stores in the development. He referred to the process with City Council and asked if this proposal does not match the master plan then why change the zoning.

Pat Wallace, Concord, stated that she understands the tensions with the Board between wanting to wait until something can be done right and then having an opportunity that will rectify an existing problem that fits within the needs of the area. She understands that it may seem odd to have a development with a grocery store in the middle of a residential area; however, she is aware that a supermarket has been a requested item in other areas of Penacook and it was not successful. She stated that this area is no so far out of the way and would meet the needs of the community.

Jane Lauren, Elm Street, Penacook, stated that everyone is in favor to support a grocery store for the area. She stated that she feels that the proposed business types would be worthwhile and flourish, and bring people to the area. She added that this area is a gateway to many other towns.

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

Chairman Woodfin stated that he agrees that this is a gateway in many ways and it is important to be addressed.

Ms. Smith-Meyer asked if there is now any restriction with the size since the covenants have been removed. Ms. Shank replied that there is no restriction on allowing a grocery store since the covenants were removed. Mr. Rosenberger asked if there is anything precluding the use of a grocery store now. Ms. Shank replied no, there is nothing preventing a grocery store now.

Chairman Woodfin re-opened the public hearing.

Ms. Rauseo stated that there are 10 acres that are zoned commercial and a grocery store could be built on this land. And through the process that has occurred the full 28.5 acres would provide ample space for the development; although, a grocery store could be squeezed in to the 10 acres. She noted that at the public hearing the public asked for something larger. Further discussion was held regarding what is permitted in the GWP and the CU districts.

Ms. Rosenberger noted that there were only 20 people at the consultant led charrette.

Councilor Champlin asked if the uncertainty of Form Base Code could affect the development. Ms. Rauseo replied that they do not have anything under contract at this time.

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

Ms. Shank stated that in regard to the intersection, the Central NH Planning Commission will be holding a meeting relative to the intersection. She added that any

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construction to the intersection is not noted in the next 10 year plan; the City does not currently indicate a priority for contributing funds to the intersection in the current CIP. She stated that she feels that the burden of addressing the intersection would be on the developer and it is a question for Council whether they may want to contribute. She commented that this is a very large issue for the City to address.

Carol Foss stated that there are many issues that need to be addressed, but that it does not make sense to hold up the rezoning step because all of the other steps need to happen.

Councilor Champlin stated that the City has made a great effort to be conscientious with planning and economic development. Impact fees were removed to make the City more development friendly. The Rauseso's did what the Board asked of them. He added that the first step is to change the zoning to get something going and then deal with the intersection.

Ms. Foss asked if the request to rezone is approved, would the southern portion remain as industrial. Ms. Shank replied yes.

On a motion made by Councilor Champlin, and seconded by Mr. Hicks, the Board voted unanimously to recommend that Council rezone 28.5 acres of land off of Whitney Road from Industrial and Urban Commercial to Gateway Performance District.

Other Business

8. Design Guidelines Update

Ms. Shank stated that she will be scheduling a public meeting for the Main Street merchants to review the Design Guidelines.

9. OSI Spring Planning & Zoning Conference – Ms. Shank let the Board members know that there were funds in the budget to allow them to attend this training seminar. She asked members to let her know if they were interested. The workshop is April 26, 2018.

10. Central NH Planning Commission – Appointments

On a motion made by Mr. Hicks, and seconded by Mr. Fox, the Board voted unanimously to reappoint Carol Foss and Mathew Hicks to the Central NH Planning Commission with terms through December 31, 2022.

Adjournment

At the request of Chair Woodfin, Mr. Fox made a motion to adjourn at 11:00 p.m., seconded by Ms. Foss. Motion carried unanimously.

A TRUE RECORD ATTEST:

Lisa Fellows-Weaver
Administrative Specialist