

**City of Concord Planning Board**  
**April 18, 2018**  
**Minutes**

The regular monthly meeting of the City Planning Board was held on April 18, 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), Sam Durfee (Senior 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, Teresa Rosenberger (Ex-Officio for City Manager), Members Matthew Hicks, David Fox, Ian West, and John Regan.

**Absent:** 4 – Councilor Byron Champlin, Susanne Smith-Meyer, Alternate Chiara Dolcino, and Alternate Frank Kenison.

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

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

4. Planning Board Chair Overview

Chairman Woodfin announced that requests have been made by the applicants for Items 6B, and 6C to continue their applications to the May 16, 2018 meeting. In addition, Item 7F was continued to the May 16, 2018 meeting. He announced that Item 6D had been pulled from the consent agenda and would be addressed in the Public Hearing section of the meeting and Item 6H was also removed from the consent agenda and was postponed to no certain date.

No other Board members or audience members wished to pull any other items from the consent agenda.

On a motion made by Mr. West, and seconded by Mr. Fox, the Board voted unanimously to continue Items 6B, 6C, and 7F to the May 16, 2018 meeting.

5. Determination of Completeness by Consent

5A. Meisner Brem Corp., on behalf of James Carroll Revocable Trust, requesting Major Subdivision approval for a five lot cluster subdivision for property off of Carter Hill Road in the Residential Open Space (RO) District. MBL: 37Z/56

5B. Keach-Nordstrom, Inc., on behalf of 89 Fort Eddy Road LLC, requesting Major Site Plan approval for expansion of the existing Planet Fitness parking lot and a Conditional Use Permit for two driveways at 89 Fort Eddy Road in the Gateway Performance (GWP) District. MBL: 59Z/17

On a motion made by Mr. West, and seconded by Mr. Hicks, the Board voted unanimously to determine Items 5A and 5B complete by consent and set the public hearings for May 16, 2018.

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6. Design Review Applications by Consent

On a motion made by Mr. Regan, and seconded by Mr. West, the Board voted unanimously to approve the sign applications by consent subject to the recommendations from the ADRC, except for Item 6B, 6C, 6D, and 6H. The motion passed unanimously.

- 6A. The 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.

This application was approved by consent, subject to the conditions that the sign be opaque and not be illuminated.

- 6B. 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 May 16<sup>th</sup> Planning Board hearing at the applicant's request.

- 6C. 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 May 16<sup>th</sup> Planning Board hearing at the applicant's request.

- 6D. 201 South Realty Trust requesting ADR approval for a new wall sign at 201 S. Main Street in the Urban Commercial (CU) District.

This item was addressed during the public hearing.

- 6E. GTY MA/NH Leasing, LLC, requesting ADR approval to replace a panel in the existing freestanding sign at 24 Loudon Road in the Gateway Performance (GWP) District.

This application was approved by consent, as submitted.

- 6F. State of NH requesting ADR approval for two new wall signs at 50 Storrs Street in the Opportunity Corridor Performance (OCP) District.

This application was approved by consent, as submitted.

- 6G. Simchik Planning & Development, on behalf of The Hotel Concord, LLC, requesting ADR approval to add a 12 foot wide canopy to the existing building at 11 S. Main Street in the Central Business Performance (CBP) District.

This application was approved by consent, as submitted.

- 6H. 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.

This application was postponed to no date certain.

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**Public Hearings**

Items Pulled From Consent

- 6D. 201 South Realty Trust requesting ADR approval for a new wall sign at 201 S. Main Street in the Urban Commercial (CU) District.

Pavan Patel represented the application. Ms. Shank stated that this item was deferred back to the ADRC at the March 21, 2018 Planning Board meeting. The applicant provided a revised proposal to ADR, for which they made several recommendations. The applicant presented two further revised renderings to the Board that addressed the ADR recommendations. One draft had a yellow background; the other had a white background. Ms. Shank noted that ADR was fine with either version. Mr. Patel stated a preference for the yellow background. The Board reviewed the renderings provided and a brief discussion was held regarding the ADRC comments and recommendations.

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

On a motion made by Mr. Hicks, and seconded by Mr. Fox, the Board voted unanimously to approve the application with the yellow background as submitted during the April 18, 2018 Planning Board meeting.

7. Site Plan & Subdivision Applications

- 7A. VHB Associates, on behalf of the City of Concord Recreation Department, requesting Major Site Plan review in accordance with RSA 674:54 for a multi-use athletic field and other amenities at Terrill Park on Old Turnpike Road in the Residential Open Space (RO) District. MBL: 110/6/3

David Gill, City of Concord, Concord Parks and Recreation Department Director, represented the application along with Dave Fenstermacher from VHB, Inc.

Ms. Fenstermacher noted that the plan has been through multiple reviews at Recreation and Parks Advisory Committee (RPAC) and City Council.

Chairman Woodfin opened the public hearing.

Mr. Woodfin read an email from Dick Lemieux, expressing concern with the proposed Merrimack River Greenway Trail (MRGT) as it goes through Terrill Park called out as being constructed “By Others”, and not being depicted as a 10’ wide paved path on the permit plans.

Mr. Gill stated the proposal is to construct a new outdoor multi-use athletic field with associated amenities at Terrill Park, located on Old Loudon Road. A PowerPoint presentation was given which provided an overview of the project and what the park will include.

Mr. Hicks asked about winter use of the field. Mr. Gill replied that the field can be plowed during the winter months so it is available for use. He noted that there will also be work out stations along the trail for year round fitness opportunities.

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Ms. Foss asked if the bike racks are installed. Mr. Gill replied yes.

The waivers for the project were noted as follows:

- 12.03(1) Plans to be stamped by a NH Licensed Land Surveyor to not provide a stamped survey. The survey used for the existing conditions was provided to the consultant by the City of Concord.
- 16.02(15) Landscape Plan to not provide a landscape plan due to budget constraints. The Applicant has indicated that they will work with Planning staff to develop a landscape plan.

Ms. Fenstermacher stated that the applicant is working with staff to finalize the outstanding comments.

Mr. Gill addressed comments from Mr. Lemieux indicating that the current agreement for the MRGT is that it will be funded by either private donations or grants, and is not currently a City project. The master plan for the park shows the 10' wide paved trail, however, he was directed by City Administration to not include the trail in the permitting documents. Ms. Fenstermacher added that while the trail is not included with in the permit documents, it has been considered throughout the permit process as being a part of the entire plan for future development. Mr. Gill stated that VHB is currently working with The Friends of the Merrimack River Greenway Trail to design the trail, so there is in house knowledge of the proposed trail.

There being no comments or recommendations from staff or members of the public, the Chair closed the public hearing and thanked Mr. Gill and Mr. Fenstermacher for coming in to review the project.

- 7B. Nobis Engineering, on behalf of St. Paul's School, requesting Conditional Use Permit (CUP) approval for clearing and grading within the Shoreland Protection District, associated with construction of a temporary construction platform over the Turkey River at 325 Pleasant Street in the Institutional (IS) District. MBL: 108/2/16

On a motion made by Mr. West, and seconded by Ms. Foss, the Board voted unanimously to accept the application as complete and open the public hearing.

Ms. Fenstermacher provided a brief overview of the project. She stated that the applicant met with the Conservation Commission who did not have any comments or concerns. The applicant assured the Commission that they are working with NHDES.

Chris Nadeau from Nobis Engineering represented the application on behalf of St. Paul's School (SPS). SPS is requesting Wetlands and Shoreland Permits from NHDES for temporary impacts to the Turkey River and to the 50-foot Waterfront Buffer to allow for exterior improvements to the existing Power Plant building located on the west side of Dunbarton Road, adjacent to the Turkey River. The improvements proposed will be made to the exterior of the building and will include repair and replacement of windows, masonry and mortar. The CUP is for proposed temporary impacts to the 50' wetland buffer and Shoreland Protection District for the construction platform and construction equipment access.

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Ms. Foss asked about proposed vegetation. Mr. Nadeau stated that 23 trees are being planted to replace the nine mature trees that are being removed, and they are saving the underlying brush along river. Ms. Foss suggested they consider using Dogwood trees as they are native to the area.

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

On a motion made by Mr. West, and seconded by Ms. Foss, the Board voted unanimously to **grant Conditional Use Permit approval** to allow for the temporary disturbance of the Shoreland Protection District buffer and the 50-foot wetland buffer, 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 the commencement of site construction, unless otherwise specified:
  - (1) Address Staff review comments to the satisfaction of the Planning Division.
  - (2) 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 commencement of construction activity, the limits of clearing shall be flagged and approved by City staff.
  - (2) Prior to final construction sign-off, staff shall be contacted to inspect the restoration area.

7C. Keach-Nordstrom, Inc. on behalf of Capital Region Health Care Corporation/Granite Ledges, requesting an amendment to an approved plan for a 778 sf building addition at 151 Langley Parkway in the Institutional (IS) District. MBL: 95/3/4D

*Mr. Fox recused himself from this application and left the table.*

On a motion made by Mr. West, and seconded by Mr. Regan, the Board voted unanimously to accept the application as complete and open the public hearing.

Jeff Merritt of Keach-Nordstrom represented the application. He explained that Capital Region Health Care Corporation owns the site of Granite Ledges of Concord, an existing 3-story assisted living facility. They are proposing to construct a 778 sf living room addition located off the northern face of the existing facility. Related onsite construction will include removing of the existing concrete sidewalk and the existing vestibule, and construct a new living room addition with covered porch and a new paver patio. Trees and landscaping will be saved or salvaged if possible.

Staff had no objection to the waivers, which were requested on the same basis as the previous building addition application.

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

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On a motion made by Mr. Hicks, and seconded by Ms. Foss, the Board voted unanimously to **grant the following waivers** from the Site Plan Regulations based on the fact that a small area of the site is being affected and sufficient information has been provided to ensure compliance with applicable regulations, and utilizing the criteria of RSA 674:44 III (e) (1), which states that specific circumstances relative to the site plan, or conditions of the land in such site plan, indicate that the waiver will properly carry out the spirit and intent of the regulations:

- Section 12.07 Wetland Delineations
- Sections 12.08 Electronic Submission, 15.03(3) Existing Conditions Plan and 15.04(6) pertaining to the vertical datum requirement.
- Section 22.08 Storm Water Design Standards for Minor Impact Site Plans

On a motion made by Mr. Regan, and seconded by Mr. West, the Board voted 6/0/1 (Mr. Fox abstained) to **grant Conditional Minor Site Plan Approval**, subject to the following Precedent and Subsequent Conditions:

- (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) The Professional Engineer shall sign and seal final plans.
  - (2) Address to the satisfaction of the Planning and Engineering Division, the following Technical Review Comments:
    - a. Provide dimensions and square footage for the proposed patio on the plan and indicate the square footage of additional lot coverage in the plan notes and/or table.
    - b. The plan will require fire alarm and sprinkler modifications. The applicant should follow up with the Fire Department as needed.
  - (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 Site Plan Regulations.
  - (4) Submit two set of final plans for sign off by the Planning Board Chair and Clerk. Applicant shall then make two (7) copies of the endorsed plan set for the pre-construction meeting.
- (b) Subsequent Conditions – Staff also recommends that the following general and subsequent conditions be placed on the approval:
- (1) No site work shall commence until the approved site plan is endorsed by the Planning Board Chair and Clerk.
  - (2) Engineering and Planning staff shall inspect and approve final construction prior to use.

*Mr. Fox returned as a voting member.*

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- 7D. RNL Properties-Club 55, requesting ADR approval as part of an amendment to an approved plan to allow a duplex where a clubhouse was originally proposed, and conversion of an existing multifamily structure into a clubhouse, for the residential development at 61 Borough Road in the Single Family Residential (RS) District. MBL: 192/P 38

Chairman Woodfin opened the public hearing.

Ms. Fenstermacher explained that the applicant is requesting an amendment to the previously approved site plan from July 15, 2015. At this time the applicant would like to convert the existing multi-family to a clubhouse and replace the previously approved clubhouse with a 2-unit residential building; some minor site layout changes are proposed. Other site modifications are proposed to include the relocation of the dumpster, eliminate parking spaces at the cul-de-sac, and to relocate the 5' wide pedestrian pathway off of Borough Road. She added that the proposed modification will reduce the total number of residential units from 19 to 18 units.

Ron Richter represented the application. He stated that he believe that this proposal will make the project more desirable and the historical building will remain.

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

On a motion made by Mr. West, and seconded by Mr. Hicks, the Board voted unanimously to **grant Architectural Design Review approval** for the proposed duplex building and modifications to the previously approved site plan.

On a motion made by Mr. Hicks, and seconded by Mr. West, the Board voted unanimously to **grant approval of the modification to the approved Major Site Plan** to relocate the clubhouse, construct a 2-unit residential structure, and associated modifications to site improvements. As part of this action the Board indicated that all conditions of the original approval and amendment shall remain in full force and effect. Additionally, the following conditions shall be fulfilled as 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) Address to the satisfaction of the Planning Division comments in Section 2 above.
  - (2) Address to the satisfaction of the Engineering Division review comments received in a Memo from Bryant Anderson, PE, dated April 6, 2018.
  - (3) Submit three (3) copies of fully revised plans for sign off by the Clerk and Chair of the Planning Board.
- (b) Subsequent Conditions – to be fulfilled as specified:
  - (1) Prior to commencement of construction activity, payment of inspection fees in an amount approved by the City Engineer shall be made.

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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.

7E. MHF Design Consultants, Inc., on behalf of Irving Oil, requesting Minor Site Plan approval to replace the existing underground fuel storage tanks, relocate several parking spaces, and expand the sidewalk at 114 Fisherville Road in the General Commercial (CG) District. MBL: 204/Z/38

On a motion made by Mr. West, and seconded by Ms. Foss, the Board voted unanimously to accept the application as complete and open the public hearing.

Huseyin Sevincgil of MHF Design represented the application.

Ms. Shank explained that the applicant is requesting Minor Site Plan approval for a redesign of the parking lot, which includes the construction of a new sidewalk, and re-locating and re-striping parking areas. In addition, the underground fuel storage tanks will be replaced and a new catch basin will be installed, and the entire site will be resurfaces.

Mr. Sevincgil stated that the application will be submitted to NHDES for approvals. A discussion was held regarding the parking lot. Mr. Sevincgil noted that the existing parking spaces are very small. There are two dumpsters. All signage and the canopy will remain.

Ms. Shank stated that there is currently no landscaping on the property; it looks stark and open. She suggested that the steep slope should have some shrubs in the front of the property and there should be some type of screening in the rear. Mr. Sevincgil stated that he would look in to making those changes.

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

On a motion made by Mr. West, and seconded by Ms. Foss, the Board voted unanimously to **grant the Conditional Use Permit** in accordance with Article 28-8-2(c) of the Zoning Ordinance to allow alteration of a use previously approved through a CUP.

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On a motion made by Mr. West, and seconded by Ms. Foss, the Board voted unanimously to **grant Conditional Minor Site Plan Approval**, for redesign of the parking lot layout, including construction of a new sidewalk and relocating and re-striping parking areas, subject to the following precedent and subsequent conditions:

- (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) Revise the plan to indicate landscaping, including low maintenance groundcover and evergreen shrubs around the perimeter of the parking lot.
  - (2) Address Technical Review Comments noted in the staff report dated April 18, 2018.
  - (3) Address to the satisfaction of the City Engineer, the attached review comments from Bryant Anderson, P.E, dated 4/12/18.
- (b) Subsequent Conditions – to be fulfilled as specified:
  - (1) Submit 3 sets of final plans to be signed by the Clerk and Chair of the Planning Board, prior to issuance of any permits or commencement of construction activities.
  - (2) Prior to commencement of construction activity, payment of any required inspection fees in an amount approved by the City Engineer shall be made.
  - (3) A pre-construction meeting shall be required prior to the start of any construction activities onsite if requested by the City Engineer.

7F. 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 (Continued to May 16, 2018)

**Other Business**

8. Design Guidelines Update

Ms. Shank stated that she has scheduled a public meeting for the Main Street merchants to review the Design Guidelines for May 2, 2018 at 7:30 a.m. at the Red River Theatre. She stated that she will be inviting City Councilors, Architectural Design Review Committee and Planning Board members.

9. OSI Spring Planning & Zoning Conference

Ms. Shank reminded Board members that funds are available for them to attend this training seminar. The workshop is April 26, 2018.

10. Central NH Planning Commission – Councilor Appointments

On a motion made by Mr. Hicks, and seconded by Mr. West, the Board voted unanimously to appoint Councilor Herschlag and Councilor Shurtleff to the Central NH Planning Commission with terms through December 31, 2022.

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11. Sign Ordinance

Ms. Shank provided an updated revision to the proposed sign ordinance regarding internally illuminated signs. Instead of prohibiting internally illuminated signs in the CBP, as had been previously proposed, the updated amendment would allow internal illumination when the sign background is opaque or a darker color than the sign message. This is consistent with recommendations from the code consultants, and the recommendations that ADR and the Board had been making to sign applicants. Examples were provided for review.

**Adjournment**

At the request of Chair Woodfin, Mr. Regan made a motion to adjourn at 8:05 p.m., seconded by Ms. Foss. Motion carried unanimously.

A TRUE RECORD ATTEST:

Lisa Fellows-Weaver  
Administrative Specialist