

City of Concord Planning Board
September 19, 2018
Minutes

The regular monthly meeting of the City Planning Board was held on September 19, 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: 8 – Chairman Richard Woodfin, Councilor Byron Champlin, Teresa Rosenberger, (Ex-Officio for City Manager), Vice-Chair Carol Foss, Members Matthew Hicks, Susanne Smith-Meyer, David Fox, and Alternate Frank Kenison.

Absent: 2 – John Regan and Alternate Chiara Dolcino

3. Approval of August 15, 2018 Planning Board Meeting Minutes

On a motion made by Councilor Champlin, and seconded by Mr. Hicks, the Board voted unanimously to approve the minutes for August 15, 2018, as written.

4. Planning Board Chair Overview

Chairman Woodfin announced that the applicants for Items 8E; 8F; and 8G have submitted requests to continue the applications to the October 17, 2018 meeting.

8E. Nobis Engineering, on behalf of Smokestack Realty, requesting Major Site Plan approval to construct a new access road and parking areas totaling approximately 22,000 sf of new impervious area at 254 N. State Street in the Industrial (IS) District.

8F. Jonathan Chorlian, on behalf of Roman Catholic Bishop of Manchester, 125 North State Street, LLC, and 20 Franklin Street, requesting Minor Subdivision approval for a two lot subdivision and lot line adjustments between 135 North State Street, 125 North State Street, and 20 Franklin Street, in the Residential Neighborhood District.

8G. Jonathan Chorlian, on behalf of Roman Catholic Bishop of Manchester, requesting Major Site Plan approval for the construction of 3 attached residential structures totaling 10 dwelling units and renovation of an existing structure for the purpose of a community

5. Determination of Completeness

5A. T.F. Bernier, Inc, on behalf of Harold E. and Judith Ekstrom, requesting Major Site Plan approval to construct a new 4-story building for 38 apartments, and associated site improvements at 56-64 Warren St., 32-36 N. Spring St., and 17-19 & 21 Green St. in the Civic Performance (CVP) and Downtown Residential (RD) Districts.

5B. Jonathan DeWick, on behalf of Granite State Baptist Church of Concord, requesting Major Site Plan approval for the construction of a 18,242 sf, 56 space parking lot and associated landscaping and grading, and drainage improvements in the Industrial (ID) District.

5C. Nobis Engineering, on behalf of 125 North State Street, LLC, requesting Major Site Plan approval for the construction of a three story office addition, a one-story conference room, and parking lot improvements at 125 North State Street in the Neighborhood Residential (RN) District.

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Chairman Woodfin stated that all items for Determination of Completeness would be addressed in totality. On a motion made by Councilor Champlin, and seconded by Ms. Foss, the Board voted unanimously to determine the applications complete and set the public hearings for October 17, 2018.

Public Hearings

6. Design Review Applications by Consent

The Board voted unanimously to approve all sign applications by consent, subject to the recommendations of the ADR Committee as noted below.

6A. Petrogas Group New England, Inc, requesting ADR approval to replace an internally illuminated panel in an existing freestanding sign at 417 S. Main Street in the General Commercial (GC) District.

On a motion made by Councilor Champlin, and seconded by Ms. Smith-Meyer, the Board voted unanimously to approve the sign application by consent, subject to the condition that the text “Only at 7-Eleven” be removed from the Slurpee advertisement.

6B. Blueprint Recovery Center, on behalf of ZJBV Properties, LLC, requesting ADR approval to install a new sign in an existing monument sign foundation and install a new wall sign at 2 Chenell Drive in the Office Park Performance (OFP) District.

On a motion made by Councilor Champlin, and seconded by Ms. Smith-Meyer, the Board voted unanimously to approve the sign application by consent, subject to the condition that the web address be removed and the fonts be made more bold.

6C. Lothstein Guerriero PLLC, requesting ADR approval to install a new externally illuminated freestanding sign at 5 Green Street in the Central Business Performance (CBP) District.

On a motion made by Councilor Champlin, and seconded by Ms. Smith-Meyer, the Board voted unanimously to approve the sign application by consent, as submitted.

6D. Spirit Halloween, on behalf of TRU 2005, RE LLC, requesting ADR approval to replace a panel in an existing freestanding sign and install a new wall sign at 310 Loudon Road in the Gateway Performance District (GWP).

On a motion made by Councilor Champlin, and seconded by Ms. Smith-Meyer, the Board voted unanimously to approve the sign application by consent, as submitted.

6E. Hannaford, on behalf of City Plaza Concord LLC, requesting ADR approval to install six (6) new internally illuminated wall signs at 73 Fort Eddy Road in the Gateway Performance District (GWP).

On a motion made by Councilor Champlin, and seconded by Ms. Smith-Meyer, the Board voted unanimously to approve the sign application by consent, as submitted.

6F. Altitude Trampoline Park, on behalf of Steeplegate Mall Realty LLC, requesting ADR approval to install a new internally illuminated wall sign at 270 Loudon Road in the Gateway Performance District (GWP).

On a motion made by Councilor Champlin, and seconded by Ms. Smith-Meyer, the Board voted unanimously to approve the sign application by consent, as submitted.

6G. Roy Nails, on behalf of Michael J. Montore Revocable Trust, requesting ADR approval for installation of new window signs at 94 Storrs Street in the Central Business Performance (CBP) District.

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On a motion made by Councilor Champlin, and seconded by Ms. Smith-Meyer, the Board voted unanimously to approve the sign application by consent, as submitted.

Public Hearings

7. Design Review Applications

7. Coldwell Banker Lifestyles, on behalf of John Pappas Revocable Trust, requesting ADR approval to replace an existing wall sign at 84 N. Main Street in the Central Business Performance (CBP) District.

This item did not appear on the agenda though the applicant submitted a revised drawing complying with the original ADR recommendations.

The Chair opened the public hearing. The applicant was not present at the meeting. Ms. Shank stated that the Board denied this application at last month's meeting. The applicant has since submitted revised graphics, which are accurate as to what was installed. Ms. Shank stated that the applicant was fined for the installation of the sign. Since no member of the public wished to provide public testimony, 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 sign application, as submitted.

- 7A. The Hotel Concord requesting ADR approval to install a new internally illuminated wall sign at 11 S. Main Street in the Central Business Performance (CBP) District.

The applicants were not present. Ms. Shank stated that the proposal is for the signage to be on the rear of the building. ADRC recommended that additional nighttime renderings be provided along with a rendering showing the letters at a smaller scale. She noted that variances have been obtained for the size of the letters and the location of the sign. She added that lighting samples were provided at the ADRC meeting.

Councilor Champlin stated that he feels some visible signage seen from the highway would be attractive and enhance the City. He noted that the City of Manchester has similar successful examples.

Ms. Smith-Meyer commented that the Board may be setting a precedent if approving signage on the rear of buildings.

Ms. Shank stated that she has spoken with Craig Walker who indicated that the ZBA may need to revisit this item due to inconsistencies with testimony provided.

On a motion made by Councilor Champlin, and seconded by Mr. Fox, the Board voted unanimously to table this item to the October 17, 2018 meeting.

- 7B. Warrenstreet Architects, on behalf of Bangor Savings Bank, requesting ADR approval to replace the façade of the building at 76-82 N. Main Street in the Central Business Performance (CBP) District.

Jonathan Halle of Warren Street Architects represented the application. He provided an overview of the project, explaining that only a portion of the building façade is original. Bangor Savings Bank purchased the entire building and will utilize all three floors of the northern portion of the building. A retail space will be available on the first floor along with office space on the second floor. There is no original brick façade remaining on the first floor. The proposal is to replace the façade by adding new brick on the second floor, which will not match the existing brick; however, should be complementary. A roof deck will be added. The entire bottom floor façade is proposed to be demolished.

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Discussion ensued regarding three other concepts proposed for the building. Mr. Halle explained that members of the ADRC discussed the removal of the original third floor windows. Several members felt that the windows should not be removed. Mr. Halle explained that the vision or intent of the building is to be an “open look” so the community is both “in and out”. He added that the banding section proposed will be some type of metal finished to look like granite or wood. It would frame the glass component and wrap around the front of the building between the first and second floors, covering the “seam” between the old and new facades. He stated that he thinks the design will look progressive and present the building as one building, instead of several smaller shop fronts. Mr. Halle stated that the client prefers the original option.

Ms. Shank stated that the ADRC recommended the applicant return to ADR as the Committee would like to see other concepts. Mr. Halle stated that the client would like to proceed as soon as possible and begin with the façade work this fall.

Councilor Champlin stated that he appreciated the concept and feels that remodeling the building is a terrific idea. He is okay with the amount of glass on the first floor; however, he is opposed to losing the historic windows on the third floor.

Ms. Smith-Meyer stated that to her the amount of glass appears to be like a strip-mall or a store front. Discussion ensued regarding the addition of a vertical brick element to separate the bank and the retail space.

Atty. Phil Hastings stated that he feels that the focus should be on the fact that the building is being restored. He commented that the ADRC made recommendations and the applicant has listened and made revisions. He stated that there should be some acknowledgement that this is good for Main Street and a good design. Mr. Woodfin replied that the concept is good and is modernizing the area. He stated that the renovation is a much needed change and, although it is not a restoration, it is uplifting to Main Street.

Councilor Champlin stated that he appreciates the commitment to multiple uses being proposed with office space and a gathering area. However, he noted that future residents will inherit these spaces, and expressed concern with the fact that a precedent may be set with how historic architecture will be handled with future Main Street renovations. Councilor Champlin also stated that he liked the façade lighting proposed.

Mr. Fox commented that the third floor windows seem out of place with the design proposed. He also noted that adding brick to the first floor facade lessens the glass, which he was in favor of.

Several members felt that the second of the revision options was preferred, which showed a masonry band between the two ground floor uses. They also felt that the original third floor windows did not match the modern style proposed. Councilor Champlin was not in favor of any option that removed the original third floor windows. He stated that the Board would be approving a proposal that violated the design guidelines that were about to be adopted.

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

Ms. Smith-Meyer made a motion, seconded by Mr. Hicks, to approve the application subject to the conditions that a masonry partition matching the appearance of the granite columns on either side of the building be added to the first floor façade to delineate the two storefronts, similar to the concept 2 graphic; and that the three story glass windows as shown in the original proposal be approved. The motion passed; 7/1. Councilor Champlin was opposed.

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8. Site Plan & Subdivision Applications

- 8A. Richard D. Bartlett & Associates, on behalf of Joan L. Laramie and Alexander Feldvebel & Marie Dalerio, requesting Minor Subdivision approval for a 7,000 sf lot line adjustment between 86 and 90 Rockingham Street in the Medium Density Residential (RM) District.

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

Mark Sargent represented the application along with Alexander Feldvebel and Marie Dalerio.

Mr. Durfee stated that the application is a lot line adjustment with four waiver requests, supported by staff.

Mr. Sargent explained that the proposal is a lot line adjustment to annex 7,000 sf from 90 Rockingham Street to 86 Rockingham Street. The new lot area will be 0.89 ac.

There being no further 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** to the Subdivision Regulations utilizing the criteria from RSA 674:36(II)(n)(2): Since there are existing structures on both lots and no further construction is proposed, or conditions of the land in such subdivision, indicate that the waiver will properly carry out the spirit and intent of the regulations :

- a) Section 12.03(5) Wetlands
- b) Section 12.07 Wetland Delineation
- c) Section 12.08(4) Soil Types
- d) Section 15.03(12) Soil Tests

On a motion made by Councilor Champlin, and seconded by Ms. Foss, the Board voted unanimously to **grant Minor Subdivision approval** 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 the Planning Review Comments listed in the September 19th staff report to the satisfaction of the Planning Division.
- (2) Address Engineering Review Comments dated September 10th, 2018 to the satisfaction of the Engineering Division.
- (3) List the waivers granted by the Planning Board on the plat.
- (4) Prior to the final plat being signed by the Planning Board Chair and Clerk, digital information shall be provided to the City Engineer for incorporation into the City of Concord Geographic Information System (GIS) and tax maps. The information shall be submitted in accordance with Section 12.09 of the Subdivision Regulations.
- (5) The Licensed Land Surveyor 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.

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(7) 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.

- 8B. MHF Design Consultants on behalf of Irving Oil, requesting Major Site Plan approval for construction of a convenience store, fueling station, and related site improvements; and Conditional Use Permits to allow a fueling station in the CU District, and to allow two driveways on a frontage where only one is permitted at 22 & 24 Penacook Street and 163 N. State Street in the Urban Commercial (CU) and Urban Transitional (UT) Districts.

Ms. Fenstermacher provided a brief overview of the project. She stated that the Board determined the application complete at the August 15, 2018 meeting. She stated that the application includes three Conditional Use Permits (CUP) for use and driveways, and two waiver requests related to stormwater.

Frank Monteiro from MHF Design Consultants represented the application along with Heather Monticup of GPI, Attorney Maria Dolder, and Jennifer Daigle of Irving Oil.

Mr. Monteiro spoke to the application and the proposal. The site was a former gas station and convenience store. He indicated that Irving recently purchased two adjacent lots so that access on Penacook Street could be maintained after future roadway improvements associated with Langley Parkway. He noted that the existing six driveways will be reduced to two. Variances were recently granted by the ZBA for use, parking location, and lot coverage. Overall, he feels that the proposal is a good site design and will work well.

Heather Monticup explained that based on comments from the Traffic Engineer, the proposed landscaping will be located as far away from the road and into the site as possible. She reviewed the traffic study and noted that City Engineering and Fire Department are both amenable to the proposed plan. A sidewalk easement will be required to meet the staff recommendations; the easement is pending due to language review by Irving. In addition, they have complied with all recommendations from the Transportation Policy Advisory Committee (TPAC) for a grass strip between the road and sidewalk, and maintaining a 5' width of bicycle lanes on N. State St.

Ms. Monticup spoke to the trip generations of the site noting peak times which will result in a total of 1,000 new trips per day.

Councilor Champlin asked what the impact could be with Langley Parkway. Ms. Monticup stated that the traffic analysis was done with consideration of future improvements.

Ms. Smith-Meyer noted the setbacks and site constraints. She suggested that all plantings be placed between the sidewalk and the road; it is better to have the trees closer to the road. Ms. Fenstermacher noted that this would require a variance because the trees would be on City property instead of on private property, and they could not be counted towards the landscape requirement.

Russell and Gail Snow, abutters at 27 and 29 Penacook St., stated that they are eminently opposed to the project as they feel that the proposal is a huge expansion. They have owned the property for 30 years and are very concerned with the effect to the property values in the neighborhood. The structure is at a much larger scale than the previous station and store. She asked why the building is proposed to face towards Penacook St. Additional concern was expressed with the hours of operation and she suggested the store close at 11 p.m. She also noted that many gas stations are using loud speaker visual ad systems now at the pumps and she asked if this is part of the proposal as this too will have an impact with noise and lighting.

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Ms. Snow stated that she appreciates the concern of the Board with the other applications tonight and added that they do not feel that this is in the best interest of the area.

Robert Baker stated that the applicant has not reached out to the abutters or had any type of neighborhood participation. Mr. Baker also asked about the placement of the building and expressed concern with the overall safety of pedestrian traffic. He asked about the snow storage locations. He noted that he was not aware that there had been a traffic study performed. In addition, Mr. Baker asked about the proposed landscaping buffer and expressed concern with the fact that the existing mature trees will not survive once the adjacent trees are removed and the site is disturbed for grading and paving. He asked about the need to replace trees, if necessary. He stated that there is a vinyl fence proposed where a vegetated buffer is required and requested a non-toxic fence material be used. He also asked about the lighting plan and hours of operation. He expressed concern with the impacts of the use to surface waters, ground water, and habitat. He feels that a smaller station would have a smaller impact.

Meredith Hatfield, 5 Perkins St., expressed frustration with the lack of notice given for this meeting. She explained that the neighborhood is unaware of what is being proposed. She expressed concern with the noise impact and referenced the TV's at the pumps and the hours of operation. She added that the crosswalk should be enhanced at Bradley Street with addition of a pedestrian crossing sign to improve visibility. She stated that in regards to the buffer, a natural buffer would be appreciated. She requested that the store be smaller and have fewer pumps. In closing, she respectfully requested that the Board not vote on the project tonight as new information was provided today that has not been available to be reviewed.

Jackie Teague, 28 Highland St., commented that the traffic counts are estimates and the potential for additional traffic with the Langley Parkway.

Pat Wallace, 26 Commercial St., stated that she is concerned with the potential for the collapse of the neighborhood. She stated that it is the Board's job to protect areas and this project will be the beginning of the collapse of this neighborhood. She stated that this is an enormity of a project. Perhaps the proposal would serve the community well; however, it needs to be considered at a different scale.

Mary Gile, 35 Penacook St., reiterated previous statements and concerns. Ms. Gile expressed concern with the traffic patterns and safety that will impact the pedestrian population. She explained that the area is a historic street from the 1850's and noted the historic district and buildings adjacent to the proposal. She asked if other properties were considered for the proposal. She also suggested a smaller version be presented.

Robert Gile, 35 Penacook St., referenced other areas in the vicinity that are used for gatherings, specifically the Knights of Columbus building. He stated that there are cars usually parked on both sides of the street making it very difficult to travel on. He stated that Bradley St. is restricted due to size and in the winter months it is even worse due to the snowbanks. He added that making a left onto Penacook St. at rush hour might also be more difficult and the traffic to the Boys and Girls Club has recently increased.

Maria Dolder, Irving attorney, spoke to the abutters concerns. She stated that the legal noticing requirements for the public hearing were met as only direct abutters are noticed. She stated that the comments received tonight are other parties, not direct abutters of the project. She added that with the exception of the Snows, no comments have been received from any of the direct abutters.

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Atty. Dolder explained that this use previously existed and they are asking for Conditional Use Permits to allow a fueling station in the CU District, and to allow for two driveways where there is only frontage for one. She added that the zoning board granted variances for this use in a residential area so all criteria for the variances were determined to be met by the ZBA. She noted that none of the variances granted were appealed. As far as the retail use and size, Atty. Dolder stated that this is a permitted use on the site. The building is on the commercial area of the property and no relief was required. All setbacks have been met and the building location is being placed as close as possible to the North State Street frontage of the property. A variance was also granted for the driveway on Penacook St. to allow for a driveway through the required frontage buffer. This was the only variance required for buffers; all landscaping requirements will be met. And for the comments regarding the fence, Atty. Dolder stated that vegetation will be added for the fence area and they will work with staff to determine the best vegetation.

Atty. Dolder stated that the Langley Parkway project is not something that is in their control. She explained that this is the main reason why Irving purchased the additional two residential properties. When, and if, that project comes to fruition, all access would be cut off of Penacook St. so Irving discussed the driveway on Penacook St. and this was the location that was agreed upon and a median strip will be added with the driveways being pushed from the intersection as much as possible. She added that the updated design has conformed to these changes. The bike lane will be being maintained

Atty. Dolder stated that the comments regarding the use, the area is already commercial; therefore the commercial creep is already in this area and the neighborhood has already been impacted. She added that the ZBA did not feel that the proposal was a bigger encroachment; otherwise additional variances would have been required.

Atty. Dolder spoke to the new design items submitted today. She explained that the median strip design was provided today which the City is requesting; Irving did not propose this strip. She added that the traffic study has already been approved.

Ms. Smith-Meyer commented that the comments provided were not opposed to the use of the property. There is a lot of asphalt on the site and the Board needs to think of the neighbors.

Jennifer Daigle spoke to additional comments and concerns of the affected parties. She stated that the size of the building proposed is 3,280 sf. She commented that the hours of operation will not be established until an operator is selected, but she believes due to the location the hours would be 6AM to 11PM. She is unsure as to the trash removal, and suggested that there be a conditional approval for delivery hours to be from 7AM to 9PM. Irving, at this time does not use the technology for TV's and again this could be a condition that the technology would not be used at this site. With regards to the snow storage, Mr. Monteiro indicated that any excess would need to be removed off site. He stated that with the landscaping, street trees are proposed along Penacook St. They are trying to retain as many trees and add supplemental. He added that the proposed fence is 8 feet high; it is higher than the normal 6 feet required height. In addition, this is the smallest store that Irving has built and there are other ramifications to the site if the plan should change and reducing dispensers. He stated that the proposal provides the circulation needed for delivery trucks and safety.

Councilor Champlin stated that he is concerned with the lighting due to the orientation of the entrance. Ms. Daigle replied that the building is oriented so that the cashier has direct sightlines to the pumps.

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Ms. Rosenberger asked if Irving has reached out to the immediate abutters regarding the proposal, especially the Boys and Girls Club which may be impacted by the increase in traffic. Atty. Dolder stated that Irving does not have any legal requirement to reach out to the abutters other than the noticing that was done.

Ms. Foss stated that she is disappointed that the City has created these issues. The size is a large scale and there is a major loss of green space. There are other opportunities for gas within a few miles. She stated that this is a change of use from two residential parcels to commercial; this is still a change of use even though it was a station previously. The project is within a space that has been enlarged and she is disturbed by how the site is being configured to further the business plan. Traffic is not decreasing and this is a more intensive use. The additional traffic will tax the already existing traffic in this small area. She added that she is not aware if there is any other option for the applicant and that they will accomplish what they want to accomplish.

Atty. Dolder replied that the original design presented the building in the back, abutting the residential area. The planning department asked for a reconfiguration of the building for it to be placed as close to the street as possible. The master plan was to make the area more pedestrian friendly which is why the building was proposed to be moved. Atty. Dolder stated that the applicant has tried to tailor the site per comments from City staff.

Ms. Foss asked where the pedestrian access is coming from and answered that this is a neighborhood and the pedestrian access is coming from everywhere. Mr. Hicks added that this will be the first step to the residents for Langley Parkway and impacts will be significant for the residents in the area. Mr. Fox added that he is concerned with the configuration of the site and pedestrian safety.

Ms. Shank stated that when this project was submitted the building was on the back and the pumps were in the front. It was suggested to bring the building forward and develop on the corner. She added that the community members have made great points and the public concern should be addressed by holding public meeting and there has been no offer by the developers she is concerned they are discounting what has been said by the public. The purview of the Board is to evaluate if this is an appropriate development and the Board needs to determine if the project meets the criteria for the Conditional Use Permit for the use. There are a number of issues that need to be considered. Chairman Woodfin stated that there should be some type of a public forum held and the traffic engineer should attend that meeting to address the issues. Ms. Daigle indicated that Irving will follow-up with the community and will look at options to address the concerns that were raised.

On a motion made by Ms. Foss, and seconded by Ms. Smith-Meyer, the Board voted unanimously to continue the application to October 17, 2018.

8C. SFC Engineering Partnership, Inc., on behalf of Rymes Propane & Oil, Inc., requesting Major Site Plan approval for a construction of a new parking lot at 257 Sheep Davis Road in the Gateway Performance (GWP) District.

Ms. Fenstermacher provided an overview of the project. She stated that there is a waiver request to hold the public hearing at the same meeting as the Determination of Completeness. Staff supports this waiver.

On a motion made by Mr. Hicks, and seconded by Mr. Kenison, the Board voted unanimously to grant the Applicant's waiver request to Section 10.06 of the Site Plan

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Regulations (SPR), to hold the public hearing at the same meeting as the Determination of Completeness.

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

Dan Flores of SFC Engineering represented the application.

Mr. Flores stated that the project is for approval for the construction of a parking lot expansion with 29 spaces and all associated drainage, grading, and landscape improvements. Three existing standard spaces will be converted into two accessible spaces. He presented a revised plan to address staff comments related to the number of trees and increase of interior landscape areas.

Ms. Smith-Meyer expressed concern with the location of the additional trees since staff and the Board did not have prior opportunity to review the revised plans, and requested the staff confirm the correct planting detail is used. Ms. Fenstermacher noted that she will review the revised landscape plan prior to final approval, and will make sure the correct planting details are shown on the final plans.

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

On a motion made by Councilor Champlin, and seconded by Mr. Fox, the Board voted unanimously to grant Architectural Design Review approval for the proposed site plan, as submitted.

On a motion made by Councilor Champlin, and seconded by Mr. Fox, the Board voted unanimously to **grant a waiver** to Sections 12.03(1) and 15.03 of the Site Plan Regulations to not have a NH Licensed Land Surveyor prepare, sign and stamp an updated Existing Conditions Plan. The Applicant has provided the Existing Conditions Plan that was prepared and signed by FWS Land Surveying, LLC, for the 2016 Minor Site Plan Application. With the exception of the 20 parking spaces constructed in 2016, existing conditions and boundary information have not changed. Using the criteria of RSA 674:44 III(e)(1) as guidance, staff believes that strict conformity would pose an unnecessary hardship to the applicant and waiver would not be contrary to the spirit and intent of the regulations, and the site plan can be satisfactorily reviewed with the information provided.

On a motion made by Councilor Champlin, and seconded by Ms. Foss, the Board voted unanimously to **grant Major Site Plan approval** for the proposed parking lot expansion at 257 Sheep Davis Road, subject to the following precedent and subsequent conditions noted below:

- (a) Precedent Conditions – to be fulfilled within one (1) year and prior to sign off by the Clerk and Chair of the Planning Board and issuance of any building permits, or the commencement of site construction, unless otherwise specified:
 - (1) 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. Should the Board vote to deny the waiver request(s), applicant shall comply with said submission requirement(s).
 - (2) Address Technical Review comments and Landscape comments to the satisfaction of the Planning Division.

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- (3) Address Engineering review comments to the satisfaction of the Engineering Division.
- (4) 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.

8D. T.F. Bernier, Inc., on behalf of Harold E. and Judith Ekstrom, requesting Comprehensive Development Plan approval for the lot consolidation and lot line adjustment between properties at 56-64 Warren St., 32-36 N. Spring St., and 17-19 & 21 Green St. in the Civic Performance (CVP) District and Downtown Residential (RD) Districts.

Tim Bernier of T. F. Bernier, Inc. and Harold Ekstrom represented the application.

Ms. Fenstermacher gave an overview explained that this is a lot consolidation and lot line adjustment with an end result totaling five lots as well as the elimination of Greenwood Avenue, which is a private road.

Mr. Bernier provided an overview of the existing conditions and reviewed the proposal. He stated that there are a total of 12 lots involved with the project and two lots are vacant. All of the lots will become larger and more conforming, with the exception of 21 Green Street which is being reduced in size. The 12 lots will be reduced to five lots once the consolidation is completed. Six structures will be raised. He added that the project is contingent on site plan approval, and lot lines will not be moved if the site plan is not approved.

On a motion made by Councilor Champlin, and seconded by Mr. Hicks, the Board voted unanimously to **grant Comprehensive Development Plan** approval for the lot consolidation and lot line adjustment at 56-64 Warren St., 32-36 N. Spring St, 15 Green St, 17-19 Green St & 21 Green St.

On a motion made by Councilor Champlin, and seconded by Mr. Fox, the Board voted unanimously to **grant the requested waivers request to Section 12.03(23) of the Subdivision Regulations** to not provide impervious surface calculations based on the nature of the application as a lot line adjustment and this information will be provided under the

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Minutes**

Major Site Plan Application. Utilizing the criteria of RSA 674:44 III(e)(1) as guidance, staff believes the waiver would not be contrary to the spirit and intent of the regulations, and the subdivision plan can be satisfactorily reviewed with the information provided.

On a motion made by Councilor Champlin, and seconded by Mr. Fox, the Board voted unanimously to **grant Minor Subdivision approval** for the lot consolidation and lot line adjustment at 56-64 Warren St., 32-36 N. Spring St., 15 Green St, 17-19 Green St & 21 Green St in the CVP and RD Districts, subject to the following precedent conditions to be fulfilled within one year and prior to endorsement of the final plan by the Planning Board Chairman and Clerk, unless otherwise specified:

1. Address Technical Review Comments, noted in Section 2 of the Planning memo, to the satisfaction of the Planning Division.
 2. Address Engineering Division comments in the memo from Bryant Anderson, dated September 11, 2018.
 3. Property ownership shall be corrected to be identical prior to consolidating the lots.
 4. Any waiver(s) granted are to be noted and fully described on the plan including date granted and applicable Section number(s) of the Subdivision Regulations. Should the Board vote to deny the waiver request(s), applicant shall comply with said submission requirement(s).
 5. 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) tax maps. The information shall be submitted in accordance with Section 12.09 of the Subdivision Regulations.
 6. Applicant shall submit two checks for recording the plan at the Merrimack County Registry of Deeds (including a separate check in the amount of \$25.00 for the LCHIP fee). Both checks are to be made payable to the Merrimack County Registry of Deeds.
 7. The Applicant shall deliver to Planning, two plan sets and one set of mylar(s) for endorsement by the Planning Board Chairman & Clerk and recording at the Registry of Deeds.
9. Design Guidelines
9A. Main Street Design - final draft

Ms. Shank stated that City Council adopted the proposed ordinance amendments that arose from the Design Guidelines with some minor changes. She noted the edits.

On a motion made by Councilor Champlin, and seconded by Mr. Hicks, the Board voted unanimously to adopt the Main Street Design Guide.

Other Business

10. Concord NEXT – Review of Character Analysis – to be continued to the October 17 meeting.
11. NHMA Law Lecture Series – flyer distributed.

Adjournment

At the request of Chair Woodfin, Mr. Hicks made a motion to adjourn at 10:51 p.m., seconded by Mr. Fox. Motion carried unanimously.

A TRUE RECORD ATTEST:

Lisa Fellows-Weaver,

Administrative Specialist