

City of Concord Planning Board
October 17, 2018
Minutes

The regular monthly meeting of the City Planning Board was held on October 17, 2018, in City Council Chambers, in the Municipal Complex, at 37 Green Street, at 7:00 p.m.

1. Call to Order

Chairman Woodfin called the meeting to order at 7:00 pm. Planning Staff present included Heather Shank (City Planner), Beth Fenstermacher (Assistant City Planner), Sam Durfee (Senior Planner), and Lisa Fellows-Weaver (Administrative Specialist). Engineering Staff present included Bryant Anderson (Associate Engineer).

2. Roll Call

Present: 6 – Chairman Richard Woodfin, Councilor Byron Champlin, Teresa Rosenberger, (Ex-Officio for City Manager), Vice-Chair Carol Foss, Members David Fox, and John Regan.

Absent: 4 – Matthew Hicks, Susanne Smith-Meyer, and Alternate Chiara Dolcino, Alternate Frank Kenison.

3. Approval of September 19, 2018 Planning Board Meeting Minutes

On a motion made by Councilor Champlin, and seconded by Mr. Fox, the Board voted unanimously to approve the minutes for September 19, 2018, as written.

4. Planning Board Chair Overview

Chairman Woodfin recommended moving the November 21 Planning Board meeting to November 20, due to Thanksgiving. On a motion made by Councilor Champlin, and seconded by Ms. Foss, the Board voted unanimously to schedule the November Planning Board meeting to November 20, 2018.

Chairman Woodfin announced that the applicants for Items 5; 7H; 7I; 7J; 7K; and 7L have submitted requests to continue their applications to the November 20, 2018 meeting.

5. Nobis Engineering, on behalf of the Roman Catholic Church of Manchester, requests Minor Site Plan approval for construction of a building additional and related site improvement, and a Conditional Use Permit to allow construction of fewer spaces than are required at 135 N. State Street in the Neighborhood Residential (RN) District.

7H. Nobis Group, on behalf of the Roman Catholic Bishop of Manchester, requesting Minor Site Plan approval for two additions to the rectory at 135 North State Street and associated parking lot improvements in the Residential Neighborhood (RN) District.

7I. 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 building at 135 North State Street in the Neighborhood Residential (RN) District.

7J. 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.

7K. 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.

City of Concord Planning Board
October 17, 2018
Minutes

7L. 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.

On a motion made by Councilor Champlin, and seconded by Mr. Fox, the Board voted unanimously to continue Items 5; 7H; 7I; 7J; 7K; and 7L to November 20, 2018.

6. Design Review Applications by Consent

The Board voted unanimously to approve the sign applications for 6A-6E by consent, subject to the recommendations of the ADR Committee as noted below and to hold a public hearing for Item 6F.

6A. Aldi, on behalf of Dundee Investment Associates, LLC, requests ADR approval to install two new wall signs at 287 Loudon Road in the Gateway Performance (GWP) District.

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

6B. Express Jewelry Center, on behalf of NHH Invest, LLC, requests ADR approval to install a new projecting sign and a new window sign at 4 N. Main Street in the Central Business Performance (CBP) District.

On a motion made by Councilor Champlin, and seconded by Mr. Regan, the Board voted unanimously to approve the sign application, by consent, subject to the conditions that the applicant submit details for the location of the sign to Planning staff, and that the font size of the phone number on the window sign be reduced to the same size as the line above.

6C. 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 Mr. Regan, the Board voted unanimously to approve the sign application, as submitted, by consent.

6D. Frank Cummings requests ADR approval to install a new projecting sign at 347 Village Street, Penacook, in the Central Business Performance (CBP) District.

On a motion made by Councilor Champlin, and seconded by Mr. Regan, the Board voted unanimously to approve the sign application, by consent, with a suggestion to add the professional services offered on the sign.

6E. Paull Nails, on behalf of 31 S. Main Acquisition, requests ADR approval to install a new wall sign at 31 S. Main Street in the Central Business Performance (CBP) District. On a motion made by Councilor Champlin, and seconded by Mr. Regan, the Board voted unanimously, by consent, to deny the application.

Public Hearings

Design Review Applications

6F. The Hotel Concord requests ADR approval to install a new internally illuminated wall sign at 11 S. Main Street in the Central Business Performance (CBP) District.

Anthony Mento of SMP Architecture, Michael Simchick, Jamie Simchik, owners of the property, and Mike Leary of Sundance Signs represented the application.

City of Concord Planning Board
October 17, 2018
Minutes

Michael Simchik provided a timeline of events for this project, which he states began September 2017. He stated that over the past year they have met with various committees throughout the City. June 12, 2018 they met with the Architectural Design Review Committee (ADRC) for review of new wall signs on the front of the building, architectural lighting, and a new canopy over the Main Street sidewalk. The Planning Board approved the applications at their June 20 meeting. In August, variances were granted by the ZBA for the current sign application for the back of the building. The variances allow the sign above the second floor, and allow more square footage than is permitted. They appeared before the ADRC September 11 for the current application, where ADRC recommended the sign be reduced by 20%. They returned to ADRC on October 9th with the current proposal, indicating the 20% reduction from 331 sf to 260 sf. The Planning Board at that meeting, the ADRC motioned to table the application for the opportunity to have more discussions with the Planning Board and Zoning Board to discuss how to handle these applications in the future, and the precedent that could be set for other businesses to put large signs on the backs of their buildings with the intent of being viewed from the highway.

Mr. Simchick stated that they felt that they had met all of the requirements. He stated that they are now requesting the approval for signage, which is 20% less than what was originally proposed and is less than what was approved at by ZBA.

Mr. Mento stated that the proposed sign is simple, internally lit, and be attached to a building; it is minimalistic. It has a simple format, a simple design, with an elegant appearance. He stated that the goal is to try to get people off the highway to come into town to shop, dine, and stay. They feel that this is the best approach. He stated that the style of building does not allow for any other types of signage.

Mike Leary stated that using the Penn State Index of traffic study, the distance impact from the highway is 1200-1600 ft. using the 48 inch letters. He stated that the size proposed fits the visibility and location. The original proposal was for the letters to be 4½ feet in height. With the reduction to 4 feet in height, the sign is 260 sf in area and 60-61 feet in length.

Councilor Champlin stated that he respects the comments and recommendations from the ADRC; however, has sympathy for the applicant. He added that he believes that the proposal is an appropriate design and, if it is necessary to delay approval due to holding a joint meeting, he requested that it be addressed expeditiously.

Chairman Woodfin stated that the ZBA's role in this particular application is complete, so he would not want to meet with them to discuss this project. He also stated that while he felt it would be appropriate to have community discussions on how to handle this issue moving forward, he did not feel that a new policy would be established quickly, and he is sensitive to holding up this applicant after they complied with the ADRC recommendations.

Councilor Champlin stated that he would be inclined to approve the application. Mr. Fox stated that the renderings are great and the sign is a good statement for the City.

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 approve the sign, as submitted.

**City of Concord Planning Board
October 17, 2018
Minutes**

7. Site Plan & Subdivision Applications

7A. James Neefe requests an amendment to an approved subdivision plan to allow a driveway within the 50-foot buffer easement at 105 West Parish Road in the Open Space Residential (RO) District.

Ms. Fenstermacher stated that an amendment to a subdivision plan is being proposed because the new driveway location is proposed to be within the 50' perimeter buffer easement. Planning Board approval is required for any development within the perimeter buffer. Conservation Commission approval was also required since the driveway is within an area under Conservation Easement. The Commission recommended approve with the understanding that the driveway not be greater than 12 to 15 ft. wide.

Mr. Neefe was present and explained that he would like to use an existing logging road on his property at 105 West Parish Rd as a part of a new driveway as opposed to the driveway design which was a part of the approved cluster subdivision plan. He stated that the proposed driveway is a more suitable location and would leave the open, vegetated corridor intact. He noted that there is also a wet area that would need to be addressed if they pursued the original plan. Mr. Neefe stated that the neighbors are not opposed to the new design.

Councilor Champlin appreciated the nice, clean plan.

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

Ms. Fenstermacher noted that a waiver has been requested and staff supports the waiver since a Professional Engineer would not need to sign this if this was a standard driveway permit, and this was before the Board because of the location.

On a motion made by Councilor Champlin, and seconded by Ms. Foss, the Board voted unanimously to **grant the waiver** to Section 12.03(4) of the Subdivision Regulations to not have a NH Licensed Professional Engineer, sign and stamp the amended construction plan. Using the criteria of RSA 674:44 III(e)(1) as guidance, 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 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 a modification to a previously approved Minor Subdivision approval** to redevelop an existing logging road for use as a residential driveway within the 50 ft. perimeter buffer at 105 W. Parish Road, 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 Planning Review Comments to the satisfaction of the Planning Division.
2. Address Engineering Review Comments to the satisfaction of the Engineering Division.
3. The Applicant shall deliver to Planning, two plan sets for endorsement by the

7B. The City of Concord requesting Planning Board review in accordance with RSA 674:54, for a Minor Subdivision to allow a lot line adjustment at 77 and 109 Old Turnpike Road in the Industrial (IN) District.

Dan Mullen from Richard D. Bartlett & Associates, LLC, represented the application. Ms. Fenstermacher explained that the City of Concord is proposing to develop the vacant land for

City of Concord Planning Board
October 17, 2018
Minutes

continued municipal use; therefore, RSA 674:54 Governmental Land Uses applies. The proposal is to annex 1.53 acres from the landfill parcel to an adjacent non-conforming lot at 77 and 109 Old Loudon Rd. The parcel for the proposed fire training facility will become 1.67 acres.

The following waivers from the Subdivision Regulations would be required under a standard review:

- 12.03(5) Wetlands and 12.07 Wetlands Delineation to not provide a wetland delineation stamped by a Certified Wetland Scientist. The information provided is sufficient to meet the minimum zoning requirements for useable and buildable area. In addition, given the historic use of the site (landfill), there are no suspected wetlands in vicinity of the proposed development.
- 12.08(1) Property Lines to not survey the property lines for the entirety of Lot 3 since the information provided for the proposed lot and the portion of the remainder lot is sufficient to meet the minimum zoning requirements for useable and buildable area. In addition, no future development is proposed for the landfill parcel.
- 12.08(3) Topography, to not provide topography for the entire site for the entirety of Lot 3 and to not provide elevations in NAVD 1988. The relief for reduced topography is requested since the information provided for the proposed lot and the portion of the remainder lot is sufficient to meet the minimum zoning requirements for useable and buildable area. In addition, no future development is proposed for the landfill parcel. The datum relief is requested due to the presence of the monitoring wells on the adjacent landfill and data that dates back to 1992. Staff feels it is prudent to continue the design, construction and monitoring of the landfill as it has been since 1992.
- 12.08(5) Natural Features, to not depict natural features for the entirety of Lot 3 since the information provided for the proposed lot and the portion of the remainder lot is sufficient to meet the minimum zoning requirements for useable and buildable area.

Ms. Shank explained that the project is under RSA 674:54 and there is no action for the Board to take relative to the waivers or for the application. The Board did not have any comments on the proposed development. Chairman Woodfin thanked the applicant for coming to the meeting and providing an overview.

- 7C. The City of Concord requesting Planning Board review in accordance with RSA 674:54, for a Major Site Plan for the construction of a Fire Training Facility, and a Conditional Use Permit to allow a second driveway where only one would be permitted at 109 Old Turnpike Road in the Subdivision to allow a lot line adjustment at 77 and 109 Old Turnpike Road in the Industrial (IN) District.

Carlos Baia, Deputy City Manager, Dan Andrus, Fire Chief, and David Cedarholm, City Engineer, represented the application.

Mr. Baia explained that the project includes a single story training facility that will be used as an ad-hoc basis, a 16x16 target structure, a paved training area with two driveways, and 6 Conex units. He noted that there will be a future phase to develop an additional structure with altitude.

City of Concord Planning Board
October 17, 2018
Minutes

The project is under RSA 674:54 and there is no action for the Board to take relative to the application. The Board did not have any comments on the proposed development. Chairman Woodfin thanked the applicant for coming to the meeting and providing an overview.

7D. Strategic Contracting and Leslie N. Steenbeke Revocable Trust request Minor Subdivision approval to create three new lots and adjust a lot line at 126 Snow Pond Road and 313 Shaker Road, and a Conditional Use Permit to allow disturbance of a wetland buffer at 126 Snow Pond Road in the Open Space Residential (RO) District.

Mr. Durfee provided an overview of the proposed lot line adjustment of 2.29 acres and a subdivision to create three lots. A Conditional Use Permit (CUP) has been requested due to the wetland buffer impacts for the driveway. He added that the Conservation Commission unanimously recommended approval of the CUP.

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

Timothy Bernier of T.F. Bernier, Inc. represented the application. He explained that the proposal is to subdivide a 26 acre parcel on Snow Pond Rd. and Shaker Rd. into three residential single family lots. In addition, a boundary line adjustment will be done to annex 2.29 acres to an adjacent parcel. This will result in three lots, with one lot fronting on Shaker Rd. and two lots with frontage on Snow Pond Rd.

In addition, Mr. Bernier stated that a Conditional use Permit (CUP) is being requested due to an impact to the wetland buffer for the construction of a driveway as there are wetlands existing on the proposed 16 acre lot, and the buildable area is beyond the wetlands; however, there will be no impact to the wetlands. He stated that the CUP was unanimously supported by the Conservation Commission. Three culverts will be installed under the driveway that will discharge to the wetland. He stated that the buffer impact was increased from the original application due to the addition of 2 foot driveway shoulders to accommodate emergency vehicles on the long driveway, at the request of the Engineering Division. The total impact to the wetland buffer is 3,252 sf. No waivers are required and state subdivision has been granted.

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 Conditional Use Permit** (CUP) to Article 28-4-3(d) of the Zoning Ordinance to impact a wetland buffer, based on the fact that the only way to access buildable area on the lot is to run the driveway through 3,252 sf of wetland buffer.

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 dated October 17, 2018 to the satisfaction of the Planning Division.
- 2) Address Engineering Review Comments dated October 5, 2018 and revised October 9, 2018 to the satisfaction of the Engineering Division.
- 3) The CUP granted is to be noted and fully described on the plan including date granted and applicable Section numbers of the Site Plan Regulations.
- 4) Prior to the final plat being signed by the Planning Board Chair and Clerk, digital

City of Concord Planning Board
October 17, 2018
Minutes

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, two (2) plan set(s) and one (1) mylar(s) for endorsement by the Planning Board Chairman & Clerk and recording at the Registry of Deeds.
- 8) Prior to the issuance of any building permits, the 50' wetland buffer shall be marked with discs available at the Planning Division

7E. Johnathan DeWick, on behalf of Granite State Baptist Church of Concord, requesting Major Site Plan approval for the construction of an 18, 242 sf, 56 space parking lot and associated landscaping and grading and drainage improvements at 236 Sheep Davis Road in the Industrial (IN) District.

Mr. Durfee explained that the Granite State Baptist Church was previously before the Board for a building addition. They are now adding a 56 space parking area south of the church.

Pastor Peter Chamberland represented the application. He stated that the ADA access is through the front of the building via the ramp that was installed as part of an earlier site plan. The retention area will be reconstructed north to south instead of east to west.

On a motion made by Councilor Champlin, and seconded by Ms. Foss, the Board voted unanimously to **grant Architectural Design Review approval** for the proposed parking lot expansion, as submitted.

On a motion made by Councilor Champlin, and seconded by Ms. Foss, the Board voted unanimously **grant a waiver** to the Site Plan Regulations for Section 13.01(8)(e) to not provide soil tests and soil survey including borings due to the fact that USDA NRCS Wed Soil Survey data was used to determine soil conditions on the site and because a septic system is not needed on the site.

On a motion made by Councilor Champlin, and seconded by Mr. Regan, the Board voted unanimously **grant Major Site Plan approval** for the proposed parking lot expansion, 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) Address Planning review comments dated October 17, 2018 to the satisfaction of the Planning Division.
 - (2) Address Engineering review comments dated October 12, 2018 to the satisfaction of the Engineering Services Division.
 - (3) Any waivers granted are to be noted and fully described on the plan including date granted and applicable Section numbers of the Site Plan Regulations. Should the Board vote to deny the waiver requests, applicant shall comply with said submission requirements.
 - (4) Submit three (3) copies of fully revised plans for sign off by the Clerk and Chair of

City of Concord Planning Board
October 17, 2018
Minutes

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.

7F. 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) District.

Tim Bernier of T.F. Bernier, Inc., Chris Carley of Carley Associates, and Doug Greiner of G2 +1, represented the application. Harold Ekstrom, property owner, was also present.

Mr. Bernier noted that a lot line adjustment was approved during the September Planning Board meeting, where 12 lots were combined and reduced to five. He stated that this site plan proposal is for a large scale redevelopment consisting of a 38 unit multi-family building for residents 55 years and older. Seven existing residential structures will be razed. Additional parking for 21 Green Street will be provided in perpetuity at an adjacent parcel. Greenwood Ave., which is a private, city maintained street, will become a driveway. There are a total of 48 parking spaces proposed; 30 of the spaces are covered under carport structures. There will be a pedestrian access on Warren Street and walkways around the entire building. The delivery and residential entrance will be at the back of the building.

Mr. Bernier stated that they are working with engineering regarding the drainage and infiltration. He added that a retaining wall is proposed and will be created using the granite foundations from razed buildings. He stated that all overhead power lines will be removed and will be underground except for one pole. He stated that he has met with Unitil regarding the existing poles and noted that there is one pole that will need to remain as there are no other options. A waiver has been requested. Mr. Anderson stated that after discussions, engineering supports the waiver.

Chris Carley spoke to the architecture and design of the building. He stated that the building is 4 stories with a basement. He noted that the neighboring Firehouse Block apartment building is 3½ stories. The area buildings being replaced are 19th century buildings and some are not in

City of Concord Planning Board
October 17, 2018
Minutes

great shape. The proposed building height is a few feet below what the ordinance allows. The design is in conjunction with comments received by the planning department and the ADRC. He added that the ZBA granted a variance to allow the building to be closer to street, by a few feet.

Mr. Carley explained that the building is made up of bricks, some red and others in a lighter buff color that will intervene between the red bricks. The top floor has been stepped back and the exterior finish is either a synthetic material or stucco. The balconies range in size and width depending on the location and do not overhang any public right of ways; they are on private property. Mr. Carley stated that a metal relief with a pattern that will be opaque with back lighting will be added to the side façade of the building to break up the brick. The apartments will vary from studios to 2 bedrooms and will be on one level. The stairway and elevator are located in the middle of the building.

Mr. Greiner explained the landscaping plans in detail. The landscaping will include woody plants, perennial beds for accents and along the streetscape, concrete and brick pavers on the entryways, a patio area that will include shade trees and a bench seat and a small seating area with a small table. Landscaping will progress around building. He explained the selection of suggested trees and why the species were picked for either flowering and in the best interest to not encroach on the building and street. Existing trees were noted and Mr. Greiner stated that they will preserve trees and will add a note to the plan regarding tree replacement should trees be lost during construction. Dumpster and snow storage areas were noted on the plan.

Mr. Carley spoke to the carports, one single depth and one double depth. There will be lights inside the carports. Headlights will not be an issue as they will be blocked by the carport wall. Additional discussion was held regarding the lighting plan; all lights will be flat plate LED fixtures and will be around the building. Poles will be about 20 feet in height.

Councilor Champlin asked about the standard height for light poles and asked if they could be lowered. Mr. Carley stated that most would be concealed by buildings; however, if lowered, there may be a need for more lights and the plan would need to be revised.

Mr. Bernier stated that they have met with the abutters. Most concerns have been addressed, which pertained to plantings, electric poles which have been eliminated, and parking. He added that there will not be any parking on Warren Street. Another concern was snow removal. They are planning to use the same snow plow service that has previously been used for the property. The proposed site plan will provide better places and more room to locate snow; if it is necessary, snow will be hauled off. A dumpster service will be contracted for trash removal. Since the City is not providing the garbage services, individual recycling bins will not be placed out on the street and recycling will not be mandatory.

Councilor Champlin asked about the maintenance of other properties as noted in the abutter's letter. Mr. Ekstrom stated that the houses that were demolished all had non-conforming issues. Many discussions were held to either fix up the area or start over. He stated that they felt it was best to start over. Some maintenance of other structures has been started and will continue. Painting is occurring at 66 Warren Street and a fence will be added. At 32 N. Spring Street a buffer of trees is proposed between the two properties.

Mr. Woodfin asked about the traffic flow. Mr. Bernier stated that he does not see the driveway being used as a cut off now, and does not anticipate it being used that way in the future. He added that speed bumps could be added if there is an issue. He added that there are 38 apartments with 48 parking spaces proposed, which is fewer than the 60 cars using the existing parking area. They also hope to encourage more pedestrian use. There will be no storage of

City of Concord Planning Board
October 17, 2018
Minutes

boats, RV's, etc. on site. Mr. Woodfin asked about the mechanical room. Mr. Carley replied that the mechanical room is located in the basement. There will be small scale condensers on the roof; however, he does not anticipate any mechanical equipment on the ground.

Mr. Bernier noted that they have received comments from the abutters that the construction process is a concern. He explained that the construction will be completed by a local company and all demolition vehicles will enter and exit through Greenwood Avenue onto Green Street.

Ms. Fenstermacher asked about the dogwood species proposed and suggested looking at an alternative as they are not very hearty and asked about their salt tolerance. Mr. Grenier stated that he is not concerned; in his experience Kousa dogwoods are very hearty. But he will check into the salt tolerance and changing the trees if needed.

Mr. Bernier submitted a waiver request for the one electric pole to remain on N. Spring Street and to bring overhead utilities over N. Spring Street.

Paige Cannon, abutter, stated that she has met with the owner and provided a letter of concerns. She explained that she lives in an 1850's house on Warren Street that will be face the south elevation. She stated that most of her concerns have been addressed; however, she asked about a loading and unloading area for mail, food deliveries, and the frequency of deliveries. She suggested that whatever can be done to divert traffic onto Greenwood should be done. Mr. Woodfin stated that this would typically be addressed by whoever is coming to deliver, USPS, FedEx, etc. She requested that this issue be an item that the applicant works on. Ms. Cannon asked that updates be shared with the neighborhood as there are many areas and a lot of people affected. She noted that there has been some lack of communication and she requests to keep people informed throughout the process.

Ms. Cannon stated that she appreciates the façade; the height is high however. She noted that the existing housing structures are elevated 4-6 steps, so this mitigates the height issue to some degree. This is a massive structure in a place that has had single family residences and duplexes. It is an improvement to the neighborhood to raze some houses that were in poor condition; however, not being able to see through the area is a change.

Mr. Anderson stated that the address will be 58 Warren Street, which is based on the needs of emergency vehicles. Greenwood Avenue will be discontinued and become a driveway.

Rita Blanchette, 27 N Spring Street stated that she is pleased that this project is coming in. She expressed concern for safety as there will be more traffic in the neighborhood. She described the area as a joyous neighborhood with many young children. She mentioned the crowding of cars parking around the surrounding streets and her concern that the new development will add to the amount of traffic along the side streets where visibility is an issue. There is a lot of foot traffic to the pocket park and this development will add pedestrian traffic with the tenants.

Mr. Bernier stated that there is no parking on the side of the street for deliveries. They will work with delivery people and will add more signage to note that there is no parking, no loading and unloading, and add a sign to the door that there is to be no deliveries. They will work with Engineering for the signage. He added that they are making substantial improvements to the intersection of Greenwood Avenue and Green Street, reducing parking as the use is changing from a business parking lot to a residential lot. He believes there will be fewer cars and fewer people. He stated that he feels there are very few cars that exit to N. Spring Street, and that it should be the same situation post construction. Additional improvements are being made to N. Spring Street and the site distance will be better. A brief discussion was held regarding the edge of the driveway. It was suggested that there be no

City of Concord Planning Board
October 17, 2018
Minutes

parking up to the edge of the driveway and to look at other parking on N. Spring Street or change of paving as a visual cue.

Ms. Foss suggested having designated spaces for deliveries. She also expressed concern with access for emergency services access with this population. Mr. Bernier stated that the roads would be 24 feet wide, which will allow for plenty of parking; it will not interfere with traffic and there will be more room to get around.

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

Councilor Champlin stated that the design has improved considerably and he appreciates the variegated fronts and different textures. He shared concerns with the massiveness of the building and the erosion of the older neighborhoods. He commented that he is unsure if age restricted housing is healthy for this neighborhood. However, this is a significant improvement over the prior design and it is adding more downtown housing. He acknowledged that there also needs to be housing that can accommodate every age group.

Mr. Anderson stated that a 10 inch drain line may be needed for onsite infiltration and retention. He noted that there are discrepancies on the plan with regards to the lighting, which will need to be addressed. Mr. Woodfin suggested more lighting and reducing the height of the poles.

On a motion made by Councilor Champlin, and seconded by Ms. Foss, the Board voted unanimously to **grant Architectural Design Review approval** for the site plan and the building (as submitted in the revised elevations dated October 4, 2018) with the conditions that the applicant explore balcony framing, support, and railings being a darker (black or charcoal gray color); explore black window framing; look at the belt coursing if doing granite lintels above the windows; and, over both entrances acknowledge the heaviness of the 2nd and 3rd floor and add heavier columns or fin walls at the ground level.

On a motion made by Councilor Champlin, and seconded by Ms. Foss, the Board voted unanimously to **grant approval of the Conditional Use Permit** pursuant to Section 28-7-11(a) (ZO) to allow for off-street parking to meet the requirements for 21 Green Street with the condition that the Applicant shall provide an easement or other recordable legal instrument showing that the use of the 4 off-site parking spaces at 57 School Street is permanent.

On a motion made by Councilor Champlin, and seconded by Ms. Foss, the Board voted unanimously to **grant a waiver to Section 25.02 of the Site Plan Regulations** to allow one overhead utility pole on N. Spring Street to bring overhead utilities across N. Spring Street.

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 redevelopment at 56-64 Warren Street with a Multi-Family Dwelling for the Elderly and associated carport and parking lot; common driveways reconstructed at 21 Green Street and 32-36 North Spring Street; and, reconstructed parking lot for 21 Green Street, subject to the following precedent and subsequent conditions noted below:

- (a) Precedent Conditions – to be fulfilled within one (1) year and prior to sign off by the Clerk and Chair of the Planning Board and issuance of any building permits, or the commencement of site construction, unless otherwise specified:

- (1) Address Site Layout and Technical Review comments to the satisfaction of the Planning Division.

City of Concord Planning Board
October 17, 2018
Minutes

- (2) Address Engineering review comments to the satisfaction of the Engineering Division.
 - (3) Lot Consolidation and Lot Line Adjustment shall be recorded at the Merrimack County Registry of Deeds.
 - (4) Easement or other recordable legal instrument for the use of the 4 off-site parking spaces at 57 School Street shall be recorded at the Merrimack County Registry of Deeds.
 - (5) Condition Use Permit(s) granted are to be noted and fully described on the plan including date granted and applicable Section number(s) of the Zoning Ordinance. Should the Board vote to deny the Conditional Use Permit(s), applicant shall comply with said submission requirement(s).
 - (6) 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.

7G. 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 Institutional (IS) District.

Mr. Durfee stated that the Board determined the application complete June 20, 2018. He explained that this is Phase 4 of 5. Phase 4 consists of adding 13 additional parking spaces; Phase 5 will add an additional 30.

Two waivers have been requested from Sections 15.03(3) and 12.03(5) to not provide topographic and wetland survey information for the entire property given the proposed Phase 4 parking and access road project is limited in scope and area on the south side of the existing building. This request is consistent with a previous waiver that was requested and granted in 2006.

City of Concord Planning Board
October 17, 2018
Minutes

Mike Cience represented the application. He explained that the west side parking area is being increased and they will be installing a fire lane. He stated that the additional parking should be employee parking only.

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 Architectural Design Review approval** for the construction of a new access road, parking area and associated grading and drainage improvements.

On a motion made by Councilor Champlin, and seconded by Ms. Foss, the Board voted unanimously to **grant waivers to Section 15.03(3)**: to not provide topographic survey data outside the project area. Existing topographic information is providing for the project area and **Section 12.03(5)**: to not provide wetland survey data for the entire property. There are no wetlands around the project area; however, there are wetlands below the bluff along the eastern edge of the property well outside the project area.

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 redevelopment, 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 comments in Section 3 above to the satisfaction of the Planning Division.
 - (2) Address review comments dated October 2018 from Engineering Services to the satisfaction of the Engineering Division.
 - (3) Any waivers granted are to be noted and fully described on the plan including date granted and applicable Section numbers of the Site Plan Regulations. Should the Board vote to deny the waiver requests, applicant shall comply with said submission requirements.
 - (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 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

City of Concord Planning Board
October 17, 2018
Minutes

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.

Other Business

8. Joseph R. Alosa, Sr. is requesting the discontinuance of Osgood Street.

Ms. Shank provided an overview of the area. Before the construction of I-93, Homefield Avenue extended from what is currently called Home Avenue to what is now called Osgood Street. Intersecting with Homefield Avenue was Riverside Drive, a paper street that ran parallel to the Merrimack River. After construction of I-93, the eastern portion of Homefield Avenue that remained was renamed Osgood Street. A 1968 plat shows that Riverside Drive ended at the boundary of the properties.

According to the City Assessor, Riverside Drive was automatically discontinued in 1926 in accordance with the regulations in effect at that time, since it had not been accepted by the City. The City's records, including assessing and GIS data, were never updated to reflect the discontinuance; therefore, the dead end portions of Osgood Street that were formerly Riverside Drive are not a City right-of-way, and the owner appears to have full rights to that property.

The petitioner has been utilizing Osgood Street for business purposes for several years, and has fenced off the portions running parallel to the river for vehicular and/or equipment storage. They have also been removing snow from the right-of-way during the winter months for access to their property and continued business operations. The applicant is requesting to discontinue all section of Osgood Street.

Ms. Shank stated that it appears that at one time the City had the intent to create a riverfront street along the west side of the Merrimack River; however, Riverside Drive would have been within the required 75-foot undisturbed vegetated buffer of the City's Shoreland Protection District, and all property between the street and the river would have been within the State's 50-foot undisturbed buffer. It seems unlikely that a street in this location would benefit the City at this point. Since the paper street was discontinued, Staff would not recommend trying to retain or re-establish a right-of-way in this location especially if no riverfront street is being contemplated as there would be no need to retain the currently existing dead end portion of Osgood Street off of Basin Street for vehicular circulation purposes. Ms. Shank added that the City has a large stormwater drainage pipe running through the right-of-way, emptying into the Merrimack River. The petitioner would be required to grant a permanent easement for access and maintenance of the pipe prior to discontinuance of the street. Furthermore, the petitioner would need to merge parcels 14-1-8 and 14-1-9, and also parcels 14-1-4 and 14-1-5 to avoid creating nonconforming lots with respect to lot frontage and this would need to be completed prior to discontinuance.

Ms. Shank stated that the Board could recommend to City Council to discontinue Osgood Street, provided an easement for access and maintenance of the City's stormwater facility has been granted, and provided the lots have been merged as needed to avoid nonconformities. The plan was reviewed.

On a motion made by Councilor Champlin, and seconded by Ms. Foss, the Board voted unanimously to recommend to City Council that they discontinue Osgood Street provided an easement for access and maintenance of the City's stormwater facility has been granted, and provided the lots have been merged as needed to avoid nonconformities.

City of Concord Planning Board
October 17, 2018
Minutes

9. Jonathan Halle, on behalf of Raymond Bossineau, requests to rezone 70 Pembroke Road from the Office Park Performance (OFP) District to the Opportunity Corridor Performance (OCP) District, and amend the OCP district to allow multifamily residential uses citywide.

Ms. Shank stated that this is the former Sprague Electric site. The building is approximately 115,000 sf and houses a variety of different uses. She provided an explanation of each district as well as the intention of each per the Master Plan. She noted that potential development concepts for the site are consistent with changes being contemplated for these districts through the zoning code update process, and that the OCP District is most consistent with those concepts.

Councilor Champlin stated that there would then be two OCP zones. Ms. Shank replied that if this is accomplished now this would facilitate business on this parcel and allow more flexibility for redevelopment. Councilor Champlin stated that creating this environment for discussions now would allow for the area to be more attractive and more interconnected.

Mr. Regan noted that many brownfield and manufacturing sites have been redeveloped for housing. He expressed concern with the environment and the safety aspect of utilizing the site for housing, and asked about mitigation of contaminants. Ms. Shank stated that the site is currently being mitigated and maintained by the former users of the property. The area in question would be capped with no structures proposed in that location.

On a motion made by Councilor Champlin, and seconded by Ms. Foss, the Board voted unanimously to recommend approval to Council that 70 Pembroke Road be rezoned to OCP, and to add multifamily residential to the OCP District citywide.

10. ConcordNEXT Zoning Update – Character Analysis Feedback

Ms. Shank stated that she met with the ZBA and will be presenting to the Chamber of Commerce next week. The consultant will be in town November 8th for a public meeting, which will be held from 6-8 pm in Council Chambers. Concord TV will be present.

11. November Planning Board Meeting

Due to Thanksgiving, the Board agreed to hold their monthly meeting Tuesday, November 20, 2018 at 7 pm in Council Chambers.

12. Any other Business

Bangor Savings Bank

Ms. Rosenberger stated that she had asked staff about the ability to make a motion to reconsider the Bangor Savings Bank sign approval. She stated that she would have preferred to see the building and video shown from other perspectives as she would not have voted for the design if she had understood exactly what was being proposed. She noted that the ADRC requested to see revisions of designs and the Board did not grant that request. She stated that she would have liked to preserve the windows and the design is not consistent with the Main Street Design Guide.

Ms. Shank explained the RSA requirements for a revocation of approval. She stated that the Planning Board would have no basis to revoke the approval in accordance with the criteria noted in the RSAs. She stated that the last time the Board chose to reconsider a decision, the motion in question did not pertain to private property or any Planning Board application, so the RSA criteria were not discussed at that time.

**City of Concord Planning Board
October 17, 2018
Minutes**

Councilor Champlin, who was voted in opposition to the application, agreed that the design is not consistent with the streetscape. He thanked Ms. Rosenberger for her comments.

Planning Commission Regional Impact

Ms. Shank stated that the Central New Hampshire Regional Planning Commission (CNHRPC) proposed guidelines for evaluating whether a Planning Board project is of regional impact. Part of the recommendations note that a motion must be made by the Board for every application to determine whether it is or is not of regional impact, which is not what the Board is currently doing. She has asked Legal as well as CNHRPC to look into this further to confirm that this is the correct interpretation of the RSA. She will follow up with the Board when she has more information.

iPads

A discussion was held regarding whether the Board members would be interested in taking the iPad home. Members were receptive to the idea. Ms. Shank stated that she will follow up with IT staff to confirm that alternative iPads will be available for the ADRC. If so, she will have a policy at the next meeting for members to sign. A discussion was held regarding alternate members. Ms. Shank will check into that and report back.

Solar Ordinance

Ms. Fenstermacher reminded the Board of the two upcoming solar ordinance revision meetings, Saturday, October 27 at 10 a.m. and Monday October 29 at 6 p.m.

Concord Tree Committee

Ms. Fenstermacher stated that the Concord Tree Committee will be taking letters of interest through October 31 and making a decision regarding new members in November.

Adjournment

At the request of Chair Woodfin, Councilor Champlin made a motion to adjourn at 10:09 p.m., seconded by Ms. Foss. Motion carried unanimously.

A TRUE RECORD ATTEST:

Lisa Fellows-Weaver,

Administrative Specialist