

City of Concord Planning Board
January 16, 2019
Minutes

The regular monthly meeting of the City Planning Board was held on January 16, 2019, 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: 9 – Chairman Richard Woodfin, Vice-Chair Carol Foss, Councilor Byron Champlin, Teresa Rosenberger (Ex-Officio for City Manager), Members Matthew Hicks, Susanne Smith-Meyer, David Fox, John Regan, and Erle Pierce.

Absent: 2 – Alternate Chiara Dolcino, and Alternate Frank Kenison.

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

On a motion made by Councilor Champlin, and seconded by Ms. Foss, the Board voted unanimously to approve the minutes for December 19, 2018, as written.

4. Planning Board Chair Overview

Chairman Woodfin announced that the applicant for Item 7G submitted a request to continue the hearing to February 20, 2019. On a motion made by Councilor Champlin, and seconded by Ms. Foss, the Board voted unanimously to continue item 7G to February 20, 2019.

5. Design Review Applications by Consent

The Board voted unanimously to approve the sign applications for Items 5A and 5B by consent, subject to the recommendations of the Architectural Design Review Committee (ADR) as noted below.

5A. State Pleasant Street, LLC, requests ADR approval to install two new wall signs, one at 15 Pleasant Street, and one at 26 Pleasant Street in the Central Business Performance (CBP) District.

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

5B. April Dunn & Associates Real Estate, on behalf of Remis Block, LLC, requests ADR approval to install a new wall sign at 154 N. Main Street in the Central Business Performance (CBP) District.

On a motion made by Councilor Champlin, and seconded by Ms. Foss, the Board voted unanimously to approve the sign application, as submitted, by consent, subject to the condition that the sign be centered over the windows to the north (left) of the entrance.

Public Hearings

6. Design Review Applications

6A. Salon 259, on behalf of Premiere Real Estate, LLC, requesting ADR approval for a new sign on an existing freestanding sign structure at 259 S. Main Street in the Urban Transitional (UT) District.

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Ms. Shank stated that due to a staff oversight, this application did not go before ADR for their review. However, she recommended that it go before the Planning Board anyway to avoid delaying the applicant, who submitted all required materials on time.

The Board reviewed the application and had no comments or concerns.

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

7. Site Plan, Subdivision and Conditional Use Permit Applications

7A. State Pleasant Street, LLC, requests ADR approval and Conditional Use Permit approval in accordance with Article 28-6-9 (b)(2) to install a new wall signs above the second story windows at 26 Pleasant Street in the Central Business Performance (CBP) District.

Ms. Shank stated that Conditional Use Permit (CUP) approval is required due to the placement of the wall sign above the second story windows. She also noted that ADR recommended approval with conditions that the applicant did not support.

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

Scott Aubertin of First Sign represented the application. He explained that ADR expressed concern with the proposed location of the lettering on the façade. The original proposal centered a word on each section of the building. Since one half of the building projects out approximately 4 inches more than the other, ADR felt that the positioning was awkward. ADR had a discussion regarding whether the building was two separate buildings; it was deemed to be one building based on the historic resources survey. Mr. Aubertin provided the Board with revised graphics proposing to reposition the letters. The words would still be on separate buildings but located slightly closer together and not centered on each building.

Councilor Champlin stated that he understood the comments from ADR to center on each building; however he feels the revised proposal is sensible and is a nice balance.

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

On a motion made by Councilor Champlin, and seconded by Mr. Pierce, the Board voted unanimously to grant the Conditional Use Permit to place the sign above the second story windows and approve the sign as submitted based on the photo presented at the January 16, 2019 Planning Board meeting.

7B. Holden Engineering & Surveying, on behalf of Lorna R. Gagnon Revocable Trust of 2001, requesting Minor Subdivision approval for a 2-lot subdivision at 121 Portsmouth Street in the Single Family Residential (RS) 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.

Peter Holden, of Holden Engineering & Surveying, represented the application. He stated that the proposed subdivision will divide a 3.467 acre lot into 2 lots. The new lot will consist of 0.36 acres and the parent lot will retain 3.11 acres and the existing house. No waivers have been requested.

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

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On a motion made by Councilor Champlin, and seconded by Ms. Rosenberger, the Board voted unanimously to **grant minor subdivision approval** for the two-lot subdivision at 121 Portsmouth Street, 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 Technical Review Comments to the satisfaction of the Planning Division.
- (2) Address Engineering Review Comments to the satisfaction of the Engineering Division.
- (3) Prior to the final plat being signed by the Planning Board Chair and Clerk, digital information shall be provided to the City Engineer for incorporation into the City of Concord Geographic Information System (GIS) and tax maps. The information shall be submitted in accordance with Section 12.09 of the Subdivision Regulations.
- (4) A Licensed Land Surveyor shall sign and seal final plans and mylars.
- (5) The Applicant shall submit two checks for recording the plan at the Merrimack County Registry of Deeds (including a separate check in the amount of \$25.00 for the LCHIP fee). Both checks are to be made payable to the Merrimack County Registry of Deeds.
- (6) The Applicant shall deliver to Planning, one (1) plan set(s) and one (1) mylar(s) for endorsement by the Planning Board Chairman & Clerk and recording at the Registry of Deeds.

7C. Richard D. Bartlett & Associates, LLC, on behalf of Laura Smith Tewksbury Revocable Trust Indenture, requesting Minor Subdivision approval for a two-lot subdivision at 63 Ridge Road, in the Single Family Residential (RS) District.

Mr. Durfee provided a staff report for this application and indicated that a waiver has been requested to provide a vicinity map with a scale outside the required range, utilizing the criteria from RSA 674:36(II)(n)(2). He stated that staff does not support the waiver.

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.

Mark Sargent of Richard D. Bartlett & Associates, LLC, represented the application. He explained that the parcel was subdivided in 1986 and in 1993 a lot consolidation was done. At this time, the proposal is to subdivide the 2.51 acre lot again into 2 lots. The parent lot (Lot 1) will become 1.73 acres and new Lot 2 will consist of 0.79 acres. The wetlands have been delineated. Both lots meet lot size and frontage requirements. He added that in regards to the waiver, he does not feel that the regulation is necessary as the property will not be scaled off of a city map.

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

On a motion made by Mr. Pierce, and seconded by Mr. Fox, the Board voted unanimously to **grant the waiver** to Section 12.05 of the Subdivision Regulations to provide a vicinity map with a scale outside the required range, utilizing the criteria from RSA 674:36(II)(n)(2): Specific circumstances relative to the subdivision, or conditions of the land in such subdivision, indicate that the waiver will properly carry out the spirit and intent of the regulations, by a vote of 6/2. Chairman Woodfin and Mr. Regan were opposed.

On a motion made by Councilor Champlin, and seconded by Ms. Foss, the Board voted unanimously to **grant minor subdivision approval** for the two-lot subdivision at 63 Ridge

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Road, 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 Technical Review Comments to the satisfaction of the Planning Division.
- (2) Address Engineering Review Comments to the satisfaction of the Engineering Division.
- (3) Prior to the final plat being signed by the Planning Board Chair and Clerk, digital information shall be provided to the City Engineer for incorporation into the City of Concord Geographic Information System (GIS) and tax maps. The information shall be submitted in accordance with Section 12.09 of the Subdivision Regulations.
- (4) The Licensed Land Surveyor shall sign and seal final plans and mylars.
- (5) Any waiver(s) granted by the Board must be noted on the final plat.
- (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 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.

7D. Jonathan Halle, on behalf of the Roman Catholic Bishop of Manchester, requesting Minor Site Plan approval for a building addition and new walkways at 72 South Main Street in the Urban Transitional (UT) District.

Jonathan Halle of Warren Street Architects along with Chris Nadeau from Nobis Group, and Father Rich Roberge represented the application.

Mr. Halle gave an overview of the proposed restoration and renovation plans for the Christ the King Parish. The plans include an addition of a front enclosure with new walkways, a new entrance, landscaping and courtyard upgrades, as well as upgrades to the exterior of the rectory.

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

Councilor Champlin commented that the Parish is an architectural gem of the City. He appreciates the fact that the modifications are modest and will not impact the original architecture of the church as well as the plan to integrate the windows from St. Peters.

On a motion made by Councilor Champlin, and seconded by Ms. Foss, the Board voted unanimously to **grant Minor Site Plan approval** for the building additions and walkway construction at 72 South Main Street, 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:

a) Precedent Conditions

- (1) Address Technical Review Comments to the satisfaction of the Planning Division.
- (2) Address Engineering Review Comments to the satisfaction of the Engineering Division.
- (3) A Professional Engineer shall sign and seal final plans.
- (4) A New Hampshire Licensed Land Surveyor shall sign and seal the Existing Conditions Plan.
- (5) Submit 3 sets of final plans to be signed by the Clerk and Chair of the Planning Board, prior to issuance of any permits or commencement of construction activities.

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b) Subsequent Conditions

- (1) Prior to commencement of construction activity, payment of any required 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 if requested by the City Engineer.

7D. TF Moran, on behalf of Capital Hotel Company VI, LLC, requesting Major Site Plan approval for a two-unit condominium at 406 South Main Street in the General Commercial District.

Mr. Durfee stated that the application was before the Board at the December 19, 2018, meeting and was deemed complete by the Board. An updated plan has been provided per staff's comments. A waiver request has been submitted for a sign package to be provided at a later date, which is supported by staff. A number of variances were requested and granted by the ZBA. In addition, the application was reviewed by ADR in December with recommendations.

Chairman Woodfin opened the public hearing.

Steve Duprey and Nicholas Golon, of TF Moran, represented the application. Mr. Duprey stated that the property is the former Days Inn. It was less expensive and more economical to build a new hotel than to remodel the existing hotel. The proposal is for a 2 unit condominium site plan for a proposed hotel, the Hilton franchise and a future restaurant.

Mr. Golon gave an overview of the existing plan explaining that the proposal is for 4-story, an 82 room hotel, and 74 parking spaces with 4 handicap accessible and 6 compact spaces. He provided additional information specific to other site amenities noting the ADA requirements and the 7 feet of grade change which needs to be 5% or less. He added that the westerly side of site is for the future development of a restaurant.

Councilor Champlin asked about the hotel design and to what percentage the design is dictated by the chain. Mr. Duprey replied about 95%. Discussion ensued as to the proposed design and the signage. Mr. Duprey noted that the ADRC was in favor of the design. Mr. Hicks stated he supported the proposed design. Mr. Duprey stated that the sign package will be presented at a later date.

Ms. Smithy-Meyer spoke to the landscaping and suggested looking into smaller trees on the north side of the parking area and be replaced to the east side as it may be better for shade trees and the parking area. She added that the shade trees can also be limbed upward. Ms. Shank stated that they have met the requirement for the trees. Mr. Golon noted that they will be returning to the Board with the restaurant proposal, which will require additional parking and will change the landscaping to the hotel site plan. Mr. Duprey stated that there is a good chance that the additional parking to the north will be an easement with the State of NH and the trees will not be in that specific location noted on the proposed.

Mr. Anderson commented on the restriping of the median on Rte. 3A and recommended that they extend the two-way, left turn lane northerly to the hotel driveway. In addition, he recommended that all striping be done in conjunction with the hotel project rather than at the time of the restaurant development.

Councilor Champlin referenced a comment from the ADR regarding mirroring the building east to west as this would allow the wing detail of the hotel to be more visible. Mr. Duprey stated that this is the typical prototype; however, he did inquire about the option and has not heard back.

Mr. Duprey explained the traffic pattern of the area including the NHDOT bridge and the Exit 12 area. He noted that there is a plan for two roundabouts for this area, one on each side of the

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bridge and the southbound ramp will be gone. Further discussion ensued as to the distance is not very good as it exists today – Mr. Woodfin asked what is the goal with the restriping. Mr. Golon stated that restriping will extend the area further and will add additional protection from oncoming traffic.

Ms. Shank stated that a variance was granted for the sidewalk; however, the plan being reviewed is the plan showing the sidewalk. Lengthy discussion was held regarding the layout of the sidewalk. Ms. Shank suggested redesigning the concept of the sidewalk so it is smoother and easier for pedestrians, with or without disabilities, to get through the corners. In addition, she noted that ADR did not discuss the sidewalk layout during a regular meeting. Mr. Golon stated that the design is constrained due to the topography; other location options are hindered due to the steep topography. He noted that, in his opinion, the practicality for the sidewalk does not exist; however, it is a federal requirement and must be provided.

Snow storage locations were pointed out by Mr. Duprey who also explained that although there are many areas for snow storage; typically, the snow is removed off site. The delivery route was noted.

Ms. Smith-Meyer encouraged the relocation of shade trees. She stated that most of the proposed trees are on the smaller side and the north side of the site will not get shade unless there is a larger canopy; 40 feet in diameter rather than 20 feet.

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

On a motion made by Councilor Champlin, and seconded by Ms. Foss, the Board voted unanimously to **grant ADR approval** for the site plan and the building as submitted with the recommendation that the applicant explore mirroring the design east to west so that the “tru Hilton” sign faces I-93.

On a motion made by Councilor Champlin, and seconded by Ms. Foss, the Board voted unanimously to **grant a waiver** to Section 16.03(11) of the Site Plan Regulations to provide a sign package as a separate submission at a later date utilizing the criteria of RSA 674:44 III (e) (1), which states that specific circumstances relative to the site plan, or conditions of the land in such site plan, indicate that the waiver will properly carry out the spirit and intent of the regulations.

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 406 South Main 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 Technical Review comments to the satisfaction of the Planning Division.
 - (2) Address Engineering review comments to the satisfaction of the Engineering Division.
 - (3) The concurrent minor subdivision for 406 South Main Street shall be recorded at the Merrimack County Registry of Deeds.
 - (4) Easement or other recordable legal instrument for the use of the 9,782 sf of I-93 right of way shall be recorded at the Merrimack County Registry of Deeds.
 - (5) 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

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Board vote to deny the waiver(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.

7F. Neurointernational Healthcare, LLC, on behalf of Calvert Ridge 6, LLC, requesting to Major Site Plan approval for a conversion of a single family dwelling into a Residential Social Service facility at 52 Loop Road in the Residential Open Space (RO) District.

Ms. Fenstermacher gave an overview of the project. She stated that the application is a Major Site Plan and review is triggered by the proposal to convert an existing structure to provide greater than five (5) rooming units. With the exception of parking space striping on existing pavement and trenching for a new water line, no site disturbance is required or proposed. The applicant has submitted a waiver requesting the Board hold the public hearing at the same meeting as the Determination of Completeness to avoid any delay of opening the facility for which there is a critical and immediate need. Ms. Fenstermacher stated that using the criteria of RSA 674:44 III(e)(1) as guidance, staff believes that a waiver would not be contrary to the spirit and intent of the regulations and the application requirements can be reviewed in a single meeting. In anticipation of the Planning Board's review of this request, the Legal Notice mailed to abutters on January 3, 2019, indicated that the project will be open for a Public Hearing at the January 16, 2019, meeting. Staff recommends that the Board grant the waiver request and open the public hearing.

A discussion was held regarding the difference in the circumstance for this project as opposed to a project last month. Ms. Fenstermacher noted that the current project requires no disturbance to the site as there was with the prior project. Mr. Woodfin stated that a waiver was submitted last month for the same process and a motion was made and did not prevail; the Board determined that the project was proposing significant site changes.

On a motion made by Mr. Hicks, and seconded by Mr. Regan, the Board voted 7/1 to grant the waiver to hold the public hearing tonight. Mr. Pierce was opposed.

Ms. Fenstermacher stated that the applicant is proposing to convert the single family residence into a facility that will be providing daily residential board and care along with living support and assistance for up to eight (8) individuals with intellectual and/or developmental disabilities. This

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use is classified as a Residential Social Service facility, which is not a permitted use in the RO District; however, the applicant is providing State mandated services to people with disabilities as an agent of the State in accordance with RSA 674:54, Governmental Land Uses; therefore, they are eligible for the State exemption from local land use regulations to establish a Residential Social Service facility where such use is not allowed. She added that while the use is exempt, all building and zoning codes must be met.

Several waivers to reduce plan requirements were submitted, and all are supported by staff.

Mr. Woodfin stated that it is the Board's purview to provide feedback to the applicant and it is binding, per RSA 674:54.

Chris Nadeau of Nobis Group represented the application along with Adam Thomas from Neurointernational Healthcare and Karyn Forbes from Shaheen & Gordon.

Mr. Nadeau gave an overview of the project explaining that the parcel is 5½ acres on Loop Rd. The proposal is to house 8 individuals with disabilities. There are no changes to the site, no new pavement or grading changes, no new landscaping is proposed. The sprinkler system will be updated. Parking requirements have been met. The project went before ADR, the Committee recommended that the proposed stockade fence not be installed and suggested shrubs for screening, if deemed necessary.

Mr. Thomas explained that Neurointernational Healthcare is a service that provides a family like environment within a home for individuals with disabilities, which may be a result of accidents or incidents. The company is looking for more rural settings as it will allow the clients to be more active with outdoor activities and more flexible with their activities. The facility helps the individuals to relearn daily activities, have chores, etc. Support staff is on site 24 hours a day and assists the individuals with daily functioning items and may provide transportation to medical appointments. The facility will be 8 bedrooms. It will not be a facility for rehabilitation or other uses.

Mr. Fox asked about security for the facility and provided personal knowledge of security issues at other similar facilities. Ms. Forbes stated that she is not able to answer questions relative to the security.

Abutter Glenn Gagne stated that he would have expected that someone from the upper ranks of Neurointernational Healthcare would have been present. He added that he expected that there would have been a meeting with the neighbors as well. He expressed concern with the agency establishing the proposed facility in a rural setting as the use is much different than a regular household. He stated that there has been little information provided as to the function of the facility. He noted that there is no sidewalk in the area; nothing to walk to, nothing is out here. Eight is a lot of people in one house. He requested more information and asked if there will be therapy sessions done at the facility as an outpatient service.

Abutter Barbara Gagne was concerned with the amount of traffic that will be generated in the area. She stated that there have been 7-12 cars at the site over the last 15 days. She also stated that she would have expected a meeting. Eight is a lot of people for the house. She stated that there are four parking spaces and there has been parking near the barn where there is no driveway. She feels that the proposal is premature and there is not enough information available as to the function of the facility. She stated that she understands the need for this type of facility; however, this is not the right area for a facility of this nature. She asked if there will be day services provided at the facility. She expressed concern with the fact that the facility may evolve in the future and where does the line get drawn. She stated that she is unsure as to the ratio of

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people to staff; a residential facility is one issue and day services/day programs are another issue. She asked about the impact to the property values. She asked about the mobility of the clients.

Abutter Paul Levy stated that he was appalled that there was nothing offered to meet with the neighbors. He referenced other areas in the State with similar proposals. He expressed concern with security as well as the maximum occupancy limit. Mr. Levy asked if there was a need for the fence as a safety factor. He stated that this is a residence and he would like to see it remain as a residence. The proposal is a big business which may result in other types of businesses or activity. He also inquired about signage on the site and the purpose of the wagon out front.

Ms. Shank stated that based on the type of facility, there is a State occupancy limit of eight individuals. There are also regulations with the Fire Department that need to be met. The applicant is able to open the facility with 3 or fewer clients based on the current water line and supply available for emergency use. However, a larger water line is required to provide the necessary supply for 8 individuals. The applicant cannot provide that line until the spring when the City allows disturbance in the right of way. Therefore, the applicant cannot get full occupancy until the spring. She also noted that ADR suggested that the fence not be added as it is not aesthetically pleasing.

Ms. Fenstermacher stated that the City's Zoning Administrator and Solicitor have reviewed the requirements for Residential Social Services and should the applicant exceed the requirements or be in any violation of what was approved, it would then be a code violation for the City to enforce.

Ms. Forbes apologized, if she would have known that there would have been more questions, she would have had the CEO present. She stated that she had a telephone conversation with planning staff and thought that all items had been addressed. She stated that there are other facilities coming to NH that are not operating to date. The facility in Belmont will be a rehabilitation center. All clients are all self-evacuating and not wheelchair bound. As far as the parking, spaces were determined by the number of residents, per the application requirements. The wagon was found in the barn and was moved out front. The facility will not be used for outpatient services; this is a home site and at this time the clients that will be residing there are not known so it is not known as to what the clients will need for therapy/day services, counseling, etc. There are no overnight visitors allowed and no alcohol is allowed. The State of NH performs all necessary inspections. As far as security, Ms. Forbes stated that she is not able to answer this question at this time. No signage is proposed. She understands the comments and concerns and stated that they should have reached out to the neighbors and the neighbors could have also reached out to the applicant.

Councilor Champlin stated that this project is bringing something new into the neighborhood; neighborhoods mean something in Concord and are important. He encouraged the Applicant to get together with the neighbors to explain what the proposal is and answer any of their questions.

Mr. Fox asked if the house will be a single sex facility. Mr. Thomas replied that it has not been determined for this facility; however, most of the existing facilities are single sex facilities. Mr. Fox asked if the clients are considered to be non-violent as the abutters should know that there may be an occasion when the police may be on the site to mitigate problems. Mr. Thomas stated that there is a clinical team that would be better served to discuss this issue. Mr. Hicks stated that he is surprised that someone from the corporate office was not present and expressed frustration with the fact that more information is not available.

Ms. Rosenberger stated that she is thrilled that the State will have a facility, which will allow clients to reside close to their NH families. She suggested that a representative from the Brain

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Injury Association of New Hampshire be invited to attend as a resource to the community; it is important to understand the needs and the disabilities of the clients.

Ms. Fenstermacher asked about the State's process and if residents are able to reach out to the agency as the Planning Board cannot regulate the use. Ms. Forbes replied that she is not sure and added that they will not receive their license until the water main is repaired.

Councilor Champlin stated that it is not the intention of any Board member to imply that this is not a needed facility; there needs to be better communication with the neighbors.

On a motion made by Ms. Smith-Meyer, and seconded by Councilor Champlin, the Board voted unanimously to **grant ADR approval** for the site plan with the recommendation that the proposed stockade fence be eliminated and if in the future screening is requested by neighbors, a wooden post and rail fence with vegetation should be provided.

On a motion made by Ms. Smith-Meyer, and seconded by Ms. Foss, the Board voted unanimously to **grant the following waivers to the Site Plan Regulations** using the criteria of RSA 674:44 III(e)(1) as guidance, indicating that strict conformity would pose an unnecessary hardship to the applicant and the waivers would not be contrary to the spirit and intent of the regulations, and the site plan can be satisfactorily reviewed with the information provided.

- Section 12.03(1) to utilize a previous existing conditions plan to meet the requirements and not have a NH Licensed Land surveyor sign and seal the existing conditions plan
- Section 12.03(5) and 12.07 to utilize a previous existing conditions plan to meet the requirements not have a Certified Wetland Scientist sign and seal the plan
- Section 16.02(12) to not submit a Grading & Drainage Plan
- Section 16.02(13) to not submit an Erosion Control Plan
- Section 16.02(15) and 22.03 to not submit a Landscape Plan

On a motion made by Ms. Rosenberger, seconded by Ms. Foss, the Board **voted unanimously to grant Major Site Plan** approval for the proposed conversion of a single family residence to a Residential Social Service facility for up to 8 individuals at 52 Loop Road, subject to the following 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 Planning staff Technical Review comments to the satisfaction of the Planning Division.
- (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.
- (5) The applicant shall reach out to the abutters and hold an informational session to provide more information and answer their questions about the facility and operations. It is recommended that someone from the clinical staff attend, either in person or via video conference, as well as a representative from the Brain Injury Association of New Hampshire to help educate the neighbors and introduce the association as a resource.

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7G. Rokeh Consulting, LLC, on behalf of Whittemore Holdings, LLC, requesting Minor Site Plan approval for the construction of a parking lot at 45 Chenell Drive in the Industrial (IN) District. Addressed earlier, postponed to February 20, 2019.

8. Amendments

8A. City Council referral requesting to amend Zoning Code Title IV, Chapter 28 Zoning Ordinance, Article 28-4-5 Development of Attached and Multifamily Dwellings.

Ms. Smith-Meyer recused herself from this discussion.

Ms. Fenstermacher explained that Ron Richter of RNL Properties, LLC, submitted a request to City Council, which has been referred to the Planning Board, for review and comment, to amend the ordinance by removing Section 28-4-5 relative to the requirement of certain facilities and services for multifamily dwellings. Mr. Richter wanted to eliminate the requirement to provide significant facilities. She stated that State Statute, RSA 354-A:15, includes similar language under the Fair Housing Rules when determining if a housing development qualifies for persons 55 years or older. Since the State of NH regulates this matter, the City cannot enact a less stringent standard. Therefore, Staff recommends that the language remain as written in Section 28-4-5(1)(2) in order to ensure that the City's ordinance coincides with the State law.

On a motion made by Councilor Champlin, and seconded by Mr. Pierce, the Board **voted unanimously to deny** the request to amend the Zoning Code, Article 28-4-5 Development of Attached and Multifamily Dwellings.

Other Business

Items 9-13

Items 9-13 were previously motioned to be tabled.

14. Joint Meeting

A joint meeting with the Planning Board and Architectural Design Review Committee will be scheduled for either February 12 or February 19, at 6:30 PM in Council Chambers.

Adjournment

At the request of Chair Woodfin, Councilor Champlin made a motion to adjourn at 9:45 p.m., seconded by Ms. Foss. Motion carried unanimously.

A TRUE RECORD ATTEST:

Lisa Fellows-Weaver,
Administrative Specialist