

City of Concord Planning Board
October 16, 2019
Minutes

The regular monthly meeting of the City Planning Board was held on October 16, 2019, in City Council Chambers, in the Municipal Complex, at 37 Green Street, at 7:00 p.m.

Attendees: Chairman Richard Woodfin, Vice-Chair Carol Foss, Councilor Byron Champlin, Members, Susanne Smith-Meyer, Matthew Hicks, David Fox, and Erle Pierce.

Absent: Teresa Rosenberger (Ex-Officio for City Manager), John Regan, Alternate Chiara Dolcino, and Alternate Frank Kenison.

Staff: Heather Shank (City Planner), Beth Fenstermacher (Assistant City Planner), Lisa Fellows-Weaver (Administrative Specialist), and Bryant Anderson (Associate Engineer).

1. Call to Order

Chairman Woodfin called the meeting to order at 7:00 pm.

2. Roll Call

Chairman Richard Woodfin, Vice-Chair Carol Foss, Councilor Byron Champlin, Members, Susanne Smith-Meyer, Matthew Hicks, David Fox, and Erle Pierce.

3. Approval of September 18, 2019 Planning Board Meeting Minutes

On a motion made by Mr. Pierce, and seconded by Mr. Fox, the Board voted unanimously to approve the September 18, 2019 Planning Board Meeting Minutes, as written.

4. Planning Board Chair Overview

Chairman Woodfin announced that the applicant has requested that item 6I be postponed to the November 20, 2019, meeting.

- 6I. Banks Chevrolet, on behalf of Sanel Realty Company, Inc., requesting Major Site plan approval to demolish an existing building and construct a new 164,5800 sf vehicle storage area and associated site improvements, and Conditional Use Permit for reduced driveway separation, at 129 Manchester Street in the Highway Commercial (CH) District.

5. Design Review Applications

- 5A. Concord Terminal LLC requests ADR approval to install two new wall signs and a new freestanding sign at 118 Hall Street in the Industrial (IN) District and the Opportunity Corridor Performance (OCP) District.

On a motion made by Mr. Pierce, and second by Ms. Foss, the Board voted unanimously to approve the design as submitted by consent.

- 5B. Dartnell Properties requests ADR approval to install 4 new externally illuminated wall signs at McGuire Street and 272 North State Street in the Industrial (IN) District.

On a motion made by Mr. Pierce, and second by Ms. Foss, the Board voted unanimously to approve the design as submitted by consent, subject to the conditions that the directional signs be resubmitted to staff indicating that all code requirements are met and that the awning noted on the plan will not be built.

- 5C. Lashing Out Studio, on behalf of Alexander Constant, requests ADR approval to install a new freestanding sign on an existing sign post at 35 South Main Street in the Central Business Performance (CBP) District.

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On a motion made by Mr. Pierce, and second by Ms. Foss, the Board voted unanimously to approve the design as submitted by consent.

- 5D. Lowering Volvo requests ADR approval to install two new internally illuminated wall signs, a new internally illuminated freestanding sign, and replace an existing freestanding sign at 95 Manchester Street in the Commercial Highway (CH) District.

On a motion made by Mr. Pierce, and second by Ms. Foss, the Board voted unanimously to approve the design as submitted by consent, subject to the condition that the freestanding signs are not illuminated, and to continue to work with staff so that all required site lines for traffic will not be impeded by the monumental sign.

- 5E. Sanel Napa, on behalf of Automotive Supply Assoc., requests ADR approval to install 6 internally illuminated wall signs at 219 S. Main Street, in the Opportunity Corridor Performance (OCP) District and the Urban Commercial (CU) District.

On a motion made by Mr. Pierce, and second by Ms. Foss, the Board voted unanimously to approve the design as submitted by consent, subject to the condition that the sign be installed below the gable and an updated graphic submitted to staff depicting the revision.

5. Site Plan, Subdivision, and Conditional Use Permit Applications

- 6A. Holden Engineering & Surveying, Inc., on behalf of Baron's Major Brands, requests an amendment to a previously approved Minor Site Plan application for a change in the proposed siding for an addition to a building at 350 Loudon Road in the Gateway Performance (GWP) District.

Ms. Shank provided an overview of the project. There was no public comment.

On a motion made by Councilor Champlin, and second by Ms. Foss, the Board voted unanimously to approve the design and grant the amendment to the previously approved Minor Site Plan for the change in siding of the addition at 350 Loudon 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:

- a) **Precedent Conditions** – to be fulfilled within one (1) year and prior to issuance of any building permits, or the commencement of site construction, unless otherwise specified:
 - (1) Address Technical Review Comments, noted in the July 17, 2019 staff report, to the satisfaction of the Planning Division.
 - (2) Address Engineering Division comments in the memo from Bryant Anderson.
 - (3) A note shall be provided on the plan indicating the location for the dumpster should one ever been needed by the current or a future owner.
 - (4) The wetland buffer shall be flagged appropriately.
 - (5) A Professional Engineer shall sign and seal final plans.
 - (6) A New Hampshire Licensed Land Surveyor will sign and seal the Existing Conditions Plan.
 - (7) A NH Certified Wetlands Scientist shall sign and seal the Existing Conditions and Site Plans.
 - (8) 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.
- b) **Subsequent Conditions** – to be fulfilled as specified:
 - (1) Prior to commencement of construction activity, payment of any required inspection fees in an amount approved by the City Engineer shall be made.

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(2) A pre-construction meeting shall be required prior to the start of any construction activities onsite if requested by the City Engineer.

6B. S & H Land Services, LLC, on behalf, of MDR Rehab & Development, LLC, requests Minor Subdivision approval for a 2-lot subdivision at 64 Elm Street in the Neighborhood Residential (RN) District.

On a motion made by Councilor Champlin, and seconded by Mr. Hicks, the Board voted unanimously to determine the application complete and that the project meets the criteria for a Development of Regional Impact due to the proximity of the development to the Boscawen municipal boundary, and to open the public hearing.

Peter Stoddard of S&H Land Services represented the application.

Ms. Fenstermacher stated that the applicant has met all of the comments and concerns from the Planning and Engineering divisions. She further stated that the Boscawen Planning Board approved the subdivision with the condition of Concord Planning Board approval.

Mr. Stoddard gave a brief overview of the project; a subdivision of a 0.68 ac lot into 2 lots consisting of 0.344 ac and 0.336 ac for a single family residence, and potentially a duplex. Frontage is on both Elm and Chandler Streets and both lots exceed the frontage requirements. There is an existing house on the lot. There will be municipal water and sewer servicing both lots.

There being no 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. Hicks, the Board voted unanimously to grant the following requests for waivers from the Subdivision 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 waiver would not be contrary to the spirit and intent of the regulations:

- Section 19.05(4) *Useable Lot Area Rectangle*, to allow for the useable land area to be non-standard shape.
- Section 24.07 *Requirements and Design Standards for Municipal Water Supply in portions of Penacook*, to not submit a plan prepared, signed and sealed by a NH Licensed Professional Engineering for the proposed water service, with the condition that the applicant receive approval from the Penacook/Boscawen Water Precinct prior to the issuance of a building permit.

On a motion made by Councilor Champlin, and seconded by Ms. Foss, the Board voted unanimously to grant conditional Minor Subdivision approval for the two lot subdivision at 64 Elm 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) Applicant shall add the following notes to the plan: “Prior to the issuance of a Building Permit, the Penacook/Boscawen Water precinct shall approve the application for the new water service”, and “Per City of Concord regulations, if a duplex is constructed, two separate water lines will be required to service the duplex.”
- 2) The Monumentation for the proposed lot lines shall be set prior to recording.
- 3) The final plat shall be signed by the Town of Boscawen Planning Board Clerk and Chair.
- 4) Prior to the final plat being signed by the Planning Board Chair and Clerk, digital information

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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 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, 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.
- 6C. Michael Palmieri, on behalf of Havenwood Heritage Heights, requests Minor Site Plan approval for reconstruction of a new duplex structure, renovation of an existing multifamily structure and associated site improvements, along with a Conditional Use Permit (CUP) for disturbance of bluff buffer at 149 East Side Drive in the Medium Density Residential (RM) District.

On a motion made by Councilor Champlin, and seconded by Ms. Foss, the Board voted unanimously to determine that this application does not meet the criteria for a Development of Regional Impact, determine the application complete, and open the public hearing.

Ms. Shank stated that staff does not have any outstanding issues with this project.

Erin Lambert of Wilcox & Barton represented the application along with Michael Palmieri of Havenwood Heritage Heights.

Michael Palmieri provided some history of the area and the prior renovations done at the North end.

Ms. Lambert continued and explained that this is a redevelopment of a small portion of the 39 acre site, in which the applicant is proposing to demolish and reconstruct two duplex units with attached garages, renovate an existing seven-unit building to a five-unit building with attached garages, and upgrade the respective surface facilities to current regulations. This is the continuation to the south end.

Ms. Lambert stated that the existing large parking lot will be reduced as it will not be needed due to the addition of garages for residents. A few existing parking spaces will remain. The road will be widened to meet the regulatory standard of 24 feet. Sidewalks are being added. An AOT permit is being obtained due to 3,000 sq. ft. of impervious surface; however, they are reducing the overall parking area. She explained the infiltration system being added. The landscape plan was reviewed. Ms. Lambert stated that there will be trees along the perimeter with the goal to enhance the landscaping and to continue to be consistent with what exists on the north end. There will be residential lighting over every door and there will be street light poles added to be consistent to the north end of the development.

There being no 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 a Conditional Use Permit per Article 28-4-4(d) *Disturbance to Bluffs and Buffers to Bluffs* to allow for disturbance to the bluff buffer during construction.

On a motion made by Councilor Champlin, and seconded by Ms. Foss, the Board voted unanimously to grant Minor Site Plan approval for the redevelopment at 33 Christian Ave, 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:

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- a) **Precedent Conditions** – to be fulfilled within one (1) year and prior to issuance of any building permits, or the commencement of site construction, unless otherwise specified:
 - (1) Address Technical Review Comments, noted in the October 16, 2019 staff report, to the satisfaction of the Planning Division.
 - (2) Address Engineering Division comments in the memo from Bryant Anderson.
 - (3) Any CUP(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 CUP request(s), applicant shall comply with said submission requirement(s).
 - (4) 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.
- b) **Subsequent Conditions** – to be fulfilled as specified:
 - (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.
 - (3) 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.

6D. Jonathan Halle, on behalf of the Concord Coalition to End Homelessness, requests Minor Site Plan approval to convert an existing office use to a 4-unit multifamily dwelling at 10 Green Street in the Civic Performance (CVP) District.

On a motion made by Councilor Champlin, and seconded by Mr. Pierce, the Board voted unanimously to determine that this application does not meet the criteria for a Development of Regional Impact, determine the application complete, and open the public hearing.

Ms. Shank provided an overview of the project explaining that the application has come before the Board as a Minor Site Plan approval due to the fact that there are three or more residential units proposed. They are also proposing a ramp. There are many waivers requested. Staff is not opposed to the project; however, it appears that the location of the ramp does not comply with the relief granted by the variance received. She stated that the applicant needs to present a solution. In theory, Staff supports the approval of the application and the waivers; however, staff is recommending a conditional approval based on the applicant demonstrating that the project complies with the variance obtained or they seek another variance from the ZBA.

Jeffrey Christensen of Cleveland, Waters and Bass and Ellen Groh of the Concord Coalition to End Homelessness (CCEH) represented the application.

Mr. Christensen stated that the property is currently owned by Merrimack County, the CCEH intends to purchase the building. He explained that the change of use requires the approval of a minor site plan. The building will remain the same. The proposal consists of bringing the steps to current standards and adding a handicapped ramp for the rear unit as it will be changed to a handicap accessible unit. He added that the ramp could be constructed in compliance; however, there is now some uncertainty as to the property lines for the five foot setback. The issue could be

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resolved with a survey or the plan can be redesigned or they could seek a variance to allow for the current plan. He stated that the ADRC expressed concern with the ramp bumping out and he requested that the Planning Board not make that a restriction or a part of the approval today.

Ms. Groh provided an overview of the CCEH operation, which includes a winter center as well as a daytime resource center. The purpose is to have permanent apartments in the city available to address the homeless population.

Additional discussion was held regarding the survey. Ms. Shank stated that Staff feels certain that they know where the property line is and that the proposed ramp does not comply with the variance by approximately 2½ feet. Mr. Anderson stated that there is one bound visible at the corner of Blake and Green Streets.

Ms. Smith-Meyer asked if the building could be made to look more residential and less commercial. Ms. Groh explained that the parking areas are next to the house. There will be no changes made to the existing pavement and no other exterior changes are proposed.

Ms. Shank stated that the ramp as proposed creates a conflict with one of the required parking spaces, for which a variance was also received. She noted that this should also be addressed.

There being no additional 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. Smith-Meyer, the Board voted unanimously to grant ADR approval for the conversion and the construction of the ramp.

On a motion made by Councilor Champlin, and seconded by Ms. Foss, the Board voted unanimously to grant the following waivers based on the fact that the applicant is only providing a ramp:

- 12.03 Plan Certification
- 12.04 Location Plan
- 12.05 Vicinity Plan
- 12.06 Plan Reference
- 12.08 Electronic Submission
- 15.02 Site Plan Requirements
- 15.03 Existing Conditions Plan
- 15.04 Proposed Site Plan

On a motion made by Councilor Champlin, and seconded by Ms. Foss, the Board voted unanimously to grant Minor Site Plan approval for the conversion and ramp construction at 10 Green Street, 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:

- (a) **Precedent Conditions** – to be fulfilled within one (1) year and prior to issuance of any building permits, or the commencement of site construction, unless otherwise specified:
- (1) The applicant shall either demonstrate compliance with the five foot setback to the satisfaction of Planning and Engineering staff, or return to the ZBA to obtain relief from the setback regulations. Additionally, the applicant shall resolve the conflict between the fourth parking space and the ADA ramp to the satisfaction of Planning and Engineering staff.
 - (2) Address Engineering Division comments in the memo from Bryant Anderson.

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- (3) Any waivers(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).
- (4) 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.

b) **Subsequent Conditions** – to be fulfilled as specified:

- (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.
- (3) 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.

6D. The Dubai Group Inc., on behalf of Strategic Contracting Company LLC, requesting Major Subdivision approval and Major Site Plan approval for construction of a 13-unit condominium development and associated site improvements, Phase 2 of the Glen Ellen housing project off of Hoit Road in the Residential Open Space (RO) District.

Ms. Fenstermacher provided an overview of the project noting that there was an error in the recommendations of the staff report, it is a Major Site Plan and Major Subdivision. The application was previously deemed complete and not a Development of Regional Impact. She explained that the original approvals have expired and the applicant is now requesting approvals for the second phase, which was previously approved in 2008.

Doug MacGuire, of The Dubai Group represented the application.

Mr. MacGuire provided an overview of the 2008 project and approvals noting that all phases have since expired. The project is an open space subdivision of four lots for 30 condominium units and the existing farmhouse. The request is for Phase 2, which consists of 13 units. Plans provided show the previously approved 13 condominium units.

A discussion was held regarding the retaining wall. Ms. Foss asked if would be more viable to be in the back yard for Unit 10. Mr. MacGuire stated that it will be built into the slope so not to change the grade.

Ms. Smith-Meyer asked about the landscape requirements for street trees. Ms. Fenstermacher stated that two trees are required per unit.

Abutter Trent Zanes, 161 Hoit Road, expressed concerns about site distances and safety with regard to Taft Way, which is part of Phase 3. He also requested that the wooded buffer between his property and the development and stone wall be maintained. Chairman Woodfin stated that t these items should be addressed when the applicant comes back for the development of Phase 3. Mr. MacGuire stated that they are aware of the traffic and visibility issues. Taft Way was originally proposed in 2008 as an entrance only due to the reduced visibility. He added that most would use Gorham Drive as the main entrance and exit, but that they could consider eliminating it if it's not needed for emergency access. Chairman Woodfin encouraged the applicant to follow up with that when they come back for Phase 3.

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There being no 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 ADR approval for the application as submitted with the condition that the applicant return to the ADR Committee with definitive information relative to the proposed materials, proposed styles and sizes of the potential houses including the utility building, and include samples of colors and finishings proposed.

On a motion made by Councilor Champlin, and seconded by Mr. Hicks, the Board voted unanimously to grant approval of the Conditional Use Permit, per Section 28-4-3(d) to disturb approximately 2,000 sf of wetland buffer for the construction of a drainage swale, utilizing the criteria from Section 28-9-4(b) (ZO).

On a motion made by Councilor Champlin, and seconded by Ms. Foss, the Board voted unanimously to grant Major Site Plan and Subdivision approval for the proposed 13-unit cluster residential development and associated site improvements at Hoit 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) Address all Review comments to the satisfaction of the Planning and Engineering Divisions. For all subsequent submissions, applicant shall provide a response memo addressing/acknowledging all comments.
- (2) Applicant shall return to the ADR Committee to provide the additional requested materials.
- (3) 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).
- (4) Final plans shall be signed and sealed by the NH Registered Land Surveyor, Landscape Architect, and Professional Engineer.
- (5) Two (2) copies, and one digital copy, of all condominium documents, including the declaration of condominium and by-laws shall be provided for review and approval as to form and content by the City Solicitor and Clerk of the Board.
- (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) In accordance with Section 19.04(3) and 28.07 of the Subdivision Regulations, prior to the commencement of construction activity, the wetland buffers and conservation easement boundaries shall be marked with signs available through the Planning Division.
- (2) Prior to commencement of construction activity, payment of inspection fees in an amount approved by the City Engineer shall be made.
- (3) A pre-construction meeting shall be required prior to the start of any construction activities onsite. The applicant shall pick up one (1) set of signed plans at the Planning

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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.

- (4) Prior to the issuance of the first Certificate of Occupancy (CO), all roadway and associated drainage and utility improvements shall be constructed, with the exception of the final pavement course. A financial guarantee for the completion of the roadway shall be provided prior to the first CO. The final pavement course shall be installed within two years after the issuance of the first CO and prior to the issuance of the last CO.
- (5) Prior to issuance of the final 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.
- (6) Prior to the issuance of the final Certificate of Occupancy or final construction sign-off, digital information shall be provided to the City Engineer for incorporation into the City of Concord Geographic Information System (GIS) and tax maps. The information shall be submitted in accordance with Section 12.08 of the Site Plan Review Regulations and all information shall be converted to a vertical datum of NAVD 88.

6F. Liberty Utilities, requesting Major Site Plan approval for construction of a new 15,000 sf structure for the purpose of warehouse and office uses and associated site improvements at 14 Broken Bridge Road in the Industrial (IN) District.

Ms. Fenstermacher stated that at the August meeting, the Board determined that the project did meet the criteria for a Development of Regional Impact as the property is on the municipal boundary of the Town of Pembroke and there is a shared water body on the property boundaries. The Town of Pembroke and Pembroke Water Works did not have any comments or concerns based on the information provided. She added that most of staff's comments have been addressed.

Ann Kynor of Pathways Consulting and Doug Dorn of Liberty Utilities represented the application.

Mr. Dorn explained that Liberty Utilities is growing. Liberty Utilities is proposing to construct a building for the purposes of a testing center, office space, and warehousing along with associated site and drainage improvements. The building is not a public building; it is for employees only. The site is serviced by municipal water; however, there is no sewer at this time. A variance was granted to not extend the sewer and allow for onsite waste water treatment. The area is surrounded on three sides by other facilities owned by Liberty Utilities. The access is via an existing private road. In addition to the required parking spaces, there will be nine larger parking spaces for trucks in the rear of the property.

Ms. Kynor reviewed the landscaping plan and gave an overview of the stormwater improvements proposed. She explained that an underground chamber system is proposed under the truck parking lot. Most of the parking area will drain into the infiltration system; runoff from the roof will drain into the ditch and catch basin then into an expanded system on the adjacent lot, 20 Broken Bridge Road.

There being no 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 Architectural Design Review (ADR) approval for the site plan and building as submitted.

On a motion made by Councilor Champlin, and seconded by Ms. Foss, the Board voted unanimously to grant the waiver request Section 16.02(1) to not provide the signature and seal of a NH Licensed

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Land Surveyor on the plans, and instead provide the 2014 signed and sealed survey plan as part of the site plan set, 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 waiver would not be contrary to 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 development of the facilities and testing Lab and related site improvements at 14 Broken Bridge 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) The proposed fence/drainage easement shall be revised to include landscaping.
- (2) 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(s), applicant shall comply with said submission requirement(s).
- (3) Submit three (3) copies of fully revised plans for sign off by the Clerk and Chair of the Planning Board.

(b) Subsequent Conditions – to be fulfilled as specified:

- (1) Address Post-Approval/Pre-Construction Items as outlined in the memo from Engineering Services Division dated October 3, 2019.
- (2) Prior to commencement of construction activity, payment of inspection fees in an amount approved by the City Engineer shall be made.
- (3) A pre-construction meeting shall be required prior to the start of any construction activities onsite. 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.
- (4) 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.
- (5) Prior to the issuance of a Certificate of Occupancy or final construction sign-off, digital information shall be provided to the City Engineer for incorporation into the City of Concord Geographic Information System (GIS) and tax maps. The information shall be submitted in accordance with Section 12.08 of the Site Plan Review Regulations and all information shall be converted to a vertical datum of NAVD 88.

6G. TFMoran, on behalf of Unitil Energy Systems requesting Minor Site plan approvals and a Conditional Use Permit to impact wetland buffer for the expansion of a substation at 5 Gulf Street in the Gateway Performance District.

Chair Woodfin recommended a combined motion for determination of completeness to address applications under Items 6G and 6H. On a motion made by Mr. Pierce, and seconded by Councilor Champlin, the Board voted unanimously to determine that the two applications do not meet the criteria for a Development of Regional Impact, determine the applications complete, and open the public hearings.

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Ms. Fenstermacher explained that Architectural Design Review is a requirement for item 6G, per Section 28-9-4(f)e of the Zoning Ordinance (ZO) since the project is within a performance district. The applicant attended the October 1, 2019 ADRC meeting. Discussions were held relative to the significance and visibility of the area and the screening and landscaping options. The ADRC motioned to table the application pending additional information from the applicant relative to the landscaping and screening options. Staff is in agreement with ADRC's comments and supports the recommendation to table the application for 6G.

Mr. Woodfin stated that he attended the ADRC meeting and there was discussion held relative to the fact that this area of Concord is a sensitive area and this is the time for the Board to suggest changes and address the facility. There is a need for electricity and there should be some type of a balance that can be established.

Nick Golon of TF Moran and Nathan Sherwood of Unitil represented the application.

Mr. Sherwood provided an overview of the 1920's substation and the equipment. He stated that the increase in customer base in the downtown area is the reason for the update and replacement of the existing equipment.

Mr. Golon explained this update of equipment is a vital link to the downtown area. The project proposes to rebuild and expand the Gulf Street substation. The lot is 12,500 square feet and most of the lot will be utilized by the substation. He stated that the wetland buffer impact is 2,430 sf, not 4,435 as shown in the plan set submitted as part of the application. He noted that there have been additions and/or renovations to the substation in the 1920's, 1940's, and the last was done in 1970. In addition, portions of the site are located within the floodplain, which will also be addressed with the rebuild. The existing utility poles will be reconfigured. He stated that there is a wetland on the abutting State of NH land. The existing retaining wall will be removed and replaced with a segmented four foot high block wall. He noted that one of the proposed driveways is currently within the parking lot leased for the Common Man Restaurant.

Lengthy discussion was held regarding the landscaping and screening. Options suggested were a tighter gauge mesh fence, a 10' high fence, a screened chain-link galvanized fence painted, using slating. Mr. Golon discussed challenges due to safety factors, including grounding, visibility, and line of site. He stated that Unitil needs to be able to see in through the fencing for security purposes. He added that relocation was looked into as well; however, there is no land available in the area. Additional discussion was held regarding additional plantings in the Right of Way. Mr. Golon stated that he would continue to work on alternatives and will contact NHDOT regarding plantings in the ROW; however, adding more plantings would be a great option. Ms. Fenstermacher stated that the current zoning does not allow for a fence over 8 feet; she will check with the Zoning Administrator to determine if the fencing requirements apply to utilities.

Ms. Smith-Meyer suggested moving the existing sidewalk to allow for a landscaped median and adding something along the other side as well. She added that screening needs to be done from the highway and suggested adding tall, full trees. Mr. Golon noted the overhead lines in the area.

Ms. Foss asked if the fire and police departments also need to be able to see through and if the visibility must be from all four sides. Mr. Golon will reach out to these departments.

Chairman Woodfin asked about the future expansion of I-93 and the impacts to Gulf Street.

Councilor Champlin stated that this is a new front door to the City and asked how this area can be made more attractive. He suggested trying to come up with a creative solution, screening the area or make the substation into something that is more appealing.

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On a motion made by Councilor Champlin, and seconded by Mr. Pierce, the Board voted unanimously to table the application and for the applicant to return to the Architectural Design Review Committee with solutions; and obtain input from NHDOT, zoning administration relative to fencing requirements, and screening alternatives that can go on the fence.

- 6H. TFMoran, on behalf of Unitil Energy Systems requesting a Conditional Use Permit to impact wetland buffer for the replacement of utility poles and overhead wires on the 374 Line within the utility ROW between Theatre Street and Gulf Street in the Opportunity Corridor Performance District and Gateway Performance District.

Motion for determination of completeness is under Item 6G.

Nick Golon of TF Moran and Nathan Sherwood of Unitil represented the application.

There being no 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. Hicks, the Board voted unanimously to grant Conditional Use Permit approval in accordance with Article 28-4-3(d) of the Zoning Ordinance to allow for the disturbance of approximately 2,475 sf of the 50-foot wetland buffer for the replacement of utility poles and overhead wires within the Utility ROW, 374 Line, between Theatre Street and Gulf 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 the commencement of site construction, unless otherwise specified:

- (1) Address Staff review comments to the satisfaction of the Planning and Engineering Divisions.
- (2) Submit two (2) copies of fully revised plans for sign off by the Clerk and Chair of the Planning Board.

(b) **Subsequent Conditions** – to be fulfilled as specified:

- (1) Per Section 28.07 of the Subdivision Regulations, the wetland buffers shall be clearly and permanently marked before, during, and after construction.

- 6I. Banks Chevrolet, on behalf of Sanel Realty Company, Inc., requesting Major Site plan approval to demolish an existing building and construct a new 164,5800 sf vehicle storage area and associated site improvements, and Conditional Use Permit for reduced driveway separation, at 129 Manchester Street in the Highway Commercial (CH) District.

The application was postponed to the November 20th Planning Board meeting.

6. Amendments

- 7A. Amendment to Section 18 of the Subdivision Regulations pertaining to the applicability requirements for Comprehensive Development Plans, and amendments to the Site Plan Regulations to add a new Section 14.A. to include submission requirements for Comprehensive Development Plans. The amendments are proposed in conjunction with a proposed amendment to the Zoning Ordinance pertaining to subdivision and residential development in Performance Districts.

Ms. Shank stated that Staff is proposing amendments to the Site Plan and Subdivision Regulations to include applicability and application requirements, which will create consistency with the Zoning Ordinance proposal. Staff is proposing to require a Comprehensive Development Plan (CDP) for

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subdivisions and for residential development in Performance Districts. In order to be consistent with the Zoning Ordinance amendments, the Subdivision Regulations need to be amended to refer to the specific Districts where the CDP would be required, and the Site Plan Regulations need to be amended to add applicability and application requirements.

On a motion made by Ms. Smith-Meyer, and seconded by Ms. Foss, the Board voted unanimously to amend the Site Plan Regulations to add a new Section 14.A, Special Provisions for Comprehensive Development Plans; and amend the Subdivision Regulations, Section 18.01 Establishment, to revise the applicability of the CDP requirement.

Other Business

7. **Landscape Ordinance Amendments** – Workshop reviewing possible changes to the parking lot requirements for shade trees.

Ms. Shank suggested an amendment to the landscaping standards for parking areas to change the square footage requirement from 1 tree per 1,000 sf of parking area to 1 tree per 2,000 sf.. A CUP could be obtained to provide a fee in lieu to the Urban Tree Trust Fund for wholesale and installation costs of the trees required that were not installed.

Ms. Smith-Meyer stated that it is important to have shade in parking lots. She would suggest giving up a space for a tree.

Discussion ensued. More information will be forthcoming.

8. Appointment of an alternate to the Architectural Design Review Committee - Next months agenda

Adjournment

At the request of Chair Woodfin, Councilor Champlin made a motion to adjourn at 9:24 PM, seconded by Ms. Foss. The motion carried unanimously.

A TRUE RECORD ATTEST:

Lisa Fellows-Weaver,
Administrative Specialist