

**City of Concord Planning Board  
February 19, 2020  
Minutes**

The regular monthly meeting of the City Planning Board was held on February 19, 2020, in City Council Chambers, in the Municipal Complex, at 37 Green Street, at 6:00 p.m.

Attendees: Chairman Richard Woodfin, Councilor Byron Champlin, Members Matthew Hicks, and David Fox. Vice-Chair Carol Foss arrived at 6:02 p.m. Member Susanne Smith-Meyer arrived at 6:09 p.m.

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

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

**1. Call to Order**

Chairman Woodfin called the meeting to order at 6:00 pm.

**2. Roll Call**

Chairman Richard Woodfin, Councilor Byron Champlin, Matthew Hicks, and David Fox. Vice-Chair Carol Foss arrived at 6:02 p.m. and Susanne Smith-Meyer arrived at 6:09 p.m.

**3. Approval of January 15, 2020 Planning Board Meeting Minutes**

On a motion made by Councilor Champlin, and seconded by Mr. Fox, the Board voted unanimously to approve the January 15, 2020, Planning Board Meeting Minutes, as written.

**4. Planning Board Chair Overview**

There were no changes to the agenda.

**5. Determination of Completeness**

- 5A. Eastern Analytical, on behalf of Capital Regional Development Council, requests Major Site Plan approval to construct a new 15,300 sf structure and associated site improvements for the purpose of an environmental testing laboratory at 51 Antrim Avenue in the Industrial (IN) District.

On a motion made by Councilor Champlin, and second by Mr. Fox, the Board voted unanimously to determine that this application does not meet the criteria for a Development of Regional Impact, to determine the application complete, and to set the public hearing for March 18, 2020.

**6. Design Review Applications by Consent**

- 6A. Whittemore Holdings, LLC, on behalf of Above All Collision Center Towing & Recovery, requests ADR approval to add a new internally illuminated monument sign at 45-47 Chenell Dr. in the Industrial (IN) District.

On a motion made by Councilor Champlin, and second by Mr. Hicks, the Board voted unanimously to approve the design as submitted by consent.

- 6B. Lauren E. McGrath Revoc. Tr., on behalf of Capital Regional Development Council, requests ADR approval to replace a freestanding sign at 20 Montgomery St. in the Civic Performance (CVP) District.

On a motion made by Councilor Champlin, and second by Mr. Hicks, the Board voted unanimously to approve the design as submitted by consent.

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- 6C. Tom Balon, on behalf of Company C, requests ADR approval to replace an internally illuminated wall sign at 97 Storrs St. in the Central Business Performance (CBP) District.

On a motion made by Councilor Champlin, and second by Mr. Hicks, the Board voted unanimously to approve the design with ADR recommendations by consent.

- 6D. Daniel Brennan, on behalf of Concord Plaza (Panera Bread), requests ADR approval for a new signage package at 75-77 Fort Eddy Road in the Gateway performance (GWP) District.

On a motion made by Councilor Champlin, and second by Mr. Hicks, the Board voted unanimously to approve the design as submitted by consent.

**Public Hearings**

**7. Design Review Applications**

- 7A. Daniel Brennan, on behalf of Concord Plaza (Panera), requests ADR approval for the construction of two additions to the building at 75-77 Fort Eddy Road in the Gateway Performance (GWP) District.

No one was present to represent the application.

Chairman Woodfin opened the public hearing.

Mr. Durfee stated that updated plans were provided showing proposed screening for the roof top unit to the solarium. ADRC recommended approval with the condition that the screening around the rooftop unit on the sunroom addition be continued to the western (highway) side of the unit.

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 second by Mr. Fox, the Board voted unanimously to approve the design and to add screening around the rooftop unit on the sunroom addition be continued to the western (highway) side of the unit.

- 7B. David Constant, on behalf of Constantly Pizza, requests ADR approval for an addition to 39 South Main St. in the Central Business Performance (CBP) District.

Mr. Durfee provided an overview of the project noting that the proposed addition is for expanded cooler space. ADRC recommended tabling the application pending additional information as the applicant was not at the Architectural Design meeting.

Chairman Woodfin opened the public hearing.

Mr. Constant represented the application. He explained the conditions of the existing coolers and noted that there is a space issue. A discussion was held regarding the proposed location of the coolers. The roof slope and siding are not changing; there is no issue with noise. Pictures were provided.

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 second by Mr. Fox, the Board voted unanimously to approve the design as submitted and presented at the Planning Board meeting.

**8. Site Plan, Subdivision and Conditional Use Permit Applications**

- 8A. Capital Hotel Company VI, LLC requests Major Site Plan approval for an amendment to an approved plan to construct approximately 8,500 sf of additional impervious area to add 13 parking

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spaces in the DOT right of way adjacent to 406 S. Main Street in the General Commercial (CG) District.

Mr. Durfee provided an overview of the proposal and stated that there are no outstanding issues. Staff supports the amendment as requested.

Chairman Woodfin opened the public hearing.

Attorney Laura Hartz, of Orr & Reno, represented the application along with Jeff Kevan of TF Moran.

Ms. Hartz stated that this is the same project as previously approved; however, the amendment is a request to add an additional row of parking in the NHDOT I-93 Right-of-Way. She noted that a new lease has been signed today by the Governor and Executive Council with the same terms.

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 second by Ms. Foss, the Board voted unanimously to grant an amendment to the previously approved CUP per Article 28-7-11(a), Alternative Parking Arrangements, to allow for an increased number of offsite parking spaces.

On a motion made by Councilor Champlin, and second by Ms. Foss, the Board voted unanimously to amend the prior Major Site Plan approval as amended on May 15, 2019, for the proposed redevelopment at 406 South Main Street to allow for an increase of 8,510 sf of impervious area for the construction of 13 additional parking spaces, subject to the following precedent and subsequent conditions:

- (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 foundation permits, or the commencement of site construction, unless otherwise specified:
  - (1) Address review comments to the satisfaction of the Planning Division as outlined in the staff report dated February 19, 2020.
  - (2) Notice of lease for the lease allowing for the construction of additional 13 spaces in the NHDOT right-of-way shall be submitted for review by City staff, and recorded at the Merrimack County Registry of Deeds.
  - (3) Submit three (3) copies of fully revised plans for sign off by the Clerk and Chair of the Planning Board.
- (b) **Subsequent Conditions** – to be fulfilled as specified:
  - (1) Prior to commencement of construction activity, payment of inspection fees in an amount approved by the City Engineer shall be made.
  - (2) Should a pre-construction meeting 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.

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- (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.

8B. Banks Chevrolet, on behalf of Sanel Realty Company, Inc., requests Major Site Plan approval to construct a new parking area for storage and display of vehicles, and Conditional Use Permit approvals to allow a reduced driveway separation and to allow relocation of required interior parking lot landscaping, at 129 Manchester Street in the Highway Commercial (CH) District.

Ms. Fenstermacher stated that the application was previously determined complete at the July 18, 2019 meeting and has since been tabled.

On a motion made by Councilor Champlin, and second by Ms. Foss, the Board voted unanimously to remove the application from the table and open the public hearing.

Ms. Fenstermacher provided an overview of the project explaining that the proposal is to demolish an existing building, construct a 164,500 sf of paved outdoor vehicle storage, and address all site and drainage improvements. The improvements will result in a 6% decrease in impervious cover. In addition, the applicant is requesting Conditional Use Permits for a reduced driveway separation and the relocation of a required interior parking lot landscaping.

Erin Lambert of Wilcox & Barton represented the application along with Tracy Banks.

Ms. Lambert stated that the proposal is to purchase 6.6 acres from 129 Manchester Street and add it to the existing 4.47 acres at 129 Manchester Street, Banks Chevrolet. The proposal is for additional paved automobile storage, curbing, landscaping, lighting and stormwater controls. The two parcels will be merged for a total of 11 acres.

One 24 foot wide driveway is proposed on Manchester Street and on Old Suncook Road. The two driveways will be gated and are proposed for snow removal and emergency services only. A total of 3.78 acres of new pavement is proposed. The overall project will result in a 6% decrease of the impervious cover.

Ms. Lambert explained the stormwater changes, which will be controlled and treated on-site by two underground infiltration systems. The stormwater will no longer runoff to the municipal systems.

The AOT permit has been received.

Ms. Lambert stated that there are two Conditional Use Permits (CUP) requested. One is to address the construction of a driveway on Manchester Street 125 feet from an adjacent driveway where 200 feet is required. The proposal reduces the existing 435 foot curb cut opening by installing curb and constructing a 24 foot wide driveway. Per the recommendation of staff, the applicant agrees that should the parcel use change, the CUP would need to be amended.

Ms. Lambert stated that the second CUP relates to landscape islands to allow the distance between parking spaces and a landscaped area to exceed 120 feet in the display parking area. She stated that in the display area the islands limit the property owner's ability to organize and display the vehicles effectively. The absence of islands will also aid in snow removal, which is moved off site. She explained the landscaping requirements; 119 trees are required. There are 17 trees existing. Banks will be planting 102 shade trees along three sides of the lot and landscape islands in the customer parking area. Arborvitaes will be installed in the western boundary buffer to screen the storage area from the adjacent residential property.

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Further discussion ensued regarding the site design with the islands and parking standards.

Abutter Robert Sullivan, 117 Manchester Street, was present along with Attorney Philip Hastings from Cleveland, Waters, and Bass.

Atty. Hastings stated that Mr. Sullivan is the owner of the adjacent mixed use property, commercial and residential. He explained that Mr. Sullivan is concerned with the potential increase in traffic turn arounds that will occur with the new proposal of the gated drive.

Mr. Sullivan explained that his two buildings are both commercial and residential. There is a shared dumpster. He stated that there will be a number of Banks' customers that will use his property as a turn around and cut through once they see a vehicle in the display lot and miss the entrance to Banks. Pictures of the area were provided. He noted that there may be a safety issue with traffic if there is a gated drive on the Banks property and customers use his lot as a cut through. He added that he does not have any issues with the development proposed, just a problem with the traffic issues it will create.

Atty. Peter Burger, representing Banks, stated that he believes that the abutter is trying to use this venue as an opportunity for Banks to address issues that are not theirs. Banks is creating a buffer and a green space that will not exacerbation the traffic onto Mr. Sullivan's property.

Ms. Lambert addressed the circulation in the area and stated that Old Suncook Road is a legal right of way that customers can use as a turnaround if they miss the Banks entrance.

Chairman Woodfin asked about adding signage to notify customers to not cut through. Ms. Lambert stated that there is no signage proposed at this time. Chairman Woodfin suggested something be added to the gate. Ms. Banks concurred.

Additional discussion was held regarding the driveway and the proximity to the property line. Ms. Lambert explained that the back of the 117 Manchester Street building is 10 feet from the property line and there is a 26 foot buffer proposed on the Banks property. Landscaping will be added right up to the property line. Ms. Lambert added that arborvitae will run from North to South, and other perimeter landscaping will be similar to what exists on Manchester Street on the existing Banks lot. Ms. Banks stated that 47% of the customers are generated from the internet. The display areas are not attracting the customers to the property.

On a motion made by Councilor Champlin, and second by Mr. Hicks, the Board voted unanimously to grant Architectural Design Review (ADR) approval for the site plan as submitted.

On a motion made by Councilor Champlin, and second by Ms. Foss, the Board voted unanimously to grant the approval of the following Conditional Use Permits:

- a) CUP per Section 28-7-11(f), utilizing the criteria from Section 28-9-4(b) (ZO) to allow for a driveway separation of 125 feet where 200 feet is required with the condition that if the use of the site changes and the driveway use is more intensive, the driveway be relocated to meet the required separation.
- b) CUP per Section 28-7-10(b) to allow the distance between a parking space and a landscaped area to exceed 120 ft for vehicular display in the Highway Commercial District, with the condition that the existing landscaping be brought into compliance, and 2 additional islands be added to the new parking area.

On a motion made by Councilor Champlin, and second by Ms. Foss, the Board voted unanimously to grant Major Site Plan approval for the proposed development of an outdoor vehicle storage area and related site improvements at 129 Manchester Street, subject to the following precedent and subsequent conditions noted below:

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- (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 Planning Review comments to the satisfaction of the Planning Division.
  - (2) Address Engineering review comments to the satisfaction of the Engineering Division.
  - (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 and Site Plan Regulations. Should the Board vote to deny the Conditional Use Permit(s), applicant shall comply with said submission requirement(s).
  - (4) Submit three (3) copies of fully revised plans for sign off by the Clerk and Chair of the Planning Board.
- (b) **Subsequent Conditions** – to be fulfilled as specified:
- (1) Prior to commencement of construction activity, payment of inspection fees in an amount approved by the City Engineer shall be made.
  - (2) A pre-construction meeting shall be required prior to the start of any construction activities onsite. The applicant shall pick up one (1) set of signed plans at the Planning Office to make copies for the pre-construction meeting. A total of five (5) copies of the signed plan set shall be provided by the applicant at the pre-construction meeting.
  - (3) Prior to a Certificate of Occupancy or final construction sign-off, as-built drawings shall be provided to the City Engineer in accordance with Section 12.09 of the Site Plan Regulations. The as-built drawings shall be surveyed on NH State Plane coordinates and NAVD 88 Datum.
  - (4) Prior to the issuance of a Certificate of Occupancy or final construction sign-off, digital information shall be provided to the City Engineer for incorporation into the City of Concord Geographic Information System (GIS) and tax maps. The information shall be submitted in accordance with Section 12.08 of the Site Plan Review Regulations and all information shall be converted to a vertical datum of NAVD 88.

**Other Business**

**9. Construction Standards Update**

Bryant Anderson stated that the construction standards have recently been updated.

**10. Development of Regional Impact**

Ms. Shank presented a letter received from Deputy City Manager Carlos Baia relative to a project within the Town of Pembroke at Concord Sand & Gravel. She stated that the City has been notified of an asphalt plant in the City's wellhead protection area in the Gateway Performance District. The access is through the City. She added that this is not a permitted use in this district and the City is not in support of the use.

**Adjournment**

At the request of Chairman Woodfin, Councilor Champlin made a motion to adjourn at 6:57 PM, seconded by Mr. Hicks. The motion carried unanimously.

A TRUE RECORD ATTEST:

Lisa Fellows-Weaver,  
Administrative Specialist