

**City of Concord Planning Board**  
**March 30, 2020**  
**Minutes**

A special meeting of the City Planning Board was held on March 30, 2020, via zoom, at 5:30 p.m.

Attendees: Chairman Richard Woodfin, Councilor Erle Pierce, Teresa Rosenberger (Ex-Officio for City Manager), Members Susanne Smith-Meyer, Matthew Hicks, and John Regan.

Absent: Vice-Chair Carol Foss, member David Fox, Alternate Chiara Dolcino, and Alternate Frank Kenison.

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

*Councilor Champlin attended the meeting; however, was a non-voting participant.*

**1. Call to Order**

Chairman Woodfin called the meeting to order at 5:30 pm.

**2. Roll Call**

Chairman Richard Woodfin, Councilor Erle Pierce, Teresa Rosenberger (Ex-Officio for City), Members Susanne Smith-Meyer, Matthew Hicks, and John Regan. All members announced that there was no one else in the room with them during this meeting, which is required under the Right-to-Know law.

**3. Planning Board Chair Overview**

As Chair of the Planning Board, due to the COVID-19/Coronavirus crisis and in accordance with Governor Sununu's Emergency Order #12 pursuant to Executive Order 2020-04, this Board is authorized to meet electronically.

Please note that there is no physical location to observe and listen contemporaneously to the meeting, which was authorized pursuant to the Governor's Emergency Order. However, in accordance with the Emergency Order, this is to confirm that we are:

*a) Providing public access to the meeting by telephone, with additional access possibilities by video or other electronic means;*

We are utilizing the Zoom platform for this electronic meeting. All members of the Board have the ability to communicate contemporaneously during this meeting through the Zoom platform, and the public has access to contemporaneously listen and, if necessary, participate in this meeting through clicking on the following website address: <https://zoom.us/j/754076629>, or by dialing the following phone # 1-929-205-6099 and entering the password 754076629. For those calling in who want to provide public testimony, dial \*9 to alert the host that you want to speak. The host will unmute you during the public hearing portion of the meeting.

*b) Providing public notice of the necessary information for accessing the meeting;*

We previously gave notice to the public of how to access the meeting using Zoom, and instructions are provided on the City of Concord's website at: <http://concordnh.gov/273/Planning-Board>

*c) Providing a mechanism for the public to alert the public body during the meeting if there are problems with access;*

If anybody has a problem, please call 603-225-8515 or email at: [planning@concordnh.gov](mailto:planning@concordnh.gov).

*d) Adjourning the meeting if the public is unable to access the meeting.*

In the event the public is unable to access the meeting; we will adjourn the meeting and have it rescheduled at that time.

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Please note that all votes taken during this meeting shall be done by Roll Call vote.

In addition, Chairman Woodfin announced that Councilor Byron Champlain would be attending the meeting as a non-voting participant. He explained that Councilor Champlain was the City Council designee to the Planning Board for several years and is very familiar with the Abbott House Project. Councilor Champlain would be able to ask questions throughout the hearing; however, would not be voting on the matter.

**4. Public Hearings**

Abbott Farm LLC, requesting approval of the issuance of eight (8) certificates of occupancy for 17 Callaway Drive, Units 1 through 8, in accordance with the Planning Board conditions dated September 18, 2019, relative to the Abbott House located at 282 N. State Street.

Ms. Fenstermacher stated the applicant has requested this emergency meeting to address the issuance of 8 additional Certificates of Occupancy (CO's) for eight units located at 17 Callaway Drive, within the Abbott Village Condominium Development, based on conditions of the Board's September 18, 2019 approval. The Applicant was scheduled to go before the Planning Board at the March 18, 2020 meeting; however, due to the current COVID 19 crisis that meeting was postponed to April 15, 2020. Ms. Fenstermacher stated that the majority of the renovations have been completed to the exterior of the Abbott House. A plan for future development has not been reviewed and Staff is recommending that any additional building permits or CO's for this development, beyond the 8 COs for 17 Callaway Drive, be discussed at the next meeting.

Ms. Fenstermacher stated that a report has been provided from Steven Bedard of Bedard Preservation & Restoration LLC, dated February 2, 2020 describing the exterior improvements and suggestions for additional items to be addressed. Staff has recommended that the outstanding items be addressed prior to the release of any CO's.

Mr. Bedard provided an overview of the site and his thoughts of what the next steps are in order to move forward. He commented that he believes that the developer, Jason Garland, has made a good faith effort to keep water out of the main house, and the ell, and roofed the ell. He added that there are some insufficiencies, the water draining into the cellar and the temporary roof on the overhang of the front entrance. There have been some grading changes made so the slope is now away from the building, which should also help with any water draining into the cellar.

Councilor Champlin asked if the clapboards were scraped prior to painting. Mr. Bedard replied there were some clapboards scraped; there are varying degrees of scarping. He stated that a good faith effort was made to do some prep work prior to painting.

Councilor Champlin asked about the stability of the ell with the new roof. Mr. Bedard replied that the temporary roof is adequate and sufficient for a while. He does not believe that there would be any issues going forward. The developer is hoping that something will be happening to this structure, either a sale or subdivision.

Ms. Smith-Meyer asked for clarification as to Staff's recommendation to have the conditions addressed and completed by spring time, as she understood that the applicant needed everything done within three weeks. Chairman Woodfin replied that should the Board vote tonight to approve the issuance of eight CO's as submitted with conditions done by spring; there could be a timing issue with completion due to weather.

Ms. Fenstermacher replied that the temporary roof could be addressed now and the applicant should be able to do some earth work to raise the grade. Even if it is temporary, it would need to be completed to the satisfaction of the City building inspector. It is important that rain is not getting in and further compromising the basement.

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Ms. Smith-Meyer stated that Mr. Bedard's opinion is that the applicant has gone above and beyond and, under the circumstances she does not want to hold the applicant up any longer. She does not feel that completing the earthwork and the roof work should be a part of tonight's approval. The earthwork could end up being more complicated and may not be able to complete. And the roof, as mentioned, is minor.

Councilor Pierce asked if any work had been done to the foundation. Mr. Bedard replied no.

Mr. Bedard commented that there could be some delay with any work now due to the corona virus.

Councilor Champlin stated that he does not wish to keep people from being able to reside in their units. He stated that he is impressed with the fact that Mr. Bedard stated that the applicant has made a good faith effort with the project with preserving the ell with the addition of the temporary roof as previously directed by the Planning Board. He added that the project is moving in the right direction.

Chairman Woodfin asked if the surety has been secured. Ms. Fenstermacher replied yes, last fall.

Councilor Pierce asked for clarification of the Board's approvals and what the conditions are.

Chairman Woodfin stated that the only issue for the Board to address tonight is for the issuance of the eight CO's.

Jason Garland, stated that the small roof is complete. The only item to be completed would be the potential of back filling and grading.

Attorney Liz Nolin thanked the Board for meeting tonight. They believe they have satisfied all conditions. They are only looking for the eight CO's. The individuals are looking to get into these units especially since the current stay at home orders it is very important to get these people into safe reliable living spaces.

Chairman Woodfin opened the public hearing.

Councilor Champlin asked Atty. Nolin if it is their understanding that the action before the Planning Board is to award the eight CO's; the issuance of any further building permits is part of condition #4 and will be addressed at a future meeting. Atty. Nolin replied that it is her understanding that the discussion is the issuance of the eight CO's. However, she added that they are under the position that all other conditions have been completed at this time, including #4. She explained that they are in agreement that the exterior components are complete to the satisfaction of Mr. Bedard. There is some overlap of discussions.

Councilor Champlin stated that the Board is not approving the plan. Atty. Nolin stated that she agrees that the April meeting is when the plan will be discussed in depth. She stated that she has been working with the Planning Staff and understands that the Board has not reviewed the plan; however, she does not want anything to be held up in order for them to be granted the eight CO's.

Ms. Rosenberger stated that it sounds like a plan has been submitted and staff has not agreed to it yet. Ms. Shank replied that a plan has been submitted. Staff is not making any recommendations at this time. It is Staff's position that Condition #3 requires external repairs to be inspected by a third party. Mr. Bedard has presented a report with several recommendations. Staff feels that Condition #3 has not been met. Staff is not opposed to releasing the eight CO's. Should the Board release the CO's, Staff would maintain that Condition #3 has still not been met. The CO's are being issued prior to Condition #3 fully met. There should be a caveat that there is still additional work required. Staff would prefer to defer discussions relative to Condition #4 at the April 15 meeting.

Ms. Shank stated that there is no public on the call wishing to add additional comments. Ms. Fenstermacher stated that there have been no phone calls received. There being no additional comments from staff, members of the Board, or public, Chair Woodfin closed the public hearing.

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On a motion made by Councilor Pierce, and second by Mr. Hicks, the Board voted unanimously, via roll call, to authorize the issuance of 8 Certificates of Occupancy for 17 Callaway Dr, Units 1-8; with the condition that the applicant completes the exterior improvements as suggested by Steven Bedard of Bedard Preservation & Restoration LLC, and address roof drainage to the satisfaction of city staff.

Ms. Smith-Meyer wanted to clarify that the Board is approving the CO's with the condition that the work that Mr. Bedard recommended would be completed at some point; it is not a condition of the CO's. Chairman Woodfin replied yes.

Ms. Rosenberger asked if the Board is now forgoing Condition #4. Chairman Woodfin replied, no. The discussion relative to the plan will be addressed at the April 15<sup>th</sup> meeting, at which time the applicant will present their proposed plan. Ms. Rosenberger stated that the vote will then allow the applicant to obtain their CO's and then we hope that the applicant will complete the work as suggested by Mr. Bedard. Chairman Woodfin added that there will be no additional building permits issued until all of the conditions are met.

Ms. Rosenberger asked if the units are all sold.

Chairman Woodfin re-opened the public hearing.

Mr. Garland explained that seven of the eight units are sold; the eighth unit will remain as a model.

Ms. Shank stated that the Board could amend the motion to add that any outstanding conditions will be addressed at the April 15, 2020 meeting.

Ms. Smith-Meyer stated that she does not feel that the two weeks would make any difference with the condition of the ground and that nothing will change with availability. Ms. Shank clarified the motion should not release them from Condition #3 and #4. The applicant still is responsible for the work to be completed.

Councilor Pierce amended the motion to authorize the issuance of 8 Certificates of Occupancy for 17 Callaway Drive, Units 1-8; subject to the condition that no additional building permits or CO's are issued until the repairs are met in accordance with Mr. Bedard's report and the plan be addressed at April 15 Planning Board meeting. Mr. Hicks seconded the motion.

A roll call vote was taken as follows:

Richard Woodfin – in favor

Erle Pierce – in favor

Teresa Rosenberger – in favor

Susanne Smith-Meyer – in favor

Matthew Hicks – in favor

John Regan – in favor

The motion passed unanimously; 6/0.

**Adjournment**

At the request of Chairman Woodfin, Mr. Hicks made a motion to adjourn at 6:15 PM, seconded by Councilor Pierce.

A roll call vote was taken as follows:

Richard Woodfin – in favor

Erle Pierce – in favor

Teresa Rosenberger – in favor

Susanne Smith-Meyer – in favor

Matthew Hicks – in favor

John Regan – in favor

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The motion passed unanimously; 6/0.

A TRUE RECORD ATTEST:

Lisa Fellows-Weaver,  
Administrative Specialist