

**City of Concord Planning Board**  
**June 17, 2020**  
**Minutes**

The regular monthly meeting of the City Planning Board was held on June 17, 2020, via Zoom, at 7:00 p.m.

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

Absent: Vice-Chair Carol Foss, Member Susanne Smith-Meyer, David Fox, 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 David Cedarholm (City Engineer).

Chairman Woodfin read the following statement: 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.

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

**1. Call to Order**

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

**2. Roll Call**

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

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**3. Approval of Planning Board Meeting Minutes**

May 20, 2020 Minutes

On a motion made by Councilor Pierce, and seconded by Ms. Rosenberger, the Board voted unanimously by a Roll Call to approve the May 20, 2020, Planning Board Meeting Minutes, as written.

Mr. Woodfin – in favor, Councilor Pierce – in favor, Mr. Hicks – in favor, Mr. Regan – in favor, and Ms. Rosenberger – in favor.

**4. Planning Board Chair Agenda Overview**

There were no changes made to the agenda.

**5. Design Review Applications by Consent**

All items were pulled from the consent agenda and were addressed individually.

**5A. Eric Stephens requests ADR approval for the installation of a new externally illuminated monument sign at 63 Bog Rd. in the Residential Open Space (RO) District.**

Mr. Durfee provided a brief overview of the project noting that the ADRC did not have any issues with the proposal.

Councilor Pierce stated that he believes he is an abutter. Chairman Woodfin explained that it would only affect him if he were receiving some type of financial gain from the project. Councilor Pierce replied that he is not.

There was no further discussion.

On a motion made by Mr. Hicks, and second by Mr. Regan, the Board approved the design as submitted by consent, by a Roll Call Vote as follows:

Mr. Woodfin – in favor, Councilor Pierce – in favor, Mr. Hicks – in favor, Mr. Regan – in favor, and Ms. Rosenberger – in favor.

**5B. PS Construction, on behalf of Patriot Investments, request ADR approval for a façade renovation at 4 Park Street in the Central Performance Business (CBD) District.**

Mr. Durfee provided a brief overview of the project noting that the ADRC did not have any issues with the proposal.

On a motion made by Mr. Hicks, and second by Mr. Regan, the Board approved the design as submitted by consent, by a Roll Call Vote as follows:

Mr. Woodfin – in favor, Councilor Pierce – in favor, Mr. Hicks – in favor, Mr. Regan – in favor, and Ms. Rosenberger – in favor.

**Public Hearings**

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

**6A. Nobis Group, on behalf of St. Paul School, requests Conditional Use Permit (CUP) City of Concord Page 1 Printed on 6/17/2020 Planning Board Agenda June 17, 2020 approval to allow buffer disturbance in the Shoreland Protection District for installation of chiller units at 25-29 Hockey Lane in the Institutional (IS) District.**

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

Mr. Woodfin – in favor, Councilor Pierce – in favor, Mr. Hicks – in favor, Mr. Regan – in favor, and Ms. Rosenberger – in favor.

Ms. Fenstermacher gave an update of the project and explained that the Conservation Commission did review the project at their June 10, 2020 meeting. The Commission unanimously agreed to recommend approval of the project noting that the area has already been disturbed and this project has no additional impact to the shoreland buffer.

Chris Nadeau and Naomi Praul from Nobis Group represented the application.

Mr. Nadeau provided a brief overview of the project. He explained that St. Paul’s School is requesting a Conditional Use Permit (CUP) due to disturbance within the 75-foot Vegetative Buffer and the 150-foot Woodland Buffer within the Shoreland Protection District. The disturbance is due to the proposed installation of two new chiller units at 25-29 Hockey Lane.

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

On a motion made by Mr. Regan, and second by Councilor Pierce, the Board voted unanimously, with a Roll Call Vote, to **grant a Conditional Use Permit** in accordance with Article 28-3-3(f) of the Zoning Ordinance to allow disturbance of the 75-foot Vegetative Buffer and the 150-foot Woodland Buffer within the Shoreland Protection District for the placement of new chiller units adjacent to the existing building at 25-29 Hockey Lane within the St. Paul’s School Campus, 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 Division.

(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) Prior to final construction sign-off, staff shall be contacted to inspect the restoration area.

Mr. Woodfin – in favor, Councilor Pierce – in favor, Mr. Hicks – in favor, Mr. Regan – in favor, and Ms. Rosenberger – in favor.

6B. BL Companies, on behalf of CP Concord, LLC, requests Minor Subdivision approval for a condominium subdivision at 310 Loudon Road in the Gateway Performance (GWP) District.

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

Mr. Woodfin – in favor, Councilor Pierce – in favor, Mr. Hicks – in favor, Mr. Regan – in favor, and Ms. Rosenberger – in favor.

Ms. Fenstermacher gave an update of the project and explained this is condominium subdivision of the former Toys R Us site. The applicant is requesting approval to create two condo units, unit 1 is

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half of the building, unit 2 is the other half of the building and adjacent green space. She stated that there is an approved site plan from 1999 for the expansion of the building into the adjacent green space; however, the applicant is not proposing an expansion at this time. The applicant will be required to return for site plan approval if they decide to expand. She added that there are waivers requested; three that staff supports and three that staff is recommending the Board deny.

Jennifer Marks and Matthew Bruton from BL companies represented the application.

Mr. Bruton described the property as a five acre parcel with a paved parking area. The parcel is on Loudon Road with a side connection to Walmart. The plan is to subdivide the building into two spaces; one unit is half the building and the second unit is the other half of the building with a green space. There is no proposed site work at this time, hence the request for the waivers. He explained that they are not able to provide condo declaration documents as they do not have a tenant; however, they will provide the documentation when there are two tenants. He added that they also understand that with any modifications they will need to return to the Board.

Ms. Fenstermacher stated that the condo declaration is required to be recorded with the plan. She explained that staff is recommending this waiver be denied and the documents be provided to the City before the plan is recorded. Mr. Bruton stated that they would comply once there are two defined tenants.

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

On a motion made by Mr. Hicks, and second by Councilor Pierce, the Board voted unanimously, with a Roll Call Vote, to **grant Comprehensive Development Plan approval** for the creation of 2 condominium units with common areas.

Mr. Woodfin – in favor, Councilor Pierce – in favor, Mr. Hicks – in favor, Mr. Regan – in favor, and Ms. Rosenberger – in favor.

On a motion made by Councilor Pierce, and second by Mr. Regan, the Board voted unanimously, with a Roll Call Vote, to **grant the following waiver requests** 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:

1. Waiver to Sections 12.08(3) and 15.03(4) to not provide existing topographic conditions and all proposed changes.
2. Waiver to Sections 12.03(5), 12.07, and 15.01(3) to not provide a wetland survey by NH Certified Wetland Scientist.
3. Waiver to Section 15.03(11) to not provide the location, size, and invert elevations of *existing storm sewers only*.

Mr. Woodfin – in favor, Councilor Pierce – in favor, Mr. Hicks – in favor, Mr. Regan – in favor, and Ms. Rosenberger – in favor.

On a motion made by Councilor Pierce, and second by Mr. Regan, the Board voted unanimously, with a Roll Call Vote, to **deny the following waivers**, indicating that the requests do not meet the criteria of RSA 674:44 III(e): 4.3.

1. Waiver to Sections 13.02(11), 17.01(4), and 17.06 Condominium Declaration and By Laws, to not provide Condominium Declaration and By Laws until after tenant leases are secured.
2. Waiver to Section 17.04 (3) to not provide acceptable means for water metering and water service until after tenants and floor plans are secured.

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3. Waiver to Section 15.03(11) to not provide the location, size, and invert elevations of existing and proposed sanitary sewers.

Mr. Woodfin – in favor, Councilor Pierce – in favor, Mr. Hicks – in favor, Mr. Regan – in favor, and Ms. Rosenberger – in favor.

On a motion made by Councilor Pierce, and second by Mr. Regan, the Board voted unanimously, with a Roll Call Vote, to **grant Minor Subdivision approval** for the condominium subdivision at 310 Loudon Road, subject to the following precedent conditions to be fulfilled within one year and prior to endorsement of the final plan by the Planning Board Chairman and Clerk, unless otherwise specified:

1. Address Planning Review comments to the satisfaction of the Planning Division.
2. Address Engineering Review comments to the satisfaction of the Engineering Division.
3. Waiver(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(s), applicant shall comply with said submission requirement(s).
4. Condominium documents, including declaration of condominium and by-laws, to be reviewed and approved by the City Solicitor, City Assessor, and Clerk of the Board.
5. The Licensed Land Surveyor shall sign and seal final plans and mylars.
6. The Applicant shall deliver to Planning, two plan sets and one mylar(s) of the site plan for endorsement by the Planning Board Chairman & Clerk and recording at the Registry of Deeds.
7. 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) tax maps. The information shall be submitted in accordance with Section 12.09 of the Subdivision Regulations.
8. 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.

Mr. Woodfin – in favor, Councilor Pierce – in favor, Mr. Hicks – in favor, Mr. Regan – in favor, and Ms. Rosenberger – in favor.

- 6C. Jon Chorlian requests Major Subdivision approval for the creation of 8 condominium units at 131 North State Street in the Neighborhood Residential (RN) District.

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

Mr. Woodfin – in favor, Councilor Pierce – in favor, Mr. Hicks – in favor, Mr. Regan – in favor, and Ms. Rosenberger – in favor.

Mr. Durfee gave an overview of the project which consists of a major site plan redevelopment of the church lot creating three new buildings totaling eight units. He noted that Engineering did not have any comments.

Jon Chorlian represented the application.

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Mr. Chorlian provided a project timeline, which began with a major site plan about one year ago. The project is reaching the end of the construction phase and this will be last step to create the eight condominiums with the approval of this major subdivision. He stated that each unit is 1,800 square feet with a garage, front porch, with some shared amenities and green space. He is pleased with the project and with the results. He noted that all eight units have been sold.

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

On a motion made by Councilor Pierce, and second by Mr. Regan, the Board voted unanimously, with a Roll Call Vote, to **grant Major Subdivision approval** for the eight-unit condominium subdivision at 131 North State 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:

1. Address Technical Review comments, noted in the June 17, 2020 staff report, to the satisfaction of the Planning Division.
2. 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.
3. The NH Licensed Land Surveyor shall sign and seal final plans and mylars.
4. The NH Licensed Architect shall sign and seal final floor plans.
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.
7. All pertinent variances granted are to be noted and fully described on the plan including date granted and applicable section numbers of the Subdivision Regulations and Zoning Ordinance.

Mr. Woodfin – in favor, Councilor Pierce – in favor, Mr. Hicks – in favor, Mr. Regan – in favor, and Ms. Rosenberger – in favor.

*The following two applications will be addressed together.*

- 6D. HEB Engineers, Inc, on behalf of the State of New Hampshire, requests Planning Board review in accordance with RSA 674:54 for a minor subdivision for a new lot created from I-89 Limited Access Right-Of-Way off Silk Farm Road in the Residential Open Space (RO) District.
- 6E. Allen & Major Associates, LLC, on behalf of the State of New Hampshire, requests Planning Board review in accordance with RSA 674:54 for a major site plan for construction of two new buildings and associated parking and site improvements off Silk Farm Road in the Residential Open Space (RO) District.

Mr. Durfee provided an overview of the project. He stated that the proposal is to create a new lot from the Interstate 89 Right-of-Way and to build two new buildings, for an operations facility and watershed building with all applicable drainage improvements. The property is currently owned by NH Fish and Game.

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Jim Gallagher of NH Dam Bureau, Michael Malynowski and Keith Hemmingway represented the application.

Michael Malynowski stated that they did receive staff comments and believe that they have addressed most of the items. He reviewed the design of the two buildings. The purpose of the buildings is for repairs and storage of NHDES boats and other equipment. Parking surfaces were noted as mostly compacted gravel and only delineated on the plans to show that there is ample space. There will be two handicapped parking spaces. An alteration of terrain permit is currently under review. Drainage was addressed noting there are several large storm water basins treat runoff to pre-development rates. On site water is provided by a well and there are provisions for a septic system. There is a fire cistern for fire suppression for the operations building and the watershed building.

Chairman Woodfin asked about the watershed building. This building was described to be one-story and will support the Watershed Bureau.

Councilor Pierce asked if the general public will be accessing the building. Mr. Malynowski replied that the facility is a locked facility and will be used by employees only; it is not open to the general public.

Mr. Regan asked about the potential impact to the bike path and access to the trails. He asked about landscaping and noted that it is currently all pastoral. Mr. Hemmingway replied that they have tried to retain the existing vegetation around the building and driveway as much as possible. If the budget allows they will have a landscaping plan done for review. Mr. Regan strongly urged the applicants to do a landscaping plan.

Mr. Regan stated that the driveway is very near the pedestrian traffic. He stated that there may be some conflicts with bike traffic. Mr. Gallagher explained the hours of operation will be 6 A.M. to 3:30 P.M. A crew arrives in the morning and they are off site most of the day. They return in the afternoon. He stated that the building is mostly unoccupied during the day.

The renderings were reviewed. A chain-link fence is shown all the way around the building. Mr. Regan commented that it would be nice to see the fence resemble the characteristics of the area fence. Chairman Woodfin agreed and suggested wooden slats.

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

Members of the Board thanked the participants for coming and presenting the project.

## **7. Amendments**

- 7A. Hinckley Allen, on behalf of Brixmor Capitol SC, LLC, requesting amendments to Zoning Ordinance Articles 28-2-4, Allowable Principle Uses and 28-5-17, Certain Uses in the Opportunity Corridor Performance (OCP) District, to allow restaurants with drive-through facilities in the OCP District and reduce drive through stacking space requirements.

Ms. Shank provided a history for the request to amend a section of the ordinance to allow for drive-through restaurants in this district. This amendment is to allow a 6,000 square foot restaurant, a 9,300 square foot retail space, and a coffee shop with a drive-through, at the corners of Storrs Street and the Pleasant Street Extension with the Capitol Shopping Center. Drive-throughs are not permitted within this district and the stacking requirements are not able to be met. The amendment proposed would permit this use and allow for the reduction of stacked spaces.

Ms. Shank continued and explained that the original amendment request was made by Mayor Bouley in which an amendment was presented to allow drive-throughs in the district. Several

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variances were granted by the Zoning Board of Adjustment in March 2020 meeting; the request was revised by Hinckley Allen, due to the fact that some elements of the original request became unnecessary following the ZBA hearing.

Mr. Durfee stated that much review has been done of prior master plans and charrettes relative to the redevelopment of this area. It is staff's opinion that drive-through restaurants are not consistent with the vision for this district. He continued to describe the City's vision of this area to include public spaces, walkable areas, the development of an urban street grid with a mix of uses, and a connection to the Merrimack River. The area of Pleasant Street and Storrs Street has been referred to as a gateway, intended to be an extension of Main Street, which was recently redeveloped to minimize impacts of vehicular traffic.

Mr. Durfee referenced the ITE Trip Generation Manual and stated that the proposal for a coffee shop with a drive-through would generate 350-450 trips per hour during peak hours. This use could negatively impact the area and there are safety concerns for pedestrians as well as access.

In addition, the proposal would require 11 stacking spaces for the drive-through. The applicant has requested the Board consider reducing the amount of spaces in this district. After more research and review of best practices and other City projects, staff does not support this request.

Ms. Shank stated that staff would be in support of an amendment allowing a reduction in spaces through a Conditional Use Permit (CUP), if the applicant can demonstrate through a traffic study or other technical documentation that the required number of spaces is not necessary. This amendment could be presented only if supported by the Board and Council.

In addition, the applicant has also proposed to limit drive-through facilities within the OCP District to lots of 10 acres or more. Ms. Shank stated that Staff does not support this as it is not consistent with best planning practices. Moreover, this requirement may also prohibit any future development and subdivision of the property. Ms. Shank added that should this use be deemed appropriate for this district, it would then be allowed every OCP district in the City. The two-story minimum, however, would only apply to those areas specified in the current zoning where retail development is permitted, essentially, the Central Corridor of the OCP District. Staff intends to address this issue in the new zoning code.

Ms. Shank stated that Staff has recently begun communicating with the applicant and would like to continue to mitigate the obstacles. She noted that based on the legacy of documents, the proposal is not consistent; however, it could be deemed important for economic development.

Ms. Shank stated that the decision will now be up to the Planning Board and City Council. Chairman Woodfin stated that this is the most important piece of this corner.

John Arnold of Hinckley Allen and Ruben Twersky of Brixmore represented the request.

Mr. Twersky stated that Brixmore owns the shopping center and the proposal is for a 110 Grill and a Starbucks. A rendering was provided of proposed development. The outdoor seating area was noted as well as parking and the placement of the buildings which are close to the street. Brixmore has discussed options with the City and is open to constructing the buildings in such a way that would allow for second story additions later on when not constrained to existing leases. In February the ZBA denied the variance request to allow drive-through facilities and a reduction in stacking spaces as the board felt the criteria could not be met. Mayor Bouley proposed to move forward via this zoning amendment and add to allow with reduced vehicle stacking.

Discussion ensued regarding the CUP option. Mr. Twersky stated that this is agreeable. He added that he understands the reasoning for 11 stacking spaces for drive-throughs and he understands the primary objection. However, the leases will not allow for second stories at this time. Brixmore is

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committed to the proposed design and will build to support additional stories when they are able to do so. Additional discussion was held regarding the lease restrictions and the fact that the leases are in place until 2035. The Starbucks really would like the drive-through. They require 5 stacking spaces. Mr. Twersky stated that he hopes the Board agrees with the proposal as he feels that this is a very attractive way to begin connecting Storrs Street with Main Street.

Chairman Woodfin stated that the rendering appears to show two-story buildings. Mr. Twersky stated that the renderings are one story. The businesses have 11 feet from floor to ceiling, 25 feet high but it includes the mechanical units. Chairman Woodfin asked about parking limitations. Mr. Twersky replied that the parking is all based on the tenants.

Councilor Pierce asked about curb cuts. Mr. Twersky replied that there are no new curb cuts proposed. Mr. Pierce also asked if the ordinance can be changed to allow a drive-through, but keep the stacking internal. Ms. Shank explained that drive-throughs are all internal; a car cannot pull out directly onto a street from the stacking lane for any development. She stated that a variance is required for reduced stacking spaces. Councilor Pierce asked how an internal drive-through would affect the pedestrian traffic on Storrs Street. Ms. Shank stated that it is relative to vehicular access and pedestrian circulation within the site and would have no effect on Storrs Street pedestrian traffic, as currently designed.

Additional discussion ensued regarding effects of this amendment on OCP Districts across the City. Ms. Shank explained that the amendment would be applicable to all OCP districts in the City, except for the two-story building height requirement, which would be limited to the Central Opportunity Corridor area.

Councilor Pierce stated that he likes the proposal and feels it would be a shame to let “perfect be the enemy of the good”.

Ms. Rosenberger referred to the rendering and asked if it is showing the one-story buildings, to be the same height as the existing building on Loudon Road. Mr. Arnold replied that, that is the plan. Ms. Rosenberger stated that this is the only option that can be done until 2035. Mr. Arnold replied yes. Ms. Rosenberger asked if there are any future plans for redevelopment with the same and other tenants. Mr. Twersky replied that there have been ongoing discussions for 10 years. He added that they would also like to update the facades within the center; however, there are no plans with any of the tenants to do so at this time.

Ms. Rosenberger asked when the project would begin to get underway. Mr. Twersky replied that they hope in the beginning of the spring in 2021 but probably fall.

Chairman Woodfin asked about signage at the top of the buildings. Mr. Arnold replied that he has not had these discussions with tenants. Ms. Shank stated that no one has approached the tenants but she would like to have the opportunity to discuss options to mitigate their visibility concerns.

Ms. Shank stated that it appears that the buildings are two-story. She asked why it is okay for a single-story building to be 25 feet high and not have the building be two-stories. She clarified that she would like more stories to be on top. Mr. Twersky replied that many tenants have specific internal ceiling height minimums and those minimums would preclude two-story construction once mechanicals are factored in, given the existing lease constraints.

Chairman Woodfin closed the public hearing.

Chairman Woodfin stated that he liked the rendering presented; it has a nice appeal. He reminded the Board that the plaza is locked in to 2035 before any renovations can be done. He added that if this is approved, the change is for the all OCP districts.

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Mr. Regan stated that he likes the density. He was concerned by the potential increase in traffic as a result of the drive-through and coffee shop; however, it would improve the area. He supports the idea of a CUP to reduce stacking space and the requirement of a traffic study to do so.

Mr. Hicks stated that he is not comfortable with the drive-through and added that there could be problems with parking. However, he likes the project as it creates a nice area on Storrs Street and fits into the future development. He stated that it does look like the buildings are two-stories.

Councilor Pierce commented that Ms. Shank should speak with the tenants and does not support signs on the backs of the buildings. He added that this proposal will draw people to Storrs Street.

Ms. Rosenberger commented that the proposal would be an improvement and she applauds their efforts with the retail aspect. She expressed concern with the signage, however; she supports murals on the backs of the existing buildings. Overall, she supports the project moving forward.

Ms. Shank stated that staff will rework the proposal and work in coordination with representatives.

Chairman Woodfin asked why the proposal would not be consider through the ZBA as a variance. Ms. Shank replied that they applied for a variance and it was denied.

On a motion made by Chairman Woodfin, and second by Councilor Pierce, the Board voted unanimously, with a Roll Call Vote, to **recommend an amendment to the ordinance to allow drive-through facilities in the OCP District and reducing the amount of stacking spaces required by Conditional Use Permit.**

Mr. Woodfin – in favor, Councilor Pierce – in favor, Mr. Hicks – in favor, Mr. Regan – in favor, and Ms. Rosenberger – in favor.

### **Adjournment**

At the request of Chairman Woodfin, Councilor Pierce made a motion to adjourn at 9:08 PM, seconded by Mr. Regan.

Mr. Woodfin – in favor, Councilor Pierce – in favor, Mr. Hicks – in favor, Mr. Regan – in favor, and Ms. Rosenberger – in favor.

The motion passed unanimously; 5/0.

A TRUE RECORD ATTEST:

Lisa Fellows-Weaver,  
Administrative Specialist