

**CITY OF CONCORD PLANNING BOARD****November 18, 2015 MEETING**

The regular monthly meeting of the City Planning Board was held on November 18, 2015, in City Council Chambers, in the Municipal Complex, at 37 Green Street, at 7:00 p.m.

Present at the meeting were Chair Drypolcher, Members Champlin, Hicks, Regan, Rosenberger and Woodfin. City Planner Larson, Ms. Shank, and Ms. Murray of the City's Planning Division were also present.

At 7:00 p.m., a quorum was present and the Chair called the meeting to order.

**PUBLIC HEARINGS****Architectural Design Review Applications**

**Consideration of requests for Architectural Design Review Approval by the following applicants, for signs, buildings and/or site plans at the noted locations, under the provisions of Section 28-9-4(f), Architectural Design Review, of the Code of Ordinances:**

**1. Signs (Consent Agenda Items)**

The Chair asked if members of the public had any comments or questions. There were no comments from the audience.

- a. Application by GMRI, Inc. on behalf of Olive Garden Italian Kitchen requesting ADR approval to install one (1) 74.8 sf internally illuminated affixed replacement sign, and one (1) 74.8 sf internally illuminated freestanding replacement sign at 223 Loudon Road in the General Commercial (CG) District. *MBL: 111C/1/1*  
Item approved as submitted with consent agenda.
- b. Application by Zed Properties LLC on behalf of The Lawson Group, requesting ADR approval to install one (1) 30 sf internally illuminated freestanding replacement sign at 20 Chenell Drive in the Industrial (IN) District. *MBL: 111G/1/45*  
Item approved as submitted with consent agenda.
- c. Application by Capital Dream Realty, LLC on behalf of Capital Area Dentistry, requesting ADR approval to install one (1) 14.51 sf freestanding replacement sign at 29 Green Street in the Civic Performance (CVP) District. *MBL: 44/3/26*  
Item approved as submitted with consent agenda.
- d. Application by Alan Cohen on behalf of Marketplace New England, requesting ADR approval to install one (1) new 5.69 sf non-illuminated projecting sign, and one (1) new 11.44 sf non-illuminated affixed sign at 7 N. Main Street in the Central Business Performance (CBP) District. *MBL: 35/4/7*  
Item approved as submitted with consent agenda.
- e. Application by PFP Associates Ltd Partnership on behalf of H&R Block, requesting ADR approval to install one (1) 34.5 sf internally illuminated affixed replacement sign at 22 Bridge Street in the Opportunity Corridor Performance (OCP) District. *MBL: 45A/1/2*  
Item approved as submitted with consent agenda.
- f. Application by South Miami Properties, Inc. on behalf of H&R Block, requesting ADR approval to install one (1) 22.6 sf internally illuminated affixed replacement sign at 36 Fort Eddy Road in the Gateway Performance (GWP) District. *MBL: 46A/1/2*  
Item approved as submitted with consent agenda.

- g.** Application by South Miami Properties, Inc. on behalf of AAA Northern New England, requesting ADR approval to install three (3) internally illuminated replacement wall signs, including one (1) 14.7 sf sign, one (1) 13.3 sf sign, and one (1) 8.0 sf sign, at 48 Fort Eddy Road in the Gateway Performance (GWP) District. *MBL: 46A/1/2*

Item approved as submitted with consent agenda.

- h.** Application by 94 Manchester Street, LLC requesting ADR approval to change building façade material and color, as part of a previously approved site plan at 94 Manchester Street in the Highway Commercial (CH) and Office Park Performance (OFP) Districts. *MBL: 11D/3/10 (2014-19)*

Item approved as submitted with consent agenda.

Councilor Champlin moved approval of the consent agenda. Mr. Hicks seconded the motion. Motion carried unanimously.

### Site Plan Applications

- 2. Application by Esterly, Schneider & Associates Inc., AIA on behalf of O'Reilly Auto Enterprises, LLC requesting Major Site Plan approval to construct a 7,385 SF building and related site improvements for the purpose of the retail sale of auto parts at 189 Fisherville Road, within the General Commercial (CG) District. Map/Block/Lot: 204P-73 (2015-0030)**

- a. Public Hearing**
- b. Deliberations and Action on the Application**

Ms. Shank informed the Board that the applicant requests postponement of Major Site Plan approval to no date certain.

Ms. Smith-Meyer moved to postpone the application to no date certain. Councilor Champlin seconded the motion. Motion passed unanimously.

- 3. Application by TF Bernier, Inc. on behalf of FLOMAC Limited Partnership for the Construction of a drive-up window including the relocation of the refuse container facility and the construction of a new stacking lane to the window at 8 Loudon Road within the Gateway Performance (GWP) and Open Space Residential (RO) Districts. Map/Block/Lot: 114-1-1 (2015-0040)**

- a. Public Hearing**
- b. Deliberations and Action on the Application**

The Chair opened the public hearing.

Mr. Woodfin recused himself.

Tim Bernier, TF Bernier Inc., was present to speak to the application. The applicant is proposing to add a drive through lane and window to service a new branch of Lake Sunapee Bank. The bank with drive through is a change of use from the previous retail/medical office use, and proposes to utilize 3,828 sf of floor area in the existing building.

The Chair asked if members of the public had any comments or questions on the application. There being no comments from the audience the Chair closed the public hearing.

Ms. Smith-Meyer moved to grant a waiver for Section 18.08 (SPR) to not provide an 8-foot wide bypass lane for the drive up window, since the safety risk of not providing the bypass lane appears minimal. Mr. Hicks

seconded the motion. Motion passed unanimously.

Ms. Smith-Meyer moved to grant ADR approval for relocation of a dumpster and construction of a drive through lane and drive through window and the proposed signs. Mr. Hicks seconded the motion. The motion passed unanimously.

Mr. Hicks moved to grant Major Site Plan approval, subject to the following precedent and subsequent conditions:

- a) **Precedent Conditions** – to be fulfilled within 2 years and prior to issuance of any building permits, or the commencement of site construction, unless otherwise specified:
  - (1) Applicant shall resolve any outstanding traffic related issues to the satisfaction of the Engineering Department, including but not limited to providing a traffic study for review and associated review fees as previously specified by the City Traffic Engineer, and any additional engineering analysis and mitigation that may be needed.
  - (2) Any waiver(s) granted are to be noted and fully described on the plan including date granted and applicable Section number(s) of the Site Plan Regulations. Should the Board vote to deny any waiver request, the applicant shall comply with said submission requirement.
  - (3) Address to the satisfaction of the Engineering Division, review comments from Laura Aibel, P.E. and Jeff Warner, P.E. dated November 12, 2015.
  - (4) Address Technical Review Comments, noted below to the satisfaction of the Planning Division:
    - i. Provide the colored overview plans showing the entire development.
    - ii. The contour indicated in the proposed drive through lane appears to be mislabeled “233”, please clarify.
    - iii. The Grading Plan indicates a limit of disturbance; however the legend on the plan indicates a silt fence. Please clarify and/or correct the symbols for consistency.
    - iv. Please replace the *Spirea japonica* with the native *tomentosa* or other native species.
    - v. One Red Oak is mislabeled GR on the Landscape Plan, please revise.
    - vi. Please provide specifications for the relocation of the 2 trees to ensure their survival.
- 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. Ten copies of the final signed plan set shall be provided by the applicant at the pre-construction meeting.
  - (3) Prior to the issuance of a Certificate of Occupancy, as-built drawings shall be provided to the City Engineer in accordance with Section 12.09 of the Site Plan Review 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, 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.
  - (5) Traffic impact fees shall be assessed for any non-residential construction contained within the limits of the approved site plan. The impact fees and procedures shall be those in effect at the time of the issuance of a building permit as set forth in the City of Concord Code of Ordinances, Title IV,

Subdivision Code: Chapter 29.2, Public Capital Facilities Impact Fee Ordinance. The specific fees assessed are those contained in Section 29.2.1-1 Assessment and Collection; subsection (b) Computation of the Amount of Impact Fees; Table 3, Transportation Facilities Impact Fee per Variable Unit. A credit will be issued for the previous tenant use (impact fee worksheet to follow).

- (6) No certificate of occupancy for any building or use shall be issued until all public and private improvements have been substantially completed to the satisfaction of the City Engineer and City Planner.

Mr. Regan seconded the motion. The motion passed unanimously.

### **Subdivision Applications**

4. **Application by Emilie Phelps requesting Minor Subdivision approval for the conversion of a two family house into two condominium units at 94-96 School Street within the Neighborhood Residential (RN) District. Map/Block/Lot: 49-1-10 (2015-0034)**
  - a. **Determination of Completeness**
  - b. **Public Hearing**
  - c. **Deliberations and Action on the Application**

Ms. Shank recommended that the application be determined complete and the public hearing opened.

Ms. Smith-Meyer moved to determine the application complete and to open the public hearing. Mr. Regan seconded the motion. Motion carried unanimously.

The Chair opened the public hearing.

Emilie Phelps and Attorney Jennifer Jones were present to speak to the application. Atty. Jones stated the existing 2 family home already has separate addresses.

The Chair asked if members of the public had any comments or questions on the application. There being no comments from the audience the Chair closed the public hearing.

Mr. Hicks moved to grant the following waivers to the Site Plan Regulations (SPR):

- 12.08(3) requiring a survey of existing topography;
- 12.08(4) requiring soils mapping;
- 12.08(23) requiring tabulations for impervious surface, useable area rectangles, etc.
- 15.03(4) requiring a survey of existing topography;
- 15.03(9) requiring the location of existing driveways on abutting properties and on opposite sides of the street;
- 15.03(11) requiring the location, size, rim, and invert elevations of existing sanitary and storm sewers; and
- 15.03(15) requiring the location and size of all existing underground and overhead utilities.

Ms. Smith-Meyer seconded the motion. The motion passed unanimously.

Mr. Hicks moved to grant Minor Subdivision approval, subject to the following conditions:

- a) The Licensed Land Surveyor shall sign and seal final plans and mylar.
- b) 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.

- c) Any 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 any waiver request, the applicant shall comply with said submission requirement.
- d) Address to the satisfaction of the Engineering Division, review comments from Laura Aibel, P.E. and Jeff Warner, P.E.
- e) Address Technical Review Comments, noted below, to the satisfaction of the Planning Division.
  - 1) Include the engineer's signature and seal on the final condominium site plan and the floor plans.
  - 2) Revise plans to correct the spelling of the property owner's name.
  - 3) Add a scale to the Location Plan; note that it must be a minimum of 1" = 400'.
  - 4) Revise plans to indicate the names, addresses, and map/block/lot number for abutters across School Street. Abutter information may be provided on a revised plat, and/or on the Location Map.
  - 5) Revise plans to indicate required front, rear, and side yard building setbacks.
  - 6) Revise plans to indicate the location of the existing shade/street tree.
  - 7) Revise condominium site plan to include dimensions and square feet for all interior and exterior common and limited common areas, including for the garage.
  - 8) Revise the floor plans to include a Planning Board approval block.
  - 9) Clarify whether the areas in the garage labeled "Bay for use by Unit 1/Unit 2" are common or limited common areas. If limited common areas, clarify the dimension and area of those spaces.

Mr. Regan seconded the motion. Motion passed unanimously.

#### **Conditional Use Permit Applications (CUP):**

5. **Application by W&E Realty LLC on behalf of Key Auto Group requesting Conditional Use Permit approval to permit the previously approved Concord Collision Center (automotive repair, service, and towing, including body work) to locate at 94 Manchester Street within the Highway Commercial (CH) district. Also requested is Architectural Design Review approval for revisions to building treatment and color associated with the previously approved site plan.  
Map/Block/Lot: 110D-3-10 (2014-0019)**

- a. **Determination of Completeness**
- b. **Public Hearing**
- c. **Deliberations and Action on the Application**

Ms. Shank recommended that the application be determined complete and the public hearing opened.

Councilor Champlin moved to determine the application complete and to open the public hearing. Mr. Hicks seconded the motion. Motion carried unanimously.

The Chair opened the public hearing.

Mr. Brett Cann and Attorney Steve Patterson were present to speak to the application. Attorney Patterson explained that the Major Site Plan was approved in June 2015 but the CUP to allow body work was overlooked and not approved.

The Chair asked if members of the public had any comments or questions on the application. There being no comments from the audience the Chair closed the public hearing.

Councilor Champlin moved to grant Conditional Use Permit Approval to allow automotive repair, service, and towing, including body work, in the Highway Commercial (CH) District, at 94 Manchester Street, subject to the original conditions of Major Site Plan approval as granted by the Planning Board at their hearing held on June 18, 2014.

Ms. Smith-Meyer seconded the motion. Motion passed unanimously.

### Conceptual Review

**6. Application by Northpoint Engineering on behalf of Private Reserve, LLC c/o REI Service Corp requesting Major Site Plan Conceptual Review for a proposed planned development consisting of 6 single-family homes and 12 townhouse style units on a private road at Bog Road (behind 84 Bog Road) within the Open Space Residential (RO) District. Map/Block/Lot: 32Z-31 (2015-0045)**

The Chair opened the public hearing.

Jeff Lewis, Northpoint Engineering and Alan Clark and Doris Labby, Private Reserve, were present to speak to the conceptual review. Mr. Lewis outlined the project. The property was subdivided a year ago. The proposal would include 18 new units consisting of 6 single family homes and 12 townhouse style homes. Mr. Lewis spoke of the Mapped Line of Future Streets and stated the City is in favor of vacating it. A utility/pedestrian access easement is proposed in its place. Construction is projected to begin in 2016. The redefining of the Mapped Line of Future Streets will go to City Council next month. Mr. Lewis stated that the site is adjacent to the bog and is wet. There are drainage concerns and a sheet drainage waiver will be required; no curbing will be proposed. They intend to design within compliance and keep the 50 foot buffer maintained. Screening will be added. Mr. Lewis stated the site will be served by City water and sewer and the lines will be extended during construction. Ms. Shank noted the project will require ADR approval.

The Chair asked if members of the public had any comments or questions on the application.

Mr. Malcom Gentley, 95 Bog Road, spoke. He inquired about the water and sewer lines and also asked the average cost of the townhouses. Mr. Clark responded that he would be responsible for extending the water and sewer lines which would terminate at the road going in. He and Ms. Labby stated the cost of some existing townhouses is around \$275,000.00.

There being no further comments from the audience the Chair closed the public hearing.

### REGULAR MEETING

**7. Approval of the minutes of the October 21, 2015 Planning Board Meeting.**

Mr. Regan moved to approve the October 21, 2015 meeting minutes as written. Mr. Woodfin seconded the motion. Motion carried unanimously.

**8. Consideration of the following amendments to Chapter 29.2, Public Capital Facilities Impact Fee Ordinance:**

- Amendments to Article 29.2-1-2, Assessment and Collection; section (b) Computation of the Amount of Impact Fee, by deleting Tables 1, 2 & 3 in their entirety and replacing with new tables to reflect an adjusted schedule of fees.

- Amendments to Article 29.2-1-2, Assessment and Collection; section (b) Computation of the Amount of Impact Fee, Table 3, Transportation Facilities, by adding a new residential category for Senior Housing and creating a new Residential and Nonresidential Uses category to include All Other Uses.

Ms. Shank presented a summary of the amendments, including a proposal to update the impact fee tables in accordance with inflation, add a Senior Housing category to the Transportation Facilities Residential Use category, and modify the provisions for waivers of school facilities for age-restricted developments.

Mr. Hicks stated he opposes the amendments stating it's unfair for people who do not access the public school system. Ms. Shank replied that senior citizens are much less likely to have children in school and the burden is unfairly placed on seniors. Mr. Hicks rebutted that any private school that keeps students out of the public school system should get credit. Lengthy discussion ensued where different scenarios were brought up.

Mr. Hicks suggested that EDAC and City Council should look into the impact fee structure further. Ms. Larson suggested a workshop for Planning Board members and developers. Chair Drypolcher noted that the decision should be City Councils and not Planning Boards. Ms. Rosenberger asked why the City doesn't use a tax base opposed to impact fees and asked for confirmation that the changes are for the inflation increase and a change for the calculation for senior housing applicants. Ms. Shank confirmed. Mr. Hicks replied that if the enrollment of concord students decreases so should the impact fees. Ms. Smith-Meyer stated she supports the amendment related to senior housing and doesn't feel a discussion of the inflationary increase should be discussed due to lack of data; City Council should make that decision. Discussion ensued about the inflationary rate increase and industry standards.

Councilor Champlin moved to recommend to the City Council the amendment of the impact fee table for Chapter 29.2 with the understanding that the inflationary increases and fees which are set by policy and industry standards will be reviewed by the Deputy City Manager for Finance. Mr. Woodfin seconded the motion. The motion passed 4:3 with Chair Drypolcher and Members Hicks and Rosenberger opposing.

**9. Any other business which may legally come before the Board.**

**INFORMATION**

- Minutes of the November 10, 2015 Design Review Committee meeting
- Next regular monthly meeting on Wednesday, December 16, 2015

There was no further business to come before the Planning Board and the Chair adjourned the meeting at 9:16pm.

A TRUE RECORD ATTEST:

Nancy Larson

City Planner