

**CITY OF CONCORD PLANNING BOARD  
December 16, 2015**

The regular monthly meeting of the City Planning Board was held on December 16, 2015, in City Council Chambers, in the Municipal Complex, at 37 Green Street, at 7:00 p.m.

Present at the meeting were Jerry Drypolcher (Chairman), Byron Champlin, (City Council), Teresa Rosenberger (City Manager designee/ex-officio member), Matt Hicks, John Regan, Susanne Smith-Meyer, Rich Woodfin, and Frank Kenison (Alternate). Also present were Nancy Larson (City Planner), Heather Shank (Assistant City Planner), and Beth Fenstermacher (Senior Planner) of the City’s Planning Division.

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

**Determination of Completeness (no public testimony will be taken):**

1. **Application by Northpoint Engineering on behalf of Morrill Mill Pond LLC for the construction of a 13,800 sf warehouse/office building consisting of 1800 sf of office and 12,000 sf of warehouse with a 42’x32’ covered loading/unloading area at Whitney Road within the Industrial (IN) District. Proposed site improvements include construction of 15 parking spaces and installation of drainage, lighting, and utility improvements. A CUP is also requested to allow for the construction of 15 parking spaces whereas 35 spaces are required. Map/Block/Lot: 6P/12 (2015-0051)**

The Board voted 7-0 to accept the application as complete and schedule the Public Hearing for January 20, 2016, on a motion made by Mr. Kenison, seconded by Councilor Champlin.

**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:**

2. **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 45 Constitution, LLC on behalf of The Rowley Agency, requesting ADR approval to install one (1) 6.7 sf non-illuminated replacement sign on an existing monument style sign at 45 Constitution Drive in the Opportunity Corridor Performance (OCP) District. MBL: 58/2/3T**

This consent item was approved as submitted.

- b. **Application by Arthur W. Aznive Trustee of the Snaphuance Real Estate Trust on behalf of Spirit Wings Gallery & Boutique requesting ADR approval to install one (1) new 12.7 sf non-illuminated hanging sign at 19 Pleasant Street in the Central Business Performance (CBP) District. *MBL: 35/6/20***

This consent item was approved as submitted.

**The Board voted 7-0 to approve the consent agenda on a motion made by Ms. Smith-Meyer, seconded by Councilor Champlin.**

*\*\*End of Consent Agenda\*\**

**Site Plan Applications**

- 3. **Application by Colleen Sullivan and Cobb Hill Construction on behalf of Emily Le for construction of a 560 sf addition to an existing 5,544 sf three-story structure at 180 Clinton St. for a new parking lot, and related site improvements for the purpose of a pediatric physical therapy clinic and a residential unit in the Open Space Residential (RO) District. Also requested are two CUPs, to allow fewer parking spaces than is otherwise required and disturbance of the wetland buffer. Map/Block/Lot: 93/2/5 (2015-0050)**

The Board voted 7-0 to accept the application as complete and open the public hearing, on a motion made by Ms. Smith-Meyer, seconded by Mr. Kenison.

Chairman Drypolcher opened the public hearing.

Ms. Shank noted that the applicant was not present, and there was discussion as to whether the presence of an applicant is mandatory. Ms. Larson clarified that the presence of an applicant (and/or agent) may be helpful, but is not required.

Mr. Hicks made a motion to table the application, but withdrew his motion when both representatives arrived.

Applicant was represented by Jerry Kingwill, President, Cobb Hill Construction. Colleen Sullivan, of It's Ability Physical Therapy, was also present.

Ms. Smith-Meyer expressed reservations about the choice of trees in the parking area. After discussion, it was agreed that a variety of taller, native shade trees were preferable.

Mr. Champlin inquired about the possibility of equine therapy on site, and it was stated that this may well be possible in the future.

Mr. Woodfin noted that a lighting plan was not submitted. While Ms. Larson explained that the Site Plan Regulations do not require installation of lighting, it does, however, require submission of a lighting plan and lighting details if lighting is proposed. Ms. Larson stated that it is well within the Board's jurisdiction to require lighting if they feel it is necessary for the safety of the employees and those who would use the facility. It was agreed that adequate lighting of the parking area should be provided for safety reasons, and Mr. Kingwell agreed. Mr. Woodfin also noted that no plan had been presented as yet with regard to bicycle storage or signage. Mr. Kingwell stated that the signage application will be made at a future date, and Ms. Larson referred Mr. Kingwell to Craig Walker, Zoning Administrator, in the event they decide to install temporary signage.

Ms. Sullivan stated that they do not need as many spaces as are provided on the plan. Ms. Shank recommended providing fewer spaces to stay out of the wetland buffer. Ms. Sullivan agreed.

Chairman Drypolcher 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.

**The Board voted 7-0 to grant a Conditional Use Permit pursuant to Section 28-7-11(b) of the Zoning Ordinance to allow construction of 13 parking spaces, whereas 16 spaces are required, on a motion made by Ms. Smith-Meyer, seconded by Councilor Champlin.**

**The Board voted 7-0 to grant a Conditional Use Permit pursuant to Section 28-4-3(d) of the Zoning Ordinance to allow disturbance to the wetland buffer for landscaping, and possible construction of 4 future parking spaces, on a motion made by Ms. Smith-Meyer, seconded by Councilor Champlin.**

**The Board voted 7-0 to grant Minor Site Plan approval, on a motion made by Ms. Smith-Meyer, seconded by Mr. Regan, subject to the following precedent and subsequent conditions:**

**(a) 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 to the satisfaction of the Engineering Division, review comments from Laura Aibel, PE and Jeff Warner, PE, dated 12/4/15.
- (2) Address the following Technical Review Comments to the satisfaction of the Planning Division:
  - Add a scale (minimum scale 1"= 400') to the Location Plan, along with the map/block/lot numbers of the subject property and abutters.
  - Revise plans to indicate the Shoreland Protection District boundary, 75-foot undisturbed buffer, and 150-foot woodland buffer on the Site Plan, Grading Plan, and Existing Conditions Plan, in accordance with Section 28-3-3 (ZO).
  - Based on a recent determination made by the City Zoning Administrator, the wetland buffer is not required for the drainage ditch along the Clinton Street frontage. Please revise plans accordingly.
  - Revise Note 9 on the Site Plan to correctly state that one (1) parking space is required per 225 sf of floor area.
  - Indicate existing and proposed building dimensions and square footage on the Existing Conditions, Grading, and Site Plans.
  - Revise the Existing Conditions Plan to indicate topography for the entire site, abutter's intersecting property lines, and gross square footage for each proposed use.
  - Indicate the quantity of parking lot trees required and the quantity provided on the Landscape Plan.
  - Indicate tree protection fencing on the Erosion and Sediment Control Plan, and add a note to that page stating that the contractor shall comply with Tree Protection and Erosion and Sediment Control Notes and Details shown on pages L-01 and L-02.
  - Provide specifications and details for building mounted and/or parking lot area lighting

in compliance with Section 28-7-7(j) (ZO) and Section 29 (SPR).

- Revise the parking lot tree selection consistent with Section 27.07 of the Site Plan Regulations (provide a majority of shade trees, and no more than 25% of any one species of tree) to the satisfaction of the planning staff.

**(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) Prior to commencement of construction activity, the applicant shall provide to the City Solicitor a financial guarantee for the site stabilization in an amount approved by the City Engineer, and in a form acceptable to the City Solicitor.
- (3) The Applicant shall deliver to Planning, one plan set for endorsement by the Planning Board Chair & Clerk. Applicant shall then make three copies of the endorsed plan to be returned to Planning and an additional seven (minimum) plan sets that they will bring to the pre-construction meeting.
- (4) A pre-construction meeting shall be required prior to the start of any construction activity onsite.
- (5) 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.
- (6) 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.
- (7) 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 (see attached impact fee worksheet).
- (8) 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.

### **Subdivision Plan Applications**

4. **Application by John Wolters on behalf of 77 Merrimack Street LLC and Northern Railroad, requesting Minor Subdivision approval for a lot line adjustment resulting in two lots with legal frontage, by conveying a portion of the railroad-owned property to the owner of the building at 1 Penacook Street within the Open Space Residential (RO) and Medium Density Residential (RM) Districts. Map/Block/Lot: 053/P7 & 053/P 7/1 (2015-0049)**

Applicant was represented by: Karl Dubay, PE, The Dubay Group, Inc., Windham NH.

The Board voted 7-0 to accept the application as complete and to open the public hearing, on a motion made by Mr. Kenison, seconded by Mr. Hicks.

Public comment was received by Rebekah Sutherland, 6 Penacook St., Penacook (directly across the street from the lot in question), who requested clarification of plans regarding the future use of the property She asked what is allowed in the RO District, and whether a house or other structure could be built on the property. She stated a concern that a bar would be built on the property.

Ms. Shank stated that the intent of the lot line adjustment is to expand the boundary of the current lot in order to encompass a larger area and create a conforming lot with frontage. The majority of the parcel is zoned Medium Density Residential, which would not permit a second primary use, such as a bar, without a variance from the Zoning Board of Adjustment. Mr. Dubay added that this move is intended to establish clear property lines, which have become blurred as a result of numerous easements. He stated that there is no plan to build on that lot.

Ms. Sutherland expressed her satisfaction with their answers.

Chairman Drypolcher closed the public hearing.

**The Board voted 7-0 to grant final approval, on a motion made by Councilor Champlin, seconded by Ms. Smith-Meyer, subject to the following precedent and subsequent conditions:**

- (a) **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 to the satisfaction of the Engineering Division, review comments from Paul Gendron.
  - (2) Address the following Technical Review Comments to the satisfaction of the Planning Division:
    - Revise the Location Plan to include Map/Block/Lot information for abutters, street names, and water bodies
    - Change the purpose statement on the plan to indicate a lot line adjustment instead of a subdivision.
    - Indicate Zoning Ordinance section numbers of variances received on the plan.
    - Indicate the square footage of the existing building/lot on the existing conditions plan and subdivision plat.
    - Revise plans to indicate the address as 1 Penacook Street, as indicated in Concord GIS (instead of 7 Penacook).
    - Include the existing paved areas, gravel drives, and trails on the subdivision plat.
    - Indicate the location of existing or future easements or access agreements per

FERC requirements.

- Document the required number of parking spaces for the existing building, and the number of parking spaces provided.
- (3) 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.
  - (4) The Licensed Land Surveyor and Certified Wetland Scientist shall sign and seal final plans and mylars.
  - (5) 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.

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

- (1) The Applicant shall deliver to Planning, one plan set and mylar(s) for endorsement by the Planning Board Chairman & Clerk and recording at the Registry of Deeds. Applicant shall then make five copies of the endorsed plan set to be returned to Planning.

5. **Application by FWS Land Surveying on behalf of Morrill Mill Pond LLC requesting Minor Subdivision approval for a two-lot subdivision at Whitney Road within the Industrial (IN) District. Map/Block/Lot: 6P/12 (2015-0052)**

Applicant was represented by: Web Stout, LLS, FWS Land Surveying, PLLC.

The Board voted 7-0 to accept the application as complete and to open the public hearing, on a motion made by Ms. Smith-Meyer, seconded by Mr. Regan.

Mr. Stout displayed plans for the original 9.7-acre lot, and described the lot as being located by Exit 17 on Route 93 in the vicinity of the Mobil Station/Dunkin Donuts. Whitney Road runs along the eastern boundary, and Hannah Dustin Drive provides the western boundary. The proposal asks for a 4.489 sf lot, leaving a 5.29 sf lot. Both lots greatly exceed the minimum requirements for the IN zone. There is an easement and several utility lines at the southern boundary. A drainage easement lies on the northwest boundary, and all utilities (i.e., water, sewer) are present. Access to the site will be via an access easement on the existing shared drive from Whitney Road.

Chairman Drypolcher 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.

**The Board voted 7-0 to grant a waiver of Section 12.04 of the Subdivision Regulations to not provide a Location Plan, on a motion made by Ms. Smith-Meyer, seconded by Mr. Hicks.**

**The Board voted 7-0 to grant final approval, on a motion made by Mr. Hicks, seconded by Councilor Champlin, subject to the following precedent and subsequent conditions:**

(a) **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) The Licensed Land Surveyor and Certified Wetland Scientist shall sign and seal final recordable mylar and plan set.
- (2) Any waiver granted is to be noted and fully described on the plan including date granted and applicable Section number of the Subdivision Regulations. Should the Board vote to deny the waiver request, the applicant shall comply with said submission requirements.
- (3) On Sheets 1 and 2, revise “10,000 Sq. Ft. Buildable Area” to “10,000 Sq. Ft. Useable Area” on the proposed lot 12-1.
- (4) On Sheets 1 and 2, revise number sequencing under Notes (currently missing #5).
- (5) Update plat to include addresses as provided by the City Surveyor. Proposed lot 12 will have an address of 10 Whitney Road, proposed Lot 12-1 will have an address of 6 Whitney Road.
- (6) Applicant to receive written confirmation (email is sufficient) from the Assessing Department confirming that the final lot numbering is acceptable, and submit to Planning.
- (7) Applicant to 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.

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

- (1) The Applicant shall deliver to Planning, one plan set and mylar(s) for endorsement by the Planning Board Chairman & Clerk and recording at the Registry of Deeds. Applicant shall then make five copies of the endorsed plan set to be returned to Planning.

#### **State of New Hampshire Projects under RSA 674:54**

6. **Application by TF Moran on behalf of NH Department of Corrections requesting amendments to the previously reviewed Major Site Plan application for construction of a 224 bed Women’s Correctional Facility. The project includes construction of a 91,924 sf main building (housing, dining, gymnasium, and offices) and one 9,430 sf dormitory building as well as three parking areas (192 spaces total), drainage, lighting, and other associated site improvements. (2015-0048)**

Applicant was represented by: Jason Hill, TF Moran and Theodore Kupper, PE, Administrator, NH Department of Administrative Services.

Mr. Kupper explicated the changes that have been made to the original site plan application (December 2014), which he described as having been “condensed and connected” due to financial constraints. The total square footage has been reduced from 115,000 sf to 100,000 sf. This will

resultantly reduce the drainage system. Construction is slated to begin in early spring 2016; to be completed by October 2016. There will be provisions for 224 beds, with the capability to expand to 350.

Ms. Smith-Meyer voiced concerns about the lighting plans, noting that “light pollution” on the east side of Concord is already visible, and she would like this issue to be addressed.

Ms. Smith-Meyer also requested that the planting plan be maximized, so that the limited number of allowable plants has more “bang for the buck.” Ms. Smith-Meyer also requested that the quantities be added to the planting plan. Mr. Kupper said that he will provide further specifics with respect to species and quantities to the planning staff as they become available.

Mr. Kupper noted that previous Planning Board comments have been received and incorporated into the new plan. Ms. Larson stated that she will send him a written synopsis of this evening’s discussion.

Chairman Drypolcher 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.

**The Board offered the following non-binding review comments:**

- (1) Pursuant to RSA 674:54, activities associated with this submission may not commence until 60-days following the December 16, 2015 Planning Board meeting.
- (2) The drainage study should be reviewed and approved by the City’s Engineering Division prior to commencement of Phase 2 activity.
- (3) All concerns with respect to the existing meter pits, including access, shall be addressed to the satisfaction of the General Services Department.
- (4) Please address forthcoming comments from the Engineering Division.
- (5) Prior to any Phase 2 activities on the site, the NHDOC to coordinate with the Engineering Division and any other appropriate Divisions/Departments to hold a pre-construction meeting and pay inspection fees.
- (6) Final plans to be stamped and signed by the appropriate professionals.
- (7) All sediment and erosion controls should be in place and stabilized prior to any significant activities taking place that benefit/rely upon from installation of said controls.
- (8) Plan size to not exceed 24” x 36”. Match lines should comply with Section 16.02(10) of the Site Plan Regulations.
- (9) Please add a cover sheet with an Index of Plan Sheets to the final plan sets.
- (10) Please add building dimensions and square feet to the plan sheets.
- (11) It is not clear how access into the psychiatric unit occurs from the lower visitation parking area. Please clarify on the plans.
- (12) Please note the size and number of stories for the two buildings in Note 2, Sheet 2-C-3.0
- (13) Prior to issuance of a building permit, consultant fees for services provided by Levy Engineering, Inc. shall be paid in full by the State.

- (14) Applicant should present the plans to the Architectural Design Review Committee for non-binding review and comment.
- (15) Submit a hard copy of construction schedule to Planning.
- (16) Landscape plan should comply with City standards and native species should be encouraged. Please note the quantities on the landscape plan.

**REGULAR MEETING**

- 7. Approval of the minutes of the November 18, 2015 Planning Board Meeting.

The Board voted 7-0 to approve the November 18, 2015 minutes as written, on a motion made by Mr. Regan, seconded by Councilor Champlin.

- 8. Nomination to the Design Review Committee.

The Board voted 7-0 to re-appoint Elizabeth Durfee-Hengen and Ron King to the Architectural Design Review Committee, on a motion made by Ms. Smith-Meyer, seconded by Mr. Regan.

The Board voted 7-0 to appoint Doug Shilo to the Architectural Design Review Committee, on a motion made by Ms. Smith-Meyer, seconded by Mr. Woodfin.

A vacancy still exists, and it was proposed that nominations might be enhanced by a posting in the Concord *Monitor*, as well as the city web site.

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

**INFORMATION**

- 10. Minutes of the December 8, 2015 Design Review Committee meeting.
- 11. Next regular monthly meeting on Wednesday, January 20, 2016.

There was no further business to come before the Planning Board and the Chair adjourned the meeting at 8:12 pm.

A TRUE RECORD ATTEST:

Nancy Larson  
City Planner