

**MINUTES  
CITY OF CONCORD PLANNING BOARD  
April 20 2016**

The regular monthly meeting of the City Planning Board was held on April 20 2016, in City Council Chambers, in the Municipal Complex, at 37 Green Street, at 7:00 p.m.

Present at the meeting were Chairman Gerard Drypolcher, Secretary Carol Foss, Councilor Byron Champlin, Matthew Hicks, Richard Woodfin, Ian West, Susanne Smith-Meyer, Frank Kenison (alternate), and Teresa Rosenberger (Ex-Officio for City Manager). Also present were Nancy Larson (City Planner), Heather Shank (Assistant City Planner), and Beth Fenstermacher (Senior Planner) of the City’s Planning Division. Absent: John Regan and Chiara Dolcino.

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

Chairman Drypolcher appointed alternate member Frank Kenison to sit for John Regan.

Mayor James Bouley presented a Proclamation from the City to retiring member Chairman Drypolcher.

**PUBLIC HEARINGS**

**Applications to be Postponed:**

Application by Timothy Aguilar, on behalf of Granite State Baptist Church, requesting Major Site Plan approval to redevelop an existing one-story garage into a two-story place of assembly with a parking lot and related site improvements at 236 Sheep Davis Road in the RO (Open Space Residential) and Industrial (IN) Districts. Map/Block/Lot: 111/2/6 (2016-14) **The applicant has requested to be postponed until the May 18, 2016 Planning Board meeting.**

Chairman Drypolcher announced the applicant’s request to postpone this application to the May 18, 2016 meeting at 7 PM in City Council Chambers.

**Determination of Completeness**

- 1. Application by T. F. Bernier, on behalf of Robert J. and Melinda A. Harrison, requesting Major Subdivision Plan approval to create a 4-lot subdivision at 44 Carter Hill Road in the RO (Open Space Residential) Districts. Also requested are two Conditional Use Permits, to allow conventional development where a cluster development would otherwise be required, and to allow disturbance of a wetland buffer. Map/Block/Lot: 51/Z5 (2016-17)**

The Board voted unanimously to determine the application complete and set the public hearing for May 18, 2016, on a motion made by Ms. Foss, and seconded by Councilor Champlin.

- 2. Application by Chris Nadeau, on behalf of Hodges Development Corp., requesting Major Site Plan approval and three Conditional Use Permits to construct three new structures, along with related parking, landscaping, and lighting improvements at 192-196 Loudon Road in the General Commercial (GC) District. Map/Block/Lot: 117D/2/9 & 117D/2/10 (2016-20)**

The Board voted unanimously to determine the application complete and set the public hearing for May 18, 2016, on a motion made by Ms. Foss, and seconded by Mr. Hicks.

**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:

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

- a. Application by Siena Investments, LLC requesting ADR approval to install two (2) new 29.07 sf internally illuminated wall signs at 310 Loudon Road in the Gateway Performance (GWP) District. MBL: 111/F1/2
- b. Application by Nouria Energy Corporation, on behalf of Gabriele Realty, LLC requesting ADR approval to install five internally illuminated replacement signs: one (1) 34.1 sf freestanding sign; two (2) 7.8 sf canopy signs; and two (2) 23.2 sf wall signs at 242 Sheep Davis Road in the Industrial (IN) District. MBL: 111/2/9
- c. Application by Tucker’s, on behalf of Arthur P. Thomas, requesting ADR approval to install one (1) replacement 40.0 sf internally illuminated freestanding sign at 80½ South Street in the Neighborhood Commercial (CN) District. MBL: 31/3/13
- d. Application by The Little Crêperie, on behalf of Associated Enterprises, Inc. requesting ADR approval to install one (1) new 13.25 sf externally illuminated affixed sign at 138 N. Main Street in the Central Business Performance (CBP) District. MBL: 45/6/13
- e. Application by Tanorama of Concord, on behalf of Wait Langdon Trustee and The Will of Alice Ward, requesting ADR approval to install one (1) 20.0 sf internally illuminated panel sign in an existing freestanding sign at 89 Fort Eddy Road in the Gateway Performance (GWP) District. MBL: 46/A1/9
- f. Application by Smokeshow Barbeque, on behalf of Wait Langdon Trustee and The Will of Alice Ward, requesting ADR approval to install one (1) replacement 14.0 sf internally illuminated wall sign and one (1) 18.91 sf non-illuminated panel in an existing freestanding sign at 89 Fort Eddy Road in the Gateway Performance (GWP) District. MBL: 46/A1/9
- g. Application by Wild Orchid, on behalf of Wait Langdon Trustee and The Will of Alice Ward, requesting ADR approval to install one (1) 18.91 sf non-illuminated panel in an existing freestanding sign at 89 Fort Eddy Road in the Gateway Performance (GWP) District. MBL: 46/A1/9
- h. **Public Hearings** – For any item(s) pulled from the Consent Agenda

The Consent Agenda items were unanimously approved with no items pulled, on a motion made by Mr. Hicks and seconded by Ms. Foss.

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

- 4. **Application by Sheldon Pennoyer, on behalf of Remi’s Block, LLC, requesting ADR approval for renovation of the façade of a 5-story building, including three storefronts, at 148-158 N. Main Street in the Central Business Performance (CBP) District. MBL: 45/6/14**

An overview of the building's history was provided by Mr. Pennoyer. As plans were reviewed, Mr. Pennoyer noted that the condition of the building is and has been in disarray for many years. He explained that the building was built in 1864 and has always been a residential/commercial building. He stated that the intent is to improve the building and bring it back to life by proposing 20 two bedroom market rate apartments from the second floor to the fifth floor and three commercial units on the first floor.

Lengthy discussion was held regarding the proposed balconies on the front, side, and rear of the building. Mr. Pennoyer noted that the proposed balconies would add value to the property, and will bring the appraisal to be more competitive; in addition, he noted the views. Members expressed support for staggered balconies as it was more esthetically pleasing. Ms. Smith Meyer was opposed to adding the balconies as she believes it will clutter the façade and is not consistent with the historical character of the City.

Further discussion ensued relative to the up-lighting of the building façade. Mr. Champlin suggested emphasizing the corners of the building due to their architectural characteristics.

With no further discussion, the public hearing was closed.

Mr. Drypolcher reiterated that the Architectural Design Review Committee (ADR) recommended approval subject to the condition of vertical alignment of the proposed balconies.

The Board voted unanimously to determine the application complete and set the public hearing for May 18, 2016, on a motion made by Ms. Foss, and seconded by Mr. Hicks.

Mr. Champlin motioned to conditionally approve the application with the condition that the balconies be staggered. Mr. West seconded the motion. Motion passed; 7-1. Ms. Smith Meyer was opposed.

5. **Application by Bedford Design Consultants, on behalf of RJ Moreau Communities, LLC, requesting ADR approval as part of a Major Site Plan application for a twenty-six (26) unit multi-family townhouse style Planned Unit Development (a.k.a. The Vineyards North) off of Kyle Road in the Single-Family Residential (RS) and Medium Density Residential (RM) Districts. Map/Block/Lot: 193P/54 (2016-08)**

Chairman Drypolcher announced that this item will be heard during the site plan presentation (item #12 on the agenda).

**Conditional Use Permit Applications:**

6. **Application by Moira Brouillard, on behalf of Martell Monument Properties, LLC, requesting a Conditional Use Permit approval to permit widening an existing 12 ft. wide driveway to 18 ft., whereas 24 ft. is required. A second Conditional Use Permit approval is requested to permit a driveway separation of 30.7 ft., whereas 200 ft. is required at 294 N. States Street in the Industrial (IN) District. Map/Block/Lot: 69/2/7 & 69/2/8 (2016-16)**

Tim Bernier of TF Bernier, was present along with Moira Brouillard. Mr. Bernier provided an overview of the project. He explained that Conditional Use Permits are required due to the fact that there is a need to widen the driveway from 15' to 18'. The widening will bring the driveway closer

to the abutter, 30'7", resulting in the need for a second Conditional Use Permit. He stated that there were no comments from the engineering department. He stated that his proposal is the best option for the site.

With no further discussion, the public hearing was closed.

The Board voted unanimously to grant the Conditional Use Permits for Martell Monument Properties, LLC on a motion made by Ms. Smith Meyer, and seconded by Mr. Hicks.

**Subdivision Plan Applications:**

7. **Application by T.F. Bernier, Inc., on behalf of Sorrento Investments, LLC & Gubbio Investment Associates, LLC, requesting a Minor Subdivision Plan approval to adjust the boundary line between Land Condominium Units 1 and 3 at 9 Triangle Park Drive in the GWP (Gateway Performance) District. Map/Block/Lot 111H/4/10 & 111H/4/24 (2016-13)**
  - a. Determination of Completeness
  - b. Public Hearing
  - c. Deliberations and Action on the Application

On a motion made by Ms. Smith Meyer, and seconded by Ms. Foss, the Board voted unanimously to determine the application complete.

Chair Drypolcher opened the public hearing.

Mr. Bernier explained the existing layout of the property and the proposal. He stated that they are seeking an approval to adjust the land condominium boundary line between Unit 1 and Unit 3 for a two unit building located at 9 Triangle Park Drive. Based on Mr. Bernier's narrative, 1,896 will be transferred from Land Unit 1 (Law offices of D'Amante Couser Pellerin, P.A.) to Land Unit 3 (Generations Dental Care), decreasing Land Unit 1 from 15,037 SF to 13,141 SF and increasing Land Unit 3 from 9,711 SF to 11,607 SF. A third condominium unit (Bank of NH - Unit #2) located in a separate building to the west, exists on the parcel; however, no changes are proposed to that condominium unit at this time.

Mr. Bernier stated that the condominium documents will be re-written and based on staff recommendations, the water lines will be shown on the plan.

With no further questions or comments, Chair Drypolcher closed the public hearing.

**Waivers:**

On a motion made by Ms. Smith-Meyer and seconded by Mr. Kenison, the Board voted unanimously to grant the following waivers from the Subdivision Regulations utilizing the criteria of RSA 674:36, which states that specific circumstances relative to the subdivision, or conditions of the land in such subdivision, indicate that the waiver will properly carry out the spirit and intent of the regulations; the subdivision application is a request to adjust the boundary line between two existing condominium units and no new development is proposed.

- a) 12.08(3) Existing Topography: Applicant notes that the site is developed, no new development is proposed, and there are previous site plans and as-built plans of the development.

- b) 12.08(20) Existing Trees on Site: Applicant notes that the site is developed, no new development is proposed, landscaping is shown on other site plans, and the perimeter tree line is shown.
- c) 12.08(23) Tabulations for Building Areas, Impervious Areas, Usable Area, etc.: Applicant notes that no new development is proposed and there are previous site plans and as-built plans of the development.
- d) 15.03(4) Existing Topography & Spot Elevations: Applicant notes that the site is developed, no new development is proposed, and there are previous site plans of the development.
- e) 15.03(11) Rim and Invert Elevations of Sanitary and Storm Structures: Applicant notes that no new development is proposed and there are previous site plans of the development.
- f) 15.03(15) Location of All Underground Non—Municipal Utilities: Applicant notes that no new development is proposed and there are previous site plans of the development.

On a motion made by Ms. Smith Meyers, and seconded by Ms. Foss, the Board voted unanimously to grant a Minor Subdivision approval, subject to the following precedent and subsequent conditions:

**Precedent Conditions** – to be fulfilled within two years and prior to endorsement of the final plan by the Planning Board Chairman and Clerk, unless otherwise specified:

- (1) Final plans and mylars shall be signed and sealed by the appropriate professionals.
- (2) A Revised Condominium Floor Plan drawn at a scale of 1' = 5', 1" = 10', or 1" = 20' and containing a Planning Board signature block to be submitted for review and approval. Upon approval, final plan to be submitted to Planning for recording. In accordance with Section 17.03, Building Floor Plans, of the Subdivision Regulations, the exterior walls of each unit shall be shown and provisions for ingress to and egress from each unit to common areas shall be shown.
- (3) Revised Condominium Declaration and Bylaws to be reviewed and approved by staff. Upon review and approval, final executed documents to be submitted to Planning for recording. The MCRD Plan # for the Condominium Land Unit Adjustment shall be noted in the condominium documents prior to their recording.
- (4) Draft language of the “New Common Utility Easement” (please also refer to Technical Comment B.6) to be submitted for review and approval by staff. Upon review and approval, final executed document to be submitted to Planning for recording.
- (5) Applicant to submit check(s) for recording the plans (and the revised Condominium Declaration and Bylaws) at the Merrimack County Registry of Deeds (including a separate check in the amount of \$25.00 for the LCHIP fee). All checks are to be made payable to the Merrimack County Registry of Deeds.
- (6) 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 the waiver request(s), applicant shall comply with said submission requirement(s).
- (7) Address Technical Review Comments noted in Paragraph “3” above to the satisfaction of planning staff.

**Subsequent Conditions** – the Board also placed the following general and subsequent conditions on the approval:

- (1) Prior to the issuance of a Certificate of Occupancy for the expanded Unit 3, 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.
- (2) 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 four copies of the endorsed plan set to be returned to Planning.

8. **Application by Richard D. Bartlett & Associates, on behalf of Matthew & John Gaudet, requesting a Minor Subdivision Plan approval to subdivide one 29.73 acre lot into 3 single-family residential lots at 55 Hot Hole Pond Road in the RO (Open Space Residential) District. Map/Block/Lot 120/2/3 (2016-18)**

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

Ms. Foss made a motion, seconded by Ms. Smith Meyer, to accept the application as complete. Motion carried unanimously.

Chair Drypolcher opened the public hearing.

Mark Sargent of Richard D. Bartlett & Associates was present along with the applicants. Mr. Sargent explained that the applicant is proposing a 3-lot subdivision at 55 Hot Hole Pond Road in the RO (Open Space Residential) District. The applicant is proposing to subdivide 29.73 acres into a 2.18 acre lot, a 2.06 acre lot, and a 25.49 acre lot with an existing house. He stated that NHDES Subdivision Approval has been received for lots one and two.

**Waivers:**

The applicant has requested waivers from Sections 12.07 Wetland Delineations, 12.08(3) Topography, and 12.08(5) Natural Features, of the Subdivision Regulations (SDR) for the remainder lot based on the fact that the remaining parcel is either steep slopes or wetlands and is not proposed for further subdivision at this time; the remainder parcel exceeds 25 acres and contains a large wetland complex making the Shaker Road frontage undevelopable; and the delineation of wetlands and topography on the remainder lot would not enhance the application and result in an economic hardship on the applicant. Mr. Sargent stated that he felt that sufficient information has been provided to show the buildable area. Staff has indicated that they support the waiver requests.

When asked about the power lines running through the middle of the parcel, Mr. Sargent replied by describing the new lot lines and noted that the property lines will follow the edge of the easement.

There being no further questions or comments, Chair Drypolcher closed the public hearing.

On a motion made by Ms. Smith-Meyer and seconded by Councilor Champlin, the Board voted unanimously to grant the waivers from the Subdivision Regulations for Sections 12.07 Wetland Delineations, 12.08(3) Topography, and 12.08(5) Natural Features for just the remainder lot, utilizing the criteria of RSA 674:36, II (n) (2), which states that specific circumstances relative to the subdivision, or conditions of the land in the subdivision, indicate that the waiver will properly carry out the spirit and intent of the regulations; the remaining parcel is either steep slopes or wetlands and is not proposed for further subdivision at this time; the remainder parcel exceeds 25 acres and contains a large wetland complex making the Shaker Road frontage undevelopable; and the delineation of wetlands and topography on the remainder lot would not enhance the application and result in an economic hardship on the applicant. .

The Board voted unanimously, on a motion made by Ms. Smith-Meyer, and seconded by Ms. Foss, to grant Minor Subdivision approval for a 3-lot subdivision at 55 Hot Hole Pond Road, subject to the following precedent and subsequent conditions:

- (a) **Precedent Conditions** – to be fulfilled within two years and prior to endorsement of the final plan by the Planning Board Chairman and Clerk, unless otherwise specified:
- (1) 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.
  - (2) Address Technical Review Comments, noted in Section 3 above to the satisfaction of the Planning Division.
  - (3) Address to the satisfaction of the Engineering Division, review comments from Paul Gendron dated April 13, 2016.
  - (4) Update plat to include addresses as provided by the City Surveyor.
  - (5) Applicant to receive written confirmation (email is sufficient) from the Assessing Department confirming that the final lot numbering is acceptable, and submit to Planning.
  - (6) 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.
  - (7) The Licensed Land Surveyor and Certified Wetland Scientist shall sign and seal final plans and mylars.
  - (8) 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 four copies of the endorsed plan set to be returned to Planning for recording purposes.
  - (9) 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** – the Board also placed the following general and subsequent conditions on the approval:
- (1) Prior to issuance of any building permits, the 50 ft. wetland buffer shall be field located by the Licensed Land Surveyor and marked with Planning Division issued signs indicating

“Protected Wetland Buffer. Do Not Disturb.” The signs shall be installed approximately every 50 ft. (maximum) to clearly mark the protected boundary.

- (2) Impact fees shall be assessed by the Clerk prior to the issuance of a building permit. The amount of the impact fees shall be determined using the information contained in the following tables as they are in effect at the time of the assessment of the impact fee: Section 29.2.1-1 Assessment and Collection; subsection (b) Computation of the Amount of Impact Fees: Table 1, School Facilities Impact Fee; Table 2, Recreational Facilities Impact Fee and; Table 3, Transportation Facilities Impact Fee.

**Site Plan Applications:**

- 9. **Application by Richard D. Bartlett & Associates, on behalf of Northland Industrial Truck Co. Inc., requesting a Minor Site Plan approval for a change-of-use to convert 19,000 SF of warehouse and distribution use to rental, sales, and equipment repair, at 114 Hall Street in the IN (Industrial) and RO (Open Space Residential) Districts. The applicant also requests a Conditional Use Permit to permit sales, rental, or repair of construction equipment within the IN (Industrial) District. Map/Block/Lot 5/1/1 (2016-19)**
  - a. Determination of Completeness
  - b. Public Hearing
  - c. Deliberations and Action on the Application

On a motion made by Councilor Champlin, and seconded by Ms. Foss, the Board voted unanimously to determine the application complete.

Chair Drypolcher opened the public hearing.

Mark Sargent of Richard D. Bartlett & Associates was present along with Jeff Hawkins from NITCO and property owner, Andrew Jenson. Mr. Sargent provided an overview of the project explaining the parcel is 15 acres with an existing parking lot, on Hall Street bordering Interstate 93. He noted that there is also access via Elmwood Ave, a private drive. He further explained that the proposal is to convert an existing 19,000 SF warehouse and distribution building for NITCO to utilize as a construction equipment rental and sales facility in the Industrial (IN) and Residential Open Space (RO) Districts. All proposed uses are within the IN District. A Conditional Use Permit to permit the sales, rental or repair of construction equipment within the IN District is requested.

Mr. Sargent stated that the proposal includes three 15’ x 20’ gravel pads and one 30’ x 30’ pad to be used as equipment display areas. Other upgrades were noted to the garage doors to allow for access into the showroom. Mr. Sargent stated that there will not be a large increase in the traffic. Proposed signs are noted on the plan.

There being no further questions or comments, Chair Drypolcher closed the public hearing.

On a motion made by Ms. Smith Meyer and seconded by Mr. Hicks, the Board voted unanimously to grant the waivers, based on the fact that the necessary criteria has been met and/or provided.

**Conditional Use Permit**

The applicant has requested a CUP pursuant to Section 28-2-4(c) (ZO) to permit the sales, rental or repair of construction equipment, a use allowed by permit within the IN District. On a motion made

by Ms. Smith Meyer and seconded by Mr. Champlin, the Board voted unanimously to grant the Conditional Use Permit to permit the sales, rental or repair of construction equipment, a use allowed by permit within the IN District.

The Board voted unanimously, on a motion made by Mr. Hicks, seconded by Ms. Foss, to grant the minor site plan for the change of use and conversion of an existing 19,000 SF warehouse and distribution building for use as a construction equipment rental and sales facility subject to the following conditions:

- (a) **Precedent Conditions** – to be fulfilled prior to issuance of any building permits or the commencement of site construction, unless otherwise specified:
  - (1) The Professional Engineer shall sign and seal final plans.
  - (2) Address to the satisfaction of the Engineering Division forthcoming review comments.
  - (3) Address to the satisfaction of the Planning Division, the Technical Review Comments listed in Section 4, above.
  - (4) 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 the waiver request(s), applicant shall comply with said submission requirement(s).
  - (5) Any Conditional 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.
  - (6) Submit one set of final plans for sign off by the Planning Board Chair and Clerk. Applicant shall then make three copies of the endorsed plan to be returned to Planning.
- (b) **Subsequent Conditions** – he Board also placed the following general and subsequent conditions on the approval:
  - (1) Impact fees shall be assessed by the Clerk prior to the issuance of a building permit. The amount of the impact fees shall be determined using the information contained in the following table as they are in effect at the time of the assessment of the impact fee: Section 29.2.1-1 Assessment and Collection; subsection (b) Computation of the Amount of Impact Fees: Table 3, Transportation Facilities Impact Fee.

10. **Application by 16 Antrim Road, on behalf of Rymes Oil & Propane, requesting a Minor Site Plan approval for a proposed future parking lot at 257 Sheep Davis Road in the GWP (Gateway Performance) District. The applicant also requests a Conditional Use Permit to construct fewer parking spaces than required. Map/Block/Lot 111/H4/8 (2016-21)**

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

On a motion made by Councilor Champlin, and seconded by Ms. Foss, the Board voted unanimously to determine the application complete.

Chair Drypolcher opened the public hearing.

John Rymes was present to represent Rymes Oil & Propane. He explained that this is the former location of a Honda motorcycle dealership. The intent is to make this site the location of the company's headquarters.

### **Waivers**

The applicant requests a waiver from Section 12.03 and 15.03 of the Site Plan Regulations (SPR) requiring that a NH Licensed Land Surveyor shall prepare, sign and seal the existing conditions plan as a checklist item for Determination of Completeness. The Applicant further requested that the survey plan submission be made a condition of approval.

After much discussion with the Board, Mr. Rymes withdrew his waiver requests. Staff recommended that satisfaction of those items noted in the waiver request be added as a precedent condition.

### **Conditional Use Permit**

The applicant requested a CUP pursuant to Section 28-7-11(b) (ZO) to provide 50 parking spaces where 68 are required. According to the applicant's parking estimates, the 50 parking spaces will be more than adequate to serve the demands of the proposed use. The applicant demonstrated on the site plan that the required number of spaces could be provided if/when warranted. On a motion made by Ms. Smith-Meyer and seconded by Councilor Champlin, the Board voted unanimously to grant the Conditional Use Permit to permit 50 parking spaces where 68 are required, subject to minor site plan approval conditions.

The Board voted unanimously, on a motion made by Ms. Smith-Meyer, seconded by Mr. West, to grant the minor site plan approval for the construction of a future parking lot subject to the following conditions:

- (a) **Precedent Conditions** – to be fulfilled prior to issuance of any building permits or the commencement of site construction, unless otherwise specified:
  - (1) A licensed Land Surveyor shall prepare, sign, and seal an existing conditions survey in accordance with Sections 12.03 and 15.03 of the Site Plan Regulations.
  - (2) The Professional Engineer shall sign and seal final plans. A Professional Landscape Architect shall sign and seal the landscape plan.
  - (3) Address to the satisfaction of the Engineering Division forthcoming review comments.
  - (4) Address to the satisfaction of the Planning Division, the Technical Review Comments listed in Section 4, above.
  - (5) Comply with said submission requirement(s) of the waiver requests withdrawn by Applicant.
  - (6) Any Conditional 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.
  - (7) The Applicant shall deliver to Planning, one plan set for endorsement by the Planning Board Chairman & Clerk. Applicant shall then make two (2) copies of the endorsed plan set to be returned to Planning. If necessary, an additional seven (minimum) plan set copies will be required for the pre-construction meeting.
- (b) **Subsequent Conditions** – the Board also placed the following general and subsequent conditions on the approval:

- (1) 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.
- (2) Prior to commencement of construction activity, payment of inspection fees in an amount approved by the City Engineer shall be made.
- (3) A pre-construction meeting shall be required prior to the start of any construction activities onsite.
- (4) Prior to the release of a financial guarantee for site stabilization, 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.
- (5) Impact fees shall be assessed by the Clerk prior to the issuance of a building permit. The amount of the impact fees shall be determined using the information contained in the following table as they are in effect at the time of the assessment of the impact fee: Section 29.2.1-1 Assessment and Collection; subsection (b) Computation of the Amount of Impact Fees: Table 3, Transportation Facilities Impact Fee

11. **Application by VHB on behalf of St. Paul’s School, requesting Minor Site Plan approval for the renovation of the Moore Visual Arts Building and Crumpacker Art Gallery, including a total 1,635 SF building additions and an exterior terrace, at 11 and 18 Halcyon Place in the IS (Institutional) District. Map/Block/Lot 108/2/17 (2016-22)**

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

On a motion made by Ms. Foss, and seconded by Mr. West, the Board voted unanimously to determine the application complete.

Chair Drypolcher opened the public hearing.

Bryant Anderson, Jason Powers, and Paul LaChance were present on behalf of St. Paul’s School. After an overview was given general discussion was held.

**Waivers**

Section 15.03 to allow a reduction in the extent of the survey and information provided because of the extent of the proposed improvements restricted to approximately 1 acre and the main campus area is approximately 586 acres. Providing existing conditions survey for the entire site would result in an undue financial burden.

On a motion by Mr. Woodfin, and seconded by Mr. Hicks, the Board voted unanimously to grant the waivers Section 15.03 to allow a reduction in the extent of the survey and information provided because of the extent of the proposed improvements restricted to approximately 1 acre and the main campus area is approximately 586 acres.

Staff recommended granting the Minor Site Plan approval for the renovation to the two visual arts/gallery buildings with associated site work.

The Board voted unanimously, on a motion made by Mr. Champlin, seconded by Ms. Smith-Meyer, to grant the minor site plan for the renovation to two visual arts/gallery buildings with associated site work subject to the following conditions:

- (a) **Precedent Conditions** – to be fulfilled prior to issuance of any building permits or the commencement of site construction, unless otherwise specified:
- (1) The Professional Engineer shall sign and seal final plans. A Professional Landscape Architect shall sign and seal the landscape plan.
  - (2) Address to the satisfaction of the Engineering Division, review comments received in a Memo from Jeffrey Warner, PE dated April 8, 2016 (see attached).
  - (3) Address to the satisfaction of the Planning Division, the Technical Review Comments listed in Section 3 above.
  - (4) 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 the waiver request(s), applicant shall comply with said submission requirement(s).
  - (5) Provide a copy of the Alteration of Terrain Permit.
  - (6) The Applicant shall deliver to Planning, one plan set for endorsement by the Planning Board Chairman & Clerk. Applicant shall then make two (2) copies of the endorsed plan set to be returned to Planning and they will need to bring seven (minimum) plan set copies required for the pre-construction meeting.
- (b) **Subsequent Conditions** – the Board also placed the following general and subsequent conditions on the approval:
- (1) 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.
  - (2) Prior to commencement of construction activity, payment of inspection fees in an amount approved by the City Engineer shall be made.
  - (3) A pre-construction meeting shall be required prior to the start of any construction activities onsite.
  - (4) 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.
  - (5) 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.
  - (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.
  - (7) Impact fees shall be assessed by the Clerk prior to the issuance of a building permit. The amount of the impact fees shall be determined using the information contained in the following tables as they are in effect at the time of the assessment of the impact fee:

Section 29.2.1-1 Assessment and Collection; subsection (b) Computation of the Amount of Impact Fees: Table 3, Transportation Facilities Impact Fee.

12. **Application by Bedford Design Consultants, on behalf of RJ Moreau Communities, LLC, requesting Major Site Plan approval for a twenty-six (26) unit multi-family townhouse style Planned Unit Development (a.k.a. The Vineyards North) with municipal sewer and water off of Kyle Road in the Single-Family Residential (RS) and Medium Density Residential (RM) Districts. Map/Block/Lot: 193P/54 (2016-08)**
- a. Public Hearing
  - b. Deliberations and Action on the Application

The Planning Board determined this application to be complete at the March 16, 2016 meeting.

Robert Baskerville and Katie Weiss, both of Bedford Design, and Reggie Moreau, R.J. Moreau Communities, LLC were present. The Applicant requests final approval of a Major Site Plan for a Planned Unit Development for 26 units on vacant land located to the north of the existing Vineyards development and adjacent to the Vintage Estates Subdivision. The proposal includes 20% duplex units and 80% fourplex units. Private landscaped areas and a centralized mail center are also proposed. The parcel is divided between the RM (Medium Density Residential) and RS (Single Family Residential) Districts; however, no portion of the development is proposed within the RS District. A Minor Subdivision Plan for the 10-acre lot was submitted concurrently by the Applicant. The new name will be "Tuscany Village".

Ms. Weiss described a new proposal to construct the development in two phases. Phase I would consist of the first 6 units on Sonoma Lane. Phase II would consist of the remaining 20 units and construction of the roads and other site improvements.

#### **Waivers**

The applicant requested a waiver from Section 12.08 (SPR) requiring existing topographic conditions refer to sea level datum of the National American Vertical Datum 1988 (NAVD 1988). The project area was originally surveyed on NAVD 29 for the original Vineyards Site Plan. The reason for the waiver request is to aid in construction of both the Vintage Estates Subdivision, and the proposed Vineyards North (submitted concurrently). There are numerous utilities which need to tie into each other across the projects, and separate datums could easily cause confusion and discrepancies for the contractor.

Staff supports this waiver request with the condition that the Applicant survey the As-Built on the NAVD 88 Datum upon completion of the construction portion. This condition was also placed on the adjacent Vintage Estates Major Subdivision (2011-07).

It was noted that the applicant met with the Architectural Design Review Committee at their April 12, 2016 meeting. The ADRC voted unanimously to approve the applicant's proposal with the condition that the applicant consider a different color for the 26 units to differentiate from the previous Vineyards phases, and consider a different brick/masonry treatment carrying a 3'± masonry wall around the unit. The ADRC suggested an information meeting to review the design changes should the Applicant make the suggested changes.

Ms. Foss made a motion, second by Ms. Smith-Meyer, to allow the proposed infiltration pond and

swales to be constructed within the 50' perimeter buffer with the condition that the applicant work with staff to satisfy the intent of the screening requirements of the buffer.

Ms. Foss made a motion, second by Ms. SmithMeyer, to grant the waiver to Section 12.08(3) (SPR) utilizing the criteria of RSA 674:36, II (n) (2), which states that specific circumstances relative to the subdivision, or conditions of the land in the subdivision, indicate that the waiver will properly carry out the spirit and intent of the regulations. The waiver is to not provide existing topographic conditions referring to sea level datum of the NAVD 1988. The motion was made with the condition that the applicant survey the As-Built on the NAVD 88 Datum upon completion of the construction portion.

Mr. Drypolcher made a motion, second by Ms. Smith-Meyer, to grant the ADR approval with conditions recommended by the Architectural Design Review Committee.

The Board voted unanimously, on a motion made by Ms. Foss, seconded by Mr. Kenison, to grant the major site plan for the 26-unit Planned Unit Development at Sonoma Lane, subject to the following precedent and subsequent conditions and prior to issuance of any building permits or the commencement of site construction, unless otherwise specified:

- (a) **Precedent Conditions** – to be fulfilled within two years and prior to endorsement of the final plan by the Planning Board Chairman and Clerk, and the issuance of any building permits, unless otherwise specified:
- (1) Vineyards North Subdivision Plan shall be recorded at the Merrimack County Registry of Deeds.
  - (2) The Professional Engineer, Landscape Architect, Land Surveyor and Certified Wetland Scientist shall sign and seal final plans.
  - (3) 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.
  - (4) Address forthcoming Engineering Review Comments, to the satisfaction of the Engineering Division.
  - (5) Unless not required by the Planning Board, plan shall be revised to address the General Comment 1.5.
  - (6) Easement documents for the 30' Public Utilities and Access Easement shall be provided in a form acceptable to the City Solicitor and suitable for recording in the Merrimack County Registry of Deeds.
  - (7) Additional information regarding proposed ownership and maintenance of the common areas shall be provided.
  - (8) The Applicant shall deliver to Planning, one plan set for endorsement by the Planning Board Chair & Clerk. Applicant shall then make two (2) 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.
  - (9) Submission of a phasing plan with each phase having the ability to stand on its own.
- (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) A pre-construction meeting shall be required prior to the start of any construction activity onsite.
- (4) Prior to the issuance of a Certificate of Occupancy of any unit, proposed landscaping shall be installed to the satisfaction of Planning staff.
- (5) Prior to the issuance of the first Certificate of Occupancy:
  - a. All public and private improvements shall be substantially completed to the satisfaction of the City Engineer and City Planner;
  - b. Construction of the mail kiosk and waste receptacles shall be completed to the satisfaction of the City Engineer and Planning staff;
  - c. Drainage improvements shall be completed to the satisfaction of the City Engineer; and,
  - d. Perimeter buffer plantings along the southern perimeter shall be installed to the satisfaction of Planning staff.
- (6) Prior to issuance of the first Certificate of Occupancy for Phase II, the base course for the private road (Riesling Terrace) shall be completed.
- (7) Final construction of Riesling Terrace shall be completed to the satisfaction of the City Engineer within 2 years of the issuance of the first Certificate of Occupancy for Phase II.
- (8) Prior to the issuance of the final Certificate of Occupancy and the release of a financial guarantee for any public improvement, 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.
- (9) Prior to the issuance of the final Certificate of Occupancy and the release of a financial guarantee for any public improvement 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.
- (10) Traffic impact fees shall be assessed by the Clerk prior to the issuance of a building permit. 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 amount of the impact fees shall be determined using the information contained in the following tables in Section 29.2.1-1 Assessment and Collection; subsection (b) Computation of the Amount of Impact Fees: Table 1, School Facilities Impact Fee; Table 2, Recreational Facilities Impact Fee and; Table 3, Transportation Facilities Impact Fee.

**REGULAR MEETING**

13. Emergency Organization Meeting
  - a. Due to the recent resignation announcement by our long-standing Chairman of the Planning Board, the Board will hold an election for a Chairperson to serve out the remainder of 2016.

The Board voted unanimously, on a motion made by Ms. Foss, seconded by Ms. Rosenberger, to elect Mr. Woodfin as the new chairman.

14. The Planning Board will hold a workshop to consider the following proposed amendments to the Zoning Ordinance:

Staff presented the changes as follows:

**Amend the CODE OF ORDINANCES, Title IV, Zoning Code; Chapter 28, Zoning Ordinance; Article 28-4, Development Design Standards, by amending Section 28-4-6, Manufactured Housing Parks and Subdivisions and the Glossary. The purpose of the amendments is to reduce the minimum building setbacks for carports within manufactured housing parks and to insert a new definition for “Carport.”**

The Board voted unanimously, on a motion made by Mr. Woodfin, seconded by Mr. West, to set for public hearing for the May 18, 2016 Planning Board meeting.

15. The Planning Board will hold a workshop to consider the following proposed amendment to the Zoning Map petitioned by Forget and Boucher, LLC:

Ms. Erin Lambert, Nobis Engineering, presented the changes as follows:

**Amend the CODE OF ORDINANCES, Title IV, Zoning Code; Chapter 28, Zoning Ordinance; Article 28-2, Zoning Districts and Allowable Uses, Section 28-2-3(a), The Zoning Base District Map, by converting portions of a parcel currently zoned Single Family Residential (RS) District and Industrial (IN) District to a Highway Commercial (CH) District for property located at 175 Manchester Street (Concord Nissan).**

The Board voted unanimously, on a motion made by Ms. Smith-Meyer, seconded by Ms. Foss, to set for public hearing for the May 18, 2016 Planning Board meeting.

16. Approval of the minutes of the March 16, 2016 Planning Board Meeting.  
The Board voted unanimously to approve the Minutes as written, on a motion made by Ms. Smith Meyer, and seconded by Ms. Rosenberger.
17. Any other business which may legally come before the Board.

## INFORMATION

18. Minutes of the April 12, 2016 Design Review Committee meeting.
19. Next regular monthly meeting on Wednesday, May 18, 2016.

As there was no further business before the Board, Mr. Kenison made a motion to adjourn at 10:13 pm; seconded by Councilor Champlin.

A TRUE RECORD ATTEST:

Nancy Larson  
City Planner