

**City of Concord Planning Board**  
**October 21, 2020**  
**Minutes**

The regular monthly meeting of the City Planning Board was held on October 21, 2020, via Zoom, at 7:00 p.m.

- Attendees: Chairman Richard Woodfin, Councilor Byron Champlin, Members Susanne Smith-Meyer, David Fox, and Matthew Hicks.
- Absent: Vice-Chair Carol Foss, Teresa Rosenberger (Ex-Officio for City Manager), John Regan, Alternate Chiara Dolcino, and Alternate Frank Kenison.
- Staff: Heather Shank (City Planner), Beth Fenstermacher (Assistant City Planner), Sam Durfee (Senior Planner), Lisa Fellows-Weaver (Administrative Specialist), David Hall (Code Administrator) David Cedarholm (City Engineer) and Gary Lemay (Associate Engineer).

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

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

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

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

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

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

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

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

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

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

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

**1. Call to Order**

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

**2. Roll Call**

Chairman Richard Woodfin, Councilor Byron Champlin, Members Susanne Smith-Meyer, David Fox, and Matthew Hicks.

Chairman Woodfin welcomed Gary Lemay, new City Associate Engineer.

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

September 16, 2020 Minutes

On a motion made by Mr. Fox, and seconded by Mr. Hicks, the Board voted to approve the September 16, 2020, Planning Board Meeting Minutes, as written, by a Roll Call vote as follows:

Mr. Woodfin – in favor, Mr. Fox – in favor, Mr. Hicks – in favor. Councilor Champlin and Ms. Smith-Meyer abstained, as they were not at the meeting.

**4. Planning Board Chair Agenda Overview**

Chairman Woodfin noted the following items have requested continuances to a future meeting or have been withdrawn, as referenced in the item's description:

- 7B. Jon Rokeh, on behalf of Whittmore Holdings, requests Major Site Plan approval for the expansion of a vehicular storage area, the construction of a new storage yard, and a second driveway at 45 Chenell Drive in the Industrial (IN) District.

The applicant has requested a continuance to the November 18, 2020 Planning Board meeting.

- 7D. T.F. Bernier, Inc, on behalf of New Hampshire Good Roads Association, Inc, requests Minor Subdivision approval to create a two-unit condominium at 261 Sheep Davis Road, Suite E, in the Gateway Performance (GWP) District.

The applicant has requested a continuance to the November 18, 2020 Planning Board meeting.

- 7E. Nobis Engineering, on behalf of Brixmor Capitol, requests Major Site Plan approval for construction of two new buildings for restaurant, retail, and coffee shop use with a drive-through facility at 80 Storrs Street in the Opportunity Corridor Performance (OCP) District.

The applicant has requested a continuance to the November 18, 2020 Planning Board meeting.

- 7F. Northpoint Engineering LLC, on behalf of Barbara Mariano, LLC, requests Major Site Plan approval for construction of a vehicle inventory storage area and a Conditional Use Permit (CUP) for certain uses in the Aquifer Protection (AP) District at 10 Integra Drive, Leased Area #2, in the Industrial (IN) District.

The applicant has requested a continuance to the December 16, 2020 Planning Board meeting.

- 7G. Northpoint Engineering, on behalf of Barbara Mariano, LLC, and Dan O'Brien Kia requests Major Site Plan approval for construction of a new building for an automotive service/maintenance facility, and a Conditional Use Permit (CUP) for certain uses in the Aquifer Protection District at 10 Integra Drive, Leased Area #1, in the Industrial (IN) District.

The applicant has requested to withdraw the application.

On a motion made by Councilor Champlin, and seconded by Mr. Fox, the Board voted unanimously to approve the continuances of the aforementioned projects, as requested by the applicants, and the request to withdraw for item 7G, by a Roll Call vote as follows:

Mr. Woodfin – in favor, Councilor Champlin – in favor, Mr. Fox – in favor, Mr. Hicks – in favor, and Ms. Smith-Meyer – in favor.

**5. Design Review Applications by Consent**

- 5A. NH Trust Financial Advisors requests ADR approval for the installation of a replacement non-illuminated wall sign at 97 North Main Street in the Central Business Performance (CBP) District.

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

Mr. Woodfin – in favor, Councilor Champlin – in favor, Mr. Fox – in favor, Mr. Hicks – in favor, and Ms. Smith-Meyer – in favor.

- 5B. Signet Jewelers requests ADR approval for the replacement of an internally-illuminated wall sign at 297 Loudon Road in the Gateway Performance (GWP) District.

On a motion made by Councilor Chaplin, and seconded by Mr. Hicks, the Board unanimously approved the design as submitted by consent, by a Roll Call Vote as follows:

Mr. Woodfin – in favor, Councilor Champlin – in favor, Mr. Fox – in favor, Mr. Hicks – in favor, and Ms. Smith-Meyer – in favor.

- 5C. Li Yuan, LLC requests ADR approval for the replacement of an internally-illuminated wall sign and the replacement of an internally-illuminated freestanding sign at 121 Loudon Road in the General Commercial (CG) District.

On a motion made by Councilor Chaplin, and seconded by Mr. Hicks, the Board unanimously approved the design as submitted by consent, by a Roll Call Vote as follows:

Mr. Woodfin – in favor, Councilor Champlin – in favor, Mr. Fox – in favor, Mr. Hicks – in favor, and Ms. Smith-Meyer – in favor.

- 5D. T-Mobile requests ADR approval for the replacement of an internally illuminated wall sign and an internally-illuminated blade sign 32 North Main Street in the Central Business Performance (CBP) District.

On a motion made by Councilor Chaplin, and seconded by Mr. Hicks, the Board unanimously approved the design as submitted by consent, by a Roll Call Vote as follows:

Mr. Woodfin – in favor, Councilor Champlin – in favor, Mr. Fox – in favor, Mr. Hicks – in favor, and Ms. Smith-Meyer – in favor.

- 5E. Caring Family Dentistry requests ADR approval for the installation of two new externally-illuminated wall signs at 327 Loudon Road in the Gateway Performance (GWP) District.

On a motion made by Councilor Chaplin, and seconded by Mr. Hicks, the Board unanimously approved the design as submitted by consent, by a Roll Call Vote as follows:

Mr. Woodfin – in favor, Councilor Champlin – in favor, Mr. Fox – in favor, Mr. Hicks – in favor, and Ms. Smith-Meyer – in favor.

- 5F. LensCrafters requests ADR approval for the installation of an internally-illuminated wall sign, a new internally-illuminated window sign and a new awning at 240 Loudon Road in the Gateway Performance (GWP) District.

On a motion made by Councilor Chaplin, and seconded by Mr. Hicks, the Board unanimously approved the design as submitted by consent, by a Roll Call Vote as follows:

Mr. Woodfin – in favor, Councilor Champlin – in favor, Mr. Fox – in favor, Mr. Hicks – in favor, and Ms. Smith-Meyer – in favor.

**Public Hearings**

**6. Design Review Applications**

- 6A. Richard and Jacalyn Day request ADR approval for the construction of a 4,300 sf private storage building at 108 Old Loudon Road in the Gateway Performance (GWP) District.

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Jacki Day represented the application.

Mr. Durfee provided an overview of the proposal. He noted that the Architectural Design Review Committee had questions relative to the location and orientation of the proposed building along with the color suggested, and the windows. He noted that the building is for private use only. The applicants have responded and provided additional information, which has addressed the questions from the ADRC.

Ms. Day commented that they are looking forward to having their collectable cars stored in a nice building and want to keep their collection on their property. She added that this is a very nice neighborhood and they try very hard to maintain and keep their property looking nice.

Councilor Champlin stated that this is large building and asked if there was any feedback from the neighbors. Ms. Day explained that they spoke to each of their neighbors and none had any concerns of the proposal. She noted that one neighbor submitted comments, which were submitted to the ZBA for the variance request. Councilor Champlin thanked the Days for taking the time to reach out to their neighbors.

On a motion made by Ms. Smith-Meyer, and seconded by Mr. Fox, the Board voted unanimously, by a Roll Call vote, to grant approval for the storage building, subject to the ADR recommendations.

Mr. Woodfin – in favor, Councilor Champlin – in favor, Mr. Fox – in favor, Mr. Hicks – in favor, and Ms. Smith-Meyer – in favor.

*The following two applications, 6B and 6C were addressed together as one application.*

- 6B. Purely CBD requests ADR approval for the installation of a new internally-illuminated wall sign and the replacement of an internally-illuminated freestanding sign at 75-77 For Eddy Road in the Gateway Performance (GWP) District.
- 6C. Sportclips requests ADR approval for the replacement of an internally-illuminated wall sign at 75-77 Fort Eddy Road in the Gateway Performance (GWP) District.

Max Tejada from The Sign Gallery represented both applications.

Mr. Durfee explained that these two applications are for neighboring storefronts within the plaza. The two entities occupy smaller spaces than other tenants. ADRC expressed concern with how the two signs play off of each other; Purely CBD is stacked vertically, and Sportclips is on a horizontal line. Both are very close together and the layout is not complimentary. He stated that Mr. Tejada requested that the applications be pulled from the consent agenda so that he may represent the opinions of both clients and speak to the designs of their signs.

Mr. Tejada stated that both entities would like to leave their signs as they were submitted. He explained that the ADRC suggested changing Sportclips to be on three lines to match the stacking line up with Purely CBD. They felt that this would make the two signs look similar; however, Sportclips is existing, they are just reducing the size of their sign to be in compliance. He added that Sportclips brand is all one word and to change the sign would be a rebranding. He stated that Purely CBD is a new business at this location and they need a sign for location purposes. Each entity just wants to have a sign with as much advertising as possible, that does not look out of place or like the sign is a postage stamp sign.

Ms. Smith-Meyer stated that she likes the way the two signs line up together. She feels the Purely CBD logo is in a good location as it accents the higher arch of the building.

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Mr. Hicks stated that the Sportclips sign is the company's brand. He commented that changing it is a rebrand of the company. There are different types of signs with different companies with all different styles all throughout Concord. He does not appreciate the ADRC comments recommending changing companies' brands and feels that they are overstepping.

Councilor Champlin stated that he is fine with the layout proposed. He commented that he is surprised, however, with the fact that the ADRC did not look into the horizontal sign options of both logos and that the horizontal signs are larger signs.

Mr. Woodfin noted that was originally one storefront that has been reduced to two smaller stores.

Ms. Shank asked about the window signage for Purely CBD. Mr. Tejada stated that during the ADRC meeting Craig Walker noted the window signs and explained that these signs also count towards the allotted amount of square footage. Ms. Shank stated that there is currently no approval for any window signage. Mr. Tejada replied yes and added that the client has no problem with bringing the window signage into compliance.

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

On a motion made by Ms. Smith-Meyer, and seconded by Mr. Fox, the Board voted unanimously, by a Roll Call vote, to grant approval for the installation of a new internally illuminated wall sign and the replacement of the existing internally-illuminated freestanding sign for Purely CBD and to approve the replacement of the existing internally-illuminated wall sign for Sportclips at 75-77 Fort Eddy Road, as submitted.

Mr. Woodfin – in favor, Councilor Champlin – in favor, Mr. Fox – in favor, Mr. Hicks – in favor, and Ms. Smith-Meyer – in favor.

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

**7A. J. Matthew & Jamy G. Viers request Minor Subdivision approval for a two-lot subdivision at 5 Ormond Street in the High Density Residential (RH) District.**

Mr. Durfee gave a brief overview of the proposal for a two-lot subdivision. One waiver was requested for useable lot area, which is supported by staff.

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

Mr. Woodfin – in favor, Councilor Champlin – in favor, Mr. Fox – in favor, Mr. Hicks – in favor, and Ms. Smith-Meyer – in favor.

Mark Sargent of Richard Bartlett and Associates, represented the application.

Mr. Sargent explained the existing lot is .53 acres. The proposal will subdivide the parcel into two lots. The new lot will be .23 acres and will be able to support a single-family house with a driveway and an outbuilding within the useable area on the lot. He noted that the minimum useable area requirement is greater than the minimum buildable area requirement which presents a hardship to the applicant. A waiver has been requested for the useable lot area; the proposed new lot has 4,769 square feet of useable area and 6,000 square feet required.

There being no further comments from staff, members of the Board, or public, Chair Woodfin closed the public hearing.

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On a motion made by Ms. Smith-Meyer, and second by Mr. Hicks, the Board voted unanimously by a Roll Call Vote, to **grant the waiver** to section 19.05(4) *Useable Lot Area Rectangle* given the Proposed Lot has 4,769 sf of useable area where 6,000 sf is required in the High Density Residential (RH) District, utilizing the criteria from RSA 674:36(II)(N)(2): 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 given that the new lot is in a unique situation but meets the minimum lot size and buildable area requirements; and to **grant the Minor Subdivision approval** for the two-lot subdivision at Ormond and Prescott Streets, subject to the following:

- (1) Address all review comments to the satisfaction of the Planning and Engineering Divisions. For all subsequent submissions, the applicant shall provide a response memo addressing/acknowledging all comments.
- (2) 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(s), the applicant shall comply with said submission requirement(s).
- (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 shall sign and seal final plans and mylars.
- (5) The Applicant shall submit two checks for recording the plan at the Merrimack County Registry of Deeds (including a separate check in the amount of \$25.00 for the LCHIP fee). Both checks are to be made payable to the Merrimack County Registry of Deeds.
- (6) The Applicant shall deliver to Planning one (1) plan set(s) and one (1) mylar(s) for endorsement by the planning Board Chairman & Clerk and recording at the Registry of Deeds.

Mr. Woodfin – in favor, Councilor Champlin – in favor, Mr. Fox – in favor, Mr. Hicks – in favor, and Ms. Smith-Meyer – in favor.

7C. Abbott Farm LLC requesting approval of previous Planning Board conditions to release Building Permits and Certificates of Occupancy within the Abbott Village Development, at Callaway Drive and Cleveland Avenue in the Neighborhood Residential (RN) District.

Ms. Fenstermacher reviewed the background of the project spanning from March 2019 through April 2020 at which meeting the Board agreed to the concept the applicant presented and approved issuing 12 more building permits with no additional building permits or COs issued. The Board set a condition on the release of the remaining building permits and COs until a subdivision application and an amendment to the approved site plan were submitted and restoration of the Abbott House.

Ms. Fenstermacher stated that at this time, the applicant is requesting the Planning Board determine that the previous conditions have been met, and for the Board to release the remaining building permits and CO's at Callaway Drive and Cleveland Avenue.

Ms. Fenstermacher explained that this September, the applicant submitted an application to subdivide the Abbott House from the Abbott Village Condominium Association in which the applicant proposed to convey the house parcel to a third party to preserve the historic features and/or perform historic restoration on the Abbott House, subject to restrictive covenants. The applicant contemporaneously filed an Amendment to a Major Site Plan to add an additional unit to 2 Cleveland Avenue, which will be the 80th condominium unit. The site plan amendment is

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proposed so that they do not need to alter the existing condominium documents, as the Abbott House was originally the 80th unit. With further review, it was determined that a variance would be necessary as the 50-foot perimeter buffer is required for all two-story residential structures, and 75 feet for residential structures that have three or more stories. The subdivision, creating a new lot for the Abbott House creates a non-conformity for the proposed buildings at 2 and 8 Cleveland Avenue, where only 10 to 15 feet of buffer will be provided. The variance application is scheduled for the next ZBA meeting, November 4, 2020. The Planning Board public hearing for the subdivision and site plan amendment will be held November 18, 2020, pending ZBA approval.

Mr. Woodfin explained that the applicant's request does not pertain to anything relative to the restoration of the Abbott House, driveway cuts, or future plans. The discussion is for the release of additional CO's and building permits.

Ms. Shank stated that should the variance be granted then they would not need to return to the Planning Board for the release of the remaining CO's and building permits. She added that there is no way to subdivide without the variance and there are no other alternatives.

Ms. Fenstermacher noted the restoration and repairs that have been done to the house. The conditions have been met. The next step is the subdivision or the house remains a part of the condominium and the association has made it clear that they do not want the house to be a part of the development. With the approved subdivision, the Abbott House becomes a separate entity.

Attorney Liz Nolin represented the application along with Jason Garland, the developer.

Atty. Nolin stated that all conditions to the Abbott House have been met in order for them to be able to request the release of the additional CO's – tonight is for the issuance of the CO's.

Chairman Woodfin opened the public hearing.

Lorinda Gilbert, President of the Abbott Village Condo Association, stated that most of the association members live in the development and really want the community to be a nice area. She referenced several outstanding items that should have been completed by now; some with dangerous conditions. The items are outlined in a letter from the Association to the Board, dated October 8, 2020 and included in the materials presented to the Board. She asked if the CO's are granted for the new buildings, will these outstanding items be completed? In addition, there is also concern with the design elements of the new buildings. She explained that there has been a communication broken down since last spring with the Developer, Jason Garland. The Association is in favor of the Abbott House being removed from the development; however, they do not want the easements for travel through the development's streets. She and members of the Association are hopeful that there can be some cohesiveness and they all work together. They are in favor of the first five units receiving their CO's; however, they do not support approving the next units as they are not to be opened until January 2021.

Allan Herschlag, gave a timeline of the project. He spoke to his concerns of the Abbott House and the project. He stated that he understands it is necessary to provide deed restrictions and referenced the deed for the Abbott House. He commented that the document states that it is subject to change and expressed dissatisfaction with this notation in the deed.

Atty. Nolin stated that they have reached out on several occasions to contact the Association to no avail. All amendments and discussions were to go through the parties' agents and they were all to be in constant communication. The developer has been reaching out with the plans and amendments. There has been response relative to the bylaws with the Associations' counsel. The communication has been prompt and they do hope that there will be a better relationship so that the Association is more confident.

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Ms. Gilbert stated that as a Board, they just learned of the ongoing communication with their counsel; however, they have not received any of the materials. She stated that there has been a communication breakdown and they are looking forward to that being repaired.

Ms. Fenstermacher spoke to the outstanding items indicating that the missing tree plantings at 35 Callaway Drive will need to be competed; the missing curb is assumed to be the location for snow storage and she will look at the notes to determine if this way an administrative approval recommended by Engineering, and there will need to be a discussion about whether to require the curb be added as the pavement will need to be cut to put the curb in. A stone perimeter was noted to be missing. Ms. Fenstermacher explained that there are gutters on the new two-story buildings to capture roof runoff, and a stone perimeter is not required for drainage. The original three-story buildings do not have gutters; therefore, the stone perimeter was required for drainage.

Chairman Woodfin spoke to the deed restriction language and the need to have them reviewed by the City Solicitor's office. Ms. Fenstermacher replied that they will be reviewed and the language will be solidified.

Ms. Shank stated that the Board is approving the concept of a subdivision and the general idea with the plan provided. This plan meets the intent of the conditions and will be tied to the final approval. She noted that staff is in support of maintaining the easement through the existing curb cut. Staff would not support an additional curb cut.

Councilor Champlin suggested that the Preservation Alliance review the covenants of the project. Ms. Fenstermacher replied that she has been working with Jennifer Goodman at NHPA, and will send the documents to her for review.

On a motion made by Chairman Woodfin, and second by Councilor Champlin, the Board voted unanimously by a Roll Call Vote, to the following:

1. Authorize the issuance of 12 COs for 5 and 11 Callaway Drive as part of Phase 5.
2. Prior to the authorization of Phase 6 building permits, the applicant shall: (1) complete Phase 5; and (2) be granted a variance from Section 28-4-8(f) *Perimeter Buffers* of the Zoning Ordinance.
3. Prior to the authorization of a building permit for Unit 5 at 2 Cleveland Avenue, the proposed Site Plan Amendment must be approved by the Planning Board.
4. As part of the motions, the Board stated that all conditions of the original approval, extension, and amendments shall remain in full force and effect.

Mr. Woodfin – in favor, Councilor Champlin – in favor, Mr. Fox – in favor, Mr. Hicks – in favor, and Ms. Smith-Meyer – in favor.

**Adjournment**

At the request of Chairman Woodfin, Mr. Fox made a motion to adjourn at 8:14 PM, seconded by Ms. Smith-Meyer.

Mr. Woodfin – in favor, Councilor Champlin – in favor, Mr. Fox – in favor, Mr. Hicks – in favor, and Ms. Smith-Meyer – in favor.

The motion passed unanimously; 5/0.

A TRUE RECORD ATTEST:

Lisa Fellows-Weaver,  
Administrative Specialist