

City of Concord Planning Board
March 17, 2021
Minutes

The regular monthly meeting of the City Planning Board was held on March 17, 2021, via Zoom, at 7:00 p.m.

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

Absent: Vice-Chair Carol Foss, Member Susanne Smith-Meyer, Alternate Frank Kenison, and Alternate Chiara Dolcino.

Staff: Heather Shank (City Planner), Beth Fenstermacher (Assistant City Planner), Sam Durfee (Senior Planner), Lisa Fellows-Weaver (Administrative Specialist), 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.

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

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

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

1. Call to Order

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

2. Roll Call

Chairman Richard Woodfin, Councilor Erle Pierce, Teresa Rosenberger, Members John Regan, Matthew Hicks, David Fox, and Jeff Santacruce.

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3. Approval of Planning Board Meeting Minutes

February 17, 2021 Minutes

On a motion made by Councilor Pierce, and seconded by Mr. Hicks, the Board voted unanimously to approve the February 17, 2021, Planning Board Meeting Minutes, as written, by a Roll Call vote as follows:

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

4. Planning Board Chair Agenda Overview

Chairman Woodfin noted that, at the requests of the applicants, Item 6C, 10 Pleasant Street, and Item 7E, Brixmor, have both been postponed to the April 21, 2021 Planning Board meeting. Item 10, ConcordNEXT, was also postponed to the April meeting.

5. Determination of Completeness

- 5A. 3G Eagle, LLC, is requesting Major Site Plan approval for construction of a new parking lot, a Conditional Use Permit (CUP) for the addition of impervious surface in the Aquifer Protection District, and a CUP to construct fewer spaces than are required at 25 Henniker Street in the Industrial (IN) District.

On a motion made by Mr. Regan, and second by Mr. Fox, the Board voted unanimously by a Roll Call vote, to determine the application complete and that the application does meet the criteria for a Development of Regional Impact, and set the public hearing for April 21, 2021.

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

Public Hearings

6. Design Review Applications

- 6A. NH Signs, on behalf of Global Partners, requests ADR approval for the replacement of an existing internally-illuminated freestanding sign panel and the installation of several new design elements around the gas pumps at 1 Whitney Road in the Gateway Performance (GWP) District.

Peter March, of NH Signs, represented the application.

Mr. Durfee gave an overview of the project. He explained the application is a request to amend a previously approved major site plan for the Mobile station. The amendments include an updated gas price panel and directional signage with architectural elements that will improve the traffic flow within the gas station.

Chairman Woodfin opened the public hearing.

Mr. Santacruce reference the graphics provided and noted that the orange directional waves appear to be reversed. Peter March replied that the waves will face the predominant traffic direction and the graphic provided is incorrect. This will be corrected.

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

On a motion made by Mr. Santacruce, and seconded by Mr. Regan, the Board unanimously approved the design as submitted, by a Roll Call Vote as follows:

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

- 6B. Wood & Wood Signs, on behalf of Charter Trust Company, requests ADR approval for the replacement of three non-illuminated wall signs at 90 North Main Street in the Central Business Performance (CBP) District.

Ms. Shank stated that the Architectural Design Review Committee recommended tabling this application due to the need for additional graphics, which were received yesterday.

On a motion made by Mr. Woodfin, and seconded by Councilor Pierce, the Board voted unanimously, by a Roll Call Vote, to table the application to the April 21, 2021 Planning Board meeting and send it back to the ADRC for further review.

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

- 6C. Wilcox & Barton requests ADR approval for a new ADA access, awning and exterior renovations of the building at 10 Pleasant street in the Central Business Performance (CBP) District. The Applicant has requested a continuance to the April 21, 2021 Planning Board meeting.

The applicant has requested a continuance to the April 21, 2021 Planning Board meeting.

On a motion made by Mr. Woodfin, and seconded by Councilor Pierce, the Board voted unanimously, by a Roll Call Vote, to continue the application to the April 21, 2021 Planning Board meeting, per the applicants request.

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

7. Site Plan, Subdivision and Conditional Use Permit Applications

- 7A. S&H Land Services, on behalf of the Jobin Family Trust of 2006, requesting Minor Subdivision approval for a 3-lot subdivision at for property off Blackwater Road and Horse Hill Road in the Open Space Residential (RO) District.

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

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

Ms. Fenstermacher gave an update of the project. She stated that the proposal is for a three lot subdivision. Site distance plans were provided from their engineer today. She explained that staff is recommending an easement on proposed lot 17-2, which will allow the owner of 17-1 to clear vegetation on the adjacent lot to improve site distance. The easement will allow clearing of vegetation on lot 17-2, including within the right of way for that lot. Vegetation is reducing some visibility at the driveway, and the City wants to make sure that once the subdivision is completed, there is an easement to allow the removal of the vegetation. She added that all other comments have been addressed.

Tom Huot and Ryan Fowler of S&H Land Services represented the application along with property owner Rich Jobin.

Mr. Huot gave an overview of the proposal. He stated that the property is located on Horse Hill Road and Black Water Road. The parent lot is 57.8 acres and the proposal is to add two additional

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building lots of 5+ and 6+ acres. Both lots will be serviced by on-site septic and wells. All lots meet the site distance requirements. He noted that they are not requesting any waivers for the project.

Mr. Fowler stated that they will work with staff on the site distance easement.

Chairman Woodfin asked if there are any structures on the lots now. Mr. Huot replied no.

Abutter Janet Bourne of 116 Horse Hill Road provided comments. She stated that overall, she does not have any problems with the proposal; however, she expressed concern with drainage as there is a seasonal stream on the property as well as a wetland. She explained that there have been some issues with drainage in the past and the 50-foot setback is her only protection. She added that she hopes new owners respect the setbacks. In addition, she noted the traffic and the rate of speed along the road. She stated that there have been many accidents; some documented and other not. She was surprised to see the third driveway added and its location to be on Blackwater Road as it has become a very dangerous area.

A discussion was held regarding adding an additional condition relative to the site distance easement due to the visual impairments of the vegetation.

Ms. Shank asked about the driveway separations. Mr. Lemay confirmed that the driveways are approximately 100 feet apart.

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

On a motion made by Mr. Fox, and seconded by Mr. Regan, the Board unanimously voted by a Roll Call Vote, to **grant Minor Subdivision approval** for the 3-lot subdivision at Blackwater Road and Horse Hill Road, subject to the following precedent and subsequent conditions noted below:

- (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 Technical Review comments to the satisfaction of Planning Division and Engineering Services Division staff.
 - 2) The monumentation for the proposed lot lines shall be set prior to recording.
 - 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 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.
 - 5) Upon confirmation from staff that the review comments have been addressed, The Applicant shall deliver to Planning two (2) plan set(s) and one (1) mylar(s) for endorsement by the Planning Board Chairman & Clerk and recording at the Registry of Deeds.
 - 6) The Applicant shall provide Sight Distance Easements, or some kind of document that memorializes an agreement between lots 17-1 and 17-2 that the sight distance, within the public right-of-way of Horse Hill Road, will not be impeded by vegetation, structures, or embankments thus creating a potentially hazardous situation for vehicles entering the roadway from each other's driveways.
- (b) Subsequent Conditions, to be fulfilled prior to the issuance of the building permit:

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(1) Traffic and Recreation fees shall be assessed for each new dwelling unit in the subdivision. 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 2, Recreational Facilities Impact Fee per Variable Unit; and Table 3, Transportation Facilities Impact Fee per Variable Unit.

- a. Recreational Facilities – Single Family Residence (per dwelling unit)
- b. Transportation Facilities – Single Family Residence (per dwelling unit)

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

7B. Wilcox & Barton, Inc, on behalf of New Hampshire Distributors, requests an amendment to a previously approved Major Site Plan application to reduce the scope of the proposal at 65 Regional Drive in the Industrial (IN) District.

Mr. Durfee gave an overview of the project. He explained that the Applicant received Site Plan approval in 2017 for the construction of two building additions, the relocation of a curb cut, the construction of a new driveway and additional parking. The amendment is a request to not construct the larger of the originally proposed additions or the driveway and curb cut relocation, and to continue with the 17,782 sf addition. In addition, they are proposing to construct 34 new parking spaces and two overhead exterior canopies within the footprint of the previously approved larger addition.

Erin Lambert of Wilcox and Barton represented the application.

Ms. Lambert continued to explain the proposal. She noted that there will be no curb cut changes as originally proposed. The 34 spaces now proposed can be accessed off the existing driveway. She noted that all drainage will be directed into an underground gallery.

Mr. Santacruce asked about the lighting and reference a few of the pole locations. Ms. Lambert explained that the plan provided was accurate to the 2017 approval and will be updated in accordance with the proposed amendment. She added that the poles in question will not be built.

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

On a motion made by Councilor Pierce, and seconded by Mr. Regan, the Board unanimously voted by a Roll Call Vote, to **grant the amendment to the previously approved site plan** for the 17,782 sf building addition, parking expansion, and associated site improvements at 65 Regional Drive, subject to the following precedent and subsequent conditions noted below:

- (a) Precedent Conditions – to be fulfilled within one (1) year and prior to endorsement of the final plan by the Planning Board Chairman and Clerk, and prior to issuance of any building permits, or the commencement of site construction, unless otherwise specified:
 - (1) Address all review comments satisfaction of the Planning Division.
 - (2) Address all Engineering comments to the satisfaction of the Engineering Division.
 - (3) Submit three (3) copies of fully revised plans for sign off by the Clerk and Chair of the Planning Board.

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

- (1) Prior to commencement of construction activity, payment of inspection fees in an amount approved by the City Engineer shall be made.
- (2) A pre-construction meeting shall be required prior to the start of any construction activities onsite. The applicant shall pick up one (1) set of signed plans at the Planning Office to make copies for the pre-construction meeting. A total of seven (7) copies of the signed plan set shall be provided by the applicant at the pre-construction meeting.
- (3) At least two weeks in advance of the pre-construction meeting, provide financial guarantee for all public improvements on and off site and a guarantee for the site stabilization in an amount approved by the City Engineer, and in a form acceptable to the City Solicitor.
- (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 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.

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

7C. North & South Construction Services requesting building permits for the four buildings in Phase 6 be issued prior to issuance of the Certificate of Occupancy for the Abbott House, at 1-8 Cleveland Avenue (formerly 382 N. State Street).

Ms. Fenstermacher provided a brief history of the project. She stated that the applicant applied for a variance that would allow for the subdivision of the Abbott House from the condominium development; however, it was denied. Therefore, the applicant is now moving forward with the renovations of the Abbott House instead of subdividing, and has hired Steve Bedard of Bedard Preservation to consult on the renovation. They would like to get the foundations in for Phase 6 and for the last four 4 buildings. They are hoping to begin construction over the summer. They are requesting release of the building permits and recommending that no CO's will be issued until the Abbott House is completed.

Jason Garland of North & South Construction Services represented the application along with Steve Bedard.

Mr. Garland stated that they are working on the mechanical, electrical, and plumbing aspects at this point and are about two months out from completion; hoping to get building permits for the remaining buildings in the development. He noted that he understands they will not get any CO's for those until a CO is granted for the Abbot House

Councilor Pierce asked what the completion of the house looks like and how many units there will be approved in the entire development. Mr. Garland replied that the house is a single unit. It is a detached, single family condo and will remain as a part of the association. He added that the approval is for 80 units, which includes the Abbott House and added that per the original approval, the house could be a duplex or a commercial unit; however, it is not zoned for that. He stated that they are moving forward with the house being a detached condo and will it be the 80th unit.

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Mr. Bedard stated that he has been in the Abbott House on two separate occasions and has followed the progress. There are some interesting features discovered during the construction, some of the most notable he has seen in the area. He explained that there has been a good faith effort put forth to maintain the features within the house and the outside.

Chairman Woodfin opened the public hearing.

Ms. Fenstermacher noted that there are no proposed changes to the plan. The approval will allow for the issuance of 17 building permits.

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

On a motion made by Mr. Regan, and seconded by Mr. Hicks, the Board unanimously voted by a Roll Call Vote, to approve the following:

1. Authorize the issuance of 17 Building Permits for 1, 2, 7, and 8 Cleveland Avenue, subject to the condition that no Certificates of Occupancy for these 17 units will be released prior to the issuance of the Certificate of Occupancy for 4 Cleveland Avenue (the Abbott House).
2. As part of the motion, 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 Pierce – in favor, Ms. Rosenberger – in favor, Mr. Regan – in favor, Mr. Hicks – in favor, Mr. Fox – in favor, and Mr. Santacruce – in favor.

- 7D. TF Moran, on behalf of ZJBV Properties, LLC, requests Comprehensive Development Plan approval for a 2-Phase mixed use project consisting of multifamily structures, attached residential structures, and a commercial use; also requested is a Major Site Plan approval for construction of Phase 1, consisting of three (3) residential apartment buildings totaling 236 units, with associated parking and site improvements, and a Conditional Use Permit (CUP) to allow construction of fewer parking spaces than are required at 70 Pembroke Road in the Opportunity Corridor Performance (OCP) District.

Ms. Fenstermacher gave an overview of the project. She stated that there have been many conversations and one recommended change that the Applicant is amenable to is that the sidewalk on Canterbury Road and intersection improvements as part of Phase 1A. There is a CUP application for reduced parking. All waivers requested are supported by staff.

Chairman Woodfin opened the hearing.

Nick Golon, of TF Moran represented the application along with Gregg Mikolaities and Rob Martel of Berard Martel Architecture.

Mr. Golon began by stating that there have been multiple iterations of the proposal, which is for a mixed-use development that will include multi-family condominiums, 3-story townhouses, and a commercial use. He gave an overview of the history of the parcel and an overlay on Google Earth which provided a visual of the project's phases, the first set of buildings and parking areas with drive areas. He also explained the existing conditions of the 24-acre site. He noted that all drainage has been designed according to regulations and noted that some type of connectivity to Keach Park will be provided in Phase 1. Phases are proposed for 2022, 2026, and Phase 3 will be completed in 2027.

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Mr. Golon stated that there was a community meeting held to obtain input. He stated that this is an existing industrial lot, the former Sprague Electric building, so there is a change in use. He noted that there are multiple leases within the building for to the next six years.

Ms. Shank asked about landscaping and if Phase 1 will include any tree buffering or separation of the uses while the Sprague building is still in use. Mr. Golon replied, no, not at this time, as the existing parking lot is allocated to the existing building and uses.

Councilor Pierce asked if there are any plans to extend the sidewalk towards Canterbury Road. Mr. Golon explained that they will incorporate the sidewalk to Canterbury Road and out to Pembroke Road then interlink them to Keach Park. This will take place in Phase 1 now, per staff's request.

Mr. Golon reviewed the landscaping plan. They provided an evergreen landscape buffer for the Canterbury Road neighborhood to compliment what exists. He noted that there will be more landscaping placed at the entrance ways. Shade trees will be placed in the parking areas.

Ms. Shank commented that she is not clear as to where the boundary is between Phase 1 and Phase 2. She stated that they need to provide green space and shade trees, which would not need to be removed when future phases are constructed. She suggested relocating the existing drive aisle in the Sprague parking lot and commented that there appears to be an opportunity to place grass and shade trees between the proposed sidewalk and existing parking lot. Ms. Shank noted that shade trees in this location would provide more screening versus having a wide-open view of the existing building. Mr. Golon agreed and stated that they will add that into the plans.

Mr. Golon continued and outlined the grading for the site. He stated that the subsurface storm water units are located under the parking area. The site will have municipal sewer and water.

Rob Martel, of Berard Martel Architects, reviewed the architectural plans of the proposed buildings as well as the floor plans of each building and elevations. Building A consists of 90 units; buildings B and C are proposed at 70 units each. Most of the units are one-bedroom; however, there are a few two-bedroom units on each floor. Each building is 4 stories with a flat roof. He described the exterior of the buildings to be low maintenance. Materials proposed is a siding similar to clapboards. The buildings are constructed to be energy efficient with insulated roofs and walls and in the ground as well. He mentioned that these are amended plans as there were some changes to the façade and color scheme due to discussions held with the Architectural Design Review Committee.

Bob Duval was present to discuss the traffic study. Mr. Duval reviewed the traffic study and provided information relative to trip generations of the typical peak hours during the week and on weekends for Phase 1. He stated that the actual growth in this area has been less due to COVID-19 and they did apply an adjustment factor for suppressed traffic volumes. He stated that the overall impacts will be fairly minor. He added that there are some existing problems in the area; however, these impacts are modest and can be managed and any pre-existing conditions can be improved with funds and work associated with the project and overall will improve the neighborhood.

Mr. Santacruce asked about the closed lagoon and monitoring wells and noted that there does not appear to be any information available as to the disposition of the monitoring. Mr. Golon replied that they reached out to GZA, the owner's consultant and confirmed that the existing conditions will not encumber Phase 1; however, there may be some coordination needed for Phase 2. He noted that he will get the reports from GZA. Mr. Santacruce noted that there should be some assurance provided that there will not be any impacts as the phase continue. Mr. Golon stated that the development does not include any work in those areas.

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Mr. Santacruce noted the sidewalk proposed on Canterbury Rd for Phase 1 and suggested that there be some form of lighting added along Canterbury Road, as well as, additional improvements for safety at the intersections of Pembroke and Canterbury Roads. He noted that the area is also used in the evening and added it would be nice to ensure a safe access to the park.

Mr. Santacruce asked what will be used to prevent residents from parking in the back lot versus to other parking lots for easier access. He suggested adding a fence. Mr. Golon stated that he will discuss this with staff.

Chairman Woodfin expressed concern with the potential of heavy traffic entering onto Old Turnpike Road, a residential area, and the potential for the traffic to increase. Mr. Duval replied stating that they did look into this given the volumes and capacity at other areas. He stated that the impacts would not warrant any changes.

Mr. Santacruce suggested pulling back the crosswalk at the Regional Drive driveway and making it closer to the road. Mr. Golon replied that he would discuss this item with staff.

Chairman Woodfin asked about the bus stops and a walkway. Mr. Golon explained that per staff recommendation they will be adding an interconnecting sidewalk that will go through the parking lot island to connect to the Regional Drive sidewalk and bus stop. Signage will be added. Chairman Woodfin noted that there will also likely need to be a school bus stop so there may be an area necessary for the students. Mr. Santacruce asked if they would consider combining the bus stop north of the site with the existing bus stop. Mr. Golon replied that they would consider combining these stops.

Mr. Regan mentioned the environmental aspects of the site noting that the Sprague environmental analysis was back in the 1980's and the standards were much different. He asked if there has been any contact with NHDES. Mr. Golon stated that they will need to obtain an AOT permit which will include DES review and he reiterated that there will be no buildings built within the environmental areas of concern.

Mr. Santacruce asked what triggers the requirement to build the additional CUP parking. Ms. Shank stated that the Zoning Administrator has the authority to determine if there is a need for more parking to be built.

Additional discussion was held relative to the driveway location and the fact that there is a potential for headlights facing into the existing homes. Mr. Golon replied that the driveway was aligned to minimize this issue.

Chairman Woodfin asked why Canterbury Road was not used as an access point since there is already a 4-corner intersection. Ms. Shank responded that the residents of Canterbury Road may have major opposition to the idea and as part of the initial concept review, they tried to avoid it.

Discussion ensued relative to the CDP aspect. Mr. Golon stated that the proposal is three-phase mixed use development with three multi-family residential units as Phase 1. He noted that in future phases they are proposing a commercial use where there is an opportunity for mixed use with some type of an amenity to the residents. He explained that the townhouses proposed in Phase 3 are a great use of the space and it is a great opportunity for the area since there is nothing else like it in Concord. With regard to traffic, he noted that there are various types of traffic calming mechanisms available and stated that any future phase will require an update.

Ms. Shank stated that a lot of consideration went into this design over the past year. She mentioned that there are traffic impact fees, and, there may be opportunities for credits to the impact fees to cover the sidewalks and other pedestrian improvements, such as street lighting. She stated that staff

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will work with the applicant to work out the credits and pedestrian improvements that will benefit the project.

James and Kathleen Amico, owners of the commercial driving school currently located on site, commented relative to their lease that expires in 2023. They lease an interior area as well as one acre outside in the parking area where the buildings are proposed. Their business is a driving school with heavy equipment and have a concern with the safety for their students and heavy equipment. Ms. Amico commented that there may be noise issues. She noted that other tenants have not been notified about the proposal and she feels that the occupants of the building have been ignored. They have been there for over a decade and are concerned that this could force them out of business. Ms. Shank noted that there is no statutory requirement to notify tenants of a building, that is left up to the landlord to communicate to them.

Michael Barrett, abutter at 6 Branch Turnpike Road, does not support the project. He expressed concern with the existing contamination on-site as well as the potential increase to traffic. He noted that the bollards at the school have been removed so there is a cut-through now. Ms. Shank noted that she has driven through the area and the area by the school was not accessible.

Josh Craggy, abutter on Pembroke Road, confirmed that the bollards at the school have been removed and you can drive through there from Regional Drive. He requested that another traffic count be done to include the corner of Branch Turnpike Road. Chairman Woodfin recalled a condition of approval for the original site approval for the senior center that restricted access through the property for this reason. Ms. Fenstermacher stated that she recalls it was required to be closed. Mr. Craggy replied that there has been an increase in the traffic since the gymnasium was built. He also noted that they have removed trees. Chairman Woodfin asked staff to look into the original site plan for the school property. He added that he believes the cut-through was originally intended to allow for emergency access only. Mr. Craggy stated that this is a nice neighborhood and he is concerned the traffic may create new problems.

James Amico asked if there will be future meetings held.

Mr. Golon stated that with regard to the road quality, the access is off Regional Drive. They do not anticipate increased traffic on Canterbury Road or Branch Turnpike for Phase 1. With regard to landlord and tenant issues, Mr. Golon stated that this is an issue for the property owner to resolve. He suggested perhaps relocating the lease area or the area be adjusted somehow. As far as additional meetings and notifications, Mr. Golon stated that they held a community meeting attended by neighbors and City Councilors. They did extend to abutters beyond the requirements.

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

On a motion made by Mr. Fox, and seconded by Chairman Woodfin, the Board unanimously voted by a Roll Call Vote, to **grant Comprehensive Development Plan (CDP) approval** with the condition that a detailed Traffic Study be completed prior to future phases as part of the site plan applications. The study will be scoped at that time; however, at a minimum, the study shall include evaluating the Branch Turnpike/Pembroke Road intersection; the location and road connection of the driveway entrance at Pembroke Road; and regional traffic impacts of cut-through traffic through the site. Based on the findings of the traffic study, staff may recommend revisions to the CDP layout, traffic calming measures, and/or other solutions to mitigate the cut-through traffic. An amended CDP will need to be approved by the Planning Board.

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

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On a motion made by Councilor Pierce, and seconded by Mr. Regan, the Board unanimously voted by a Roll Call Vote, to **grant the following waivers** to the Site Plan Regulations utilizing the criteria of RSA 674:44(1) and (2), which state that strict conformity would pose an unnecessary hardship to the applicant and waiver would not be contrary to the spirit and intent of the regulations, and specific circumstances relative to the site plan, or conditions of the land in such site plan, indicate that the waiver will properly carry out the spirit and intent of the regulations:

- Waiver to Section 12.03(6) Existing Soils to allow the existing soil conditions to be identified and classified utilizing the USDA Natural Resources Conservation Service (NRCS) system rather than a NH Certified Soil Scientist. The applicant provided test pit data and indicated that soil observations along with infiltration tests support the NRCS data, and sufficient information has been provided for review.
- Waiver to Section 16.03(11) Signs to provide the sign package at a later date.
- Waiver to Section 22.07(2) Stormwater Recharge, to maintain 3 ft of separation where 4 ft is required between the bottom of an infiltration system and groundwater. The stormwater management system is designed in accordance with NHDES Alteration of Terrain Regulations. NHDES revised their regulations to allow for the 3 ft separation since the City adopted this standard.

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

On a motion made by Mr. Regan, and seconded by Chairman Woodfin, the Board unanimously voted by a Roll Call Vote, to **grant the Conditional Use Permit** in accordance with Section 28-7-11(b), Construction of Fewer Parking Spaces, of the Zoning Ordinance to construct fewer parking spaces than are required, with the condition that the Applicant submit an amendment to the CUP plan with future phase site plan applications that impact the Phase 1A future parking areas.

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

On a motion made by Mr. Regan, and seconded by Chairman Woodfin, the Board unanimously voted by a Roll Call Vote, to **grant ADR approval** for the site plan for development purposes, subject to providing more accessible green spaces within Phase 1 and clear connectivity to Keach Park; however, the Applicant shall return to the ADR Committee with revised building elevations and materials for review of suggested building improvements.

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

On a motion made by Councilor Peirce, and seconded by Mr. Regan, the Board voted unanimously by a Roll Call Vote, to **grant Major Site Plan approval** for the proposed Phase 1A multi-family development and associated site improvements at 70 Pembroke Road, subject to the following precedent and subsequent conditions noted below:

- (a) Precedent Conditions – to be fulfilled within one (1) year and prior to sign off by the Clerk and Chair of the Planning Board and issuance of any building permits, or the commencement of site construction, unless otherwise specified:
 - (1) Address all Review comments to the satisfaction of the Planning Division, including providing a green space between the sidewalk and parking lot at the Phase 1A boundary, and addressing off-site pedestrian safety items discussed during the Planning Board meeting.

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- (2) Address all review comments to the satisfaction of the Engineering Services Division.
 - (3) Condition 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. Should the Board vote to deny the Conditional Use Permit(s), applicant shall comply with said submission requirements.
 - (4) Waiver(s) granted are to be noted and fully describe on the plan, including the date granted and applicable Section number(s) of the Site Plan Regulations. Should the Board vote to deny the waiver(s), applicant shall comply with said submission requirements.
 - (5) Final plans shall be signed and sealed by the NH Registered Land Surveyor, Landscape Architect, and Professional Engineer.
 - (6) Submit three (3) copies of fully revised plans for sign off by the Clerk and Chair of the Planning Board.
- (b) Subsequent Conditions – to be fulfilled as specified:
- (1) Prior to commencement of construction activity, payment of inspection fees in an amount approved by the City Engineer shall be made.
 - (2) The applicant or designated agent shall contact the Engineering Services Division to schedule a pre-construction meeting prior to the start of any construction activities onsite.
 - (3) Prior to the issuance of the first Building Permit, the applicant will provide to the City Solicitor a financial guarantee for all public improvements on and off site and a guarantee for the site stabilization in an amount approved by the City Engineer, and in a form acceptable to the City Solicitor.
 - (4) Prior to the issuance of the first Certificate of Occupancy, the off-site improvements shall be completed to the satisfaction of the City Engineer.
 - (5) Prior to issuance of the final Certificate of Occupancy or final construction sign-off, as-built drawings shall be provided to the City Engineer in accordance with Section 12.09 of the Site Plan Regulations. The as-built drawings shall be surveyed on NH State Plane coordinates and NAVD 88 Datum.
 - (6) Traffic and recreation impact fees shall be assessed for any 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 2, Recreational Facilities Impact Fee per Variable Unit; and Table 3, Transportation Facilities Impact Fee per Variable Unit.
 - a. Recreational Facilities – Multi-unit/Apartment
 - b. Transportation Facilities - Multi-unit/Apartment*

*Applicant should have a discussion with staff regarding a credit to the Transportation Facilities Impact Fees for off-site improvements.
 - (7) Applicant shall submit Site Plan applications and any applicable Conditional Use Permits for any proposed development within Phases 1B, 2A, and 2B. Approval of this plan does not constitute approval of building or site improvements in these future phases.

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

- 7E. Nobis Group, 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 April 21, 2021 Planning Board meeting.

Continued to April 21.

8. Other Items

- 8A. Request to re-zone approximately 30 acres off of Kyle Road from Open Space Residential (RO) and Single Family Residential (RS) to Medium Density Residential (RM).

Ms. Shank explained that a request was received by Reginald Moreau, property owner for Map 193P Lot 54, to re-zone approximately 28 acres of developable land. The applicant intends to construct additional units similar to the existing Vineyards and Vintage Estates developments.

Chairman Woodfin noted that the change would increase the tax base and the new zone is a more efficient use of the land.

Ms. Shank stated that if the 28 acres is changed, there is also another area remaining that should be rezoned as well. She is trying to reach the property owner. Mr. Moreau has indicated that he believes the owner would be in favor. She noted that there is an area of wetlands in the neighboring parcel.

Chairman Woodfin stated that he would support the additional change to the neighboring parcel; however, there should be communication with the additional property owner to confirm their consent. Members agreed. Mr. Hicks suggested a conditional approval and recommended the Board move forward with the rezoning of Mr. Moreau's parcel. Councilor Peirce stated that he would like the owner of the additional property to be contacted and be able to review the proposal and be able to contest it.

On a motion made by Chairman Woodfin, and seconded by Councilor Peirce, the Board voted unanimously by a Roll Call Vote, to recommend rezoning approximately 30 acres off of Kyle Road from Open Space Residential (RO) and Single Family Residential (RS) to Medium Density Residential (RM). In addition, the Planning Board supports rezoning the neighboring property on Blueberry Lane, pending communication from the property owner so that there is no need for her to come back to the Board for additional approval.

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

9. Other Business

Transportation Alternatives Program application to fund a section of the Merrimack River Greenway Trail

The Planning Board is in receipt of a report from Senior Planner Sam Durfee. The report requests the Board's support of a Transportation Alternatives Program application which will fund a section of the Merrimack River Greenway Trail. Mr. Durfee explained that the City is filing an application for a grant round for Transportation Alternatives Program (TAP). The program is designed to fund 80% of costs for projects that facilitate non-motorized transportation with a maximum federal contribution of \$1 million. The project could total approximately \$1.3 million and the City is

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applying for the \$1 million grant maximum and will provide matching funds from CIP 543 – Merrimack River Greenway Project.

On a motion made by Councilor Peirce, and seconded by Mr. Regan, the Board voted unanimously by a Roll Call Vote, to authorize the Chair of the Planning Board to sign the letter in support for a Transportation Alternatives Program (TAP) application to fund a portion of the Merrimack River Greenway Trail.

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

10. Discussion of ConcordNEXT items

This item was continued to April 21, 2021.

11. Any Other Business

Planning Board designee to the Heritage Commission

This item was continued.

Adjournment

At the request of Chairman Woodfin, Mr. Santacruce made a motion to adjourn at 10:02 PM, seconded by Mr. Hicks.

The motion passed unanimously; 7/0.

A TRUE RECORD ATTEST:

Lisa Fellows-Weaver,
Administrative Specialist