

City of Concord Planning Board
July 21, 2021
Minutes

The regular monthly meeting of the City Planning Board was held on July 21, 2021, in City Council Chambers, in the Municipal Complex, at 37 Green Street, at 7:00 p.m.

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

Absent: Vice-Chair Carol Foss, 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 City Engineer).

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 Susanne Smith-Meyer, Matthew Hicks, David Fox, and Jeff Santacruce.

3. Approval of Planning Board Meeting Minutes

June 30, 2021 Minutes

On a motion made by Mr. Santacruce, and seconded by Mr. Fox, the Board voted unanimously to approve the June 30, 2021, Planning Board Meeting Minutes, as written.

4. Planning Board Chair Overview

Chairman Woodfin noted that there were no changes to the agenda.

Ms. Shank clarified that Item 7G is a Comprehensive Development Plan only. They are not seeking final approval of the project, as was written in the Concord Monitor article. Staff is recommending that the public hearing be continued to a future meeting.

5. Design Review Applications by Consent

- 5A. Claudia Lambert requests ADR approval for the replacement of a non-illuminated freestanding sign and the installation of a non-illuminated wall sign at 4 Wall Street in the Civic Performance (CVP) District.

On a motion made by Councilor Pierce, and seconded by Mr. Fox, the Board voted unanimously to approve the design as submitted by consent with the recommendation that the blade sign be reduced to three lines of text.

- 5B. Shaw's requests ADR approval for the installation of a new internally-illuminated wall sign and multiple non-illuminated directional signs at 20 D'Amante Drive in the Gateway Performance (GWP) District.

On a motion made by Councilor Pierce, and seconded by Mr. Fox, the Board voted unanimously to approve the design as submitted by consent.

- 5C. Shaw's requests ADR approval for the installation of a new internally-illuminated wall sign and multiple non-illuminated directional signs at 24 Fort Eddy Road in the Gateway Performance (GWP) District.

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On a motion made by Councilor Pierce, and seconded by Mr. Fox, the Board voted unanimously to approve the design as submitted by consent.

- 5D. Bridget Windsor requests ADR approval for the replacement of a non-illuminated wall sign and an internally-illuminated projecting sign at 32 N. Main Street in the Central Business Performance (CBP) District.

On a motion made by Councilor Pierce, and seconded by Mr. Fox, the Board voted unanimously to approve the design as submitted by consent with the recommendation that the logo be centered on the blade sign if the text is going to be removed and that all text be consistent case-wise.

- 5E. Kelley Family Properties requests ADR approval for the replacement of a non-illuminated freestanding sign at 189 North main Street in the Urban Commercial (CU) District.

On a motion made by Councilor Pierce, and seconded by Mr. Fox, the Board voted unanimously to approve the master sign design as submitted by consent.

- 5F. Kelley Family Properties requests ADR approval for the replacement of a non-illuminated wall sign at 6 Loudon Road in the Gateway Performance (GWP) District.

On a motion made by Councilor Pierce, and seconded by Mr. Fox, the Board voted unanimously to approve the sign design as submitted by consent.

Public Hearings

6. Design Review Applications

- 6A. Bangor Savings Bank requests ADR approval for the replacement of an awning at 82 North Main Street in the Central Business Performance (CBP) District.

Mr. Durfee stated that the building has been renovated and the current awning causes issues with accumulating snow and ice. The proposal replaces the existing glass awning with a louvered awning to prevent the buildup of snow and ice.

Chairman Woodfin opened the public hearing. With no 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 Councilor Peirce, the Board voted unanimously to approve the design as submitted.

- 6B. Harlan Hutchinson requests ADR approval for the replacement of an internally-illuminated wall sign and internally-illuminated freestanding panel sign at 89 Fort Eddy Road in the Gateway Performance (GWP) District.

Mr. Durfee stated that this application was pulled from consent due to the fact that the signs have been installed without permits. Fees were discussed and it was noted that the applicant did pay the applicable fees except for the daily fee due to the fact that the rate increase was approved by Council on the same day as the application was submitted.

Chairman Woodfin opened the public hearing. With no comments from staff, members of the Board, or public, Chair Woodfin closed the public hearing.

On a motion made by Councilor Peirce, and seconded by Mr. Santacruce, the Board voted unanimously to approve the design as submitted with the recommendation that the white background of the signs have an opaque backer panel.

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7. Site Plan, Subdivision and Conditional Use Permit Applications

- 7A. Bohler Engineering, on behalf of Atlantic Broadband (NH-ME) LLC, requests Minor Site Plan approval for installation of new telecommunications equipment and a Conditional Use Permit (CUP) for installation of 2,500 square feet of impervious area in the Aquifer Protection (AP) District at 264 & 268 Sheep Davis Road in the Gateway Performance (GWP) District.

Mr. Durfee provided an overview of the project noting that this is a request for an unmanned building and mentioned the comments from ADR relative to the color of the exterior of the building and the proposed fence. The applicant has agreed to muted colors per ADR comments and provided updated renderings. He added that the project constitutes as a development of regional impact as the Town of Pembroke benefits from the Aquifer Protection District in this area. Both the Town of Pembroke and Central New Hampshire Regional Planning Commission were notified; neither submitted any comments.

On a motion made by Councilor Pierce, and seconded by Mr. Fox, the Board voted unanimously to determine the application complete and that the application does meet the criteria for a Development of Regional Impact, and open the public hearing.

Joshua Swirling from Bohler represented the application.

Mr. Swirling explained the proposal is to construct a new building to house telecommunications equipment. This proposal requires two Conditional Use Permits for the use within the Aquifer Protection District (APD) and for the proposed reduction of the driveway width to be 18 feet. He stated that the proposed building will be owned by Atlantic Broadband. It will be 900 square feet and will be unmanned. He noted that there will be very few visits to the site. He explained that they met with the Architectural Design Review Committee and per their recommendations will adjust the fence and roof coloring to be muted tones to be more subdued in the woods.

Chairman Woodfin opened the public hearing.

Councilor Pierce asked if there will be any office staff. Mr. Swirling replied no.

Chairman Woodfin asked if the building will be visible from the street. Mr. Swirling replied that it may be visible, however, the existing and proposed landscaping will screen much of it.

With no further comments, Chair Woodfin closed the public hearing.

Mr. Durfee stated that a waiver has been requested to not construct sidewalks in the front of the property along Sheep Davis Road. Staff has not made any recommendations relative to this request. A discussion was held regarding the maintenance, overall construction of the sidewalk and potential deterioration of the sidewalk before a connection to the sidewalk network could be made. Mr. Durfee noted that the road is owned by the State of NH and typically the State does not maintain sidewalks; therefore, it would be an issue for the City to address.

On a motion made by Mr. Fox, and second by Councilor Pierce, the Board voted unanimously to **grant the waiver** to Section 21.02 (SPR) to not construct a sidewalk, or provide funds in escrow for the construction of the required sidewalk along frontage of properties within the Urban Growth Boundary, given there are no sidewalks along Sheep Davis Road, 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.

On a motion made by Mr. Santacruce, and second by Ms. Smith-Meyer, the Board voted unanimously to **grant the Conditional Use Permit** per Article 28-3-6(d)(4) *CUP Required for Certain Uses in the Aquifer Protection District* and for the construction of impervious surfaces within the Aquifer Protection District (APD), given the Town of Pembroke had no comments and the

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Conservation Commission recommended approval with the condition that the performance standards for the APD are met. The Board also voted unanimously to **grant the Conditional Use Permit** per Article 28-7-7(f) *Driveway Width Reduction* and for the reduction of the driveway width to 18 feet where 24 feet is required given the proposed use would generate very few trips.

On a motion made by Councilor Pierce, and second by Mr. Hicks, the Board voted unanimously to **grant ADR approval** for the building design and site layout with the recommendation that the color of the roof and fencing be muted to a more earth-tone color.

On a motion made by Mr. Hicks, and second by Councilor Pierce, the Board voted unanimously to **grant Minor Site Plan** approval for the proposed public utility building and associated site improvements at 264-268 Sheep Davis Road in the Gateway Performance, Aquifer Protection Overlay, and Residential Open Space Districts, 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 and Engineering Divisions. For all subsequent submissions, applicant shall provide a response memo addressing/acknowledging all comments.
 - (2) CUP(s) and Waiver(s) granted are to be noted and fully described on the plan including date granted and applicable Article number(s) of the Zoning Ordinance and Section number(s) of the Site Plan Regulations. Should the Board vote to deny the CUP(s) or Waiver(s), the applicant shall comply with said submission requirement(s).
 - (3) Final plans shall be signed and sealed by the NH Registered Land Surveyor, Landscape Architect, and Professional Engineer.
 - (4) 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) 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 five (5) copies of the signed plan set shall be provided by the applicant at the pre-construction meeting.
 - (3) 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.

7B. Wilcox & Barton, on behalf of 3G Eagle, LLC, requests an amendment to a previously approved Major Site Plan application for the reconfiguration of the parking lot layout at 25 Henniker Street in the Industrial (IN) District.

On a motion made by Councilor Pierce, second by Mr. Hicks, the Board voted unanimously to determine the application complete and that the application does meet the criteria for a Development of Regional Impact, and open the public hearing.

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Erin Lambert of Wilcox and Barton represented the application.

Mr. Durfee gave a brief overview of the project stating that the proposal is a request to amend the previously conditionally approved Major Site Plan to expand a parking area by converting 14 previously proposed car parking spaces to seven parking spaces for truck use and to replace the overhead doors at the rear of the building with loading docks. They will also be adding additional trees.

Ms. Lambert stated that the reason for the amendment is due to a change of a tenant, to a wholesale and storage distribution and different requirements. She reviewed the proposed drainage plan noting that there is an alternate grading plan. Additional catch basins are proposed. She noted that they are providing 44 parking space. She explained that the Engineering Department has looked at the turning movements and believe that the trucks will be able to turn to the loading docks. A new retaining wall is being added. She added that there is an increase in impervious so they will be adding two trees and more shrubs.

Mr. Santacruz asked if WB-40 will be the size of the trucks. Ms. Lambert indicated that WB-40 and smaller would be used.

Ms. Smith-Meyer stated that she would prefer to see more substantive shrubs used given the Eversource Right-of-Way. She added that the planting detail is not consistent with the City required detail and she requested that ginkgo trees not be used. Ms. Lambert stated that the easement does not allow for larger shade trees. She added that she will address the landscaping detail.

Mr. Durfee noted that no comments were received from CNHRPC or the Town of Pembroke.

With 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 second by Mr. Hicks, the Board voted unanimously to **grant the amendment** to the previously approved Major Site Plan application for the proposed parking and loading area expansion and associated site improvements at 25 Henniker Street in the Industrial (IN) District, 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 and Engineering Divisions. For all subsequent submissions, applicant shall provide a response memo addressing/acknowledging all comments.
 - (2) CUP(s) granted are to be noted and fully described on the plan including date granted and applicable Article number(s) of the Zoning Ordinance. Should the Board vote to deny the CUP(s), the applicant shall comply with said submission requirement(s).
 - (3) Final plans shall be signed and sealed by the NH Registered Land Surveyor, Landscape Architect, and Professional Engineer.
 - (4) Submit three (3) copies of fully revised plans for sign off by the Clerk and Chair of the Planning Board.
 - (5) Confirm the uses of all three tenant spaces.
- (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.

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- (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 five (5) copies of the signed plan set shall be provided by the applicant at the pre-construction meeting.
- (3) 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.

7C. Wilcox & Barton, on behalf of Community Bridges, requests Major Site Plan approval for the addition of 24 spaces to an existing parking lot at 162 Pembroke Road in the Industrial (IN) District.

Mr. Fox recused himself and removed himself from the table for this application.

On a motion made by Councilor Pierce, and second by Mr. Hicks, the Board voted unanimously 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. Durfee stated that the Applicant has submitted a waiver request to Section 6.03(2)(c) of the Site Plan Regulations, to hold the public hearing at the same meeting as the determination of completeness. He stated that Staff supports the waiver as we concur with the applicant's assertion that the development is not substantial in nature and the expansion of the established parking lot and sidewalk are just over the 10,000-sf threshold for a Major Site Plan.

On a motion made by Mr. Hicks, and second by Ms. Smith-Meyer, the Board voted unanimously to **grant the waiver** to Section 6.03(2)(c) for the Site Plan Regulations and hold the public hearing at the same meeting as the determination of completeness.

Mr. Durfee stated that the Applicant has also submitted a waiver to Section 21.02 (SPR) requesting to not construct a sidewalk, or provide any funds in escrow for the construction of the required sidewalk. He explained that the closest sidewalk connection is over 600 feet away and on the opposite side of the street. The sidewalk gap is noted on the City priority list.

Mr. Durfee noted that the Applicant met with the Architectural Design Review Committee who supported the proposed changes.

Erin Lambert of Wilcox and Barton represented the application along with Ann Potoczak of Community Bridges.

Ms. Potoczak provided an overview of what Community Bridges is and does within the community. She stated that they are planning to purchase the building and there is a need for a parking lot expansion.

Ms. Lambert gave an overview of the proposed changes to the site. She explained the building improvements which include ADA changes, changes to the doors and ramps, 24 additional parking spaces, and they are proposing to provide a sidewalk around the building. She reviewed the storm water plan and noted that they are reducing the water from the site and will tie it into the existing parking lot. The landscaping plan was reviewed and she noted that there will be a total of 21 trees added to the site. Ms. Lambert referenced the waiver requested to not construct the sidewalks. She stated that there are five utility poles, which would need to be removed, if even possible. She noted that there is no curb on Pembroke Road. She stated the existing monument sign is in the right of way and they will apply for a license if one does not exist. She explained that they will be installing new lights and are in the process of making sure that the light coverage is appropriate. A fixture was changed due to the placement of a proposed tree and another fixture was added to the building.

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Mr. Santacruce noted that there is a bus route connection and asked about the accessibility route to the building; is the grade adequate. Ms. Potoczak explained that pedestrians walk across the sidewalk to the parking lot.

Mr. Santacruce noted that the sign is currently partially within the right of way and should be relocated to be fully contained within the site.

Councilor Pierce asked about sidewalk requirements in terms of setback distance from the road. Mr. Durfee explained that there is no blanket sidewalk setback standard. Councilor Pierce asked if sidewalks can be placed in a utility right of way. Ms. Shank explained that the City right of way is where the utility poles are located and that the sidewalk can be located there. She explained that there could be some consideration for a future Conditional Use Permit to pay into the City's sidewalk CIP in lieu of construction or paying into a site-specific escrow.

Mr. Hicks asked about the potential of sidewalk gapping as properties are developed. Ms. Shank stated that this has been discussed and it is problematic. Chairman Woodfin stated that the City is still responsible for the maintenance of sidewalks. Mr. Santacruce suggested that consideration be given to constructing a sidewalk base where a sidewalk may be placed, then loam and seed over it. There would be no maintenance until the full pavement was added.

Ms. Shank noted that staff is discussing amendments for how to implement the intent of the regulations, including a fee in lieu similar to the option offered for street trees, which go into a fund to be used for improvements in more appropriate locations across the City. While Board members felt the waiver was not an ideal option, it seemed most appropriate considering the challenges of disconnected sidewalks, escrow options, and the uncertainty of future connectivity.

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

On a motion made by Mr. Hicks, and second by Councilor Pierce, the Board voted unanimously to **grant ADR approval** for the building design, landscaping, and site layout with the recommendation that the flowering pear trees be substituted for a different species and that the lighting plan be revised to factor in the shadowing effect of the landscaping.

On a motion made by Mr. Hicks, and second by Chair Woodfin, the Board voted unanimously to **grant the waiver** to Section 21.02 (SPR) to not construct a sidewalk, or provide funds in escrow for the construction of the required sidewalk along frontage of properties within the Urban Growth Boundary, given the closest sidewalk connection is over 600 feet away and on the opposite side of the street, 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.

On a motion made by Councilor Pierce, and second by Mr. Hicks, the Board voted unanimously to **grant Major Site Plan** approval for the proposed parking and loading area expansion and associated site improvements at 162 Pembroke Road in the Industrial (IN) District, 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 and Engineering Divisions. For all subsequent submissions, applicant shall provide a response memo addressing/acknowledging all comments.

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- (2) Waiver(s) granted are to be noted and fully described on the plan including date granted and applicable Article 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) Final plans shall be signed and sealed by the NH Registered Land Surveyor, Landscape Architect, and Professional Engineer.
- (4) 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) 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 five (5) copies of the signed plan set shall be provided by the applicant at the pre-construction meeting.
- (3) 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.

Mr. Fox returned to the table as a voting member.

7D. TF Moran, on behalf of KRJ Finance, LLC, request Major Subdivision approval for a nine condominium unit cluster subdivision at 462 Josiah Bartlett Road in the Medium Density Residential (RM) District.

Mr. Durfee provided an overview of the project noting that the project was originally a proposal for a traditional nine lot cluster subdivision; however, due to site constraints, it is now proposed as a nine land condo unit subdivision.

Mr. Durfee mentioned the ADRC comments specific to the orientation of the buildings, screening of transformers, and driveway layout. They suggested that the houses be built closer to the road and to screen utility boxes with landscaping. He noted that the applicant made changes to the driveway configurations. The ADRC also requested to see sample of materials.

Chairman Woodfin opened the public hearing.

Chris Rice of TF Moran and Michael Witcher of Witcher Builders represented the application.

Mr. Rice stated that the lot was previously subdivided into three lots back in February. The proposal now is to further subdivide into 9 lots for a cluster subdivision. There have been some additional challenges with the location and size of septic systems limits relative to the location and orientation of the houses. He stated that the road will be a 675 foot private road, maintained by the home owner's association. Each unit will have its own well and septic. The open space will be 12.65 acres. He provided an overview of the open and closed drainage system for the project. The landscaping plan was reviewed; 30 trees are proposed on the road. Mr. Rice provided an overview of the traffic. He explained that the trips generated were less than the typical day to day traffic counts. Proposed renderings were provided. Mr. Rice noted that no two, same-styled homes, will be built next to each other.

Mr. Durfee stated that a waiver has been requested for a reduction in the road width and to not construct sidewalks, as indicated in Section 20 Table 20-1. He added that staff does support this

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waiver request due to the fact that the road will remain as a private road. In addition, a waiver is also being requested for street lighting, Section 21.16, to not provide the required street light at the proposed intersection of Midmark Lane and Josiah Bartlett Road. The closest street light is 130 feet away. Staff has not provided an opinion on requiring the street light or granting the waiver and recommends the Board to determine whether or not to grant the waiver.

Mr. Hicks asked about the trees along Rte. 106 and how many will be removed. Mr. Witcher replied that they will try to keep as many trees as possible. They only plan to remove the trees around the house areas. Discussion ensued regarding adding a fence. Mr. Witcher explained that there is no plan to add a fence. He noted the slope between the homes and Rte. 106 and he expects the trees to act as a barrier.

Councilor Peirce asked about the aquifer capacity. Mr. Witcher replied that the only research available is from the State of NH website. He explained that did research regarding the wells. Most wells in the area are 200 to 500 feet and received adequate water for approvals. The last well was 330 feet and was determined adequate. Overall, the aquifer is adequate to provide water to additional dwellings.

Chair Woodfin noted that there were several letters submitted that note comments and concerns regarding this project.

With 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 second by Mr. Hicks, the Board voted unanimously to **grant the waivers from Section 20 Table 20-1** of the Subdivision Regulations to construct a common private drive with a width of 22 feet where 26 feet is required and without sidewalks or curbing which otherwise would be required, based on conversations between the applicant and Staff, **and Section 21.16 Street Lights** to not provide the required street light at the intersection of Midmark Lane and Josiah Bartlett Road, 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.

On a motion made by Mr. Hicks, and second by Mr. Fox, the Board voted unanimously to **grant ADR approval** for the building architecture styles and materials, landscaping, and site layout.

On a motion made by Ms. Smith-Meyer, and second by Mr. Hicks, the Board voted unanimously to **grant Major Subdivision approval** for the nine-land unit condominium cluster development at 462 Josiah Bartlett Road in the Medium Density Residential District, subject to the following 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 all Review comments to the satisfaction of the Planning and Engineering Divisions. For all subsequent submissions, applicant shall provide a response memo addressing/acknowledging all comments.
- (2) Address Engineering Comments to the satisfaction of the Engineering Division.
- (3) Traffic and recreation fees shall be assessed for any construction on lots contained within this approved 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,

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Recreational Facilities Impact Fee per Variable Unit; and Table 3, Transportation Facilities Impact Fee per Variable Unit.

- (4) Waiver(s) granted are to be noted and fully described on the plan including date granted and applicable Article number(s) of the Zoning Ordinance. Should the Board vote to deny the Waiver(s), the applicant shall comply with said submission requirement(s).
- (5) 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.
- (6) The Licensed Land Surveyor shall sign and seal final plans and mylars.
- (7) A NH Certified Wetland Scientist shall sign and seal the final plans and mylars.
- (8) 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.
- (9) 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.
- (10) Prior to the issuance of any building permits, the 50' wetland buffer shall be marked with discs available at the Planning Division

- 7E. Dakota Partners, on behalf of P&M Realty of Concord, LLC, requests Major Subdivision approval to create land condominium units on property off Langdon Ave in the Opportunity Corridor Performance (OCP) District.

Chairman Woodfin opened the public hearing and stated that the Board will address the Condominium and Site Plan application separately. He explained that the condominium is relative to the land and not building units.

Representing the application was Chris Nadeau of Nobis Group, Mark Pilotte, of Dakota Partners, and Peter Bloomfield of P&M Realty.

Ms. Fenstermacher provided a brief update noting that they are awaiting comments from the City Assessor. She noted that there are still conservation easement issues that are still outstanding.

Mr. Nadeau reviewed the layout of the property. He explained the proposed five phase development, which includes 192 residential units, two office buildings, overflow parking area and the existing EVO Gym.

Concord resident Paul Halvorsen requested the Board address both applications for this property together, 7E and 7F, as it could be the same testimony heard twice. Chairman Woodfin agreed to the request and opened the public hearing for the next application.

- 7F. Dakota Partners, on behalf of P&M Realty of Concord, LLC, requests Major Site Plan approval for a mixed-use development consisting of 192 multifamily units in six residential structures, a club house, and two pad sites for future development; also requested is a Conditional Use Permit (CUP) to allow construction of fewer parking spaces than are required, for property off Langdon Ave in the Opportunity Corridor Performance (OCP) District.

Ms. Fenstermacher mentioned that the traffic study led to the recommendations for the offsite improvements. The applicant is requesting a credit to the transportation facilities impact fees; the Applicant will pay for offsite improvements and get the credit. The Board can approve and the

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Planning Board Clerk can approve the amount. Staff supports the credit as the improvements are specifically for South Main Street and are a result of the development; these improvements would be done in the future as they are already noted in the CIP for improvements.

Ms. Fenstermacher noted the request from staff and ADR for additional entrances into the courtyard's sides of the residential buildings, and to designate a main entrance for the commercial buildings on the south side of those buildings. In addition, there was a request in the meeting packet from Concord Coach lines request to not building bicycle lanes on the north side of Langdon Ave; however, they have amended their request for the bicycle lanes to be striped flush and extend through to the dead-end area. A CUP is requested to not construct all of the parking spaces, which staff supports. A waiver has been requested for the stormwater due to environmental issues on the site; staff supports the waiver with the condition that additional comments from NHDES be submitted for staff to review.

Mr. Nadeau showed a 3-d fly through of the proposed development that provided a view of the proposed entrances and egresses to the development, a fenced area for emergency access only for the commercial buildings, the clubhouse and playground, and noted each building. He mentioned that the fence along the south side of the commercial area is a temporary fence only for environmental purposes. Mr. Nadeau stated that they are requesting a CUP for fewer parking spaces. They believe that the 1.5 spaces provided are sufficient. They are showing 300 spaces to meet the reduced amount. He continued and stated that there is no plan to impact the conservation area. There is a 75-foot setback required, which they have maintained. Stormwater has been separated from the office buildings and residential buildings. Runoff volumes were reviewed and Mr. Nadeau explained that due to soil contamination and lack of groundwater separation, they are not able to meet the infiltration required.

A discussion was held regarding the need for a left turn lane onto South Main Street. Mr. Nadeau stated that the second phase of the development would trigger the need for a left turning lane and that will be built that as part of Phase 2. He added that phase 1 and 2 will likely be built together. Mr. Pilotte further explained the area and the constraints of the left turn lane with the right of way and utility poles. He indicated that that project is over budget; however, he is working with staff to make headway. He noted that moving the utility poles on the east side of S. Main Street would be approximately \$150,000. Mr. Nadeau commented that they could use the wide shoulder instead of having a dedicated turn lane.

Mr. Nadeau stated that they are only allowed six years for the full buildout based on the site plan regulations. He requested that there be phasing flexibility for the project. Ms. Shank explained they could request an extension from the Board.

Mr. Nadeau spoke to the ADRC comments relative to the comments about entrances to the office buildings on the southside being redesign to create an enhanced street scape. They have provided entrance doors for the commercial buildings on the south side, and prefer to keep the design as is. Mr. Bloomfield added that the primary entrances will face the parking lot and Langdon Ave. Mr. Pilotte spoke to the layout and constraints of the site and noted that the placement is really sandwiched between the setbacks. A connection between the residential and commercial space was designed and an additional entrance was added. Discussion ensued regarding the residential building entrances to the courtyard. Mr. Nadeau explained that there is only one door on each courtyard side; additional doors would require using a lot more space. Mr. Pilotte added that there are also security and maintenance issues with adding an additional entrance on the courtyard side. He explained that he has already reduced the buildings size by 20,000 square feet to save \$150.00 per square foot.

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Councilor Peirce asked about fire safety and whether the required egresses are provided. Mr. Pilotte stated that all fire codes will all be met.

Mr. Nadeau stated that they are required to return to the ADRC should there be a different tenant or style proposed for the commercial buildings. They are hoping that the condition be amended to state that the buildings be approved as shown without the requirement of returning to ADRC, unless the buildings change.

Mr. Fox asked about the approval for the reduction of the parking spaces. Mr. Nadeau replied that the CUP is to build less parking as long as it can be shown that all of the required can be built, if necessary. Mr. Pilotte explained that 1.2 to 1.5 is the proper ratio for developments based on other developments he manages. With more spaces it is a lot of asphalt. Ms. Fenstermacher stated that the approved CUP will allow the City to require them to be built if it is deemed necessary. The Board is voting to allow the Applicant to not build them at this time.

Mr. Santacruce asked how overflow parking will be controlled and if residents start parking in the office spaces. Mr. Pilotte replied that there is management on site. He added that he is very comfortable that there will not be an issue with parking. Mr. Santacruce asked about the ADA space requirements and how parallel ADA parking spaces work. He suggested they look at Main Street parking where the sidewalks are bumped out to provide additional van unloading space or the regular ADA aisle space. Morgan Dunson, Nobis Group, stated that seven ADA spaces are required per 300 parking spaces; they have provided 16 ADA spaces for the 248 residential spots.

Mr. Hicks asked about the height of the tallest building and how much of the buildings can be seen from S. Main Street. Ms. Dunson stated that the elevation is nine feet down; 247 to 238 from entrance. Mr. Pilotte added that all three buildings are the same height and all are three stories. Chairman Woodfin asked about the mechanical systems being visible. Mr. Pilotte stated that they would not be visible from the residential side.

Chairman Woodfin asked about the snow storage. Mr. Nadeau explained that the snow storage is located so as not to impact the pond. He added that it is the goal to not plow the interior.

Lighting was mentioned. Mr. Nadeau stated that nothing is proposed on Langdon Ave. for lighting. Architectural fixtures will be used in the site. Mr. Santacruce suggested that the Applicant work with staff to add some up lighting to Langdon Ave. and at the street corner and at the crosswalk.

Ms. Smith-Meyer stated that there is a lot of information on the landscape plan which makes it difficult to read. She stated that she would like to see the Applicant concentrate on adding large shade trees and add ornamental trees in scattered areas maximizing the space between buildings. Ms. Fenstermacher noted that there are percentage requirements for ornamental and deciduous trees.

Mr. Santacruce expressed concern with the intersection and turning motions. He stated that there could be an issue with turning into or out of Langdon Ave. and encroaching into the turn lane. He would like to see the turning motion to determine this.

Ms. Shank stated that there are things you can do to make the office and residential buildings relate; add additional entrances which will change the building appearance to make it read not as the back of the building and not just look like a box. She added that landscaping should be added and suggested a vegetated buffer around the parking area.

Chairman Woodfin asked about the fence. Mr. Pilotte replied that there is a fence along the conservation area and around the office space but only during construction.

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Public Comments:

Roy Schweiker spoke to the cost of rentals being very expensive. He commented that most tenants have two vehicles; therefore, the proposed amount of parking may not be sufficient. He referenced the comment and cost suggested of moving utility poles and does not feel that the cost is too much for the project and the City could ask the developer to bury the utilities.

Paul Halvorsen stated that affordable housing is needed in the City; however, this location is not suitable. He spoke to vegetation proposed and indicated that it may not be suitable to buffer or block noise. He stated that the prior use of this property was for the railroad and there are discarded materials on site from the former use. There have been many problems in the area and on the underlying land. He asked what exposures there are from the former use. In regards to the additional entrance and egress issues with Langdon Ave being a dead-end private road, it is more of an issue now due to the heavy residential proposed in the area. He does not feel that there are any alternative methods to enter the property. He added that the railroad is still being used regularly and he is concerned with the life style and quality of life; this is not a good quality of life area for residents. He commented that with the proposed building proximities it appears that there will not be adequate areas for snow storage. He stated that he agrees with Mr. Schweiker relative to the amount of parking proposed. A tenant could have three cars or a business car. He stated that the property is not suited for this use. He asked the Board to deny both applications.

William Ulbrich, South Main Street, asked about changing the traffic pattern and widening the road. Chairman Woodfin replied that the change would be at that intersection of S. Main and Langdon Ave. only to create a left turning lane as you head south. Mr. Ulbrich stated that there should be a larger radius at the intersection heading in both directions. He added that there needs to be another approach to the project or continue to bring the road across the tracks and exit out onto Hall Street. He commented about the buildings construction and configuration and adding fire breaks between each unit and into the roofing. He expressed concern with the amount of entrances into buildings. Chairman Woodfin replied that there are three entrances proposed to the residential buildings.

Phil Keber, South Main Street, stated that he abuts the South End marsh. He stated that the plan does not consider the impacts to the school system with students, staff, and space constraints. The proposed apartments could overload the Abbot-Downing school. He is concerned about safety and the fact that the kids in this area walk to school and will cross South Main Street. He stated that the traffic will increase and the area can be dangerous as the cars move very quickly in the area. He expressed concern with the fact that South Main will be used as a cut-through to I-93. He added that he believes that the turning lane will be needed sooner than Phase 2. He appreciates the need for affordable housing, but this does not seem like the appropriate location given these concerns. He recommended the project is denied.

John McGrath, 303 South Main Street, expressed concern with the increase in traffic on the street and students walking to school. He stated that there should be a signal at the intersection. He explained that he has a hard time now backing out of his driveway and a traffic light will add to the bottleneaking. He stated that there will only be a vegetated buffer for four months of the year and then he will have a clear view of the property. He is opposed to the project.

Chris Swiniarski, attorney representing abutter Prolarized New England, explained that his client is not opposed to the project; however, wanted the public to be aware that they are a metal recycling facility with heavy metal shredders and crushers. They receive deliveries by rail and tractor trailer trucks. They are concerned that there will be some complaints from residents about their business and would like to have a requirement added to the occupancy agreements acknowledging the

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location. Chairman Woodfin acknowledged receipt of the letter today and agreed that it is important to inform future residents of the neighboring business.

William Remington, a Concord resident and retired engineer, expressed concern about the soil on site with contamination from creosote, car dust, and hazardous detergents. He stated that the fence will not be inspected and asked how it will be maintained. He suggested installing “No Trespassing” signs. With regard to the traffic, he acknowledged the traffic and turning in and out of the site will be very difficult. He expressed concern with the pitch coming out of the intersection as it is somewhat steep. He suggested that someone needs to look at the turn lanes showing traffic going in and out. He suggested adding a crosswalk light. He also noted that there will be an increase in traffic should there be a commuter rail to Concord and will increase freight traffic as well.

Ian MacGregor, resident of South Concord, stated that the affordable rent properties in Concord is an issue. He expressed concern with the amount of traffic and the high speeds on South Main Street. He suggested traffic calming elements be incorporated into the South Main Street design and requested the speed limit on South Main Street be dropped to discourage using South Main Street as a cut off to access exit 12. He also suggested that a bus route on South Main Street be added for this site. He added that the Applicant look into using some of the unused parking on Pillsbury Street with a parking lease agreement. He noted that there should also be some type of bike storage on-site for the residents.

Bo Santo, retired Concord firefighter, spoke to the difficulty of driving larger trucks, tankers, engines, etc., around the City. He stated that he is concerned with the traffic and the speeding. The proposal will increase the traffic along South Main Street and in the area. He commented to the winter months when snow is piling up and reduces the street widths that are already small. He added that he is also concerned about the environmental damages to the marsh.

Peter Engel, 359 South Main Street, stated that he is concerned with the effects to the marsh. He stated that the marsh is a very unique area with a large amount of wildlife. The existing spills are not good and any runoff will end up in the marsh. He agrees that there needs to be affordable housing in Concord but he is not in favor of the proposal as it is not right for the south end. He suggested that there be some kind of a pedestrian light for crossing South Main Street as this will become a dangerous intersection.

Ken March, south end resident, expressed concern with the potential increase in traffic, more noise, and speeding on South Main Street, as well as potential drainage issues. He also noted that South Main Street serves as a cut through to the highway. He added that the marsh is an attribute to the south end and there is a large amount of wildlife in and around the area. The snow storage will add to the pollution to the marsh. He stated that this is the wrong location for this development.

Ari Pollack, attorney at Gallagher Callahan and Gartrell, representing Concord Coach, stated that Concord Coach owns a portion of Langdon Ave across from the site. It is a large, paved, apron on Langdon Ave., which the busses use. He stated that due to the maneuvering of the busses they would like to avoid any raised elements. He mentioned the bike lane and stated that they would prefer no bike lane on their side of the road; however, are agreeable if the bike lane is striping only, and request that it should be painted so it is very clear to bus drivers where the lane is, and they would like to see it marked as one way as you turn on Langdon Ave from S. Main Street. He added that they would also like to have location-appropriate signage added where it can be placed.

Corrine Stony, 337 South Main Street, also spoke for her sister-in-law at 335 South Main Street, expressed concern with the impacts and the diversity of the marsh. She referenced a traffic study from 20 years ago that indicated there would be huge impacts for the site; what does that mean for

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this development. She stated that they understand that there is a need for this type of development. They are all for progress but at a more conservative and doable rate. They are not in favor of the project.

Ben Thornton, 337 South Main Street, expressed concerned that there is not enough parking proposed on this site and noted that the developer has indicated financial concerns. The traffic is already very bad on South Main Street and will only get noisier and heavier. He is ardently opposed to the project.

Mark Pilotte responded to comments. He stated that they will meet all fire safety codes and the buildings are fully sprinklered. He added they would be using environmentally-friendly alternatives rather than using salt on the site and they will also do snow removal if necessary.

Mr. Nadeau stated that they will be treating all of the stormwater runoff from the site before it goes into the marsh. They will be applying for an AOT permit for capturing runoff into a pond with vegetation prior to releasing into marsh. He added that with the current zoning the site could have up to 225 units but are only proposing 196 units; and he clarified that there are no additional buildings proposed than what is shown on the plan.

Chairman Woodfin commented that the proposed parking is typical for this type of development. He added that the City does not want empty parking lots with a lot of impervious surface.

Councilor Pierce asked about the types of contamination on the site. Mr. Nadeau stated that NHDES issued a letter indicating no further action is necessary for the residential portion of the site given the past monitoring and remediation. He explained that they will be providing a cap on the urban fill for any grassed or landscaped areas in the residential area. The commercial area has petroleum contamination, which is why that portion is strictly commercial. They will continue to work with DES on what may need to be done with the petroleum contamination. Mr. Hicks commented that this project may actually clean up the marsh.

Mr. Pilotte stated that they have met with Concord Coach and they are in agreement.

Steven Pernaw reviewed his traffic study for the site noting that the average trips per day is 7,000 cars per day. The numbers have remained the same over the past 4-5 years. He stated that here have been two crashes at the intersection from 2018 through 2020. After COVID-adjustments, the site will be adding 116 cars out, 64 in during a peak hour. He added that there will be an increase in stacking from Langdon Ave. and recommended a stop sign at Langdon Ave and a double yellow line. He stated the analysis he used is NHDOT criteria and it is very conservative.

Mr. Fox asked if the traffic study deemed the need for a crosswalk. Mr. Pernaw replied that it is better to have it than not. Mr. Pilotte stated that the numbers are not as high as considered to be.

Chairman Woodfin stated that the Board is sensitive to the public's comments and concerns that have been mentioned. Ms. Shank stated that the project meets all zoning requirements; no variances have been required.

With no further comments, Chairman Woodfin closed the public hearing.

Ms. Smith-Meyer commented that the buffer density between the buildings, marsh, and the residents and industrial use is not sufficient, and requested additional deciduous shade trees be added southwest of the residential buildings to the extent possible

Mr. Hicks stated that this is the opportunity corridor and it borders the residential zone; it is difficult for development. He added that this proposal is not worse than what was on the site there

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historically. He noted that there is no secondary access option as the land on the other side is privately owned.

Ms. Smith-Meyer stated that she has great concern about the marsh. She does not feel that enough has been done to mitigate the impact on the neighbors and the marsh. In addition, she suggested that they look into pedestrian crossing lights similar to Loudon Road. She noted that she is also concerned with the snow.

Mr. Santacruce asked if it is reasonable to ask the developer to do all safety improvements now and not wait for phase 2. He added that there should be some type of an enhanced crosswalk; hybrid beacon or flashing light.

The Board addressed the Major Condominium application first:

On a motion made by Councilor Pierce and second by Mr. Hicks, the Board voted unanimously to grant conditional **Major Condominium Subdivision approval** for the proposed condominium subdivision at Langdon Avenue in the Opportunity Corridor Performance (OCP), Urban Transition (UT), Medium Density Residential (RM), and Residential Open Space (RO) Districts, subject to the following 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 Planning Review Comments to the satisfaction of the Planning Division.
- (2) Condominium documents, including declaration of condominium and by-laws, if applicable, shall be approved by the City Solicitor, City Assessor, and Clerk of the Board. Applicant shall address all comments to the satisfaction of the City Assessor and City Solicitor.
- (3) If the Conservation Easement Deed is to be amended, the amended Easement Deed shall be accepted by City Council and recorded at the same time as the Condominium Plat.
- (4) The Licensed Land Surveyor shall sign and seal final plans and mylars.
- (5) 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) tax maps. The information shall be submitted in accordance with Section 12.09 of the Subdivision Regulations.
- (6) The Applicant shall deliver the following to Planning:
 - a. Two plan sets and one mylar(s) of the Condominium Subdivision Plat for endorsement by the Planning Board Chairman & Clerk and recording at the Registry of Deeds.
 - b. Final condominium documents, to be recorded at the same time as the Condominium Subdivision Plat.
 - c. Checks for recording the plan and condominium documents 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.

The Board then addressed the Major Site Plan Application:

On a motion made by Mr. Hicks, and second by Mr. Fox, the Board voted unanimously to **grant the waiver** 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:

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- Section 22.07(3) (SPR) to allow the volume of off-site discharge after project development to exceed the volume of discharge before development for the 10-year storm subject to the Applicant providing additional information confirming that NH Department of Environmental Services and Alteration of Terrain support the information provided by the Applicant regarding infiltration.

On a motion made by Ms. Smith-Meyer, and second by Mr. Hicks, the Board voted unanimously 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.

On a motion made by Ms. Smith-Meyer, and second by Mr. Santacrucce, the Board voted unanimously to **grant ADR approval** as follows:

- Approval for the layout and materials for the residential use, as submitted, with the suggestion to look at the lighting plan again.
- Approval for the layout and architectural components for the commercial use, as submitted, with the following recommendations to be addressed prior to the issuance of building permits for the commercial building:
 - The applicant shall return to ADR with a revised plan showing the exterior design once tenants are identified;
 - A strong recommendation that to the southern façade be redesigned to add vibrancy to the streetscape and that it be acknowledged as the major entrance with the north entries that lead onto parking being diminished;
 - Architecture, as it is further refined, should relate visually more to the elements of the residential buildings without losing the commercial aesthetic.

On a motion made by Mr. Hicks, and second by Mr. Fox, the Board voted unanimously to **grant Major Site Plan approval** for the proposed multi-phase, mixed use development at Langdon Avenue, 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.
 - (2) Add a 5 ft bike lane be added on the northern side of Langdon Avenue. Subject to staff review, additional revisions for the bike lane shall include: extending the entire length from S. Main Street to the eastern terminus; the bike lane shall include signage and other appropriate demarcation identifying one-way bike lane traffic west-bound at S. Main Street; and, the Applicant shall consider alternatives for painting or otherwise highlighting the bike lane on the ground surface.
 - (3) Provide an additional vegetative screening buffer utilizing large canopy trees along the perimeter of the parking west-southwest of the residential development to screen views of the development from residences on S. Main Street, to the greatest extent possible.
 - (4) Provide additional plantings around the parking lot associated with the commercial buildings, specifically along Langdon Ave and the entry driveway to the development, to include low evergreen shrubs in addition to the required canopy trees.

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- (5) Address all review comments to the satisfaction of the Engineering Services Division.
 - (6) 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) 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.
 - (8) Final plans shall be signed and sealed by the NH Registered Land Surveyor, Landscape Architect, and Professional Engineer.
 - (9) Submit three (3) copies of final plans for sign off by the Clerk and Chair of the Planning Board.
- (b) Subsequent Conditions – to be fulfilled as specified:
- (1) 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. See Engineering memo for additional pre-construction items to be addressed.
 - (2) 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.
 - (3) Prior to the issuance of any building permit in Land Unit 3/Phase 5 (commercial development), the Applicant shall submit an application for an amendment to a previously approved Site Plan, which shall include revised building plans and elevations, and an amended Site Plan, if applicable.
 - (4) Prior to the issuance of the Certificate of Occupancy for Phase 2, the off-site improvements shall be completed to the satisfaction of the City Engineer.
 - (5) Prior to issuance of a Certificate of Occupancy for each phase, 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 residential construction contained within the limits of the approved site plan. The impact fees and procedures shall be those in effect at the time of the issuance of a building permit as set forth in the City of Concord Code of Ordinances, Title IV, Subdivision Code: Chapter 29.2, Public Capital Facilities Impact Fee Ordinance. The specific fees assessed are those contained in Section 29.2.1-1 Assessment and Collection; subsection (b) Computation of the Amount of Impact Fees; Table 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

Any credits against the transportation facilities fee shall be approved by the Clerk of the Board. The applicant will be responsible for any impact fees above the amount of the credit, if approved.

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Ms. Rosenberger left at 11:15 p.m.

- 7G. Alex Vailas, LLC, on behalf of ROI Irrevocable Trust, requests Comprehensive Development Plan approval for a mixed residential and commercial development consisting of (5) multifamily buildings, and a combined gas station, car wash, sandwich shop, and convenience store in Phase 1; and an assisted living facility, independent living townhomes, grocery store, medical office building, restaurant, and bank with drive through service in subsequent phases, in the Gateway Performance (GWP) District.

Ms. Shank again stated that the application is not for final site plan approvals; it is for review of the Comprehensive Development Plan.

Ari Pollack, attorney at Gallagher Callahan and Gartrell, gave a brief overview of the Comprehensive Development Plan for Black Hill Road and Manchester Street, which will be done in phases. Phase 1 of the proposed development includes five multi-family housing buildings (266 units in total), and a convenience store/gasoline station and carwash. He stated that they are just getting started; however, they are requesting that the Board determine completeness tonight and they will continue to work with TF Moran, and the Planning and Engineering departments and will begin the traffic study.

Ms. Smith-Meyer expressed concern about the placement of the residential uses, adjacent to the supermarket. Atty. Pollack replied that this is an amazing opportunity in a neglected area of the City. The idea was to add residential along the river and the actual end placement depends on traffic. The pieces are still moving around it may not necessarily be a supermarket after more changes are made.

On a motion made by Mr. Fox, second by Ms. Smith-Meyer, the Board voted unanimously to determine the Comprehensive Development Plan Application to be complete, and that the project does not meet the criteria for a Development of Regional Impact (DRI), per RSA 36:55. The application was continued to a public hearing with no date certain, pending results of the traffic study.

Adjournment

At the request of Chairman Woodfin, Mr. Fox, made a motion to adjourn at 11:22 PM, seconded by Councilor Pierce. The motion passed unanimously.

A TRUE RECORD ATTEST:

Lisa Fellows-Weaver,
Administrative Specialist