

City of Concord Planning Board
November 17, 2021
Minutes

The regular monthly meeting of the City Planning Board was held on November 17, 2021, in City Council Chambers, in the Municipal Complex, at 37 Green Street, at 7:00 p.m.

Attendees: Chairman Richard Woodfin, Councilor Byron Champlin, Members Matthew Hicks, Jeff Santacruce, and Alternate Chiara Dolcino.

Absent: Vice-Chair Carol Foss, Councilor Erle Pierce, Teresa Rosenberger (Ex-Officio for City Manager), Susanne Smith-Meyer, David Fox, and Alternate Frank Kenison.

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 Byron Champlin, Matthew Hicks, Jeff Santacruce, and Alternate Chiara Dolcino.

3. Approval of Planning Board Meeting Minutes

October 20, 2021 Minutes

On a motion made by Mr. Santacruce, and seconded by Mr. Hicks, the Board voted unanimously to approve the October 20, 2021, Planning Board Meeting Minutes, as written.

4. Planning Board Chair Overview

Chairman Woodfin noted that, at the request of the applicant, Item 8A – 569 Mountain Road will be continued to the December 15, 2021, Planning Board meeting.

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

5. Determination of Completeness

- 5A. TFMoran, Inc, on behalf of Perry William H. Family Trust & Perry Barbara M. Trust, requests Comprehensive Development Plan and Major Site Plan approval for a multifamily residential development consisting of approximately 123 two-bedroom units in (3) three story buildings; also requested are three Conditional Use Permits to allow a residential development without a commercial component in a GWP District, to allow construction of fewer parking spaces than are required, and to allow less than the required separation between driveways; along with associated site improvements, for property off of Pembroke Road in the Gateway Performance (GWP) District.

Mr. Santacruce expressed concern with the proposed driveway location and requested the applicant provide information as to the need for this design and no other options. He noted that there are multiple utility poles located on private property that may require easements, and/or the poles be relocated. He also requested that the applicant address the proposal for the sidewalk noting that there may be alternatives. He added that there is a bus route nearby that should be considered.

On a motion made by Councilor Champlin, and seconded by Mr. Hicks, the Board voted unanimously to determine the application complete; determined that the project does not meet the criteria for a Development of Regional Impact (DRI), per RSA 36:55, and set the Public Hearing for December 15, 2021.

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6. Design Review Applications by Consent

- 6A. Neopco Signs, on behalf of Capitol Craftsmen/Romance Jewelers, requests ADR approval for the installation of a new non-illuminated projecting sign at 16 N. Main Street in the Central Business Performance (CBP) District.

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

- 6B. Neopco Signs, on behalf of The DeStefano Cos., requests ADR approval for the replacement of an externally-illuminated freestanding sign at 46 Pleasant Street in the Civic Performance (CVP) District.

On a motion made by Councilor Champlin, and seconded by Mr. Santacruce, the Board voted unanimously to approve the design as resubmitted, by consent, reflective of ADR recommendations to switch the street number to black on white, and to add a border on the top and bottom of the sign.

- 6C. Neopco Signs, on behalf of NH Pizza Co., requests ADR approval for the installation of a new non-illuminated wall sign and a new non-illuminated projecting sign at 76 N. Main Street in the Central Business Performance (CBP) District.

On a motion made by Councilor Champlin, and seconded by Mr. Santacruce, the Board voted unanimously to approve the design as resubmitted, by consent, reflective of ADR comments to add a red accent to both ends of the sign.

- 6D. Neopco Signs, on behalf of Canine Strong, requests ADR approval for the replacement of an internally-illuminated wall sign at 248 Steep Davis Road in the Gateway Performance (GWP) District.

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

- 6E. Sousa Signs, on behalf of Sam's Club, requests ADR approval for the replacement of an internally-illuminated freestanding sign, three internally illuminated wall signs, and two non-illuminated wall signs, at 304 Sheep Davis Road in the Gateway Performance (GWP) District.

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

- 6F. Joyce Landwehr, on behalf of Sam's Club, requests ADR approval for façade modifications to the building at 304 Sheep Davis Road in the Gateway Performance (GWP) District.

On a motion made by Councilor Champlin, and seconded by Mr. Santacruce, the Board voted unanimously to approve the design of the façade change as submitted, by consent.

- 6G. Dasco Signs, on behalf of Dunkin Donuts, requests retroactive ADR approval for the replacement on an internally-illuminated wall sign, an internally-illuminated freestanding sign, and the relocation of an internally-illuminated wall sign, at 101 Loudon Road in the General Commercial (CG) District.

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

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Public Hearings

7. Design Review Applications

- 7A. Swim NH, LLC requests an amendment to an Architectural Design Review approval that was granted as part of a Major Site Plan application to allow a change to building materials for a proposed swimming pool enclosure at 41 Hall Street in the Gateway Performance (GWP) District.

On a motion made by Councilor Champlin, and seconded by Mr. Hicks, the Board voted unanimously to determine the application complete and open the public hearing.

Mr. Durfee provided an overview of the application explaining that Swim NH is requesting to amend the 2019 approved site plan application to allow changes of materials and change the structure by allowing the roof and sides to retract which will allow the business to function during inclement weather. He stated that the ADR recommended approval, as submitted.

Karen Jenovese represented the application.

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

On a motion by Councilor Champlin, and seconded by Mr. Hicks, the Board voted unanimously to **grant ADR approval** for the proposed changes as submitted.

On a motion by Councilor Champlin, and seconded by Mr. Hicks, the Board voted unanimously to **grant Site Plan Amendment approval** for the change in building materials for a structure housing a previously approved in-ground swimming pool at 41 Hall Street.

- 7B. The Turner Group, on behalf of The DeStefano Cos., requests ADR approval for the renovation of an out-building for the purpose of a new dwelling unit at 46 Pleasant Street in the Civic Performance (CVP) District.

Mr. Durfee gave an overview of the project stating that the application came before the ADRC and there were a number of concerns noted relative to the character of the building being maintained with the renovations, specifically the southern façade. He stated that the Committee recommended approval of the eastern, northern, and western façade noting a fire wall would be required. A split building permit was suggested to allow the applicant to move forward with the exterior renovations for the structure except for the southern façade, and the applicant would return to the Committee at the November 30 meeting for additional review of the design.

Bill Hickey of the H.L. Turner Group represented the application along with Steve DeStafano.

Chairman Woodfin opened the public hearing.

Mr. Hickey stated that HL Turner Group have been working with Mr. DeStafano and the Code Department to convert the existing garage, a former carriage house/stable, into a two story, two-bedroom apartment. He explained each bedroom must have its own opening for egress and for venting and there are requirements for the amount of daylight entering a bedroom, the two windows proposed meet these requirements; they were not able to come up with a method to leave the arched window with two smaller windows on either side and meet the current codes. He requested that the elevations be approved as submitted so they are able to continue to complete the renovations.

Mr. Durfee stated that the Committee recognizes the need for the two windows; however, they would prefer that the windows be reduced in height. Mr. Hickey replied that each bedroom needs to have an egress. He noted that the Committee did recommend adding skylights; the property owner is not in favor of adding skylights.

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Mr. DeStafano commented that the three windows on the west side will be removed and infilled due to the required one hour rated fire wall.

Councilor Champlin thanked the applicant for their efforts in repurposing a historic building and creating additional housing and tenaciously trying to preserve the historic window.

Mr. Durfee stated that the ADRC commented about preserving the casing of the existing garage opening and design something that may appear to be less commercial looking.

Mr. Hicks commented that this is a nice to see a historical structure being repurposed into a great use and making it modern into today's codes where it could have been torn down.

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

On a motion by Councilor Champlin, and seconded by Mr. Hicks, the Board voted unanimously to **grant ADR approval** for the façade changes to all sides of the building as presented, subject to ADR recommendations that the west wall maintain the window casings and be infilled with siding, and that the front door be replaced with a door more in keeping with the historical character of the building.

- 7C. KC Signs, on behalf of Tropical Smoothie Café, requests ADR approval for the installation of a new internally-illuminated wall sign and a replacement internally-illuminated freestanding sign at 240 Loudon Road in the Gateway Performance (GWP) District.

Ms. Shank stated that the ADRC approved the application for the sign as submitted at the November 2 meeting. The applicant then submitted a revised rendering of the sign proposing it to be smaller in size.

No one was present to represent the application. With no comments from staff, members of the Board, or public, Chair Woodfin closed the public hearing.

On a motion by Councilor Champlin, and seconded by Mr. Santacruce, the Board voted unanimously to **grant ADR approval** for the design and reduced size as resubmitted.

8. Site Plan, Subdivision and Conditional Use Permit Applications

- 8A. Richard D. Bartlett & Associates, LLC, on behalf of Patrick J. Lafave & Kelly A. Mulroy, request Minor Subdivision approval for a 3 lot subdivision at 569 Mountain Road in the Medium Density Residential (RM) District. (2021-46)

On a motion by Councilor Champlin, and seconded by Mr. Hicks, the Board voted unanimously to postpone the application as requested by the applicant, to December 15, 2021.

- 8B. TFMoran, on behalf of Bull Meadow Re Holdings, LLC, requests an amendment to a Major Site Plan approval for construction of a single family home with storage garage underneath, and a Conditional Use Permit for proposed impacts to wetland buffer, at 63 Bog Road in the Residential Open Space (RO) and Medium Density Residential (RM) Districts. (2021-47).

Ms. Fenstermacher gave an overview of the project stating that Zoning Board granted a variance for the addition of a single-family dwelling for a caretaker apartment with a three-bay garage for storage underneath. The CUP for wetland buffer impacts received recommendation for approval from the Conservation Commission, as submitted.

Nick Golon of TF Moran represented the application.

Mr. Golon stated that the project is an amendment to a previously approved Major Site Plan to add a 1,300 sf garage and a two bedroom apartment. The garage will allow for storage of venue related

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items as well as maintenance equipment for the general upkeep of the property. The facilities manager will occupy the apartment, which will also add security for the venue. He explained that a variance was granted for the residential use.

Mr. Golon explained the building placement in relation to the wetlands located on either side of the proposed structure. He stated that the proposed structure will be placed to overlap an existing foundation that was previously removed. He noted that the proposed location is equal distance between the wetlands and is the best location in order to minimize impacts. Approximately 2,100 of the 3,975 sf was impacted by the prior project.

With regard to the drainage, Mr. Golon stated that the drainage systems have been evaluated and there will be no impacts with the additional structure and the paving. He added that an amended AoT permit is not required to be filed as the project qualifies for deviation.

Mr. Golon stated that the met with the Conservation Commission last week and they motioned to recommend approval of the CUP for the buffer impacts.

Mr. Santacruce asked if the existing driveway was recently paved, and whether the original drainage study considered the new pavement and whether any additional treatment is required or has been provided. He noted that additional grading for the pavement may impact the wetlands, and the topography drains back to the wetland complex. Mr. Golon replied that the gravel is impervious and was already considered in the original drainage study, no additional treatment is required. Mr. Santacruce also questioned the wetland boundary and noted that he saw standing water in the area identified as the wetland buffer. Mr. Golon replied that the wetlands were originally mapped in 2019 and they did not revisit the wetlands for this proposal.

Mr. Golon stated that revised building elevations are forthcoming as the architect is delayed. He stated that they will return to ADRC, if necessary.

On a motion by Councilor Champlin, and seconded by Mr. Hicks, the Board voted unanimously to **grant ADR approval** for the site plan and the building as submitted, pending staff review of the revised building elevations.

On a motion by Councilor Champlin, and seconded by Mr. Hicks, the Board voted unanimously to **grant a Conditional Use Permit** in accordance with Section 28-4-3(d) to disturb approximately 3,975 sf of Wetland Buffer, utilizing the criteria from Section 28-9-4(b) (ZO).

On a motion by Councilor Champlin, and seconded by Mr. Hicks, the Board voted unanimously to **grant approval of the amendment to a previously approved Major Site Plan** for the construction of a single-family dwelling with storage garage underneath, at 63 Bog 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 Planning Review comments to the satisfaction of the Planning Division.
 - (2) Address Engineering review comments to the satisfaction of the Engineering Division.
 - (3) 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 and Site Plan Regulations. Should the Board vote to deny the Waivers or Conditional Use Permit(s), applicant shall comply with said submission requirement(s).

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- (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) Wetland buffers shall be clearly and permanently marked with City of Concord Wetland Buffer disks prior to the commencement of construction activity.
 - (2) Prior to commencement of construction activity, payment of inspection fees in an amount approved by the City Engineer shall be made.
 - (3) A pre-construction meeting shall be required prior to the start of any construction activities onsite. 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.
 - (4) Prior to a 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.
 - (5) Prior to the issuance of a Certificate of Occupancy or final construction sign-off, digital information shall be provided to the City Engineer for incorporation into the City of Concord Geographic Information System (GIS) and tax maps. The information shall be submitted in accordance with Section 12.08 of the Site Plan Review Regulations and all information shall be converted to a vertical datum of NAVD 88.
 - (6) For any events that will cause overflow traffic, the property owner shall install signage or some barrier to prevent cars from parking on one side of the drive to ensure that the venue is in compliance with the variance and life safety code.
 - (7) 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)

9. Other Business

There was no other business to address.

Adjournment

At the request of Chairman Woodfin, Councilor Champlin made a motion to adjourn, seconded by Mr. Santacruce. The motion passed unanimously at 7:38 PM.

A TRUE RECORD ATTEST:

Lisa Fellows-Weaver,
Administrative Specialist