

City of Concord Planning Board
August 17, 2022
Minutes

The regular monthly meeting of the City Planning Board was held on August 17, 2022, in City Council Chambers, in the Municipal Complex, at 37 Green Street, at 7:00 p.m.

- Attendees: Chairman Richard Woodfin, Councilor Erle Pierce, Members Susanne Smith-Meyer, Amanda Savage, Jeff Santacruce, David Fox, and Matthew Hicks.
- Absent: Vice-Chair Carol Foss, Teresa Rosenberger (Ex-Officio for City Manager), Alternate Chiara Dolcino, and Alternate Frank Kenison.
- Staff: Heather Shank (City Planner), Beth Fenstermacher (Assistant City Planner), Lisa Fellows-Weaver (Administrative Specialist), and José Lovell (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, Members Susanne Smith-Meyer, Amanda Savage, Jeff Santacruce, David Fox, and Matthew Hicks.

3. Approval of Planning Board Meeting Minutes

July 20, 2022 Minutes

On a motion made by Mr. Fox, and seconded by Councilor Pierce, the Board voted unanimously to approve the July 20, 2022, Planning Board Meeting Minutes, as written.

4. Planning Board Chair Overview

Chairman Woodfin stated that items 5C and 5E would be pulled from consent and addressed separately. A request has been received relative to Item 7C to postpone to no date certain and Item 7D has submitted a request to postpone to September 21, 2022.

5. Design Review Applications by Consent

- 5A. Advantage Signs, on behalf of Dandelion Children’s Consignment, requests ADR approval for the installation of a new non-illuminated projecting sign at 4 North Main Street in the Central Business Performance (CBP) District.

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

- 5B. Sousa Signs, on behalf of Start Jiu-Jitsu, requests ADR approval for the replacement of an internally-illuminated freestanding sign panel and an internally-illuminated wall sign at 89 Fort Eddy Road in the Gateway Performance (GWP) District.

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

- 5D. Metro Sign & Awning, on behalf of Washville Carwash, requests ADR approval for the installation of three internally-illuminated wall signs at 192 Loudon Road in the General Commercial (CG) District.

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

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- 5F. Planet Flagpole, on behalf of Wendy's, requests ADR approval for the installation of three internally illuminated wall signs at 2 Merchants Way in the Gateway Performance (GWP) District.

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

Public Hearings

6. Design Review Applications

- 5C. TurnOne Graphics, LLC, on behalf of Repete's, requests ADR approval for the replacement of an internally-illuminated wall sign at 106 South State Street in the Urban Transitional (UT) District.

Chairman Woodfin opened the public hearing. No one was present to represent the application.

A discussion was held regarding the comments in the Architectural Design Review Committee minutes from the August 2 meeting relative to the blade sign being installed and if it requires a variance and the replacement of the existing cabinet.

Ms. Weaver explained that the blade sign is believed to be installed; it is not a part of this application. Ms. Shank stated that the application is for the replacement of just the panel in the wall sign.

With 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. Hicks, the Board voted unanimously to approve the design as submitted.

- 5E. KC Signs, on behalf of LL Flooring, requests ADR approval for the installation of an internally-illuminated wall sign and an internally-illuminated freestanding sign panel at 310 Loudon Road in the Gateway Performance (GWP) District.

Chairman Woodfin opened the public hearing. Robin Kasey from KC Sign represented the application.

Mr. Santacruce asked about the location of the sign within the façade and mentioned that the façade shown in the renderings is not accurate. Ms. Casey stated that the building is still under construction. Discussion ensued regarding delaying the decision until the Board has accurate information.

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 seconded by Mr. Hicks, the Board voted unanimously to approve the free-standing sign design, as submitted, and to postpone the approval of the wall sign until clarification of the location of the sign on the building is clarified as well as the status of the building façade.

- 6A. Advantage Signs, on behalf of Moritomo, requests ADR approval for the replacement of an internally-illuminated wall sign and 32 Fort Eddy Road in the Gateway Performance (GWP) District.

Chairman Woodfin opened the public hearing. No one was present to represent the application.

Ms. Shank stated that the sign is a public hearing due to the fact that the sign was installed.

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

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

- 6B. Gilberto Reyes, on behalf of El Rodeo Mexican Restaurant, requests ADR approval for the installation of a pergola over established outdoor seating at 22 Loudon Road in the Gateway Performance (GWP) District.

Chairman Woodfin opened the public hearing. Gilberto Reyes represented the application.

Mr. Reyes provided a picture of pergola installed at the Salem, NH location. He noted that there will not be any arches, the post will be straight up and will not be attached to the building.

With 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 Councilor Pierce, the Board voted unanimously to approve the design as submitted, with ADR recommendations that all hardware be painted black.

- 6C. MD Architects, PC, on behalf of VCA Real Property Acquisition Corporation, requests ADR approval for the installation of a screening fence and two concrete pads for the purpose of supporting a mobile MRI trailer at 1 Intervale Road in the Gateway Performance (GWP) District.

Ms. Shank explained that this application was inadvertently omitted from the ADR agenda. The application is required for the concrete pads, which require a building permit, as it is in a Performance District.

Chairman Woodfin opened the public hearing. No one was present to represent the application.

Members reviewed the application and a discussion was held regarding if the Board should choose the fence materials as 2 options were shown in the application. The majority of members agreed there was no preference and that the fence materials could be the choice of the applicants.

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 seconded by Mr. Santacruce, the Board voted unanimously to approve the design as submitted.

7. Site Plan, Subdivision and Conditional Use Permit Applications

- 7A. T.F. Bernier, Inc, on behalf of the Jobin Family Trust, requests an amendment to a previously approved Minor Subdivision Plan to request a waiver to allow overhead utilities at 124 and 128 Horse Hill Road in the Open Space Residential (RO) District.

Ms. Shank stated that this is a request for a waiver for overhead utilities from the original approval date of March 17, 2021. The house was constructed last fall and upon inspection for CO, it was determined that a new utility pole was installed on private property and new overhead wires cross the street, where they are required to be underground per the Regulations. The waiver request has been submitted to allow the poles and the above ground utilities to remain as installed.

Chairman Woodfin opened the public hearing.

Tim Bernier, of TF Bernier, Inc., represented the application.

Mr. Bernier stated that this was Unitil's misunderstanding of City requirements. He explained that the poles were installed by Unitil and are within 2.5 feet of the property line. He noted that the

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poles are outside of the right-of-way. The electricity is underground on the property, with the exception of the 2.5 ft and the pole.

Councilor Pierce stated this area has many wires crossing the street already, the change of the pole location and expense of relocating the poles will not make a huge difference. The developer met the requirement for the underground utilities from the pole to the house. To undo this would be more difficult and costly. He recommended approving the waiver request.

Mr. Hicks asked if a condition could be added to remove the poles if Unitil has any projects to replace poles, the poles should be relocated to correct the issue. Ms. Fenstermacher explained that the condition would be very difficult to track and enforce, and it would be a condition for Unitil and on a private property plan.

Mr. Santacruce stated that the City should reach out to Unitil and explain the City's expectations and next time Unitil should correct the issue as it does not meet the City's requirements; it is onerous for the owner and you still have the overhead issues.

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 seconded by Mr. Hicks, the Board voted unanimously **to grant the waivers** to Section 26.02(1) Underground Utilities, and 26.02(2) Location of the Subdivision Regulations, to not require the relocation of the poles and not bury the overhead utilities in the road at 120 and 124 Horse Hill Road, utilizing the criteria of RSA 674:44(1) which states 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.

7B. Wilcox & Barton, on behalf of NHT 2022 LLC, requests Major Site Plan approval for modifications to an existing parking lot at 81 Hall Street in the Opportunity Corridor Performance (OCP) District.

Ms. Shank gave an overview of the project explaining that the proposal is to modify a parking area to add a loading dock and landscaping.

Cynthia Theriault of Wilcox and Barton represented the application.

Ms. Theriault stated that the proposal is due to a change of use from office to medical, and changing the parking to add a loading dock, which will result in removing landscaping and adding additional landscaping in other areas.

Mr. Santacruce referenced the north side of the building and asked if there will be any changes to the curbing as it appears the radius may be tight for trucks to make the turns. Ms. Theriault replied that the trucks are a FedEx style box trucks and there should not be any issues.

Ms. Smith-Meyer stated that the landscaping plan needs to be submitted and commented that 20 feet is not close enough for adequate shade in a parking lot. Ms. Fenstermacher noted that this complies with the Site Plan requirement which is 20 ft.

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 seconded by Mr. Hicks, the Board voted unanimously **to grant ADR approval** for the proposed site plan for the parking lot revision at 81 Hall Street.

On a motion made by Mr. Santacruce, and seconded by Mr. Hicks, the Board voted unanimously **to conditionally approve the Major Site Plan application** for the proposed parking lot revision at 81 Hall Street, subject to the following precedent and subsequent conditions noted below:

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- (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) The applicant shall submit an Existing Conditions Plan and Landscape Plan addressing the comments noted above in the Technical Review comments to the satisfaction of the Planning Division.
 - (2) Address Engineering review 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.
- (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 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.
 - (4) 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.

7C. Wilcox & Barton Inc., on behalf of Arts Alley, LLC, C/O Foxfire Property management Inc, requests Major Site Plan approval for construction of a two story mixed use building consisting of a first floor restaurant and second floor office and/or event space at 20-20.5 South Main Street in the Central Business Performance (CBP) District.

On a motion made by Ms. Smith-Meyer, and seconded by Mr. Santacruce, the Board voted unanimously to grant the request to postpone with no date/time certain.

7D. Kalapa Realty Trust, LLC requests Major Site Plan approval and Minor Subdivision Approval for an age restricted residential development consisting of attached condominium units, along with a Conditional Use Permit (CUP) for disturbance to a wetland buffer at 61 Borough Road in the Single Family (RS) and Medium Density (RM) Districts.

On a motion made by Ms. Smith-Meyer, and seconded by Councilor Pierce, the Board voted unanimously to grant the request to postpone the project to September 21, 2022.

Other Business

8. Review ConcordNEXT

Ms. Shank gave a PowerPoint presentation explaining the ConcordNEXT Zoning Update. She reviewed slides noting proposed changes.

Adjournment

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At the request of Chairman Woodfin, Ms. Smith-Meyer made a motion to adjourn, seconded by Mr. Santacruce. The motion passed unanimously at 8:26 PM.

A TRUE RECORD ATTEST:

Lisa Fellows-Weaver,
Administrative Specialist