

City of Concord Planning Board
September 21, 2022
Minutes

The regular monthly meeting of the City Planning Board was held on September 21, 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, Teresa Rosenberger (Ex-Officio for City Manager), Members Susanne Smith-Meyer, Amanda Savage, Jeff Santacruce, David Fox, and Matthew Hicks.

Absent: Vice-Chair Carol Foss, 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, Teresa Rosenberger (Ex-Officio for City Manager), Members Susanne Smith-Meyer, Amanda Savage, Jeff Santacruce, David Fox, and Matthew Hicks.

3. Approval of Planning Board Meeting Minutes

August 17, 2022 Minutes

On a motion made by Mr. Santacruce, and seconded by Councilor Pierce, the Board voted unanimously to approve the August 17, 2022, Planning Board Meeting Minutes, as written.

4. Planning Board Chair Overview

Chairman Woodfin stated that items 8H and 8I would not be addressed at this meeting. A request has been received, by the applicant for Item 8H requesting the project be postponed to October 19, 2022. With regards to Item 8I, staff recommended the project be tabled to no date and time certain.

8H. Wilcox & Barton Inc., on behalf of Morrill Mill Pond LLC, requesting Major Site Plan approval for structures of approximately 2200 sf and 2300 sf for the purpose of a restaurant with drive through and retail space at 10 Whitney Road in the Industrial (IN) District.

On a motion made by Councilor Pierce, and seconded by Mr. Santacruce, the Board voted unanimously to grant the Applicants request to postpone Item 8H to the October 19, 2022 Planning Board meeting.

8I. 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 Councilor Pierce, and seconded by Mr. Santacruce, the Board voted unanimously to grant the request to table Item 8I with no date/time certain.

5. Determination of Completeness

5A. Granite State Credit Union requests a Major Site Plan approval for expansion of a parking lot, including the addition of four drive through teller lanes at 311 Sheep Davis Road in the Gateway Performance (GWP) District. (2022-58)

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On a motion made by Councilor Pierce, and seconded by Mr. Fox, 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 October 19, 2022.

6. Design Review Applications by Consent

Ms. Rosenberger recused herself from the Applications by Consent.

- 6A. Sousa Signs, on behalf of US Cellular, requests ADR approval for the replacement of an internally-illuminated freestanding sign panel and an internally-illuminated wall sign at 240 Loudon Road in the Gateway Performance (GWP) District.

On a motion made by Councilor Pierce, and seconded by Mr. Hicks, the Board voted by consent to approve the design as submitted; Vote 7/0, with the recommendation that the background be an opaque background.

- 6B. Spirit Halloween requests ADR approval for three (3) new wall signs at 271 Loudon Road in the Gateway Performance District (GWP).

On a motion made by Councilor Pierce, and seconded by Mr. Hicks, the Board voted by consent to approve the design as submitted; Vote 7/0.

Public Hearings

7. Design Review Applications

- 7A. Claude Gentilhomme, on behalf of LLC, Berat, requests ADR approval for façade changes to 58 North Main Street in the Central Business Performance (CBP) District (2022-60).

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

Ms. Shank explained that the application is before the Board due to the fact that this is a building permit in a performance district.

With no additional 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 design as submitted.

8. Site Plan, Subdivision and Conditional Use Permit Applications

- 8A. Granite Engineering, LLC, on behalf of Fifteen Integra Drive, LLC (Pitco), requests an extension to a Major Site Plan approval for 15 Integra Drive in the Industrial (IN) District. (2021-34).

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

Ms. Shank stated that the Applicant has submitted a request for an extension of the conditional approval, which was granted by the Board on September 15, 2021. The approval was for Architectural Design Review, waiver requests, Conditional Use Permits, and for a Major Site Plan. At this time, the applicant is still in the process of finalizing plans to meet the conditions of approval for both state and local applications. Staff recommended the Board grant the one year extension subject to all original conditions of approval.

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

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On a motion made by Mr. Hicks, and seconded by Councilor Pierce, the Board voted unanimously to approve the one year extension subject to all original conditions of approval.

- 8B. Tarbell & Brodich, PA, on behalf of EWT 54, LLC, requesting a Conditional Use Permit, (CUP) for the use of a restaurant at 72 Washington Street in the Neighborhood Commercial (CN) District. (2022-28)

Ms. Shank provided an overview of the project and noted that the applicant has been approved for variances relative to the lack of parking.

On a motion made by Councilor Pierce, 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 opened the public hearing.

Friedrich Moeckel represented the application.

Mr. Moeckel provided an overview of the proposal and the history of the property. He explained that there has been a commercial business in operation from this site since construction in 1955 and has been used as a market/take-out restaurant since approximately 1970 through October of 2021. He described the main building and referenced a site plan for a conversion to allow seven apartments from 2000 with its own driveway and off-street parking. He stated that there has never been off-street parking for the commercial aspect and the Applicant will continue to have customers parking along the street where it is permitted.

Mr. Moeckel stated that the proposed use is permitted. He stated that the property is unique and Concord has always recognized there is something special about this area and it has always been this way, before zoning existed. He stated that the ZBA granted all the variance requests. He mentioned that there was a former tenant that had a large clothing donation box on site, which led to larger items being dropped off; this issue has been corrected as it may have been an abutters concern. They do plan to add fencing to enclose the loading dock area. With regard to a crosswalk and signing, he stated that these are a reasonable request. He referenced the appeal from the abutters, the Savages, and stated that the appeal has no bearing on the status of the CUP; the appeal does not stay the ZBA's decision.

Additional discussion was held regarding a stop sign and ITE trips. Ms. Shank stated that the use did not trigger traffic or site plan review.

Councilor Pierce asked about the use of grease traps. The owner replied that they would accommodate and install them.

Councilor Pierce noted that the abutters have filed with superior court. Chairman Woodfin stated that the filing does not have any bearing on this application.

Chairman Woodfin asked if the photos submitted are current. Mr. Moeckel replied they were taken in April.

Mr. Santacruce stated that the applicant has indicated that there will be no site work done; however, they are adding a fence. Mr. Moeckel explained that the proposal will replace the existing trash enclosure. Mr. Santacruce mentioned the one ADA space and stated that there could be a space added next to the cross walk near the curb line, which may also serve other businesses and homes in the area. Ms. Shank stated that the City of Concord has the authority to designate an ADA spot. It is beyond the applicant's control.

William Warren of DTC Lawyers, representing abutters Paul and Lesley Savage at 6 Lyndon Street, requested the Board take into consideration the pending appeal to Superior Court. He stated that the appeal has no statutory stay on Planning Board proceedings; however, the variances can

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still be vacated and that is what the Savages have asked the Court to decide making the variances to no longer be in effect. This does have bearing on the application for the proposed use for off street parking. They do not feel that the applicant has the space and therefore, cannot comply making the need for the variances. He stated that if the Board should grant the CUP for the use and the Court vacates the variances it would place the City in an awkward position relative to enforcement because the applicant would have an CUP for a use that is not permitted under the ordinance. He added that granting the CUP is premature and he requested the Board table the decision until such time as the ZBA appeal has been resolved. However, should the Board make a decision, they would request the Board grant approval subject to the condition that the ZBA's position on the variances is upheld.

Mr. Fox asked if there is any precedent being set. Ms. Shank stated that Staff recommends the Board grant the approval with the condition as noted.

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

Chairman Woodfin commented that he is concerned with parking. Mr. Hicks noted that there is no parking for the other businesses either.

On a motion made by Ms. Smith-Meyer, and seconded by Mr. Hicks, the Board voted unanimously to grant the CUP subject to the condition that the Concord Zoning Board of Adjustment's decision is upheld and that staff comments be addressed.

- 8C. Robert Degan, LLS, on behalf of Brett Halsey at 444 Josiah Bartlett Road, and Cyril and Maxine Halsey & David & Cheryl Pearl at 442 Josiah Bartlett Road, requesting a Minor Subdivision for a lot line adjustment between their two properties in the Medium Density (RM) District. (2022-51)

On a motion made by Councilor Pierce, 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 opened the public hearing.

Ms. Shank stated that the project is a minor lot line adjustment. She noted that it is not clear if the driveway complies with the Zoning Ordinance for the setbacks.

Robert Degan, LLS represented the application.

Mr. Degan stated that the property was previously subdivided in 2009. The proposal is for equal land swap of to accommodate the building of a future garage.

Mr. Santacruce asked if the garage has been laid out already. Mr. Degan replied yes.

With no additional 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. Santacruce, the Board voted unanimously to **grant the waivers** below 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, considering no site work is proposed and the approval is a minor lot line adjustment.

- 12.07/15.01(3) – Wetlands
- 12.08(3)/15.03(4) – Topography
- 12.08(4) – Soils
- 15.03(12) – Septic systems
- 12.08(23) – Tabulations

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- 19.05(4) – Useable area rectangles

On a motion made by Councilor Pierce, and second by Mr. Hicks, the Board voted unanimously to **grant Minor Subdivision** approval for the lot line adjustment between 444 Josiah Bartlett Road and 442 Josiah Bartlett Road, 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:

- (a) Precedent conditions to be fulfilled within one year and prior to endorsement of the final plan by the Planning Board Chairman and Clerk, unless otherwise specified:
 - 1) Address Technical Review comments to the satisfaction of Planning Division.
 - 2) The monumentation for the proposed lot lines shall be set prior to recording.
 - 3) Waiver(s) granted are to be noted and fully described on the plan including date granted and applicable Section number(s) of the Subdivision Regulations. Should the Board vote to deny the waiver(s), the applicant shall comply with said submission requirement(s).
 - 4) 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.
 - 5) The Applicant shall submit two checks for recording the plan at the Merrimack County Registry of Deeds (including a separate check in the amount of \$25.00 for the LCHIP fee). Both checks are to be made payable to the Merrimack County Registry of Deeds.
 - 6) Upon confirmation from staff that the review comments have been addressed, The Applicant shall deliver to Planning two (2) plan set(s) and one (1) mylar(s) for endorsement by the Planning Board Chairman & Clerk and recording at the Registry of Deeds.
- (b) Subsequent Conditions, to be fulfilled prior to the issuance of the building permit:
 - (1) Traffic and Recreation fees shall be assessed for each new dwelling unit in the subdivision. The impact fees and procedures shall be those in effect at the time of the issuance of a building permit as set forth in the City of Concord Code of Ordinances, Title IV, Subdivision Code: Chapter 29.2, Public Capital Facilities Impact Fee Ordinance. The specific fees assessed are those contained in Section 29.2.1-1 Assessment and Collection; subsection (b) Computation of the Amount of Impact Fees; Table 2, Recreational Facilities Impact Fee per Variable Unit; and Table 3, Transportation Facilities Impact Fee per Variable Unit.
 - a. Recreational Facilities – Single Family Residence (per dwelling unit)
 - b. Transportation Facilities – Single Family Residence (per dwelling unit)

- 8D. Tighe & Bond, Inc. on behalf of Eversource, requesting Minor Site Plan approval for construction of a gravel access road and pad site and Conditional Use Permit (CUP) approval for the utility use at Garvins Falls Road in the Office Park Performance (OFP) and Medium Density (RM) Districts.

On a motion made by Councilor Pierce, and seconded by Mr. Santacruce, 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 opened the public hearing.

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Ms. Fenstermacher stated that the project is a proposal to construct a gravel pad and access for a mobile unit. Waivers have been requested, which Staff supports. Staff has worked through some design revisions, which are not shown on the plan before the Board. A waiver has been withdrawn for driveway widths due to the fact that the Applicant has reduced the 90 ft driveway entrance down to a 24 ft driveway opening, which is the maximum width. The 90 ft opening was originally proposed to accommodate truck-turning movements; however, since this will only be used when moving the units, Eversource can construct a temporary construction entrance under a driveway permit when needed.

Alex Sellar from Tighe & Bond represented the application along with Ian Murphy and Curt Nelson from Eversource.

Mr. Sellar stated that the proposal is to install a 16 foot gravel road, and gravel pad to support the transformer unit that will connect to the overhead lines. In addition, they have applied for a CUP for the use in the Residential Medium Density.

The waiver requests were reviewed.

1. Section 12.03(1) Plan Certification to not have a NH Licensed Land Surveyor prepare, sign, and seal the existing conditions plan.
2. Section 15.02(6) Large Parcels, to only show a portion of the parcel where the work is proposed.

Mr. Santacruce referenced the proposed 6 inch containment berm and materials and asked if it would be adequate should there be any spillage. Mr. Sellar replied that they have followed all safety protocols and added that any additional safety requirements could be reviewed.

Mr. Nelson added that the mobile yard is only a temporary use. He explained that in order to meet stormwater design standards this is what is required and what has been used for other areas. He added that if the Board desires, they can add an aboveground membrane spill containment system on a temporary basis when the unit is on-site. Board members agreed to this solution and requested this be added as a subsequent condition.

With no additional 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 Ms. Smith-Meyer, the Board voted unanimously to grant **the following Waiver requests** using the criteria of RSA 674:44 III(e)(1) as guidance, indicating strict conformity would pose an unnecessary hardship to the applicant and waiver would not be contrary to the spirit and intent of the regulations:

1. Section 12.03(1) Plan Certification to not have a NH Licensed Land Surveyor prepare, sign, and seal the existing conditions plan.
2. Section 15.02(6) Large Parcels, to only show a portion of the parcel where the work is proposed.

On a motion made by Mr. Fox, and seconded by Councilor Pierce, the Board voted unanimously to grant **the Conditional Use Permit** in accordance with Article 28-2-4(c) *Uses Permitted by CUP* (Zoning Ordinance) to allow the use of Essential Public Utilities within the Medium Density Residential District.

On a motion made by Mr. Santacruce, and seconded by Councilor Pierce, the Board voted unanimously to grant **Minor Site Plan approval** for the construction of the gravel pad and access driveway for a mobile substation to be used by Eversource on Garvins Falls Road, 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) Address Planning and Engineering Review comments to the satisfaction of the Planning and Engineering Divisions.
 - (2) 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, coordinate with the City Engineer on items required for pre-construction.
 - (2) Eversource shall utilize aboveground spill containment when the mobile substation is in use. A note shall be added to the plan indicating this requirement.

8E. Wilcox & Barton Inc., on behalf of Calvert Ridge 6 LLC, requesting Minor Site Plan approval for additional parking area at 52 Loop Road in the Open Space Residential (RO) District.

On a motion made by Mr. Santacrucce, and seconded by Councilor Pierce, 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 opened the public hearing.

Ms. Fenstermacher stated that the site plan was previously approved and they have been operating; however, there is a need for additional parking due to operations, the current configuration meets the Zoning requirements. She stated that staff is recommending that the applicant meet the City's landscaping requirements for the parking lot even though it is not triggered by the Zoning Ordinance.

Cynthia Theriault from Wilcox and Barton represented the application.

Ms. Theriault gave an overview of the property. She explained that this is an existing building with an existing business. The proposal is to expand the parking to accommodate the use and address drainage issues. They do plan to add screening as requested by the abutters allowing the site to be more in line with a residential neighborhood. She stated that the screening proposed is six spruce trees.

Councilors Pierce stated that he recalled there was previously a proposal for a fence but the abutters did not really want a fence and therefore it was not required under the previous approval.

Ms. Smith-Meyer suggested placing the trees 10 feet apart and adding shrubs in between. Ms. Fenstermacher stated that adding more plantings along the parking area was a staff recommendation. Discussion ensued relative to screening and having the screening closer to the parking area. Board members agreed to the staff recommendation to meet the landscaping requirements for the parking lot.

Mr. Hicks asked if the business was growing. Ms. Theriault replied that there are no additional beds being added, just staff and visitors.

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

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On a motion made by Ms. Smith-Meyer, and second by Mr. Santacruce, the Board voted unanimously to grant **Minor Site Plan** Grant Minor Site Plan approval for the site improvements at 52 Loop 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 and Engineering Review comments to the satisfaction of the Planning and Engineering Divisions, including the addition of shrubs and other plantings to enhance screening.
 - (2) 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, coordinate with the City Engineer on items required for pre-construction.

Abutters Glen Gagne and Paul Levy stated that they were not aware that the public portion had been opened and requested to comment. Chairman Woodfin allowed their comments.

Mr. Gagne commented that the facility is a teaching facility; therefore, it is used more than any normal facility and there is more staff on site. He stated that the parking lot is more like a commercial lot as there are car alarms going off along with shift change noise. With regards to screening, the additional screening proposed may help with some of the noise; however, he would prefer screening to be more like a buffer. He noted that he does like the fact that the dumpster will be relocated. He added that there is a lack of maintenance and he is concerned that any landscaping will not survive as the yard is not maintained and suggested materials that may require less maintenance.

Mr. Levy stated that they would like to see the facility fit in to a residential area as much as possible. He stated that the more screening, the better.

8F. TF Moran, Inc, on behalf of Interchange Development LLC, requesting a Preliminary Design Review for a mix of uses, including urgent care, medical office, retail, and restaurant for property off Whitney Road in the Gateway Performance (GWP) District.

On a motion made by Councilor Pierce, and seconded by Mr. Fox, the Board voted unanimously to determine the application complete; determined that the project does meet the criteria for a Development of Regional Impact (DRI), per RSA 36:55, and opened the public hearing.

Ms. Fenstermacher stated that this application is for the Phase 2 portion of the Whitney Road development where four buildings are proposed. She stated that Staff has circulation and sight line concerns and added that it is recommended that the Board's comments provided be incorporated into future submissions.

Jason Hill of TF Moran represented the application along with Laurie Rauseo.

Ms. Rauseo gave an overview of the property and reviewed the proposal for new tenants. She noted the entrances and egress for Interchange Drive. She stated that they have rearranged the urgent care building. She pointed out the larger loading dock now proposed for the larger retail store. They are currently working on landscaping. The driveways have been installed; they reduced the driveways from two to four. The Towns of Boscawen and Canterbury have reviewed the proposed plans and they are attending the next Canterbury Planning Board meeting. She added that they have hired

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architects to depict the restaurant and outdoor seating areas. They are currently having conversations with the end users for the restaurant. The existing bus stop was noted on the plan.

Ms. Smith-Meyer mentioned the raised beds and added that the locations proposed look chopped up. Ms. Rauseo replied that they are stonewalls with raised beds and they may add perennials. Ms. Smith-Meyer commented that trees would be the most favored contribution to the space as it is so exposed. She added that the trees may not be able to get below the surface for growing in the beds. She asked if they are proposing to use stone as mulch, and noted the stone mulch at the Liquor Store. Ms. Rauseo replied that the stone used at this building is only for runoff and only on the west side of the lot due to the water from the solar panels. She explained that the landscape architects stated that bark mulch will not survive all of the runoff. Discussion ensued. Ms. Smith-Meyer stated that it is important to have the trees in the green space. She expressed concern with the plantings failing all the time. Ms. Rosenberger commented that she is okay with the raised beds due to the pedestrian activity in the area. It was suggested that the beds be connected or have a larger bed with trees and benches for safety.

Mr. Santacruce noted that there may be an issue with the placement of the propane tank pad encroaching onto the sewer easement. He also mentioned that there maybe an access issue for the dumpster. He asked if turning templates will be provided for the loading dock for the Urgent Care building.

Other items noted were the width of the island at the entrance to the Urgent Care, recommendation to confirm the sidewalks are 5 ft width excluding curbing, and adding crosswalks across the Interchange Drive driveways. Mr. Hill reviewed the patio entrance and stated that they may need to review the tip downs and refine the area with the trees and shrubbery.

Mr. Santacruce mentioned the sight distances when looking through parking and landscaping. Mr. Hill reviewed the parking field and stated he would make sure to address the sight distances.

Chairman Woodfin closed the public hearing.

- 8G. TF Moran, Inc. on behalf of Big Step LLC, requesting a Preliminary Design Review for a hospitality use, consisting of a gaming hall and restaurant/bar for property off Break O' Day Drive in the Gateway Performance (GWP) District. (2022-59)

Councilor Pierce recued himself form this project and left the meeting at 8:37 p.m.

On a motion made by Mr. Hicks, and seconded by Mr. Fox, the Board voted unanimously to determine the application complete; determined that the project does meet the criteria for a Development of Regional Impact (DRI), per RSA 36:55, and opened the public hearing.

Ms. Shank stated that the Applicant came to the September Architectural Design Review Committee meeting and presented plans and elevations. She added that the Committee provided valuable conceptual feedback.

Nick Golon of TF Moran represented the application along with Andy Sanborn from Concord Commitment, and Jeremiah Goulet from Banwell Architects.

Mr. Golon gave an overview of the project, which is a proposal for a three phased development of a hospitality venue, to include a sit-down restaurant and lounge, charitable gaming hall, brew pub, hotel, conference center and events area. Phase 1 includes the charitable gaming hall, restaurant, lounge and bar, and allocated parking areas, access, and stormwater management. The building will be 43,000 sf. and is proposed to be reminiscent of Concord's industrial past.

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Charitable gaming was explained and is allowed when the criteria is met that 35% of the profits is given to charities. Mr. Sanborn stated that these venues help cities reduce the pressures off the budgets and assist non-profits via the contributions.

Mr. Golon stated that there are some topography and wetland issues. The access is off of Break O' Day Drive, which will require some improvements to accommodate the facility. He also mentioned the large elevation changes of the site. He stated that there is a low value wetland on the property, and they did meet with the Conservation Commission due to the area of impacts being over 10,000 sf, mitigation is required and they are looking for a site within the City to use for mitigation funds. Mr. Golon stated that there were no indications of any rare or endangered species. He added that he has reached out to NHDES.

A proposed plan was shown noting the layout of the buildings as well as the future phases.

A discussion was held regarding the parking. Mr. Golon stated that they will use a wildflower mix rather than grass for landscaping within the parking area. He added that there are a lot of river birches. The storm water management area was designed to accommodate the future expansion as well.

Mr. Golon stated that they did meet with the ADRC. Their comments were appreciated and they suggested that a mill building style was agreeable, however, with a more modernized feel. He stated that they are currently working to combine elements to make sure the building is a good fit. Elevations were reviewed. He stated that they are currently working with NHDOT relative to the site lines from I393; they hope to improve site lines with additional clearing along the highway.

Mr. Goulet stated that the meeting with the ADRC was very productive. The Committee generally liked the proposal. He described the building to be an industrial mill style building with the inspiration from the City of Concord. There will be brick on the front façade, brick pilasters, dark cornice, with timber and steel elements.

A brief discussion was held regarding the permitting needed for the gaming. Mr. Golon stated that they will be applying for all applicable approvals.

Mr. Santacruce stated that he is not sure if this is the right place for this venue; however, it is a reasonable use and noted the access constraints. He asked if other areas were looked into and suggested the mall site. Mr. Sanborn replied that they are aware of the site challenges. They have considered the mall site and have reached out to the owners many times with no response.

With regard to traffic, Mr. Santacruce suggested they contact the CNHRPC and work together. He is concerned with the gravity model, and is also not convinced that the quantity of parking proposed is needed. He suggested they look at several of the neighboring facilities for additional parking. Mr. Sanborn stated that they will need 1000 spaces. Mr. Golon added that they will build what is needed to plan for the future. Discussion ensued regarding an option for a CUP to reduce the parking as well as the parking garage option. Mr. Golon added that they could also do shuttle services as a trial run to determine the real need for parking. Mr. Golon stated that they have evaluated other facilities in other states. The Board was receptive to looking at other options for this location.

Ms. Smith-Meyer asked about the capacity of the site. Mr. Golon stated that there is 13 acres, 80% would be the maximum lot coverage and they are proposing 65%. Ms. Smith-Meyer stated that there is not enough space for storm water management. Mr. Golon explained the oversized initial stormwater management area and reviewed the proposal. He added that Geotech was hired for the site management.

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Mr. Santacruz referenced the state land abutting the property, which was purchased with federal funds. He noted that there are federal guidelines for cutting on state property.

In addition, Mr. Santacruz stated that he is not a fan of the access to the rear parking through the loading zone. Mr. Golon stated that the area is an overflow area and will also be used as employee parking; it will be signed as such. Other options for access were discussed, including an access around the parking garage as well as the access through the parking garage.

Overall, Board members felt this was a good location.

9. Other Items

9A. Referral from City Council regarding a request from the US Army National Guard (USARNG) for a discontinuance of the dead end portion of Pembroke Road.

Ms. Shank explained that a petition has been submitted by the NH Army National Guard (NHARNG) requesting the discontinuance of a portion of Pembroke Road at the dead end of the street adjacent to Airport Road and Loudon Road. They are also requesting a license agreement from the City to allow site improvements in the public right of way.

Nick Golon of TF Moran represented the application.

Mr. Golon gave an overview of the proposal and stated that there is a need for additional parking. The proposal will reduce vehicular turnaround movements and improve access. In addition, they will be enhancing the aesthetics of the area and adding a small building addition for improved access.

Mr. Santacruz asked about the sidewalk along the building. It was noted that the building portion is a discontinuance. Ms. Shank stated that the City does not want to give up the ROW unless it is necessary and a license cannot be issued for a built structure.

On a motion made by Mr. Hicks, and seconded by Ms. Rosenberger, the Board voted unanimously to recommend the discontinuance of a portion of the street, and recommends a license agreement for the private improvements in the public right of way.

Other Business

10. Any other business which may legally come before the Board.

Ms. Shank updated the Board relative to the Crisman case; the court upheld the Planning Board's decision.

Ms. Shank noted that Carlos Baia's last day will be this coming Friday.

Adjournment

At the request of Chairman Woodfin, Mr. Hicks made a motion to adjourn, seconded by Mr. Fox. The motion passed unanimously at 9:34 PM.

A TRUE RECORD ATTEST:

Lisa Fellows-Weaver,
Administrative Specialist