

City of Concord Planning Board
March 15, 2023
Minutes

The regular monthly meeting of the City Planning Board was held on March 15th, 2023, in City Council Chambers, in the Municipal Complex, at 37 Green Street, at 7:00 p.m.

Attendees: Chairman Richard Woodfin, Vice-Chairman Carol Foss, Councilor Byron Champlin, Members Susanne Smith-Meyer, David Fox, Amanda Savage, Jeff Santacrucce

Absent: Councilor Erle Pierce, Teresa Rosenberger (Ex-Officio for City Manager), Members Matthew Hicks, Alternates Chiara Dolcino and Frank Kenison.

Staff: Heather Shank (City Planner), Beth Fenstermacher (Assistant City Planner), Alec Bass (Senior Planner), Alicen Twardosky (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, Vice-Chairman Carol Foss, Councilor Byron Champlin, Members Susanne Smith-Meyer, David Fox, Amanda Savage, and Jeff Santacrucce

3. Approval of Meeting Minutes

February 15th, 2023 Minutes

On a motion made by Mr. Santacrucce, seconded by Mr. Fox, the Board voted unanimously to approve the February 15, 2023 Planning Board Meeting minutes, as written.

4. Agenda Overview

On a motion made by Councilor Champlin, seconded by Mr. Santacrucce, the Board voted unanimously to postpone agenda items 7H and 7I at the request of the applicants until the April 19th, 2023 Planning Board meeting. All in favor. Motion passed unanimously.

5. Design Review Applications by Consent

- 5A. Aaron Chandler, on behalf of Morrill Mill Pond LLC, requests ADR approval for alteration and relocation of a 124.98 sf internally illuminated free standing sign at 2 Whitney Rd in the Industrial (IN) District. Reference ZBA Case 21-2023 for variance to allow area of 124.98 sf and height of 35.62 feet.

Mr. Santacruz requested to have this application pulled from the consent agenda and heard as a public hearing.

- 5B. Brian Botelho, on behalf of New Sunset Realty LLC requests ADR approval for replacement of a 27.7 sf non-illuminated monument sign at 44 Chenell Drive in the Industrial (IN) District.
- 5C. Jilian Arsenault, on behalf of Josh Ayers requests ADR approval for a new 16.5 square foot internally illuminated wall sign at 70 Storrs Street in the Opportunity Corridor Performance (OCP) District.
- 5D. Allyson Speake, requests ADR approval for replacement of a 10.38 sf non-illuminated wall sign at 93 Storrs Street in the Central Business Performance (CBP) District.
- 5E. SAR Concord, on behalf of Kim Regan requests ADR approval for replacement of a 100 sf internally illuminated free standing sign at 219 Fisherville Rd in the General Commercial (CG) District.

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- 5F. Andrew Anderson, on behalf of Eddy Plaza Associates LLC requests ADR approval for construction of a new loading door at 30 Fort Eddy Road in the Gateway Performance (GWP) District.

On a motion made by Councilor Champlin, and seconded by Ms. Savage, the Board voted unanimously voted by consent to approve applications 5B through 5F subject to ADR stipulations. All in favor. Motion passes unanimously.

Public Hearings

- 5.A Aaron Chandler, on behalf of Morrill Mill Pond LLC, requests ADR approval for alteration and relocation of a 124.98 sf internally illuminated free standing sign at 2 Whitney Rd in the Industrial (IN) District. Reference ZBA Case 21-2023 for variance to allow area of 124.98 sf and height of 35.62 feet.

Chairman Woodfin opened public hearing. Matthew Walsh (Deputy City Manager) reported that the sign changes were made at the City's request. The sign is located outside of the new right of way and easement area for the Exit 17 roundabout. All concerns have been addressed in placement.

Chairman Woodfin closed the public hearing.

On a motion made by Mr. Santacruce, and seconded by Ms. Smith-Meyer, the Board voted unanimously voted by consent to approve the application. All in favor. Motion passes unanimously.

6. Design Review Applications

- 6A. Jeff Davis, on behalf of Wal-Mart Real Estate Business Trust requests ADR approval for replacement of a 198.26 sf internally illuminated wall sign, replacement of a 40.83 sf internally illuminated wall sign, a new 60.74 sf non-illuminated wall sign, replacement of an 80 sf internally illuminated panels on a monument sign, a new 20.67 sf non-illuminated wall sign, and a new 26.67 sf non-illuminated wall sign at 344 Loudon Rd in the Gateway Performance (GWP) District. Reference ZBA Case 0012-2022 for variance to allow greater number of signs and maximum square footage. They are additionally requesting approval for replacement of an 80 sf internally illuminated panel on a free-standing sign.

The Applicant pulled the application from consent to add a sign that was not included in the original application, and not reviewed by ADR.

Chairman Woodfin opened the public hearing. Jeff Davis (PB2 Architecture & Engineering) presented the application.

Mr. Davis clarified for the Board that the 20.67 non-illuminated wall sign has been removed as per ADR recommendation and reflected in the plans. The road sign missed by the surveyor is located along Sheep Davis Road The sign is being updated consistent with the other proposed free standing sign application, and will have structural and lighting repairs. Dimension and height are not changing.

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

A motion was made by Ms. Smith-Meyer, seconded by Ms. Savage to approve the application as submitted with the additional information regarding the sign on Sheep Davis Road as described. All in favor. Motion passes unanimously.

- 6B. Portsmouth Sign Company, on behalf of James S. Mientkiewicz requests ADR approval for a new 22.343 sf internally illuminated wall sign at 74 Storrs Street in the Opportunity Corridor Performance (OCP) District.

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Ms. Shank explained to the Board that the applicant requested to be pulled from consent because ADR recommended to have the application tabled. ADR members questioned why a sign wasn't being proposed on the Storrs Street side of the building. Since no one was present to answer, they requested to table the application. The applicant requested to have the public hearing to answer questions the Board may have.

Chairman Woodfin opened the public hearing. Courtney Bazarian and Carrie Vaughn (Portsmouth Sign Company) presented the application.

Ms. Vaughn stated the only one sign was proposed because they did not get a variance for the requested amount of square footage to provide two signs of the desired size. They choose to provide only one sign with the square footage they were permitted on the parking lot side of the building. Staff briefly discussed with the Board the need for signs for both entrances, on Storrs Street and facing the parking lot. The applicant indicated that the business owner did intend to seek another variance for a second sign. Staff suggested the Board approve the application before them and allow the applicant to follow up to resolve the issue.

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

A motion was made by Mr. Santacruce, seconded by Ms. Savage, as submitted. All in favor. Motion passes unanimously.

- 6C. Wilcox & Barton requests an extension of ADR approval granted by the Planning Board on April 21, 2021 for the renovation of the building at 10 Pleasant Street Extension in the Central Business Performance (CBP) District.

Ms. Shank informed the Board that this triggered the review because of sidewalk improvements and access repairs. They are seeking a renewal of the building permit in the performance district.

Chairman Woodfin opened the public hearing. No one presented the application.

With no additional comments from Staff, members of the Board, or public, Chairman closed the public hearing.

On a motion made by Councilor Champlin, and seconded by Mr. Santacruce, the Board voted to approve the Applicant's request for a one (1) year extension to meet the conditions of the Architectural Design Review approval. As part of this action indicate that all conditions of the original approval shall remain in full force and effect. Precedent conditions shall be met by March 15, 2024. All in favor. Motion passed unanimously.

- 6D. Daniel Brennan, on behalf of PR Restaurants, Panera Bread requests ADR approval for construction of a new enclosed exterior seating patio, a new exterior cooler and replacement of existing signage at 75 Fort Eddy Road in the Gateway Performance (GWP) District.

Ms. Shank indicated that this originally approved over a year ago but that the approval expired. This is the same plan, and the same request. ADR recommended an awning over the cooler. Mr. Brennan asked for this to be pulled from consent because he is not in agreement.

Chairman Woodfin opened the public hearing. Dan Brennan (PR Restorations) presented the application.

Mr. Brennan clarified that ADR wanted the shroud to be angled to match the angle of the awning. When he tried to implement this, he realized that it would be virtually impossible to service the unit with that design change.

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

A motion was made by Councilor Champlin, seconded by Mr. Fox, to approve the application as submitted, striking the condition to angle the shroud. All in favor. Motion passed unanimously.

7. Site Plan, Subdivision and Conditional Use Permit Applications

- 7A. Jeff Maguire, on behalf of DSM MB II, LLC, requests Major Site Plan approval to allow a change of use from service commercial to restaurant at 98 Fort Eddy Road in the Gateway Performance (GWP) District. (2023-93)

Ms. Shank informed the Board that this application is a change of use that typically wouldn't trigger a review, however this one triggered a Major Site Plan approval because the traffic trips for the proposed use exceeded the trips generated by the prior use as indicated in the Institute of Transportation Engineers (ITE) Traffic Generation Manual. The increase was enough to trigger a plan review. Staff supports a waiver for the plan submission requirements since the City has entire plan set on file and no site development or site changes are being proposed. Staff asked the Applicant to do a traffic memo to acknowledge / verify the trips wouldn't cause any traffic concerns. They complied. Staff also supports a waiver to allow the determination of completeness to occur at the same meeting as the public hearing.

A motion was made by Vice-Chair Foss, seconded by Ms. Savage, to recommend the application be determined complete, not a development of regional impact, and grant the waiver to Section 6.01, Subsection 3 to hold the public hearing at the same meeting as the determination of completeness. All in favor. Motion passed unanimously.

Chairman Woodfin opened the public hearing. Nick Golon (TFMoran) and James Maguire (Crumble Cookies) presented the application.

Mr. Maguire explained that this establishment would bake gourmet cookies from scratch. They have five locations in New England, four in NH, Concord being the fifth, and one coming in Vermont and Maine.

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

On a motion made by Mr. Santacruce, and seconded by Ms. Savage, the Board voted to:

Grant the Waiver Request for Section 16, Application Requirements for Major Site Plan to not provide a plan set using the criteria of RSA 674:44 III(e)(1), strict conformity would pose an unnecessary hardship to the applicant and waiver would not be contrary to the spirit and intent of the regulations since there is a complete plan set on file for the site and no site work is proposed. All in favor. Motion passes unanimously.

On a motion made by Councilor Champlin, and seconded by Smith Meyer, the Board voted to:

Grant Major Site Plan approval for the proposed restaurant use at 94-108 Fort Eddy Road. All in favor. Motion passes unanimously.

Additionally, a sign application is being evaluated after being changed from black text to black stroke and white fill, without going to ADR. On a motion made by Ms. Smith-Meyer, seconded by Mr. Fox, the Board voted to approve the sign as outlined. All in favor. Motion passes unanimously.

- 7B. Northpoint Engineering, on behalf of The City of Concord and United Therapeutics, requests Major Site Plan approval for construction of an approximate 35,000 sf aircraft hangar and a Conditional

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Use Permit (CUP) to allow a 20-foot wide driveway where a 24-foot wide driveway is otherwise required at 34 Regional Drive in the Industrial (IN) District (2022-82).

Ms. Shank confirmed that this application was previously determined complete.

Ms. Fenstermacher provided a staff update. The Applicants are still working through some items and awaiting 3rd party reviews regarding water and the airport engineer. Staff heard from Jacobs Engineering, who are reviewing the runway design, and most of their comments have been addressed. Staff has not received a revised letter from them at this time but feel comfortable conditionally approving the application, knowing there are some items that will need to be addressed as the process moves further.

Chairman Woodfin opened the public hearing. Jeff Lewis (North Point Engineering), Evan Herron (Silver Maple Construction), and Jason Lacombe (SMP Architecture) presented the application.

Mr. Lewis stated that this is a leased parcel, just under three acres located at the north side of the airport that has direct access to an abandoned runway. City Council approved the lease at their meeting on Monday, March 13th. Measures have been taken to meet City construction standards. They are extending municipal water and sewer, with low intensity use. They are proposing to extend the driveway along the westerly side of the site to provide access to the main door and garage on the southerly side of the building, and leave access for a future structure. The existing portion of the westerly drive will be improved to address drainage issues associated with the existing adjacent hangar. The east side will have a paved apron that enters the taxiway.

The Board questioned how the improvements to the westerly drive will address draining concerns. Developers proposed lowering the grade along the north end to improve this. There is a plan for improving and resurfacing the taxiway that used to be a runway. A minimal landscape and storm water drainage plan have both been submitted. Concerns were raised regarding landscaping species being used. Comments are expected from Fish and Game regarding the native species in that area and making sure there is appropriate habitat. The airport handles trash so there is no need for a dumpster. The Applicants are requesting a Conditional Use Permit pertaining to the reduce width driveway at 20 feet wide vs. the required 24 feet on the west side of the building given the limited use. There is an Alteration of Terrain (DES) permit and FAA obstruction evaluation permit being sought. The site is accessed from a gated entrance off of Regional Drive. There are ADA accessible parking spaces in the front of the building. Ms. Fenstermacher updated the Board that the fire department has reviewed the CUP request to narrow the driveway and they have no concerns. Mr. Santacruce inquired regarding the parking. Mr. Herron confirmed that there is ample parking for the use of the hangar, maybe one or two cars will be parked at any given time. There will not be spill over lighting into adjacent lots. Councilor Champlin confirmed that there is also parking within the hangar. Ms. Smith-Meyer asked what the landscaping design entails. She asked that the Applicants take care in choosing native species to the area, and consider large shrubs instead of the ornamental trees.

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

On a motion made by Mr. Santacruce, seconded by Ms. Smith-Meyer, the Board voted to:

Grant Architectural Design Review Approval for the plan and building, as submitted.

All in favor. Motion passes unanimously.

On a motion made by Councilor Champlin, seconded by Mr. Santacruce, the Board voted to:

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Grant the Conditional Use Permit (CUP) per Section 28-7-11(g) of the Zoning Ordinance (ZO) to allow for the construction of a 20 ft wide driveway entrance where 24 ft is required. All in favor. Motion passes unanimously.

On a motion made by Mr. Santacruce, seconded by Ms. Savage, the Board voted to:

Grant Major Site Plan Approval for the construction of a new 35,683 sf private aircraft hangar, associated parking and paved access, landscaping, drainage, utilities, and upgraded runway at 34 Regional Drive, subject to the following precedent and subsequent conditions noted below:

(a) Precedent Conditions – to be fulfilled within one (1) year and prior to 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 and Engineering Services Division, including those from third party reviewers regarding the water utility and taxiway improvements.

(2) 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. Should the Board vote to deny the Conditional Use Permit(s), applicant shall comply with said submission requirement(s).

(3) Applicant shall provide copies of final AoT and FAA permits.

(4) Final plans shall be signed and sealed by the NH Registered Land Surveyor, Landscape Architect, and Professional Engineer.

(5) 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) Prior to commencement of construction activity, payment of inspection fees in an amount approved by the City Engineer shall be made.

(2) Applicant shall implement any mitigation required by the FAA through the permit to ensure safe airspace for the airport.

(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.

(4) The amount and form of financial guarantee shall be proposed by the Applicant and approved by the Clerk of the Board and City Engineer. The guarantee shall be provided prior to the issuance of the Certificate of Occupancy.

(5) Prior to issuance of the final Certificate of Occupancy or final construction sign-off, as-built drawings shall be provided to the City Engineer in accordance with Section 12.09 of the Site Plan Regulations. The as-built drawings shall be surveyed on NH State Plane coordinates and NAVD 88 Datum.

(6) The Applicant or their successors shall be responsible for the regular maintenance of all plantings and other landscape features. Plant materials shall be maintained alive, healthy and free from pests and disease.

All in favor. Motion passed unanimously.

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- 7C. Andy Sanborn, on behalf of Big Step, LLC, requests Major Site Plan approval to construct a charitable gaming hall, restaurant, and microbrewery, along with a Conditional Use Permit approval for disturbance of wetland buffers, at 7 Break O' Day Drive in the Gateway Performance (GWP) District, (2022-59)

Ms. Shank informed the Board that this application is continued from last month's public hearing, due to concerns regarding public safety. Two memos have been provided, one by the Police Chief, and one by the Fire Chief. Staff feels that the main issues left to resolve pertain to impacts on municipal emergency services. Staff has not heard back from the water study consultant, but is prepared to grant approval conditioned on acceptable results or revisions made as needed to ensure acceptable results. Staff is slowly working through issues pertaining to the traffic study. Staff now has a better understanding of what offsite improvements are needed. The recent plan submission still needs to be reviewed in accordance with the final results of the traffic study, which has not yet been received. ADR had significant recommendations, potentially resulting in the building looking substantially different from what is in the packet, but did not want to hold up the process. They asked that the applicant return once revisions have been made. Staff suggests this occur before they obtain the ADR approval since the applicant may have an extra month until approvals are granted.

Chairman Woodfin opened the public hearing. John Cronin (Caldwell Banker Warburg), Nick Golon and Robert Duval (TFMoran) presented the application.

Mr. Golon pointed out the above-mentioned revised plans per ADR requests. The east elevation of the proposed building shows some additional windows reflective of the southerly elevation. A space is shown to reflect where a mural may be and will be addressed as part of the signage application. The Applicants have reached out to the Central NH Regional Planning Commission, as well as Fire and Police for feedback. They have also met with the Town of Pembroke. One outstanding item that is being addressed is the evaluation of water capacity. Their representative provided data that reflects successful service to this development. Mr. Duval characterized the traffic impacts as benign with minimal impacts at various (8) intersections. He states that in all cases, there are no significant levels of service drops, even considering all future builds. The delay in queuing was minimal. According to VHB, a signal at Break O' Day Drive is warranted in phase one, even with conditions as they are now. VHB is asking for confirmation that site distance at existing surrounding intersections are adequate. The developers will comply. they also confirmed that right turning trucks heading west can turn at the same time as a left turning truck without disturbing each other. Offsite traffic analysis, to include Saturday data, will be provided.

Per Ms. Shank's request, updated data regarding topography was provided indicating that the slope to remain to the west, adjacent to the abutter, is high enough that the building shouldn't be seen. They will be reducing the berm adjacent to the highway for phase two, Mr. Santacruz asked them to minimize this cut. The most impact would be the front of the site for the secondary access and storage basins. Mr. Golon confirms they will not be mowing to the west of the access road, rather allowing the area to take on a natural condition with the exception of the area immediately adjacent to the emergency access road. Ms. Shank suggested trees be planted to encourage native species to take hold and discourage growth of invasive species. Mr. Santacruz stated that DOT currently owns this property to include air, land, and view. Prior to moving into phase two, he would like to see report from DOT that they agree with the view factor. His concern is that phase two grading impacts views from I-393 more than necessary.

Mr. Fox sought clarification regarding pedestrian crossing provisions. Mr. Golon stated there is a waiver before the Board regarding the sidewalk on Break O' Day Drive. They did not want to build it in phase one only to find out in phase two that it needs modifications. The developers do not feel that the sidewalk on Loudon Road is their responsibility, rather the City's. They have no frontage

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on it. Staff is strongly in support of sidewalks within this development in phase one, both on Break O' Day Drive and Loudon Road. This requirement is included in the sidewalk Master Plan and site plan regulations.

PUBLIC COMMENT:

Representatives from the City of Concord Fire and Police were present. Their department reports were comprehensive.

Bruce Currie, lives on Josiah Bartlett Rd. Opposed to the project. He voiced concern regarding size and visual impacts. He is also concerned about voting on a project where we are only privy to phase one plans.

Terese Meyers is concerned with the traffic patterns and references the possibility of increased accidents coming from the 393 off-ramps. She also states she doesn't want to pay taxes on something she doesn't support.

Matthew Flynn is a resident of Concord. He is in support of the project. He works with a non-profit company who partners with the Draft, another of Mr. Sanborn's facilities.

Ron Rayner has been a resident since 1989. He is concerned regarding traffic patterns and crime increase, especially during key holiday weekends and race weekend. He would like a study done of the communities that already have venues like this evaluating whether or not they would do anything differently in hindsight. He posed the question as to why Mr. Sanborn doesn't propose this facility in his own hometown of Bedford, NH.

Ms. Shank addresses the public regarding the concerns of public safety. Staff asked the Applicant to complete an emergency services impact analysis. It has not been scoped yet. Mr. Rayner asked if the difference between medical emergency and crime emergencies have been considered.

Rebecca Sky is a resident of Concord. She has served on the Coalition for NH Harm Reduction. She would like a public health analysis to be completed.

Norm Roberge and Carl Nolin voiced their support of the casino because of the revenue generated by the casino.

Scott Blanco of Granite State Destroyers is in support of the project. It will help revitalize local businesses with travelers.

Don Jewell voiced opposition of this project. He is concerned with market research that confirms limited demand regarding this project, as well as traffic increasing, an undesirable activity. He suggested closing on Sundays as an act of kindness.

Edward Jawarski is concerned for the sacrifice in traditional values and morals and all the negativity gambling brings to the society.

Joe Ruscitto from Applewood Learning Center, supports this effort. His facility receives revenue from the casino. The donations are used toward building renovations, etc.

Ted Combes is in support of the casino.

Kassey Cameron addressed concerns regarding fire and police reports. Their submittals included comments concerned with traffic and accident increases. She is asking that these reports be considered carefully prior to approval. She is concerned regarding financial impacts and safety. She posed the question on the impact lawsuits would have on the City when something happens. She asked whether Police would be used as private security on the tax payer's dime. She is concerned

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for the strain on hospitals that are already running low on beds. She asked that a market analysis be done. She asked that sidewalk availability be addressed before any approvals are given.

Meridith Cooley presented 381 signatures and comments opposing the casino.

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

Staff recommended continuing the application until the April 19th public meeting. Financial sustainability of the project is a concern of Councilor Champlin. Mr. Santacruce doesn't believe a market analysis is necessary and wouldn't be consistent with requests the Board has had in the past. Councilor Champlin feels we need to maximize on the buildable space we have left as it is getting saturated and limited. Ms. Smith-Meyer agrees with Mr. Santacruce.

Chairman Woodfin asked for a show of hands to evaluate the stance on a market analysis and public health analysis being completed. Those in opposition were the majority. Mr. Fox stated the Board is not here to determine viability of the proposed project.

On a motion made by Councilor Champlin, seconded by Ms. Savage, the Board voted to continue the application until the April 19th public meeting with the expectation that the Board will receive an emergency services impact assessment from the Applicant that has been reviewed by staff. All in favor. Motion passed unanimously.

7D. State of New Hampshire Department of Administrative Services on behalf of the Department of Health and Human Services, requests nonbinding review under RSA 674:54 for a new two-story structure with a footprint of 31,115 sf for the purpose of a forensic psychiatric hospital at 36 Clinton Street in the Institutional (IN) District.

Chairman Woodfin opened the public hearing. Keith Hemingway (Division of Public Works) and Melissa Flynn (SMRT Architects & Engineers) presented the application.

Ms. Shank asked Mr. Hemingway if an easement could be worked into this project to give the City in conjunction with this property to allow space for a sidewalk along Pleasant Street, the north side of this property. Mr. Hemingway states that area is not DHHS property but will push it up the chain to get answers. Commissioner Charlie Arlinghouse is the person to address.

Ms. Fenstermacher gave a brief Staff update. There is a drain line proposed under the building that staff has noted needs to be relocated. Staff is asking for more trees to be planted. The City is working with Upper Merrimack Watershed, who presented recommendations in the Turkey River Watershed Management Plan that they'd like the applicant to address regarding Bow Brook. Ms. Flynn displayed some examples of landscaping species they're proposing to use, as well as planters, and exterior building exteriors. They are not attempting to match the existing buildings, rather compliment them with this addition. Ms. Flynn also displayed images of their intentions for the west elevation courtyard fencing, proposed plantings on the south side, east elevation hosting the tiered retaining walls, and various site improvements.

Chairman Woodfin addresses the drainage that flows underneath Clinton Street, noting that in the Springtime the downstream areas flood. Ms. Flynn stated that the drainage will not change or increase from what is currently running off. They are not adding any impervious parking spaces.

Mr. Hemingway noted that the existing facility is a psychiatric hospital and the addition is a forensic hospital, allowing for detainment and continuous treatment. Great efforts were taken to keep the integrity of visual appeal. It hosts 24 beds. Ms. Smith Meyer would like increased native shade trees and reduce the shrubs if necessary. Mr. Santacruce is concerned regarding the lack of signage, lines and directions, to include the directions of the drop off area. Ms. Flynn confirms that

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this is being addressed. Vice-Chairman Foss encourages the applicants to be cautious in their selection of shrubs and requirements for water. Ms. Flynn will address the design of crosswalk per Mr. Santacruz's request.

With no additional comments from Staff, members of the Board, or public, Chairman Woodfin closed the public hearing and thanked the applicant for the opportunity to provide feedback to the consultants relative to the overall concept and design of the project.

- 7E. Stantec, on behalf of Public Service Company of NH, requests (5) Conditional Use Permits (CUP) to replace utility poles along the C189, M108, and G146 lines, including for: disturbance of a wetland buffer, disturbance of the bluff buffer, disturbance of the flood hazard zone, disturbance in the Shoreland Protection District, and uses permitted by CUP. The project takes place in the Open Space Residential (RO), Medium Density Residential (RM), High Density Residential (RH), Gateway Performance (GWP), Industrial, and Office Park Performance (OFP) Districts. (2023-92)

Ms. Shank noted that this is essentially a duplicate application for what occurred previously. Staff has no issues or questions with it. Conservation Commission was in support of the CUPs.

Chairman Woodfin opened the public hearing. Tom Tetreau (Stantec Consulting) presented the application.

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

On a motion made by Councilor Champlin, seconded by Vice-Chairman Foss, the Board voted to:

Grant the following Conditional Use Permit approvals in the existing utility right of way for the Eversource C189/G146/H137/M108 Line Structure rebuild project located between Farmwood Road and Antrim Avenue, and on either side of Garvins Fall Road, subject to the subsequent conditions noted below:

- CUP in accordance with Article 28-4-3(d) for Disturbance of Wetland Buffers;
 - CUP in accordance with Article 28-3-3(f) for Disturbance of Buffers in the Shoreland Protection District;
 - CUP in accordance with Article 28-4-4(d) to allow for Disturbance of Bluff Buffer;
 - CUP in accordance with Article 28-3-2(e) for Encroachments within the Floodway; and,
 - CUP in accordance with Article 28-2-4(c) Uses Permitted by CUP to allow for the construction of Essential public utilities within the Open Space, Medium Density, and High-Density Residential Districts with the condition that existing vegetative buffers be maintained
- (a) Subsequent Conditions – to be fulfilled prior to commencement of site construction, unless otherwise specified:
- (1) All work shall be performed in accordance with the City of Concord's Construction Standards and Details (latest edition).
 - (2) Any new or reconstructed access points/roads needed to access the transmission line ROW from the City ROW will require a driveway permit from (ESD) at least 2 weeks in advance of the construction activities. Please confirm with ESD that the existing Driveway Permits are valid, or renew to extend for the expanded construction timeline.

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- (3) The Applicant shall submit copies of any state and/or federal permits associated with the site design once they are issued.

All in favor. Motion passed unanimously.

- 7F. Granite Engineering LLC, on behalf of Amoskeag Realty, LLC, requests Major Site Plan approval for construction of a 13,822 sf building addition, a new 5,000 sf building, and two Conditional Use Permits (CUPs) for disturbances to wetland buffers and the Shoreland Protection District at 138 Hall Street in the Industrial (IN) District. (2023-87).

Ms. Shank reminded the Board and public that this application was previously determined complete and a development of regional impact. The Applicants have already been to Bow and received their approvals. Ms. Fenstermacher clarified that the Bow approval was conditioned on Concord approval. The applicant is requesting a few waivers regarding parking lot aisles and driveway widths to accommodate the types of vehicles using the site, and also requesting to pay toward a sidewalk escrow and not build the sidewalks at this time. Conditional Use Permits for impacts to the wetland buffer and shoreland protection district are also being sought. They attended a Conservation Commission meeting last week. Conservation Commission had no issues and recommended approval. For the record, the building elevations attached to the agenda depicts the Bow side of the building proposal. Mr. Merritt will be presenting the Concord side to the Board.

Chairman Woodfin opened the public hearing. Jeff Merritt (Granite Engineering), Zach Denault (Amoskeag Beverages), and Brent Cole (Granite Engineering) presented the application.

Working on two properties in Bow and two properties in Concord. They have received two variances. This is a project that reorganizes the operation of the facility. Currently, inbound product and shipping are all done through one dock. The addition reflects 13,000 square feet but doesn't represent that a portion of that is already existing and being torn down and repurposed as the addition. The addition is entirely within the Bow property. Proposing moving the entrance north off of Hall Street to allow for queuing. Also proposing to build a point of sale building on the Concord side that will store the merchandising equipment. They are proposing a fully renovated stormwater management system directing stormwater to a wet pond. They are seeking conditional use permits to impact the wetland buffers. They have met with the Conservation Commission. The Commission gave a favorable recommendation. In areas where driveway aisles needed to be wider they are seeking a waiver to accommodate movements turning movements of the commercial tractor trailer vehicles. Employee parking is being fully compliant with dimensional regulation requirements. They are seeking a waiver regarding the sidewalk that was asked for along the frontage. They prefer to put the money in escrow instead. There is not a lot of pedestrian use warranting a sidewalk at this time.

Mr. Santacruz voiced concern regarding how tractor trailers will turn in from Hall Street and seemingly increased traffic revealed through the increased parking spots.

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

On a motion by Councilor Champlin, seconded by Ms. Smith-Meyer, the Board vote to:

Grant Architectural Design Review Approval with the condition that the Applicant work with Staff to address landscape recommendations to direct views, address lighting concerns, and extend the pedestrian walkway along the parking lot.

On a motion by Councilor Champlin, seconded by Vice-Chairman Foss, the Board vote to:

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Grant the following waivers to the Site Plan Regulations using the criteria of RSA 674:44 III(e)(2) as guidance, specific circumstances relative to the site plan, or conditions of the land in such site place, indicate that the waiver will properly carry out the spirit and intent of the regulations:

- Section 18.07 Parking Lot Aisles to allow for the aisle widths to exceed 30 ft in the vicinity of the tractor trailer parking and loading docks.
- Section 18.10 Driveway Widths to allow for 50 ft driveway radii at Hall Street where a maximum of 25 ft is required, with the understanding that the Applicant has agreed to reduce the drive radii to 25' and mountable shoulders shall be installed when/if sidewalk along Hall Street is advanced in the future, as noted on the Site Plan.
- Section 21.02 Sidewalks Required, to set aside funds to be placed in a City escrow account to allow for the future construction of a sidewalk. All in favor. Motion passed unanimously.

On a motion by Councilor Champlin, seconded by Ms. Smith-Meyer, the Board vote to:

Grant the following Conditional Use Permits (CUP):

- Per Section 28-4-3(d) of the Zoning Ordinance (ZO) to allow for impacts to the 50 ft wetland buffer to fill in a stormwater pond, with the condition that NHDES approve the wetlands permit.
- Per Section 28-3-3 (ZO) for impacts to the Shoreland Protection District to construct a new driveway and parking area for employees. All in favor. Motion passed unanimously.

On a motion by Councilor Champlin, seconded by Vice-Chairman Foss, the Board vote to:

Grant Major Site Plan Approval for the construction of a new 5,000 sf standalone building, and associated parking improvements, 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 and Engineering Services Division.
- (2) The voluntary lot merger application shall be submitted, approved, and recorded.
- (3) Coordinate with staff for the payment of funds to be placed in a City escrow account for the future construction of a sidewalk.
- (4) Provide a copy of the NHDES wetlands permit.
- (5) Final plans shall be signed and sealed by the NH Registered Land Surveyor, Landscape Architect, and Professional Engineer.
- (6) Submit three (3) copies of final 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.

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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.

(3) The amount and form of financial guarantee shall be proposed by the Applicant and approved by the Clerk of the Board and City Engineer. The guarantee shall be provided prior to the issuance of the Certificate of Occupancy.

(4) 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.

(5) The Applicant or their successors shall be responsible for the regular maintenance of all plantings and other landscape features. Plant materials shall be maintained alive, healthy and free from pests and disease.

All in favor. Motion passed unanimously.

- 7G. Hayner/Swanson, LLC, on behalf of Brady Sullivan Properties LLC, requests Major Site Plan and Conditional Use Permit (CUP) approval for conversion of existing buildings into an 80-unit multifamily complex at 11 Stickney Ave in the Opportunity Corridor Performance (OCP) District. (2022-78)

This application was previously determined complete and not a development of regional impact.. The public hearing was postponed from last month

Chairman Woodfin opened the public hearing. John Cronin (Cronin, Bisson, & Zalinsky, P.C), Tom Zajac Jr., P.E. (Hayner Swanson), and Chris Lewis (Brady Sullivan) presented the application.

Ms. Shank provided a Staff update that the City is comfortable recommending approval and allowing as conditions of approval revisions that may be needed as a result of the water infrastructure analysis. Staff has asked for an easement plan regarding the necessary easements. The Applicant has asked for a Conditional Use Permit for the mixed-use component. Overall Staff has worked with the Applicant consistently and has no significant issues.

Mr. Zajac stated that a variance will be needed for a dumpster to stay where it is currently proposed, noting that there is no other viable location. They are proposing redeveloping existing buildings with significant infrastructure upgrades. They used video to inspect all the water lines. Active lines will be lined or relocated if needed. Inactive lines will be filled. They are proposing new curbing, sidewalks, outdoor patio areas, and stormwater management. Outdoor lighting has been revised to ADR standards. They also combined two greenspaces into one larger one. Staff has advised that it would be premature to construct anything regarding the Merrimack River Greenway Trail due to uncertainty regarding the location. No waivers are being requested at this time. Building A will get a new roof with siding that is reviewed by the Park Service, barn style. Buildings B & C are a little bit less in size but more in construction, with three units per building. Building D through H is the largest building and requires the most work. Building I received more windows. Windows in all the buildings will be addressed. There will be hVAC condensers on the rooves.

Ms. Savage inquired about the environmental remediation, particularly regarding the garage where trucks were painted. Tim Andrews (Nobis Group) addressed this inquiry. They are monitoring the site with DES requirements in mind. The applicants are prepared to mitigate no matter what they find on the property. The monitoring process is determined by whether or not the issue has already

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been reported to DES. Ms. Savage asked regarding remediation of the walls of the buildings. Mr. Andrew's understanding is that the renovation includes resurfacing all the walls and abatement of hazardous materials. Councilor Champlin asked why they were not increasing the vertical space, he felt they were not making effective use of the space. Ms. Smith-Meyer felt they were honoring the historical nature of the existing building through the existing proposal. Vice-Chairman Foss inquired about play areas for the property, considering the strong likelihood they would attract families based on the size of the units. Mr. Lewis stated that even with the unit size, their target demographic is unlike to be families, as is the case with other projects in their portfolio. The developers studied and found that young couples use bedrooms for an office and feel their design is market driven and accommodates current uses being sought after. Families take their children to parks or the beach. An environmental site assessment has been completed per standard operating procedure.

Mr. Santacruce inquired about a traffic study, and also questioned how they would stop the Park N' Ride customers from parking in their parking lots when that gets full. Signage and security cameras will be used and towing utilized as necessary. There is onsite management to address these concerns. There was some communication between the applicant and DOT and signal upgrades were requested as part of the project. The conversion from the previous use to the proposed use did not trigger a traffic analysis be done. Mr. Santacruce doesn't feel the analysis done in 2006 to be a viable option given the expansion of the surrounding facilities such as Concord Trailways. Ms. Shank will share the traffic memo done early on in the application process with the Board.

Public Comment:

John Regan, resident of Concord and former Planning Board member, supports redevelopment of this property. However, he feels the conditions of the Environmental Site Assessment Report should be submitted to Department of Environmental Services to get their input.

Ron Rayner feels the past industrial use of this facility indicates the grounds would have solvents and contaminants below ground level that would be hazardous to residents. He would like to see an evaluation be done of the floor drains at the specific request of the City, not State level. Currently the testing has been done at the outer locations of the property, where the tanks were located and Mr. Rayner feels testing should be done closer to where the buildings will be.

Mr. Andrews confirmed submittal of a response to Mr. Rayner's concerns. There are previous data gap studies in 2001, post-dating the 1997 study referred to earlier, showing floor drains connected to municipal works. There is data out there that has been collected, comprehensive to soil and ground water in the vicinity of these data gaps post the closure of the floor drain issue. It does not indicate any point source contamination has been identified beneath the footprint of the existing buildings that is not consistent with the external sampling that has already been conducted to date.

Ms. Shank clarified Mr. Rayner's request to submit the Environmental Services Report to DES and the City.

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

On a motion made by Ms. Smith-Meyer, seconded by Ms. Savage, the Board voted to:

Grant ADR approval to redevelop five vacant DOT highway garage structures into (80) multifamily residential units at 11 Stickney Ave in the Opportunity Corridor Performance (OCP) District. All in favor. Motion passed unanimously.

On a motion made by Ms. Smith-Meyer, seconded by Mr. Fox, the Board voted to:

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Grant the Conditional Use Permit to Article 28-4-5(e)1 Mixed Use Component Required to not provide a commercial component in this development. All in favor. Motion passed unanimously.

On a motion made by Councilor Champlin, seconded by Ms. Smith-Meyer, the Board voted to:

Grant Major Site Plan Approval to redevelop five vacant DOT highway garage structures into (80) multifamily residential units at 11 Stickney Ave in the Opportunity Corridor Performance (OCP) 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 Division.
- (2) Address all Engineering review comments to the satisfaction of the Engineering Services Division.
- (3) The Applicant shall revise plans as needed to the satisfaction of the Acting City Engineer if the third-party consultant's water analysis determines that the Applicant's proposed solution is not feasible.
- (4) The applicant shall submit for review a plan with all proposed easements and easement documents, including for the MRGT and any water, sewer, or drainage infrastructure to remain on the site, which shall be updated with recorded plan numbers prior to final approval.
- (5) The Applicant shall submit a request to Council for an easement to remove a portion of the existing building in the right of way and construct a walkway in that location. Site plan approval shall be conditioned on granting of the easement by City Council.
- (6) The Applicant shall provide documentation of an environmental analysis of the site to the City. The Applicant shall mitigate, remediate, and manage environmental contaminants and hazardous materials in accordance with applicable NH Department of Environmental Services and US Environmental Protection Agency requirements. The Applicant shall provide the City with documentation evidencing completion of remedial action plans or other mitigation measures concerning regulated contaminants / hazardous materials at the property.
- (7) The Applicant shall receive a variance for the location of the dumpster in front of Building A, or revise plans accordingly to comply with the Zoning Ordinance.
- (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

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for the site stabilization in an amount approved by the City Engineer, and in a form acceptable to the City Solicitor.

(3) The applicant shall coordinate any sidewalk construction with the City of Concord General Services Department.

(4) Prior to issuance of a Certificate of Occupancy, as-built drawings shall be provided to the City Engineer in accordance with Section 12.09 of the Site Plan Regulations. The as-built drawings shall be surveyed on NH State Plane coordinates and NAVD 88 Datum.

(5) 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

All in favor. Motion passed unanimously.

- 7H. F. Webster Stout, on behalf of Wayne F. & Roberta L. Hall 2006 Family Trust, request Minor Site Plan approval for an amendment to a previously approved plan at 5 Lewis Lane in the Open Space Residential (RO) District. (2023-89)

The applicant has requested to be postponed to the April 19, 2023 Planning Board meeting.

- 7I. NH Land Consultants, PLLC, on behalf of Richmond Penacook, LLC, requests Major Site Plan and Major Subdivision approval for a 68-unit townhome development at 150 Fisherville Road in the General Commercial (CG) District. (2023-83)

The applicant has requested to postpone to the April 19, 2023 Planning Board meeting.

Other Business

8. The Caleb Group is requesting an amendment to an approved site plan to add a new utility pole and a waiver from Section 25.02(1) of the Site Plan Regulations to allow overhead utilities as part of construction for Phase 2 of the multifamily development at 33-35 Canal Street.

The approved plan indicated ground mounted transformers and underground utilities. However, Unitil has notified the City and the property owner that ground mounted transformers are currently unavailable, and may not be available for up to 2 years or more. The developer is therefore requesting a waiver to allow one new pole and overhead utilities to that pole.

In accordance with 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, and since the components needed for underground utilities will not be available within a reasonable time frame, Staff supports this request.

A motion was made by Councilor Champlin to grant a permanent waiver as outlined, seconded by Ms. Smith-Meyer. All in favor. Motion passed unanimously.

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

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Adjournment

At the request of Chairman Woodfin, Vice-Chairman Foss made a motion, seconded by Councilor Champlin, to adjourn the meeting. All in favor. The motion passed unanimously at 11:35 PM.

Next regular monthly meeting is Wednesday, April 19th, 2023

TRUE RECORD ATTEST:

Alicen Twardosky
Administrative Specialist II