

**City of Concord Planning Board**  
**July 19, 2023**  
**Minutes**

The regular monthly meeting of the City Planning Board was held on July 19<sup>th</sup>, 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 Erle Pierce, Members Susanne Smith-Meyer, Amanda Savage, David Fox, and Matthew Hicks.

Absent: Councilor Byron Champlin, Teresa Rosenberger (Ex-Officio for City Manager), Members Jeff Santacruce and Alternate Chiara Dolcino and Alternate Frank Kenison

Staff: Heather Shank (City Planner), Alec Bass (Senior Planner), Alicen Twardosky (Administrative Specialist II), and Peter Kohalmi (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-Chair Carol Foss, Councilor Erle Pierce, Matthew Hicks, Amanda Savage, Susanne Smith Meyer, David Fox.

**3. Approval of Meeting Minutes**

June 21<sup>st</sup>, 2023 Minutes

On a motion made by Vice-Chair Foss, seconded by Mr. Fox, the Board voted unanimously to approve the June 21<sup>st</sup>, 2023 Planning Board Meeting minutes, as written. All in favor. Motion passed.

Ms. Smith-Meyer and Councilor Pierce abstained.

**4. Agenda Overview**

Chairman Woodfin informed the public that item 11 is only on the agenda for public testimony received by the Board and Staff. There will be no public hearing or public testimony heard.

**5. Determination of Completeness Items by Consent**

5A. Nobis Group, on behalf of Dakota Partners, requests Major Site Plan approval for construction of 3 new 3-story multifamily buildings totaling 98 units and related site improvements and a Conditional Use Permit (CUP) for construction of fewer parking spaces than is required at 103 Old Loudon Road in the Medium Density (RM) District. (2023-124)

5B. Wilcox & Barton, Inc, on behalf of Havenwood Heritage Heights, requests Major Site Plan approval for construction of three new residential buildings and related site improvements, along with a Conditional Use Permit (CUP) for disturbance of a bluff buffer at 149 East Side Drive in the Medium Density (RM) District. (2023-120)

On a motion by Councilor Pierce, seconded by Vice-Chair Foss, the Board voted unanimously to determine items 5A and B complete, not Developments of Regional Impact and **set the public hearings for August 16<sup>th</sup>, 2023**

All in favor. Motion passed unanimously.

5C. ReVision Energy, on behalf of Breezeline, requests a Conditional Use Permit (CUP) for a ground mounted solar array for on-site use at 264-268 Sheep Davis Road in the Gateway Performance (GWP) and Open Space Residential (RO) Districts. (2023-121)

**City of Concord Planning Board**  
**July 19, 2023**  
**Minutes**

On a motion by Councilor Pierce, seconded by Vice-Chair Foss, the Board voted unanimously to determine item 5C complete, a Development of Regional Impact and **set the public hearing for August 16<sup>th</sup>, 2023**

All in favor. Motion passed unanimously.

**6. Design Review Applications by Consent**

6A. Shannon Mounsey requests ADR approval for a new 6 sf non-illuminated sign at 5 Eagle Square located in the Central Business Performance (CBP) District.

6B. Granite State Sign, requests ADR approval for replacement of existing signage with new 70.59 sf internally illuminated wall signs at 8 Loudon Road located in the Gateway Performance (GWP) District

At the request of Ms. Savage this item was moved under **Public Hearings**.

6C. Burr Signs, on behalf of Jeff Maguire, requests ADR approval for a new 22 sf internally illuminated wall sign at 36 Fort Eddy Road located in the Gateway Performance (GWP) District.

6D. Garneau Electric LLC, on behalf of Aldi Store #90, requests ADR approval for construction of new roof mounted solar arrays at 289 Loudon Road in the Gateway Performance (GWP) District. (2023-116)

6E. Warren Street Architects, on behalf of Duprey Companies Capital Hotel Company, requests ADR approval for to renovate the façade at 70 Constitution Ave in the Opportunity Corridor Performance (OCP) District. (2023-117).

On a motion made by Vice-Chair Foss, and seconded by Councilor Pierce, the Board voted unanimously by consent to approve items 6A, and 6C-E by consent subject to Architectural Design Review recommendations.

All in favor. Motion passed.

**Public Hearings:**

6B Granite State Sign, requests ADR approval for replacement of existing signage with new 70.59 sf internally illuminated wall signs at 8 Loudon Road located in the Gateway Performance (GWP) District.

Ms. Savage feels the renderings and site visit showed a different color tone.

Ms. Shank says they informed the Staff that they are changing the color of the sign. Ms. Shank informed the Board that if the Applicants did change the color of the building, it would not require additional review but changing anything to the sign would. The size appears to be the same. Ms. Shank and Mr. Bass verified that it is simply the colors of the sign being changed for rebranding purposes.

The awning color is permitted to change in accordance with the regulations. .

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

On a motion by Councilor Pierce, seconded by Vice-Chair Foss, the Board voted unanimously to approve the application subject to Architectural Design Review recommendations.

All in favor. Motion passed unanimously.

**7. Site Plan, Subdivision and Conditional Use Permit Applications**

**City of Concord Planning Board**  
**July 19, 2023**  
**Minutes**

- 7A. Catch Neighborhood Housing requests a one (1) year extension for their July 20, 2022 Major Site Plan approval for construction of a three-story multifamily building consisting of 48 units at 303 Sheep Davis Road; 2 new waivers are also requested.

The application was granted conditional Major Site Plan approval at the July 20, 2022 Planning Board Meeting.

A Staff report was provided by Mr. Bass. The Applicant is requesting a one-year extension is to meet requirements of the conditional approval. They are requesting a waiver to satisfy requirements from the State for the driveway to be widened 50 feet to accommodate truck turning movements. They are also asking for a revision of a condition of approval to not construct the previously required sidewalk. Staff recommends the sidewalk be provided. This is the first residential development to be established in this area and Sheep Davis Road is very busy. The Applicants are asking to pay a fee instead of constructing the sidewalk along Sheep Davis Road.

Chairman Woodfin opened the public hearing. Chris Nadeau (Nobis) and Tom Furtado (CATCH Housing) presented the application.

Mr. Nadeau presented three items: 1) A one-year extension. Mr. Furtado stated that the closing on the financing is lining up but won't be closed for 60-90 days. 2) They are requesting a waiver for the width of the driveway. They went to the Department of Transportation and DOT asked them to check the turning radius for trucks. In doing this they found they needed to widen the driveway. DOT agrees with the 50-foot increase in width. 3) There are no sidewalks on Route 106 from Concord to Pembroke. The Applicants approached DOT regarding this. DOT is not opposed to the sidewalk being constructed though they would require a municipal maintenance agreement with the City to maintain it. The other alternative is to construct the sidewalk on their property and give an easement to the City. Applicants do not feel a sidewalk would have any connectivity and maintenance would be difficult, leaving it useless during winter months. Mr. Nadeau also doesn't feel constructing a sidewalk would be feasible in this location due to the grade change on the Applicant's property. They would like to grant the City an easement rather than build the sidewalk.

Chairman Woodfin's concern is for the people that are exiting CATCH housing and walking along Route 106. He does acknowledge the Applicant's concerns regarding connectivity. Mr. Nadeau suggests the possibility of constructing a sidewalk on the side of Sam's Club to avoid navigating the grade on the side of site construction. Ms. Shank clarified that the State is okay with the sidewalk but the City has reservations regarding the maintenance agreement with the State. The Applicant is in discussion with the City regarding establishing a bus stop closer to the property. This has not been confirmed.

Ms. Shank stated that there would be no value in an easement if they are not constructing the sidewalk because it is not feasible. With regard to the regulations, the fee in lieu should be the minimum if the sidewalk is not constructed, as it could be used towards a future project.

Several members of the Board expressed concern that the sidewalk should be constructed for pedestrian safety. Ms. Shank noted that a gap could be filled to connect to the Walmart private drive in the future. Mr. Nadeau noted that the gap is across another property and is approximately 800 feet. Ms. Shank acknowledged that staff was unaware of the magnitude of the grade change outside the State right of way.

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

**City of Concord Planning Board**  
**July 19, 2023**  
**Minutes**

The Board adopted the findings of fact which were discussed and determined to include information provided in staff reports; the Applicant's submission materials; testimony provided during the public hearing; and/or, other documents or materials provided in the public hearing.

On a motion by Mr. Hicks, seconded by Ms. Savage, the Board voted to **grant a one (1) year extension** to the July 20, 2022 Planning Board approval and approved associated Conditional Use Permits.

All in favor. Motion passed unanimously.

On a motion by Ms. Savage, seconded by Vice-Chair Foss, the Board voted to **grant the waiver** to Section 18.10 Driveway Widths, to allow for the construction of a 50-foot-wide driveway where a maximum width of 28 is allowed, to satisfy the requirements of State DOT, 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:

All in favor. Motion passed unanimously.

On a motion by Ms. Smith-Meyer, seconded by Mr. Fox, the Board voted to require the Applicant to pay a fee-in-lieu of construction of the sidewalk. The Applicant shall provide an estimate to the City Engineer for approval, and the required fee prior to receiving a certificate of occupancy.

All in favor. Motion passed unanimously.

- 7B. Panciocco Law, LLC on behalf of Strategic Planning Company, LLC, requesting a waiver to Section 30.01 Financial Guarantees (Subdivision Regulations) to not provide a performance bond prior to construction of the previously approved Glen Ellen residential development at Hoit Road (2019-45).

A Staff report was provided by Ms. Shank. Staff has had extensive conversation with this Applicant. Staff's stance is that requiring this bond is consistent protocol and it is the only insurance the City would have that the road is constructed appropriately. This is consistent with other projects involving private roads and is authorized by State statute.

Chairman Woodfin opened the public hearing. Pat Panciocco (Panciocco Law) presented the application.

Ms. Panciocco stated that all of the improvements within this project are private. There is only a common driveway accessing the development. There are no public roads. The reason for their request is that when the application was submitted, the site plan and subdivision, the common driveway was viewed under these regulations. Chairman Woodfin clarifies with the Applicant that Mr. Kennedy made it clear a bond was required.

Ms. Shank clarified that the only thing that is required for the bond is the cost of the road. Staff does not have a revised estimate of the needed work. Ms. Shank let the Applicant know that there are items on the current estimate that are not required and a revised estimate should be Ms. Panciocco will refer their Engineer back to Staff. Ms. Shank suggested that her client return to Staff and find out what exactly is required for this project.

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

The Board adopted the findings of fact which were discussed and determined to include information provided in staff reports; the Applicant's submission materials; testimony provided during the public hearing; and/or, other documents or materials provided in the public hearing.

**City of Concord Planning Board**  
**July 19, 2023**  
**Minutes**

On a motion by Chairman Woodfin, seconded by Councilor Pierce, the Board voted to **deny the waiver**.

All in favor. Motion passed unanimously.

- 7C. ReVision Energy, on behalf of Breezeline, requests a Conditional Use Permit (CUP) for a ground mounted solar array for on-site use at 264-268 Sheep Davis Road in the Gateway Performance (GWP) and Open Space Residential (RO) Districts. (2023-121)

This item was moved under **Determination of Completeness Items by Consent as Item 5C.**

- 7D. Richard D. Bartlett & Associates, on behalf of Foxfire Property Management, requests Minor Subdivision approval for a two-lot subdivision at 1 Granite Place in the Institutional (IS) Districts (2023-118)

On a motion by Ms. Smith-Meyer, seconded by Councilor Pierce, the Board voted unanimously to determine the application complete, and not a Development of Regional Impact.

Chairman Woodfin opened the public hearing. Dan Mullen (Richard Bartlett & Associates), Steve Duprey (Owner/Applicant), and John Arnold (Orr & Reno Law Firm) presented the application.

Mr. Duprey reviewed the history of the property. He stated that 60 percent of the north building is subject to 20-year lease by the State, having fulfilled five of those years. The State intends to purchase the south building now and the north building in September. They subdivided for the south building and the parking lot around it. They are here for the subdivision approval for the south building and next month may apply for the subdivision of the north. .

The State wants to buy all the frontage. Mr. Duprey will not sell it. He would like to build on that in the future. In light of this, he wants to provide an easement to the City for future road construction.

Currently the proposed subdivision line overlaps with land still owned by the City, not having been released yet by Council. This needs to be addressed before the City can grant permissions.

Mr. Duprey mentions a couple issues he faces. One, the State is adamant that the owners keep the utilities separate. Mr. Duprey doesn't think it makes sense to combine them. Two, the only developable land is in the right front corner. He offered to give up land on the north side of Penacook Street so that the City can widen Penacook Street. Mr. Duprey doesn't feel resolution of the right of way should be a condition of the approval.

Ms. Shank noted that the subdivision cannot indicate a portion of land that is not yet under Mr. Duprey's ownership. He suggested revising plans to move the subdivision boundary outside the right of way. Ms. Shank suggested a condition of approval stating that a revised plan be submitted showing the proposed subdivision boundary adjusted to remain out of the City's Right of Way.

Ms. Shank asked for clarification regarding the boundaries, Mr. Duprey indicated that the north and south would likely both be subdivided and owned by the state very shortly and perhaps may be merged into one lot. He also indicated that the state would not comply with a condition to run a separate line. Mr. Duprey then suggested an agreement as a condition of approval stating that the utilities shall be separated if the state terminates the lease to the north building and has not purchased, subdivided or combined it in ownership with the proposed lot containing the south building.

Ms. Shank reminded the Board that Staff does not support the waiver for electronic submission. She also stated that Staff recommended approval of the waivers subject to survey information being provided in areas where utility relocation would occur. If the Board approves an agreement, these recommendations should be revised to indicate full waivers.

**City of Concord Planning Board**  
**July 19, 2023**  
**Minutes**

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

The Board adopted the findings of fact which includes the information provided in staff reports and testimony provided during the public hearing, and made the following motions:

On a motion by Mr. Hicks, seconded by Ms. Smith-Meyer, the Board voted to **grant the following waivers** to the Subdivision Regulations. Utilizing the criteria of RSA 674:36, II (n), criteria (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.

- Section 12.07 Wetland Delineations,
- Section 12.08 (3) Topography
- Section 12.08 (10) Municipal Utilities, to not provide rim and invert elevation for municipal sanitary and storm sewer structures

All in favor. Motion passed unanimously.

On a motion by Vice-Chair Foss, seconded by Mr. Fox, The Board voted to **deny the waiver** request to Section 12.09 *Electronic Submissions* of the Subdivision Regulations based on the requirement that electronic data be consistent with the requirements for the City GIS system.

All in favor. Motion passed unanimously.

On a motion by Mr. Fox, seconded by Ms. Smith-Meyer, the Board voted to **grant Minor Subdivision approval** for the proposed subdivision at 1 Granite Place subject to the following precedent and subsequent conditions noted below.

- 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 Planning comments to the satisfaction of Planning Division.
  - (2) Address Engineering Comments to the satisfaction of the Engineering Division.
  - (3) The monumentation for the proposed lot lines shall be set prior to recording of the plat.
  - (4) 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).
  - (5) Prior to the final plat being signed by the Planning Board Chair and Clerk, digital information shall be provided to the City Engineer for incorporation into the City of Concord Geographic Information System (GIS) and tax maps. The information shall be submitted in accordance with Section 12.09 of the Subdivision Regulations. This condition can be removed if requested waiver to this section is granted.
  - (6) The licensed Land Surveyor shall sign and seal final plans and mylars.
  - (7) 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.
  - (8) Upon confirmation from staff that the review comments have been addressed, The Applicant shall deliver to Planning one (2) plan set(s) and one (1) mylar(s) for

**City of Concord Planning Board**  
**July 19, 2023**  
**Minutes**

endorsement by the Planning Board Chairman & Clerk and recording at the Registry of Deeds.

- (9) The plan be revised to exclude any land within the City right of way from the proposed subdivision.
- (10) Prior to recording of the plat, a dedication of land or easement to the City shall be executed along Penacook Street for potential future expansion of the road.
- (11) The Applicant shall submit an agreement to the City that utilities shall be separated from the property line should the ownership or lease agreement with the State of NH terminate while the north and south portions of the building are on separate lots.

All in favor. Motion passed unanimously.

7E. V.W. Dingman Consulting, LLC, on behalf of Mesiti Real Estate, requests Minor Site Plan approval for construction of a new maintenance building of approximately 3,600 sf at 99 Clinton Street in the Medium Density (RM) District. (2023-123)

On a motion by Councilor Pierce, seconded by Mr. Fox, the Board voted unanimously to determine the application complete, and not a Development of Regional Impact.

All in favor. Motion passed unanimously.

Chairman Woodfin opened the public hearing. Tim Lavelle (VW Dingman Consultants) presented the application.

A Staff report was provided by Ms. Shank. During a site visit Ms. Shank noticed there is a lot of outdoor storage and material very close to the property line. There is supposed to be a 50-foot buffer. The Applicant is amenable to moving things out of that area. Ms. Shank recommended some plantings in the area for screening.

Mr. Lavelle stated that the proposal is to add a storage building to move a lot of the equipment inside. Ms. Shank asked them for proposed landscaping in her Staff report. She advised them to add plantings such as several trees. The application did not need to go before the Architectural Design Review Committee since it is a Minor Site Plan and not in a Performance District.

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

The Board adopted the findings of fact which were discussed and determined to include information provided in staff reports; the Applicant's submission materials; testimony provided during the public hearing; and/or, other documents or materials provided in the public hearing.

On a motion by Ms. Smith-Meyer, seconded by Vice-Chair Foss, the Board voted to **grant Minor Site Plan approval** for the proposed maintenance shed and associated site improvements at 99 Clinton Street, 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.
  - (2) Submit three (3) copies of fully revised plans for sign off by the Clerk and Chair of the Planning Board.

**City of Concord Planning Board**  
**July 19, 2023**  
**Minutes**

(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.

All in favor. Motion passed unanimously.

- 7F. 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. (2022-44)

The application was determined complete at the April 19, 2023 Planning Board meeting. It is not a Development of Regional Impact.

Chairman Woodfin opened the public hearing. Erik Jones (Eco-Neered by Design, LLC), Brayden Tuscher (Tuscher Design Group), and Suman Adhikari presented the application.

Ms. Smith-Meyer confirmed with the Board that there is no conflict of interest given her prior work on the landscape plan during the previous approval process for the project.

A Staff report was provided by Ms. Shank. This was approved years ago with an almost identical layout and plan. Staff has no issues with this development.

Mr. Jones summarized this application as 18 new units, age restricted to 55+. There will be four 4-unit buildings, one 2-unit building, and the existing structure will be renovated to be three units remaining with a public meeting place within. This was originally brought forward under previous ownership in about 2015.

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

The Board adopted the findings of fact which were discussed and determined to include information provided in staff reports; the Applicant's submission materials; testimony provided during the public hearing; and/or, other documents or materials provided in the public hearing.

On a motion by Vice-Chair Foss, seconded by Mr. Fox, the Board voted to **allow for the encroachment within the perimeter buffer** for the placement of underground utilities and whether the proposed plan preserves the integrity of the buffer.

All in favor. Motion passed unanimously.

On a motion by Ms. Smith-Meyer, seconded by Councilor Pierce, the Board voted to **grant Conditional Use Permit approval**, under 28-4-3(d) ZO to allow approximately 990 square feet of disturbance to the wetland buffer, with the condition that the impacted buffer be restored per the erosion control plan, and be designated as a "no mow" zone (periodic mowing is encouraged to control invasive species).

All in favor. Motion passed unanimously.

On a motion by Ms. Smith-Meyer, seconded by Mr. Hicks, the Board voted to **grant Architectural Design Review approval** for the proposed 1-story buildings and site plan, with the condition that the Applicant return to ADR Committee with any significant building material revisions.

All in favor. Motion passed unanimously.

On a motion by Ms. Savage, seconded by Mr. Fox, the Board voted to **grant approval of the Major Site Plan** for the construction of a Multi-family for the Elderly residential development,

**City of Concord Planning Board**  
**July 19, 2023**  
**Minutes**

which includes 18 new 1-story units and the renovation of the existing 3-unit multi-family building to include 3 units and a common area for the entire development, subject to the following precedent and subsequent conditions noted below:

- (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 review comments to the satisfaction of the Planning Division.
  - (2) Address 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) A pre-construction meeting shall be required prior to the start of any construction activities onsite. Applicant shall comply with requirements of the pre-construction checklist, to be provided by the Engineering Services Division.
  - (2) No certificate of occupancy for any building or use shall be issued until all public and private improvements have been substantially completed to the satisfaction of the City Engineer and City Planner.
  - (3) Prior to issuance of the final Certificate of Occupancy or final construction sign-off, as-built drawings shall be provided to the City Engineer in accordance with Section 12.09 and 36.25 of the Site Plan Regulations.
  - (4) Prior to the issuance of the final 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.
  - (5) Traffic and recreation impact fees shall be assessed for any residential construction contained within the limits of the approved subdivision. The impact fees and procedures shall be those in effect at the time of the issuance of a building permit as set forth in the City of Concord Code of Ordinances, Title IV, Subdivision Code: Chapter 29.2, Public Capital Facilities Impact Fee Ordinance. The specific fees assessed are those contained in Section 29.2.1-1 Assessment and Collection; subsection (b) Computation of the Amount of Impact Fees; Table 2, Recreational Facilities Impact Fee per Variable Unit; and Table 3, Transportation Facilities Impact Fee per Variable Unit.
    - a. Recreational Facilities – Single-family residence
    - b. Transportation Facilities - Single-family residence

All in favor. Motion passed unanimously.

- 7G. Keach Nordstrom, on behalf of James Palmisano, requests Major Site Plan approval for construction of a new 144-unit age restricted residential development consisting of three new 3-story multifamily buildings, a clubhouse, and related site improvements and a Conditional Use Permit (CUP) for disturbance of a wetland buffer at 33 Old Loudon Road in the Medium Density (RM) District. (2023-104)

Chairman Woodfin recused himself from this discussion. Vice-Chair Foss assumed Chairman's position.

**City of Concord Planning Board**  
**July 19, 2023**  
**Minutes**

This application was determined complete at the June 21, 2023 Planning Board meeting.

Vice-Chair Foss opened the public hearing. Matt Peterson (Keach Nordstrom), Nick Palmisano and Lisa Venditti (CPM Properties), Jason Lacombe (SMP Architecture), and Bob Best (Sulloy & Hollis, PLLC) presented the application.

A Staff report was provided by Mr. Bass. The Applicant has gone before the Architectural Design Review Committee and Conservation Commission. The CUP is supported by Staff and the Conservation Commission. The Conservation Commission is requesting the wetland buffer impact be extended for erosion control measures to toe of the slope. The project requires sidewalks along their frontage along Old Loudon Road. The project also proposes connection to a walking trail. The Applicant has proposed granting a 15-wide trail easement to the City of Concord. The Applicant would like Planning Board and public feedback and then requests to continue their application to the August 16<sup>th</sup>, 2023 public hearing.

The Applicant stated that, of the two road frontages, this development does not abut Portsmouth Street. This parcel is a transition between commercial and residential areas. They are being careful to keep the integrity of the area and blend. The parcel is about 16.37 acres. They are proposing their development on the opposite side of the lot from the pond. An AOT study has been done. They are proposing 144 units in three different buildings with a majority of the buffer remaining in the north and east of the property. Their entrance would be semi-across from Chipotle's. They are aiming to create a neighborhood. Every building has underground parking, allowing them to minimize pavement. There was an old white house on the property that was demolished about a year ago. There was an archeological study done prior to its removal. The project amenities will include pickleball courts, a clubhouse, and a pool. The design proposes ample lighting. They are asking for a continuance to afford time to address comments received about the project. They are proposing to add a 15-foot wide easement to the City, at the request of the Conservation Commission, to help with the connection of Broken Ground trails to Loudon Road and the Heights neighborhoods.

They have been working with Staff regarding the location of a sidewalk. The Applicant is proposing to place the sidewalk on the Southern side of Old Loudon Road, anticipating foot traffic to go that direction. Staff is not opposed to the request. They are also proposing a cross walk across Old Loudon Road. The CUP they are asking for is for outlet drainage being daylight in the wetland buffer. There are also two encroachments from grading for retaining walls. To minimize the impact, they placed them outside the buffer. They have done erosion control plans. They proposed a landscape plan. Lighting is dark sky compliant. It is all downcast. Lighting has been added to the public areas. They are about 90% through the Staff comments.

They are considering a landscape feature with a year-round pond.

Ms. Shank presented some electronic comments from Mr. Santacruce who was not in attendance tonight. He requested a truck turning plan for the trash trucks. Mr. Santacruce would like to see the ADA parking spots as close to the entrances as possible. The Applicant stated that they are closest to the ramps, which are fairly long. Mr. Santacruce requested extending the existing bike lanes. Mr. Peterson said he will reach out to Mr. Santacruce directly to see what his ideas are.

Mr. Pierce confirmed there is snow removal on site. Ms. Smith-Meyer is asking them to consider putting more plantings in the back yard, the open spaces, and use as many shade trees as possible. They plan to plant trees in the area the house was in.

Ms. Smith-Meyer and Mr. Fox suggest making sure to replace as much canopy as possible.

Catch basins have been placed to control drainage. Ms. Savage asked how long there would be temporary impacts to the wetland buffer. The Applicant noted that it will take about 45 days. They

**City of Concord Planning Board**  
**July 19, 2023**  
**Minutes**

plan to seed it when they are finished and will restore its integrity. Vice-Chair Foss asked how much of a buffer is between the wetlands and the impact. The plan indicates roughly 6 ft from the wetland at the farthest point. The rip rap is being extended to avoid runoff and erosion into the wetlands.

Public Comment:

Carl Sergeant is concerned with the exit to the development. He asked that the developers address the outlets into Loudon Road and Old Loudon Road carefully, especially at the Chipotle exit. He requested that a mix of species be planted to block a potential wind tunnel that could form. Ms. Shank noted that the City is having a traffic study done for this area. The City is aware of the problem with the intersection.

With no additional comments from Staff, members of the Board, or public, Vice-Chair Foss closed the public hearing.

On a motion made by Councilor Pierce, seconded by Ms. Savage, the board voted to continue the public hearing to the August 16, 2023 meeting at the Applicants request.

All in favor. Motion passed unanimously.

- 7H. TFMoran Inc, on behalf of Interchange Development, requests Major Site Plan approval for construction of two new buildings, including a 4,940 square foot urgent care facility, and an approximate 30,000 sf mixed use office/retail building at 1, 5, 7 and 9 Interchange Drive in the Gateway Performance (GWP) District.

The Application was determined complete at the June 21, 2023 Planning Board meeting.

Chairman Woodfin opened the public hearing. David and Laurie Rauseo (Interchange Development) and Jason Hill (TF Moran) presented the application.

The application is for Phase 2B area of 4-8 Merchants Way, which includes a 23,000 square foot retail tenant building and an urgent care center. A rendering was presented that displayed the facade. Comments from Staff have been addressed, with a few more items they need to address. Mr. Fox asked if the urgent care would be 24-hour service. Ms. Rauseo confirmed that the hospital would like this option open to them. Ms. Rauseo confirmed that the lighting remains on for safety reasons, around the clock.

Ms. Shank drew attention to Architectural Design Review Committee's request to not approve until the Applicants went before them again with the one building they have yet to propose renderings for. ADR is okay with the mixed-use building. Ms. Rauseo clarified that the footprint and entrance would not be changing. They are simply working out the programming inside with their new architect.

Vice-Chair Foss asked if public transportation has been considered for this area. Ms. Rauseo noted that space has been designed for transit and EMS to access the area. Transit is already available for Market Basket.

Ms. Smith-Meyer asked them to consider a different type of tree if they are considering dogwoods. The zone is not conducive to success of that species.

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

The Board adopted the findings of fact which were discussed and determined to include information provided in staff reports; the Applicant's submission materials; testimony provided during the public hearing; and/or, other documents or materials provided in the public hearing.

**City of Concord Planning Board**  
**July 19, 2023**  
**Minutes**

On a motion by Vice-Chair Foss, seconded by Mr. Hicks, the Board voted to **grant ADR approval** subject to ADR recommendations that Staff landscape comments being addressed; the stipulation that the cornices on the retail building return on the roof line to give depth for tenants two and three, and continue along the outer bays of the storefronts; and, that the Applicant return to ADR for the approval of the revised Urgent Care building. If the ADR Committee grants approval of the Urgent Care building, the Applicant does not need to return before the Planning Board.

All in favor. Motion passed unanimously.

On a motion by Councilor Pierce, seconded by Mr. Hicks, the Board voted to **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 19 Access and Driveway Standards to allow for a 36.2 ft wide driveway at 1 Interchange Drive and a 31.9' wide driveway at 9 Interchange Drive, where a maximum of 28 ft for a two-way driveway is allowed.
- Section 22.07(2) Storm Water Recharge to provide 18 inches of separation to the seasonal high-water table, where 4 ft is required.

All in favor. Motion passed unanimously.

On a motion by Mr. Fox, seconded by Ms. Savage, the Board voted to **grant Major Site Plan approval** for the construction of Phase 2 of the Interchange Drive/Merchants Way Development, to include a new 4,940-sf urgent care facility to be operated by Concord Hospital at 1 Interchange Drive, and a second building at 5-9 Interchange Drive to include a 2,562-sf retail space, a 3,612-sf medical office space and a 23,520-sf retail space, 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) Final plans shall be signed and sealed by the NH Registered Land Surveyor, Landscape Architect, and Professional Engineer.
  - (3) 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) 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.

**City of Concord Planning Board**  
**July 19, 2023**  
**Minutes**

- (4) Prior to the issuance of the final Certificate of Occupancy, the Developer shall plant the required trees associated with 4-8 Merchants Way that were not planted due to potential impacts from construction of this Phase.
- (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.

**Other Business**

8. Eckman Engineering, on behalf of Continental Paving, requests a Conditional Use Permit (CUP) for disturbance of a wetland buffer at 320 Sheep Davis Road in the Gateway Performance (GWP) District. (2023-125) The Applicant has requested to be continued to the August 16, 2023 Planning Board meeting.

The Board adopted the findings of fact which included the information provided in staff reports and packets provided.

On a motion by Ms. Smith-Meyer, seconded by Mr. Fox, the Board voted to **grant the postponement** to the August 16<sup>th</sup> Planning Board public hearing.

All in favor. Motion passed unanimously.

9. Wilcox & Barton, Inc, on behalf of First Church Holdings, LLC, request Major Site Plan approval for the conversion of a church into 34 residential units and related site improvements, and a Conditional Use Permit (CUP) to allow alternative parking at 177 N. Main Street in the Urban Commercial (CU) District. (2023-122) The Applicant has requested to postpone to the August 16, 2023 meeting.

The Board adopted the findings of fact which included the information provided in staff reports and packets provided.

On a motion by Councilor Pierce, seconded by Vice-Chair Foss, the Board voted to **grant the postponement** to the August 16<sup>th</sup> Planning Board public hearing.

All in favor. Motion passed unanimously.

10. T.F. Bernier, Inc, on behalf of Kevin Porter, requests Minor Subdivision approval for a 2-lot subdivision at 35 Reserve Place in the Open Space Residential (RO) Districts (2023-119) The Applicant has requested to postpone to the August 16, 2023 meeting.

The Board adopted the findings of fact which included the information provided in staff reports and packets provided.

On a motion by Councilor Pierce, seconded by Vice-Chair Foss, the Board voted to **grant the postponement** to the August 16<sup>th</sup> Planning Board public meeting.

All in favor. Motion passed unanimously.

11. Charitable Gaming at Break O' Day Drive

Public comment received by Staff was supplied to the Board.

**City of Concord Planning Board**  
**July 19, 2023**  
**Minutes**

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

**Adjournment**

At the request of Councilor Pierce, Mr. Fox, made a motion, seconded by Mr. Hicks, to adjourn the meeting. All in favor. The motion passed unanimously at 9:15 PM.

Next regular monthly meeting is Wednesday, August 16<sup>th</sup>, 2023 at 7:00 p.m.

TRUE RECORD ATTEST:

Alicen Twardosky  
Administrative Specialist II