

**City of Concord Planning Board**  
**November 15<sup>th</sup>, 2023**  
**Minutes**

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

Present: Chair Richard Woodfin, Vice Chair Carol Foss, Councilor Erle Pierce, Members Matthew Hicks, Amanda Savage, Jeffrey Santacruce, Susanne Smith-Meyer, David Fox

Absent: Teresa Rosenberger (Ex-Officio Member), Byron Champlin (Alternate Council Representative), Chiara Dolcino (Alternate), Frank Kenison (Alternate)

Staff: Heather Shank (City Planner), Anne Marie Skinner (Assistant City Planner), Alec Bass (Senior Planner), and Peter Kohalmi (Associate City Engineer)

**1. Call to Order**

Chair Woodfin called the meeting to order at 6:59 p.m.

**2. Roll Call**

Chair Richard Woodfin, Vice-Chair Carol Foss, Councilor Erle Pierce, Members Matthew Hicks, Amanda Savage, Jeffrey Santacruce, Susanne Smith-Meyer, David Fox

**3. Approval of Meeting Minutes**

On a motion made by Mr. Santacruce, seconded by Vice-Chair Foss, the Board voted unanimously to approve the October 18, 2023 Planning Board Meeting minutes, as written. All in favor. Motion passed.

Ms. Savage abstained.

**4. Agenda Overview**

Chairman Woodfin stated that item 9 from the agenda was postponed with no date certain and that item 10 was continued to a date certain of December 20, 2023.

**5. Determination of Completeness**

- 5A. Altus Engineering, on behalf of Ryan Taber requests Major Subdivision approval for a nine-unit residential condominium development at 15 Hot Hole Pond Rd in the Open Space Residential (RO) District. (2023-140)

On a motion made by Councilor Pierce and seconded by Mr. Hicks, the Board voted to determine this item complete, not a Development of Regional Impact, and set the public hearing for the December 20, 2023 Planning Board meeting. All in favor. Motion passed unanimously.

**6. Design Review Applications by Consent**

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- 6A. Green Bear Signs and Graphics, LLC requests ADR approval for a new 25 sf internally illuminated wall sign and a new 27 sf internally illuminated pylon tenant panel at 8 Loudon Rd, Building 1 in the Gateway Performance (GWP) District

On a motion made by Ms. Smith-Meyer and seconded by Councilor Pierce, this item was approved by consent as submitted, subject to the ADR understanding if there is a raceway it will be painted to match the façade and the wiring connection should be as minimal as possible.

- 6B. Sousa Signs, LLC on behalf of Tice Hamblet, requests ADR approval for a new 25.6 sf internally illuminated wall sign at 72 Storrs Street in the Opportunity Corridor Performance (OCP) District. (ZBA-0094-2023)

On a motion made by Ms. Smith-Meyer and seconded by Councilor Pierce, this item was approved by consent as submitted.

**Public Hearings**

**7. Design Review Applications**

- 7A. Warren Street Architects, on behalf of Delta Dental, requests ADR approval for an amendment to the originally approved Major Site Plan, specifically with regard to building and landscape lighting at 1 Delta Drive in the Institutional (IS) District. (2023-130)

A staff update was provided by Mr. Bass. He updated the Board regarding the ADR's recommendation for approving white uplighting on the trees and building and denying the request of the cornice lighting.

The applicant, Joe Casper, and the applicant's representative, Jeff Paquin, spoke in favor of the application. Mr. Casper indicated he was agreeable to the elimination of cornice lighting but would like to sporadically use some colored lighting for the uplighting of the trees and white lighting for building accent lighting. Chair Woodfin wanted to review the application as submitted and expressed support for the colored lighting provided it remained static and didn't cycle through a change of colors.

Chair Woodfin asked about intensity and directness of the lights and bulbs. Mr. Paquin responded stating that the overall aesthetic is that the light emits vertically against a curved and reflected material, so the effect is seen rather than the light source. The effect provided by cornice lighting would be a trim piece, not an outward-facing diode like traditional Christmas lights. Mr. Paquin noted that the intensity of this type of lighting is significantly less, controllable, and able to be set to a static setting.

Mr. Santacruce stated uplighting is discouraged by our regulations and that is a concern for him. Mr. Santacruce further noted that the lighting is all visual, and the building is pretty lit up now. He is concerned about night sky and that we already discourage lighting of the building in our regulations. Chair Woodfin asked Mr. Santacruce for thoughts on the lighting of the trees and Mr. Santacruce replied that our regulations don't say anything about tree lighting.

Ms. Smith-Meyer said that tonight the building could not be more lit than it was when she drove by it earlier.

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Vice Chair Foss expressed concern about the colors of the colored lights. From an ecological perspective, less lighting is better. The location of the building is sensitive because migrating birds fly to Horseshoe Pond and red and white lights are particularly disorienting to birds. If the project is approved, Vice Chair Foss emphasized the importance of avoiding red and white during bird migration periods.

Mr. Paquin addressed the night sky initiative stating that the lumen reading could be done to confirm that it's under any levels required for night sky initiatives. He discussed the existing well lights in the capitol building that point up to the sky, and said that any lighting for this project would all be directional away from the sky with the beam only point to the building to be in keeping with the night sky initiative. Mr. Paquin further noted that the type of light proposed has been guaranteed by the manufacturer to not impact birds, regardless of the color. The project will not have any well light fixtures pointing directly up to the sky and overall lumens will be far less than other buildings in the city. Mr. Paquin then showed examples of existing indiscriminate lighting in the city and emphasized again that the lighting proposed by this project would be low wattage, have proper direction, be safe for birds, and have brightness control.

Vice Chair Foss asked for the manufacturer information, and Mr. Paquin responded that he would have to provide it at a later time as he did not have it with him. Mr. Paquin showed two examples of with and without the uplighting. He stated that the buildings will be illuminated with soft white light as the first lighting request, second the site will contain color-controllable lights for approximately 10 trees, and finally the cornice trim lighting. All lights will be controllable and dimmable.

Ms. Smith-Meyer inquired about the field lights that were left on when she visited the site earlier tonight. Mr. Casper replied that the soccer season has ended, they are in preparations to shut off the lights for the winter, and it just hasn't been done yet.

Ms. Smith-Meyer wanted to know the purpose of the request because the site is already very lighted, the parking lot is very well lit, the sign is lit, and the site is very visible. She reiterated again her concern for wondering when the lighting will ever end. Mr. Paquin replied that aesthetics, safety, and security are the reasons for the request and that it's a more dangerous environment when not lit. Mr. Casper said the lights go off at midnight and are not turned back on until 5:00 a.m. Mr. Paquin stated that the backs of the buildings are very dark and employees are leaving in the rear of the buildings.

Chair Woodfin closed public hearing and asked for thoughts from the members. Ms. Smith-Meyer expressed the following: she does not support lights to highlight the building, although a security issue in the back is a different; there is a lot of current lighting now; they need to address parking lot lighting and security in the back.

Councilor Earle moved to approve the multi-color lighting for the cornice lighting, uplighting, and trees for both buildings, with the condition that there shall be no changing/rotating/flashing colors, the colors need to be static for a day at minimum. Chair Woodfin seconded. Chair Woodfin and Councilor Earl voted in favor. All others were opposed. Motion failed.

Mr. Santacruce asked the applicant about the possibility of downlighting instead of uplighting. Mr. Paquin stated it's possible, but it's not what's on the table from their company and would not

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provide the same effect; rather, downlighting would have the effect of lighting the ground. Mr. Paquin felt that downlighting would increase the lumens and be like a reverse well light.

Mr. Fox moved for uplighting and lighting on the trees, with color. Councilor Earl seconded. Four voted in favor and four voted against. Motion failed with a tie vote of four in favor and four against.

Chair Woodfin made a motion to approve only uplighting and lighting on the trees and only in white. Mr. Hicks seconded. Motion failed with a tie vote of four in favor and four against.

With a split vote and no decision made this Application will be continued to the December 20, 2023 Planning Board meeting.

- 7B. Classic Signs, Inc, on behalf of Sam's Club, requests a one (1) year extension to their November 17, 2021 ADR approval for the façade modifications to the building at 304 Sheep Davis Road in the Gateway Performance (GWP) District. (2021-44)

Ms. Shank read request into the record stating that staff recommends approval.

On a motion made by Mr. Santacruce, seconded by Ms. Smith-Meyer, the Board voted to approve a one (1) year extension to the previous November 17, 2021 ADR approval. All in favor. The motion passed unanimously.

**8. Site Plan, Subdivision and Conditional Use Permit Application**

- 8A. Bailey Associates Inc, on behalf of Marek Rivero, requests Minor Subdivision approval for a Lot Line Adjustment at 5 Mill Street in the Neighborhood Residential (RN) District, (2023-128)

Mr. Bass provided a staff update. Mr. Bass noted that the project will divide the single parcel with two houses into two individual lots so that each house will not be on its own lot. There needs to be separation between future driveways, and staff recommends a utility and highway easement for public utilities and snow plowing movement. The request also includes three waivers – one for soils, one for not showing the location of the existing municipal water line, and one for not flagging the wetland buffer. Staff supports the soils waiver request, but not the other two waivers.

The applicant, Craig Bailey, as representative for the property owner presented an updated plan set and provided a description of the project. Mr. Bailey said the main impetus is to help the owner with financing, mortgages, and insurance, calling out the challenge of Mill Brook itself. He said the deeds are old and read along the highwater mark of the brook and that it's a unique piece of land with many challenges because of its size and age of the parcel. He explained that he sought and was granted a variance for dimensional control and the ability to work in the wetland buffer by the Zoning Board of Adjustment. The road is not in the center of right-of-way, and the driveway is substandard, so it's not possible to park a car because the houses are too close to the street. On revised plans, Mr. Bailey is proposing to leave driveway as is but remove the portion of driveway straddling the side property line which should bring that driveway into compliance with side property lines. The other issue is they couldn't find all the utilities. Water cards were last touched in 1949, and there no records of the water system, which is why the waiver was requested. As a surveyor, he is unable to certify the location of the water line if he can't locate it. The owner is amenable to an easement for maintenance to the highway and for public utilities. The site is in the flood zone because of the brook. 7 Mill Street has 14% coverage and 5 Mill will have 23% coverage, both of which are below the threshold.

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Ms. Shank clarified they should have pursued a conditional use permit for wetland buffer impacts and not receive a variance for disturbances to wetland buffer. Ms. Shank stated that they should be providing the wetland buffer and part of what should have been a conditional use would have been showing remediation. Mr. Bailey responded there was no disturbances planned until receiving comments from staff.

Pete Kohalmi was asked what is done when utility information isn't present. Mr. Kohalmi stated he has never encountered this situation. Mr. Bass noted that there are location ties for approximating the line's location. Mr. Bailey said he can work with the staff and note the approximate water line location based on information from the old utility cards.

Susanne Smith-Meyer spoke as an abutter. She stated she has lived there for 33 years and she doesn't think it's a big deal to split the site into two lots, but she is surprised at how difficult the plans are to read. She noted that very little of the legend is part of the plan, and it appears to be a boiler plate legend. The existing and proposed property lines are not clear. The former owner didn't believe Ms. Smith-Meyer was an abutting property, so Ms. Smith-Meyer wants to be sure that the property line is at the highwater mark. She wondered about the use of the term "mill privileges" and what it means, noting that nothing is labeled on the plan as a mill privilege. She explained that DES said the mill dam was breached in 1938 and that there are lines that look like property lines that are crossing the brook but that is hard to tell. She has never seen a property line going across the brook. Ms. Shank asked for clarification. Ms. Smith-Meyer stated that it's not clear from the plans the location of the property line in relation to the brook and that no one owns the brook. Ms. Shank replied that someone does own the brook, and that every brook is owned by somebody. Chair Woodfin and Ms. Shank both stated they are not comfortable with the lines as shown on the two different maps. Ms. Smith-Meyer reiterated that she wants to make sure that her property lines are shown accurately so nothing gets recorded that is incorrect.

Chair Woodfin asked the applicant to address the concerns over the property lines shown on the plans. Mr. Bailey responded that the property has never been surveyed until now. The western edge of the site is along the western edge of the brook at the highwater mark as referenced in the deed, so the new side lines stretch across the brook.

Chair Woodfin asked if there are any pins on property. Mr. Bailey said he has set no new pins and said some markers need to be set. A significant number of markers were found.

Vice Chair Foss asked about the Conservation Commission and marking the edge of the wetland buffer. Ms. Shank said a CUP requires flagging of a wetland buffer, but they didn't get a CUP. Mr. Hicks wondered why they don't need a CUP if they are disturbing the wetland. Mr. Bailey stated the driveway is within the buffer, but it hasn't been flagged by the wetland scientist because no disturbance was taking place until recently proposed. Mr. Bailey noted that the 50-foot buffer is shown on Sheet 2 and that there was no disturbance shown until staff required it. Ms. Shank noted that the buffer shown is the Shoreland Protection, not the wetland.

Ms. Smith-Meyer asked a final question about the term "mill privilege" and what it means. The applicant replied that he didn't know, that he isn't a lawyer, and it's a legal term.

Chair Woodfin closed the public hearing.

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Chair Woodfin asked Mr. Bass for the precedent and subsequent conditions.

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 made by Mr. Santacruce, seconded by Mr. Hicks, the Board voted to **grant the following waiver** to the Subdivision Regulations utilizing the criteria from RSA 674:36(II)(N)(2): Specific circumstances relative to the subdivision, or conditions of the land in such subdivision, indicate that the waiver will properly carry out the spirit and intent of the regulations.

- Section 12.08 (4) *Soils*, to not provide topographic conditions for existing and any proposed changes as part of this Minor Subdivision.

The Board also voted to **deny** the following waivers to the Subdivision Regulations.

- Section 12.07 *Wetland Delineations*, to not require a certified wetland scientist to delineate the wetlands.
- Section 12.08 (10) *Municipal Utilities*, to not provide the location of the municipal water system on the plat.

In the same motion made by Mr. Santacruce, seconded by Mr. Hicks, regarding the waivers, the Board also voted to **grant Minor Subdivision approval** for the subdivision at 5 – 7 Mill Street, subject to the following 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 endorsement by the Planning Board Chairman & Clerk and recording at the Registry of Deeds.
  - 9) Establish a Highway and Utility Easement with the City of Concord as determined by the City Engineer.

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- 10) Remove existing material and provide a 6-inch loam and seeded grass strip along the new property line between Mill Street and the top of slope leading to Mill Brook.
- 11) City Surveyor to review procedure for establishing property lines and Applicant to provide further clarification of the term “Mill Privileges”

All in favor. Motion passed unanimously.

- 8B. Nobis Group, on behalf of Dakota Partners, requests Major Subdivision approval to create a land unit condominium and a building condominium for a new multifamily development totaling 98 units at 103 Old Loudon Road in the Medium Density (RM) District. (2023-124)

Ms. Shank read the request into the record. Ms. Shank noted that site plan approval was granted two months ago. The applicant worked extensively with staff to clarify multiple items on the condominium plat, and the application for the land unit and building condominium is now ready for approval.

The applicants – Morgan Dunson, Jeremy Vieira, and Mark Bogacz – didn’t have anything to add.

Mr. Santacruce inquired about the square on Sheet 4 that extends outside of the condo line on Building F and does that matter. Ms. Dunson noted that this item will be demolished, that it’s called out on the demolition plan as such, and it shouldn’t be on Sheet 4.

Chair 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 motion:

On a motion made by Vice Chair Fox, seconded by Mr. Fox, the Board voted to **grant Major Subdivision approval** for the creation of a land unit condominium and a building condominium for a new multifamily development totaling 98 units at 103 Old Loudon Road in the Medium Density (RM) District, subject to the following conditions noted below:

- (a) Address all Planning and Engineering comments, including Comments 2.1, 3.1, and 3.2-3.10, which shall be addressed in final documents.
- (b) Condominium documents, including declaration of condominium and by-laws, if applicable, shall be approved by the City Solicitor, City Assessor, and Clerk of the Board. Applicant shall address all comments to the satisfaction of the City Assessor and City Solicitor.
- (c) The Licensed Land Surveyor shall sign and seal final plans and mylars.
- (d) 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) tax maps. The information shall be submitted in accordance with Section 12.09 of the Subdivision Regulations.
- (e) The applicant shall deliver the following to Planning:
  - (1) Two plan sets and one mylar(s) of the Condominium Subdivision Plat for endorsement by the Planning Board Chairman & Clerk and recording at the Registry of Deeds.
  - (2) Final condominium documents, to be recorded at the same time as the Condominium Subdivision Plat.

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- (3) Checks for recording the plan and condominium documents 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.

All in favor. The motion passed unanimously.

- 8C. Ari Pollack, on behalf of ROI Irrevocable Trust, requests Comprehensive Development Plan approval for a mixed residential and commercial development consisting of (5) multifamily buildings, gas station, car wash, sandwich shop and convenience store in Phase 1; and an assisted living facility, independent living townhomes, retail store, medical office building, restaurant and bank with drive through service in subsequent phases, in the Gateway Performance (GWP) District. (2021-26)

Ms. Shank read the request into the record. Ms. Shank reminded the Board that the application was determined complete July 2021 and the public hearing was set to no date certain. The applicant came back to the Board in February 2023 to give an update with no public hearing being opened. The recommendation was made to file a traffic study. The traffic study issues were resolved and the applicant filed a Conditional Letter of Map Revision (CLOMR) with the Federal Emergency Management Agency (FEMA) to allow development within the 100-year floodplain. The applicant requested placement on the agenda for a public hearing. Staff is recommending a continuance to resolve outstanding issues including sewer capacity issues, offsite issues with the New Hampshire Department of Transportation (NH DOT), access issues, circulation issues, and layout issues. Ms. Shank noted that the plan hasn't changed much since the initial submission and a lot of the initial comments are still outstanding. Positive improvements have been made, but more discussion with staff is needed.

Ari Pollack and Bob Duvall introduced themselves. Mr. Pollack then proceeded to give a brief description of the site noting that the site is located off of Manchester Street and is the location of the former drive-in movie theater. Mr. Pollack provided an overview of the project, stating that the uses and layout could proceed without variances or wetland impacts due to zoning amendments. He explained that the traffic study has been completed and the CLOMR has been submitted and is under review. Mr. Pollack said that the owner has cleared a homeless encampment on the site and designed a river walk trail amenity. He said that staff comments were addressed in a memo and a revised set of staff comments were just received on Monday. He noted that denial would be unfathomable and he felt that the application is ready for a conditional CDP approval. Mr. Pollack explained that he feels CDP is a master planning tool – it's a 10,000-foot view of what will be done, it only leads to other applications and doesn't allow any building. The process is summarized in Article 28-9-4(e) and that it's not site plan review or approval. He emphasized that the conditional approval will give the developers and owners progress and the ability to move forward. The team responded to the staff comments and made changes to the plan that respond directly to the comments and to recent meetings with staff. Mr. Pollack specifically noted the driveway access and emergency access being changed in response to staff concerns.

Mr. Pollack presented the applicant's suggested list of conditions as follows: 1) Applicant to preserve three driveways with turning restrictions; 2) Provide secondary access routes to the east and west of the spine road such that the end of cul-de-sac is within 1,000 feet, per Plan; 3) applicant to construct parallel trailhead parking, per Plan, and upon City approval of off-site improvement; 4) applicant to construction 5-foot sidewalk along the westerly side of Black Hill Road, per Plan, and upon City approval of off-site improvement; 5) applicant shall make a fair-share contribution to

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interim City CIP projects in the event the City determines the need to take action on intersections at I-93 Exit 13 or Old Turnpike Road in advance of State projects within the DOT 10-year plan, which is pending approval; 6) further investigation of sewer capacity and connection issues prior to site plan approval; 7) further investigation of water supply capacity and connection issues prior to site plan approval; 8) approval of FEMA CLOMR (now pending) prior to issuance of building permits for site plans relative to Units 4, 5, 6, and 7 south of Black Hill Road; 9) applicant proposes monument-style development sign to be located upon an easement at 16-22 Manchester Street (Unit 1) to direct traffic to the development from the Black Hill Road signalized intersection. The Planning board supports this proposal, subject to zoning relief; 10) applicant to construct, and dedicate for public use, a 10-foot-wide stone dust river walk trail, to be located per Plan and constructed by Applicant or applicant's agents during construction of the spine road and common infrastructure; and 11) subject to review and approval of necessary state permits.

Chair Woodfin asked about differences in the 2019 plan versus the 2023 plan. Mr. Pollack noted that Covid changed things in the shopping and housing, as did the significant homeless encampment. He also noted the shifting in buildings and types of buildings.

Ms. Shank expressed that staff at no point said the application would be denied and explained the statutory requirements for deadlines and legalities to make sure the Board is complying with those statutory deadlines. Ms. Shank expressed that staff is not supporting approval and that if it's not approval, it's a continuance or a denial. Ms. Shank asked if Mr. Pollack was aware of the significant requirements for CDP approval and that there are more requirements in the Subdivision regulations than are listed in the Zoning Ordinance. One of the requirements is that the Board determine that adequate provisions for facilities are met, and those requirements haven't been met and the issues haven't been resolved. There are numerous pages of comments by staff that haven't been addressed in the changed plans. From staff perspective, in the two years that have gone by the staff comments were not addressed in the revised plans. Ms. Shank emphasized that staff is very willing to meet with the applicant and work through resolutions to outstanding issues, explaining some of those outstanding issues (the 12-foot wide paved river walk trail and its coordination with the state, sewer capacity issue, Manchester Street/Black Hill Road access issue) and noted that there is no situation where staff is not allowing access to any frontage property that secondary access is the issue.

Councilor Pierce stated that the Merrimack River trail through Concord is typically on city land and wondered if this is on private land. Ms. Shank responded that the applicant was asked early in the process to provide an easement and build the trail for public use on private property.

Councilor Pierce said that he is concerned over the Board having to design the project and that he is not prepared to talk about sewer capacity or anything else. Chair Woodfin noted that it needs to be brought up and satisfied to city standards.

Ms. Savage said she appreciated that the applicant provided a proposed list of conditions of approval. She further noted that the applicant previously said he was willing to continue and to meet with staff and that the most logical thing to do would be to continue the request and have the applicant meet with staff.

Mr. Santacruce agreed with Ms. Savage. He expressed concern with plans being provided to the Board a day or two prior to the hearing without having time for notification to public to review the plans. Chair Woodfin stated that he had the same concern and wanted to follow up with Jim

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Kennedy about that very issue. Chair Woodfin noted that he does not want to see things at a meeting that were just submitted a day or two prior to the hearing. Mr. Santacruce reiterated his concern for the public.

Mr. Pollack replied that the applicant responded to all staff comments with a thoughtful response on October 12, 2023. No further information was received until the staff report for this meeting which was sent on November 13, 2023. He is concerned about being in a loop where they respond to comments and not receiving the staff report until two nights before the hearing. Ms. Shank replied that staff has one month to review materials and that what he described is exactly the process.

Vice Chair Foss said that the way to move forward is for staff and the applicant to sit down and work out the issues, further noting that she likes this version much better than the previous version. She finally noted that she, personally, would much rather enter businesses from the low traffic Black Hill Road than slow down on the busy Manchester Street and that she doesn't think it's a deterrent to people coming to a business to not have driveways on Manchester Street. She also wondered about Black Hill Road having another exit.

Chair Woodfin said some strong effort is needed to get over the finish line on this one. That includes fire department feedback, NH DOT information, and there needs to be time and effort spent addressing comments from staff. He would like to see the revised plans next month and act on the application next month.

Mr. Hicks emphasized clear expectations at the next meeting and for everyone to review the CDP regulations. Ms. Shank said the CDP refers back to five different sections. Zoning allows CUPs for additional driveways and driveways that aren't the required distance apart, but only where there is no other option (a landlocked parcel basically). All the properties front on Black Hill Road so it doesn't meet the criteria for a CUP.

Chair Woodfin asked for staff to prepare a comprehensive list of what the applicant needs to address, and Ms. Shank expressed that the list already exists in the form of the staff report and staff comments. Chair Woodfin wants the applicant to walk away with a clear understanding of what is needed, a good checklist of items of what needs to be addressed for staff to recommend approval. Discussion ensued between the Board and Ms. Shank on what needs to be addressed.

On a motion made by Mr. Santacruce, seconded by Vice Chair Foss, the Board voted **to continue the public hearing to December 20, 2023**, noting that the applicant agrees to the continuance. All in favor. Motion passed unanimously.

**Other Business**

9. Gareth Orsmond, on behalf of EWT 54, LLC, requests a Conditional Use Permit (CUP) to allow four (4) offsite parking spaces for the use at 89 N. State Street in the Civic Performance (CVP) District. The Applicant has requested to be postponed to no date certain. (2023-139)

Motion to postpone with no date certain was made by Mr. Santacruce, seconded by Vice Chair Foss. All in favor. Motion passed unanimously.

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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 December 20, 2023 Planning Board meeting.

Motion to postpone to December 20, 2023 was made by Vice Chair Foss, seconded by Ms. Smith-Meyer. All in favor. Motion passed unanimously.

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

No other business came before the Board.

**Adjournment**

The motion to adjourn was made by Mr. Hicks, seconded by Councilor Pierce. All in favor. Motion passed unanimously.

Meeting adjourned at 9:37 p.m.

The next regular monthly meeting is Wednesday, December 20, 2023, at 7:00 p.m.

TRUE RECORD ATTEST:

AnneMarie Skinner  
Assistant City Planner