

City of Concord Planning Board
December 20, 2023
Minutes

The regular monthly meeting of the City Planning Board was held on December 20th, 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, Matthew Hicks, Teresa Rosenberger (Ex-Officio for City Manager)

Absent: Councilor Byron Champlin, Jeff Santacruce, and Alternates Chiara Dolcino and Frank Kenison

Staff: Heather Shank (City Planner), AnneMarie Skinner (Assistant City Planner), Alec Bass (Senior Planner), Krista Tremblay (Administrative Specialist II), Peter Kohalmi (Associate City Engineer), and Matt Walsh (Deputy City Manager – Development).

1. Call to Order

Chairman Woodfin called the meeting to order at 7:01 p.m.

2. Roll Call

Chairman Richard Woodfin, Vice-Chairman Carol Foss, Councilor Erle Pierce, Members Susanne Smith-Meyer, Amanda Savage, David Fox, Matthew Hicks, Teresa Rosenberger (Ex-Officio for City Manager)

3. Approval of Meeting Minutes

On a motion made by Councilor Pierce, seconded by Mr. Fox, the Board voted unanimously to approve the November 15th, 2023 Planning Board Meeting minutes, as written. All in favor. Motion passed.

4. Agenda Overview

Chairman Woodfin stated on the previous version of the agenda there were a couple items that were moved 6 South State Street there was a motion to extend the site plan a year. Agenda item 10 was Delta Dental to postpone to January 17, 2024 meeting. Agenda item 11 was 35 Reserve Place motion to no date certain. Chair Woodfin asked if someone wanted to make a motion to postpone the Delta Dental to January 17, 2024 Planning Board meeting and the Reserve Place motion to no date certain. Councilor Pierce stated so moved. Ms. Smith-Meyer seconded. All in favor. The motion passed unanimously.

5. Determination of Completeness Items by Consent

- 5A. Erin Lambert on behalf of B&L Transmissions, LLC, requests Major Site Plan approval for the construction of a new automotive repair shop and related site improvements; and two Conditional Use Permits (CUPs) for separation of driveways and wetland buffer impacts at 388 Loudon Rd in the Gateway Performance (GWP) District. (2023-143)

Chair Woodfin stated staff has deemed this complete, not in a development of regional impact and set public hearing for January 17, 2024 Planning Board meeting.

On a motion made by Ms. Rosenberger and seconded by Vice-Chair Foss. All in favor. The motion passed unanimously.

- 5B. Calderwood Engineering, on behalf of Granite State Baptist Church, requests Major Site Plan approval for construction of a new 2-story building to provide supplementary services to the church, including a gymnasium, classrooms (elementary through junior high),

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nursery, kitchen and associated parking; and two Conditional Use Permits (CUPs) for shared parking and seperation of driveways at 236 Sheep Davis Rd. in the Industrial (IN) Disctrict. (2023-142)

Chair Woodfin stated that Staff will incorporate comments received from Planning Board member Jeff Santacruce who could not be present tonight. Some of the notes will be made part of the record and work thru staff. Staff has found the application complete, it is a development of regional impact and set public hearing for the January 17, 2024 Planning Board meeting.

On a motion made by Mr. Pierce and seconded by Vice-Chair Foss. All in favor. The motion passed unanimously.

6. Design Review Applications by Consent

- 6A. Precision Sign Installation, Inc, on behalf of Panera Bread, requests ADR approval for a new 68 sf internally illuminated wall sign, a new 5.8 sf internally illuminated window sign and a new 20.6 sf internally illuminated pylon tenant panel at 75 Fort Eddy Road in the Gateway Performance (GWP) District.

Chair Woodfin asked if there were any of the signs they would like to pull from consent. Chair Woodfin asked if someone wanted to make a motion to approve signs as submitted with Architectural Design Review comments.

On a motion made by Vice-Chair Foss and seconded by Councilor Pierce this item was approved by consent as submitted. All in favor. The motion passed unanimously.

- 6B. Signs East, LLC, on behalf of Donohue, Beasley & Ferber, requests ADR approval for a new 12 sf non-illuminated free-standing sign at 55 Hall Street in the Opportunity Corridor Performance (OCP) District.

Chair Woodfin asked if there were any of the signs they would like to pull from consent. Chair Woodfin asked if someone wanted to make a motion to approve signs as submitted with Architectural Design Review comments.

On a motion made by Vice-Chair Foss and seconded by Councilor Pierce this item was approved by consent as submitted. All in favor. The motion passed unanimously.

- 6C. Little River Oriental Rugs, requests ADR approval for a new awning with 6.77 sf of non-illuminated signage at 10 North Main Street in the Central Business Performance (CBP) District.

Chair Woodfin asked if there were any of the signs they would like to pull from consent. Chair Woodfin asked if someone wanted to make a motion to approve signs as submitted with Architectural Design Review comments.

On a motion made by Vice-Chair Foss and seconded by Councilor Pierce this item was approved by consent as submitted. All in favor. The motion passed unanimously.

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- 6D. Barlo Signs, on behalf of Sullivan Tire, requests ADR approval for a new 66 sf internally illuminated wall sign, a new 71 sf internally illuminated and 15 sf internally illuminated pylon panel signs at 63 Hall Street located in the Opportunity Corridor Performance (OCP) District.

Chair Woodfin asked if there were any of the signs they would like to pull from consent. Chair Woodfin asked if someone wanted to make a motion to approve signs as submitted with Architectural Design Review comments.

On a motion made by Vice-Chair Foss and seconded by Councilor Pierce this item was approved by consent as submitted. All in favor. The motion passed unanimously.

- 6E. Barlo Signs, on behalf of Nucar, requests ADR approval for one (1) new 61.25 sf non-illuminated wall signs and one (1) new 28.11 sf internally illuminated pylon panel at 13 Manchester Street in the Gateway Performance (GWP) District.

Chair Woodfin asked if there were any of the signs they would like to pull from consent. Chair Woodfin asked if someone wanted to make a motion to approve signs as submitted with Architectural Design Review comments.

On a motion made by Vice-Chair Foss and seconded by Councilor Pierce this item was approved by consent with the ADR recommendation that on the wall sign there be more space between Nucar and the car logo and with the understanding that approval also only for the upper part of the pylon sign. All in favor. The motion passed unanimously.

- 6F. Signarama of Concord, on behalf of 45 Constitution, LLC, requests ADR approval for a new 5 sf non-illuminated monument sign panel and a new 24 sf non-illuminated wall sign at 45 Constitution Ave in the Opportunity Corridor Performance (OCP) District.

Chair Woodfin asked if there were any of the signs they would like to pull from consent. Chair Woodfin asked if someone wanted to make a motion to approve signs as submitted with Architectural Design Review comments.

On a motion made by Vice-Chair Foss and seconded by Councilor Pierce this item was approved by consent with the ADR recommendation that the yellow used on both signs be detailed to improve readability by adding a more intense yellow or outline the yellow with black. All in favor. The motion passed unanimously.

- 6G. Signarama of Concord, on behalf of Granite Edvance, requests ADR approval for a new 29 sf externally illuminated free standing sign at 3 Barrell Court in the Office Park Performance (OFP) District.

Chair Woodfin asked if there were any of the signs they would like to pull from consent. Chair Woodfin asked if someone wanted to make a motion to approve signs as submitted with Architectural Design Review comments.

On a motion made by Vice-Chair Foss and seconded by Councilor Pierce this item was approved by consent with the ADR stipulation that street address numbers be added to the sign, post or be visible on the building from the Street. All in favor. The motion passed unanimously.

- 6H. Signarama of Concord, on behalf of Reflections Skin Suite, requests ADR approval for a new 2.53 non-illuminated wall sign at 109 North State Street in the Civic Performance (CVP) District.

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Chair Woodfin asked if there were any of the signs they would like to pull from consent. Chair Woodfin asked if someone wanted to make a motion to approve signs as submitted with Architectural Design Review comments.

On a motion made by Vice-Chair Foss and seconded by Councilor Pierce this item was approved by consent with the ADR stipulation there be a black frame around the sign to make it distinctive. All in favor. The motion passed unanimously.

- 6I. Advantage Signs, on behalf of Live Free Heating and Cooling, requests ADR approval for a new 62.48 sf externally illuminated free standing sign at 128 Airport Road in the Industrial (IN) District.

Chair Woodfin asked if there were any of the signs they would like to pull from consent. Chair Woodfin asked if someone wanted to make a motion to approve signs as submitted with Architectural Design Review comments.

On a motion made by Vice-Chair Foss and seconded by Councilor Pierce this item was approved by consent with the ADR stipulations that the amount of words be substantially reduced with a focus on identifying the name of the business and the street address. And a not that when the space for lease changes a new application will need to be submitted for approval. All in favor. The motion passed unanimously.

- 6J. Advantage Signs, on behalf of The Loft Hair Studio, requests ADR approval for a new 12 sf internally illuminated wall sign, 2.62 sf non-illuminated window sign, and a 9.33 sf non-illuminated blade sign at 106 South State Street in the Urban Transitional (UT) District.

Chair Woodfin asked if there were any of the signs they would like to pull from consent. Chair Woodfin asked if someone wanted to make a motion to approve signs as submitted with Architectural Design Review comments.

On a motion made by Vice-Chair Foss and seconded by Councilor Pierce this item was approved by consent with the ADR stipulation the building sign has an opaque background and a recommendation that the building sign be removed. All in favor. The motion passed unanimously.

- 6K. Advantage Signs, on behalf of Table NH, requests ADR approval for a new 5 sf non-illuminated hanging sign at 57 North Main Street in the Central Business Performance (CBP) District.

Chair Woodfin asked if there were any of the signs they would like to pull from consent. Chair Woodfin asked if someone wanted to make a motion to approve signs as submitted with Architectural Design Review comments.

On a motion made by Vice-Chair Foss and seconded by Councilor Pierce this item was approved by consent as submitted. All in favor. The motion passed unanimously.

- 6L. Yesco Sign and Lighting, on behalf of H & R Block, requests ADR approval for a new 30.72 sf internally illuminated wall sign at 240 Loudon Road in the Gateway Performance (GWP)

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District.

Chair Woodfin asked if there were any of the signs they would like to pull from consent. Chair Woodfin asked if someone wanted to make a motion to approve signs as submitted with Architectural Design Review comments.

On a motion made by Vice-Chair Foss and seconded by Councilor Pierce this item was approved by consent with the ADR stipulations that the sign be in alignment with the adjacent sign for the smoothie shop, the sign be located such that the left edge of the green square be line up with the left edge of the window, and the raceway be painted the same color of the wall of which it is mounted. All in favor. The motion passed unanimously.

- 6M. Salon Lotus requests ADR approval for a new 4.86 sf non-illuminated hanging sign and a new 4 sf non-illuminated window sign at 57 North Main Street in the Central Business Performance (CBP) District.

Chair Woodfin asked if there were any of the signs they would like to pull from consent. Chair Woodfin asked if someone wanted to make a motion to approve signs as submitted with Architectural Design Review comments.

On a motion made by Vice-Chair Foss and seconded by Councilor Pierce this item was approved by consent with the ADR recommendation that the word salon be moved up and enlarged to improve readability and more space be introduced between the word lotus and the bottom of the sign to improve graphic balance and readability. All in favor. The motion passed unanimously.

- 6N. Green Bear Signs and Graphic, LLC, on behalf of Buba Kitchen, requests ADR approval for one (1) new 8 sf externally illuminated hanging blade sign and two (2) 7 sf non-illuminated window signs at 148 North Main Street in the Central Business Performance (CBP) District.

Chair Woodfin asked if there were any of the signs they would like to pull from consent. Chair Woodfin asked if someone wanted to make a motion to approve signs as submitted with Architectural Design Review comments.

On a motion made by Vice-Chair Foss and seconded by Councilor Pierce this item was approved by consent as submitted. All in favor. The motion passed unanimously.

Public Hearings

7. Design Review Applications

- 7A. Barlo Signs, on behalf of Liberty, requests an ADR approval for a new 24 sf internally illuminated wall sign and a new 0.27 sf non-illuminated pylon tenant panel at 254 Sheep Davis Road in the Gateway Performance (GWP) District.

Chair Woodfin asked if this was pulled from consent or just Design Review?

Ms. Shank stated this was pulled from consent. The applicant was not in favor of the ADR recommendations.

Chair Woodfin asked is applicant present. No one present to represent the application. He asked for staff comments in reference to ADR.

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Mr. Bass stated ADR wanted the stipulation that an opaque background be placed on the building sign behind all the white and that is consistent with the ADR guidelines.

Chair Woodfin stated the Planning Board has made it pretty clear they want opaque in the background. Since the applicant is not present Chair Woodfin asked if anyone wants to make a motion to approve this sign as submitted with the ADR recommendations for an opaque background.

On a motion by Ms. Smith-Meyer, seconded by Vice-Chair Foss the Board voted to approve the sign as submitted with the ADR recommendations for an opaque background. There were no additional comments from Staff, members of the Board, or public. All were in favor. The motion passed unanimously.

7B. Jason Gagnon, on behalf of Bank of New Hampshire, requests a Conditional Use Permit (CUP) for two non-illuminated signs above the first floor at 167 N. Main Street in the Civic Performance (CVP) District. (2023-141)

Ms. Shank stated this went to ADR. The zoning requires a Conditional Use Permit for the application.

Chair Woodfin asked if the applicant is present. He asked if this application has been seen before.

Mr. Bass stated yes. There as an approval for other re-branding signs. These two had to be removed because there was a Conditional Use Permit required. The applicant now has applied for the Conditional Use Permit and going for the two signs on the chimney tower.

Jason Gagnon (souse Signs, LLC) present on behalf of Bank of New Hampshire asking for approval on a Conditional Use Permit that would be updating one sign that was previously approved for this location. He explained Bank of New Hampshire has gone thru rebranding. This is the last location any remnants of the old logo and branding. The drive-thru building where these two signs will be located currently has two existing non-illuminated on tower. They are looking to have those signs removed and have new signs of the same size to be installed back, in theory, in the same place. The reason why he says “in theory” is currently the signs are 32 inches by 32 inches in a box. The new sign and logo will be more like a triangle. Materials will be PVC composite with vinyl graphics that match the new branding colors and their scheme. Signs would be mounted in the location on the towers with using an aluminum stud with a silicon adhesive. As part of the initial rebranding changeover there was one letter set that was on the front side of the building. The Bank did opt to remove that set. The two tower signs are helpful in locating the branch itself. Especially if heading southbound on North Main Street.

Chair Woodfin asked for clarification on if coming into town or away from town?

Mr. Gagnon stated if heading away from town.

Chair Woodfin stated there is existing condition sign and looking for a change out to take advantage of the larger space. He asked if there were any questions for the applicant. Chair Woodfin asked Mr. Bass if there were any recommendations from ADR.

Mr. Bass stated ADR to recommend approval as submitted.

Chair Woodfin opened to the public for any comments. There were no additional comments from Staff, members of the Board, or public. Chair Woodfin closed the public hearing.

Chair Woodfin using the information seen tonight that the applicant submitted and will use as the **determination of the finding of fact**, determine the findings of fact, which may include: information provided in staff reports; the applicant’s submission materials; testimony provided during the public

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hearing; and/or, other documents or materials provided in the public hearing. Based on the findings of fact adopted, staff recommends the Board make the motions outlined below:

2.2 Grant ADR approval for the signs as submitted.

Vice-Chair Foss made a motion to approve the sign as submitted. Councilor Pierce seconded. No discussion. All in favor. The motion passed unanimously.

Chair Woodfin read in 2.3 Grant the following Conditional Use Permit approval in accordance with Section 28-6-9(b)(2) of the Zoning Ordinance to allow for signage to be placed above the first story of the same wall, or placed more than twenty-five (25) feet above grade at 167 North Main Street, subject to the following conditions:

- a) If the construction authorized by the Conditional Use permit does not commence within a two-year period from the date of the decision of Planning Board, the CUP shall be deemed to have expired.

Councilor Pierce made a motion to approve the Conditional Use Permit in accordance with Section 28-6-9(b)(2)(a) as outlined. Vice-Chair Foss seconded. No discussion. All in favor. The motion passed unanimously.

8. Site Plan, Subdivision and Conditional Use Permit Applications

8A. Popeye's, on behalf of CP Concord, LLC, requests an amendment to an approved Major Site Plan at 310 Loudon Road in the Gateway Performance (GWP) District. (2020-38)

Chair Woodfin asked for a staff comment and the applicant if present to come up. Applicant was not present.

Ms. Shank provided staff update. There were a number of changes on the site due to some grading issues and the first-floor elevation of the building was not on the plan. There were a number of revisions that came thru that Staff does not have the authority to approve administratively. This is being brought back to Planning Board to have the applicant to present and explain what happened. One thing Staff did determine was due to the grade changes they had to use stone instead of mulch. Which is not permitted per site plan regulations. Staff identified that a waiver was needed for the stone to be installed instead of the mulch. The other issue was that on the original plan there was landscaping that was installed that would have functioned as screening for the drive-thru. That landscape area was shrunk and stone was installed. Staff recommends to install a three-foot-high opaque fence for screening. In the packet is the original approved plan as well as what they ended up constructing.

Councilor Pierce in the back up documents. This is for the Planning Director the applicant mentioned the mulch not running into the drainage and this is why they did the rocks. He stated we require river rock do we not?

Ms. Shank stated we would not require something that is not within our regulations. She noted that regulations require mulch. In the original grading of the plan allowed for that to be provided. They had to change the grades and the mulch did not work anymore due to the steep slopes. They put in the rock.

Councilor Pierce asked if the rock was installed with Planning Board approval?

Chair Woodfin stated no.

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Ms. Shank stated this was after the Planning Board approval.

Mr. Bass stated what the applicant is referring to is part of some of these changes that went without approval were yard drains in the front of the building and that is where the reference to the stone. Indirectly in front of the building are yard drains and steep area that have the stone.

Chair Woodfin pointed out this was due to a technical problem on the site with the way they set the building up.

Chair Woodfin asked if there are any questions from the board, if the applicant was present or any member of the public would like to ask any questions or discuss any concerns. Applicant was not present and no one from public wanted to discuss this application.

Ms. Smith-Meyer asked as far as the utilities that go over the site where on the site plan with the red cloud around it and does that mean that is the change?

Ms. Shank is not aware of the utilities there.

Mr. Bass stated the biggest utility change was the underground electrical. Before it was to go behind the building and that ended going up the driveway.

Ms. Smith-Meyer pointed out the landscaping consistently putting larger groups of the same plant which they try to discourage and not use shade trees.

Ms. Shank stated they are already installed.

Chair Woodfin they are already done. This is coming back only because they realized there were elevation changes.

Ms. Smith-Meyer wanted to know if that was in the original plan.

Ms. Shank stated she did not think so and they were not in that location.

Ms. Smith-Meyer asked if someone goes back once done to check to see if what was approved is what was planted.

Ms. Shank stated yes. Which is why this is on the agenda tonight.

Ms. Smith-Meyer asked what can be done now.

Ms. Shank that decision is up to the Planning Board.

Chair Woodfin stated if they would like to make changes they can be put in as part of the conditional approval.

Mr. Bass stated the majority of the landscaping was part of the original approval.

Chair Woodfin pointed out the two issues for Planning Board is the stone verses mulch and the need for some screening that is not there because they moved the shrubbery.

Councilor Pierce asked about the dumpster issue.

Ms. Shank stated it is a condition of the approval. It's written to accommodate for either they can remove it to get their Certificate of Occupancy (CO) or submit another application. They indicated they were going to apply for another application. However, she is not sure where they are at with the application. Staff recommends to remove the dumpster or submit another application.

Chair Woodfin ask if this is a joint common place with other tenants.

Ms. Shank stated yes.

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Vice-Chair Foss asked if there is potential to use any sort of plant material instead of a fence?

Ms. Shank stated she did not know the answer to that due to the existing elevation. The areas remaining are very narrow with intense grade changes. In these situations, the applicant is asked to come up with a solution and Staff will evaluate it. Staff does not design the solution. That has not happened here.

Councilor Pierce is bothered that applicant is not here tonight. Planning Board has questions. He recommended rather than delay this he would make a motion to follow planning staff recommendations and give back to applicant put it on them to come forward.

Ms. Shank stated she does not feel they are opposed to these recommendations

Chair Woodfin closed the public hearing. There were no additional comments from Staff, members of the Board, or public.

Chair Woodfin **using the findings of fact** adopted, staff recommends the Board make the motions outlined: 4.2 Grant the following waiver 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 27.07 Mulch, of the Site Plan Regulations to allow the use of stone mulch bedding in landscape areas with yard drains or where steep grading exists and erosion of other mulch materials is a concern.

On a motion by Councilor Pierce, seconded by Vice-Chair Foss the Board voted to grant the following waiver 4.2 section 27.07. No discussion. All in favor. The motion passed unanimously.

Chair Woodfin stated 4.3 **Grant the amendment to Major Site Plan** approval for the proposed restaurant with drive through service and associated site improvements at 310 Loudon Road in the Gateway Performance (GWP) District, subject to the following conditions noted below:

- (a) The application is subject to all previous conditions of approval.
- (b) The applicant shall replace the 12 Happy Return Daylilies planted between the main drive and the drive thru stacking spaces with the approved 12 Heavy Metal Switchgrass's or provide a 3-foot-tall solid opaque fence to provide desired screening. The detail of the fence shall be provided to staff for review. The applicant should remove the dumpster from its current position, submit new approval and work thru that process.
- (c) The applicant shall complete all outstanding site work to the satisfaction of the City Engineer by May 31, 2024.

Chair Woodfin asked is someone wanted to grant the amendment to the Major Site Plan as outlined and those conditions.

On a motion by Councilor Pierce, seconded by Vice-Chair Foss, the Board voted to grant the amendment to the Major Site Plan with the conditions. No Discussion. All in favor. The motion passed unanimously.

- 8B. Altus Engineering, on behalf of Ryan Taber requests Major Subdivision approval for a 9 unit residential condominium development at 15 Hot Hole Pond Road in the Open Space Residential (RO) District. (2023-140)

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Mr. Bass provided staff update. This is a difficult site to construct. Accordingly, the applicant has submitted waivers. Staff has been working with them. They will be requesting two additional waivers during the public hearing. At this time Staff is recommending that the Planning Board review the waiver requests and vote on them. Depending on that outcome it could make significant changes to their design. Staff is recommending once the waivers are decided to continue the application until next month. The waivers in the report Staff has had an opportunity to review and provide comment. The two waivers for tonight one of them is for driveway to have less than forty feet of the required separation. That would be a Conditional Use Permit (CUP) and not a waiver. Also, would like to look at the applicability into the cluster in the subdivision. Staff recommend not deciding that waiver if the application is to be continued. Similar, the applicant will be requesting to not require curbing along the entire common drive and only where required for drainage purposes. Staff might need more time to review that before providing comment.

Chair Wooding asked Staff why they are just hearing about these tonight and they were not included in the packet? Chair Woodfin then asked the applicant that question.

Erik Saari (Altus Engineering) is here on behalf of the applicant HHP Development, LLC and Ryan Taber. They are located at Map 11Z/Lot 25-1 Hot Hole Pond Rd on the northeast corner of the town. It does go down to Hot Hole Pond. This site was timbered in 2017. It was a selective cut. Some areas were cleared. There is an Eversource easement that goes thru the property. This is one of the most unique and challenging sites Mr. Saari has ever dealt with. The shape is weird. It has a lot of steep slopes. It has Eversource easement crossing it. Access is to Hot Hole Pond Rd is only fifty feet wide. Surprisingly there are no wetlands or ledge. The access is thru an existing gravel road it comes down Hot Hole Pond Rd. There is a grade easement on the abutting property that allows to grade on the abutting property. Most of the area is cleared and there are a couple trees that will need to come down. What they are proposing is a nine-unit cluster. The yield calculation gives twelve units. However, they cannot reasonable fit them. This is how they ended up with nine units with a common private driveway accessing from Hot Hole Pond Rd. There are three units on the left, then the Eversource easement which cuts the property in half, and then the remaining six units around the cul-de-sac. There is 10.05 acres of common open space. It is in the steep slope section which will provide a nice buffer to Shaker Rd. One of the waivers is for the minimum slope from Hot Hole Pond Rd regulation requires to go from 2% for 60 feet. In this case he went five and another fifteen before started going uphill. They still end up with a five-foot cut on the center line. If they were to apply the ordinance specifically for that sixty-foot they would end up with a twelve to fifteen cut. The canon would be deeper. All of the cut as proposed does fit on the property. There is an Eversource pole they do need to go around the pole. The cul-de-sac itself is around 1110 square feet to the edge of the pavement which is 110 linear feet beyond the 1000 foot minimum which is another waiver request. Drainage right now is a closed system. There are catch basins that goes down into a rain garden. There is a rain garden in the middle of the cal-de-sac. Which is another waiver. Every single one of these units will be equipped with something to infiltrate roof run off. There are also a few catch basins up front that tie into an existing City system that is on Hot Hole Pond Rd. The units themselves are conceptual. What they are calling for are these boxes. You will buy one of these units and build whatever you want inside that box. So, this is not something Mr. Taber will build himself. There will be access to a yard, driveway and house. There are steep slopes because they are trying to fit within the canyon in the property. There is erosion control around the property as necessary. They have private wells and septics for each lot. Units 7, 8, 9 will have the septics right next to them. There are six septics in the back for units 1-6. They found a landscaping architect one day before the submission deadline. Mr. Saari understands there are several comments from Engineering and Planning Department about the plans. They will be updating this plan. The intent is to have street

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trees going up the road and a few in the cal-de-sac. There are several waivers they would like to discuss. First one is the width in order to fit within the fifty-foot access they would like to reduce the required 26 width to 20. This will reduce storm water, reduce carbon footprint by reducing 30% of asphalt and reduce speed. Another one is the common driveway slope. Right now, coming up at 10%. The regulation is 8%. They are trying to conform as much as possible to the existing grade. If they were to go at 8% they would be in deeper and it might be more of a canyon. The minimum grade of 2% for sixty feet from Hot Hold Pond Rd if they were to meet the ordinance to a tee they would end up with a 12-13 foot cut. Which he said is pretty extreme in his experience. He would rather not do it if the Planning Board was agreeable to changing that a bit. The common driveway side slopes. Four to one is the maximum by ordinance. They have to go one to one in certain areas where they are constrained. Once open up near the cal-de-sac they will meet the four to one. They are also asking for over head utilities for just a portion and then they will go underground. The last one before he gets to the two he submitted today. Storm water management in the middle of the cal-de-sac. Right now he is super elevated in the middle of the cal-de-sac. The whole thing tips inwards as you go around it is sort of like a bowl and holds all the storm water right in the middle. This is in an area which is already completely disturbed. There are no trees in that area so there is nothing to save. It makes sense to install a rain garden right there. It will reduce impact. Two which were submitted today. He apologized to the Chair. One was driveway space being closer than forty feet at the right of way line. The driveways near the right of way are closer than they should be and it is only for five units.

Councilor Pierce was at the site this weekend and asked if the entrance has a gate. He pointed out it is very steep. The house lots to the west of the access rd. From the plans looks like they are below the road grade?

Mr. Saari stated they are all below the road grade.

Councilor Pierce wanted to know if two or three units are above it.

Mr. Saari stated there are three are above it.

Councilor Pierce asked how would the drainage to the cul-de-sac work?

Mr. Saari stated everything above they right to it.

Councilor Pierce asked if those below will have drainage to go down?

Mr. Saari noted there are three units that will be caught by the rain garden. Every single one will have to stone drip edge which will allow infiltration. This way the roof run off is taken out of the equation.

Chair Woodfin asked about the rest of the road?

Mr. Saari the section in the front will tie into the existing City system but less run off than that is going there now.

Chair Woodfin asked how it will be less run off than what is there now?

Mr. Fox asked about if a waiver is granted for the width?

Mr. Saari has not calculated the run off at the full 26-foot-wide road. He is not sure how the impact of the numbers would be but as designed right now there is less run off. Because of the catch basins on the right on the plan and that takes back to the drainage system.

Chair Woodfin asked if the catch basin is on his side of the property?

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Mr. Saari stated everything is on the property with the exception what is in the right of way and tied into the existing system.

Mr. Fox has two questions. One you say all of the buildings have to fit in a box. Does that make potentially all nine buildings look different?

Mr. Saari stated he hopes so because he is not a fan of the cookie cutter when they all look exactly the same. There are a couple different shapes. The boxes are 2475 square feet. If you do a two-story house you can push 5000 square feet. He feels most people will not go that big.

Mr. Fox asked if they do will that impact the plan?

Mr. Saari stated it is individual septic and the home owner association will be responsible for septic, plow and things like that.

Mr. Fox asked the second part of his question. Are you reducing the radius of the cal-de-sac?

Applicant stated they are not reducing

Fox single lane driveway

Mr. Saari stated not the radius. The radius will be town standard. The separation between the where the driveways hit.

Mr. Fox asked if it is a single lane driveway and not two lanes?

Mr. Saari stated right now they are twenty feet wide, maybe twenty-four. They will be reducing them where they hit the road. There will be a little play but he cannot hit the forty feet without making the road longer.

Mr. Fox asked a question to Staff. Are there any Fire Department issues for access at the cul-de-sac?

Mr. Bass stated one of the waivers being requested is for a road in excess of 1000 feet without a secondary means of access. That is one of the waivers that Staff is not in support of. Staff has been working with the applicant and fire department to come up with something to satisfy the Staff position so that fire is comfortable if they need to get up there. They are still working thru that. Right now, Staff is not in support of exceeding 1000 feet from Hot Hole Pond to the cul-de-sac.

Mr. Saari stated right now there is a little are for them to stage from and that shape might change. The reason why it is extended out to the 1000 is trying to extend the buffer.

Ms. Smith-Meyer is asking if they are looking at the area that was removed as part of the buffer. Is that where unit 1, 2, and 3 are and it is sloped?

Mr. Saari stated unit 1, 2, and 3 are outside the buffer.

Ms. Smith-Meyer referred to the grades and the retention.

Mr. Saari stated they are in the buffer. That area has been primarily cleared.

Mr. Bass stated that was one of the areas you are supposed to have the wooded buffer and where the lot was previously cleared it would be reestablishing a landscaped area.

Ms. Shank stated for clarification Staff is not supporting the last 4 waivers in the report. The final one is related to the overhead utilities because there is not a real demonstrative reason as to why they cannot do that. The last three are all related to safety, emergency access, and the

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requirements for vehicles. Staff has not supported a waiver in excess of 1000 square feet except if there is City water and hydrants provided on the site.

Ms. Smith-Meyer asked Mr. Bass if the area behind unit 9 & 8 that looks like it was cleared if it is a part of the buffer as well?

Mr. Bass said yes.

Mr. Saari stated they will work on the landscape plan and enhance the buffer where they can.

Ms. Smith-Meyer asked if they will use native plants?

Mr. Saari stated of course.

Chair Woodfin did not want to get too far down in the weeds. There is a lot to do before they get any approvals. He asked for a quick overview of ADR comments. He noted there needs to be some uniformity that Planning Board can look at how the building will be set up or it will not be approved.

Mr. Saari stated Mr. Taber is working with ADR on the styles of houses.

Chair Woodfin stated for clarification ADR is a subset of the Planning Board. The Planning Board looks to ADR to make recommendations and they come back not recommending approval they will almost never push past that. Chair Woodfin does not want to go too far along on this until they discuss the waivers. He stated as Ms. Shank mentioned if you take the waivers from the bottom and work their way up there are four that staff does not support. Chair Woodfin noted they look to staff as technical experts and occasionally they over step their bounds and make different decisions. In these cases, there might be a reason why this property was not developed. It is a difficult property. Safety issues are not on the table for Planning Board. They will address them and go thru the process to see if there is a way to address them. If it is a safety issue it is not an issue Planning Board is going to change.

Mr. Bass stated ADR did not recommend approval with the Staff recommendation to continue. On the width of the road staff did meet with the applicant and where the regulation is 26 feet and they are proposing twenty there might be some space in between with some other conditions. Possibly a 24 wide foot road with no parking on one or both sides. Staff for the most part was comfortable with this.

Chair Woodfin stated a 24-foot-wide road with no parking in front of the houses?

Mr. Bass stated yes. If you have two vehicles parked on a 24-foot-wide road it could be pretty tight. It would be with the condition there is granite curbing.

Chair Woodfin stated there are six houses on that cul-de-sac if someone has a graduation party where are they going to park? Those are the things Planning Board needs to look into. If you cannot do it within the process that is there without parking on the streets on both sides and still get a fire truck thru it's a problem. That is the reason why there are specifications on the width of driveway. Chair Woodfin stated ADR is looking at front entrances to be facing the street, the garage front walls and subservient primary facade of house, driveway cut to be reduced to a single lane, design proposed can be accommodated in the lots, a uniform set back to be provided for each house and provide a design guideline check list. Chair Woodfin stated ADR next meeting is January 2, 2024. Chair Woodfin asked if the two additional waivers are included in their packets.

Mr. Bass noted the two additional waivers are not in their packets.

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Chair Woodfin will hold off on any additional comments or conservation around that. Chair Woodfin opened up for public testimony at 7:55pm.

Robert and Victoria Hutchinson (6 Swan Circle\457 Shaker) they are abutters. Mr. Hutchinson asked if he was to purchase a box if he can put a 5-story apartment building on it? Ms. Hutchinson said that is not the word condominium that was officially put out.

Chair Woodfin stated you cannot put a condominium or multi-family. It is single family. He explained this is why they have ADR to provide the lay-out, the plan for this site.

Ms. Shank stated you can only build what is permitted in the zoning ordinance which is a single-family home.

Ms. Hutchinson asked if there could be two apartments.

Ms. Shank said no.

Mr. Walsh stated their confusion is of the word condominium.

Ms. Shank stated the word condominium is a form of ownership. It does not indicate a housing type or building type. You can own the box. However, you can only build what is in the zoning code which is a single-family home.

Ms. Hutchinson is concerned about the water runoff. She stated it could be 30 %-40% grade up that hill. There is a bend and a blind corner near that point. She asked in icy conditions are you going to have a school bus go in there? Or are school buses going to stop of Hot Hole Rd? She pointed out Hot Hole Rd is narrow. She said there are no curbs on Hot Hole. She suggested to see if before they make a decision. Ms. Hutchinson stated that access driveway needs to be wide enough for fire and safety vehicles. The grade going in and out of there is also 10%-15%. This will make it difficult for vehicles turning in snow and icy conditions. The surface water will increase and be slipperier. Ms. Hutchinson is very concerned about it. Between steep grade, blind corner and narrow road. Mr. Hutchinson asked if the they will improve that intersection? She feels that is the City's part in this?

Mr. Hutchinson stated most of the driveways in that area has a mirror across the road so they can see what is coming.

Ms. Hutchinson stated there are no street lights up there. She asked if they are planning on street lights.

Chair Woodfin answered no. As part of the development it is not incumbent of them to put up street lights. He explained that would be a City Council question.

Ms. Hutchinson stated their major concerns are the water runoff. She explained next to them is the Heath Farm Tree Farm. She said they are permitted to cut trees and they did a couple years ago. Now, they get the runoff.

Mr. Hutchinson noted it is turning their yard into a swamp.

Councilor Pierce asked about this week and the runoff with the water after the storm?

Mr. Hutchinson stated it was tremendous. There were ponds of water they have never seen before. This was above their property on Swan Circle and it was even worse below Swan Circle.

Councilor Pierce asked about erosion or if there was already a stream bed there?

Mr. Hutchinson said there is a small stream. He has never seen that steam over flow so it was 10-20 feet on either side of the street. It lasted a couple days. The problem is there are a lot of trees

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that cannot take the water and they are falling down. As far as drainage that will come down to Shaker that lower drainage area below 1,2,3 he wanted to know how close to Shaker that is?

Ms. Hutchinson stated they abut to Shaker.

Brian Casey (abutter across 451 Shaker Rd) major concern 5,6, & 7 on the lot and their septic will be behind the house. He said if you look at the drawing it is a steep incline. He feels any type of runoff from their septic field it will runoff on Shaker Rd. He noted as you look along the sharp curve on the far left the houses 5, 6 & 7 that is a huge hill dropping on Shaker Rd.

Chair Woodfin at 8:04 p.m. closed the public hearing. Asked for applicant to come back up.

Chair Woodfin asked for comments from the board.

Vice-Chair Foss asked for in the next presentation to see a graphic oriented north to understand what is going on and a graphic with topographic lines.

Mr. Saari explained all of the septic will be DES approved. Drainage to Shaker Rd and it does go down to a couple of culverts that cross Shaker Rd to the west. As the drainage analysis shows that was reviewed by Engineering there are decrease in runoffs for all analyzed storms. They are catching and treating as appropriately.

Chair Woodfin stated for the people who testified tonight. The Department of Environmental Services is an impartial person looking at if you are going to install a leach field here this is what it has to do and the drainage. It is not the applicant saying it will be fine and do not worry about it until the next big storm. It is the Department of Environmental Services for the State of New Hampshire looking at it and saying we have history on building units all around the state.

Chair Woodfin asked if there were any other questions from the applicant or the Board? If not, he would like to take these waiver requests and move on. In the packets.

Ms. Rosenberger would like to ask a question. Knowing or anticipating that some of these will not be supported and they need to come back next time. Does it make sense to look at this as a whole packet? It seems disjointed to her. She is not comfortable not seeing this as a whole. Her question is for Ms. Shank. Is there any downside to bring back next time?

Ms. Shank stated that would be a good idea.

Ms. Rosenberger stated that will be her suggestion they come back next time. Ms. Rosenberger made a motion they come back next time with a complete, full, together proposal that they all can look at and look at all waivers together. Vice-Chair Foss seconded. Discussion.

Chair Woodfin wanted to provide feedback to the applicant on the waivers that are here. Do people support generally the Figure 20-3, to allow common private driveway side slopes in excess of the 4:1 maximum with the condition that this waiver only applies to portions of the common private driveway that are restricted by the width of the property.

Vice-Chair Foss would like to see the topography of the driveway.

Ms. Shank stated the grading plan was included in the packet that was provided.

Councilor Pierce to reiterate the motion that is at the table right now. What he sees happening if they give a support of a particular waiver that could change when they receive the comprehensive plan.

Chair Woodfin will take that back. There is a motion and a second. With no further discussion from Staff or Board. All in favor. This continue to the meeting January 17, 2024. The two additional waivers will be added to the mix and will receive feedback from ADR.

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- 8C. Ari Pollack, on behalf of ROI Irrevocable Trust, requests Comprehensive Development Plan approval for a phased mixed residential and commercial development in the Gateway Performance (GWP) District. Phase 1 will contain five multi-family apartment buildings, a sandwich shop/convenience store, retail sale of gasoline, a car wash, bank, and senior housing comprising assisted living, age-restricted apartments, and age-restricted attached dwellings. Future phases will contain a restaurant, medical office building, and a retail building.

Ms. Skinner provided staff update. Staff met a few times discussing the project at length. Staff also met with applicants for about three hours discussing the project and compromising. Most of the major components that Staff had concerns about at the previous meeting.

Ari Pollock (Gallagher, Callahan & Gartrell) is present representing the applicant, ROI Irrevocable Trust. They are the applicant for a comprehensive development plan for a property on Manchester Street and Black Hill Rd. Mr. Pollock introduced Robert Duval. Mr. Pollock explained they were present last month to work with Staff to come back with revised plans, a new project narrative and review of Staff recommendations for approval. They made a resubmission of the plan set and they have been provided to the Planning Board. The applicant has received a Staff memo for this meeting which addresses the project and the current state of affairs. They have reviewed the recommendations for the conditional approval of the comprehensive development plan. They are available and can discuss any item referenced in the memo. The short version to keep things efficient is that they are pleased to confer with be able to conquer with Staff recommendations and conditions of approval. Which as you know from the last time are really just going to lead to additional work in the form of a subdivision application, a site plan application, and in some cases a conditional use application. It will also lead to coordination with DOT, DES and utility services. Mr. Pollock is aware those are conditions of approval in the Staff memo. Mr. Pollock wanted to make a couple of notes on just three of them. They accept them. However, wanted to make a clarification on them. Subsequent conditions a and b they refer to studies to be conducted for water supply and sewer capacity by the applicant. They understand they will be asked to use and the City will arrange to use their consultant. They accept they will be asked to pay part of the cost for those studies. They would prefer to use the City consultant instead of starting from the beginning. Subsequent condition e makes reference to the pending FEMA application. Which is just elevations with in the flood plain. That is an area of FEMA expertise. It is something that the ordinance points to as an opportunity to revise flood plain mapping. They wanted to point out that the flood plain is an issue for certain of the land units that are proposed and certain of the uses that are proposed but not all of them. So, the unaffected areas and the unaffected uses maybe able to move forward more quickly than others depending on FEMA's timing and that is still pending. The last item they want to offer clarification on is subsequent condition j that refers to the eventual width and surface characteristics of the extension of the Greenway Trail thru this property. The Planning Board will recall that their proposal was and is ten-foot-wide path of crushed stone and that Staff prefers a twelve-foot-wide paved path. They wanted to highlight for Planning Board benefit that a ten-foot proposal is actually consistent with the contents of a trails plan for Concord that this board reviewed and approved on October 20, 2021. The Staff condition in the memo for tonight simply makes reference to that as an open issue that needs to be resolved and they accept that it needs to be resolved. But they wanted to put their position out there. Mr. Pollock stated he is sure they can figure something out. So, the applicant again, Mr. Pollock can confirm there has been significant

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progress made and they are excited to move this project to next steps. Mr. Pollock stated I think we can agree, all of us, that this area of the City will benefit from a redevelopment and that they have advanced this project considerably over the last month. When it is developed it is going to hit some serious priorities for market housing, senior housing, medical facilities, public open space, trail connections and all of that leads to an enhanced tax base. Mr. Pollock really wanted to express gratitude for the owner, the applicant, the project team, Ms. Skinner, Mr. Walsh, Mr. Thompson, the Fire Marshall and others that have provided their time and cooperation this past month.

Chair Woodfin stated they have received public testimony comments in the mail recently regarding the three driveway cuts and the excess. They did not think the driveway cuts were necessary. Chair Woodfin asked why are the three driveway cuts necessary?

Mr. Pollock explained why the three driveway cuts are necessary. He explained they provide access to the two uses that are fronting on Manchester St where there are existing driveways today and the third one is a cut thru to the back of the development that fronts on Black Hill Rd. They have made further adjustments so that the bank driveway will be in with no out onto Manchester Street. Thus, addressing some of the potential congestion between driveway one and driveway two and that will be the subject of a conditional use permit which is referenced in the Staff memo. Mr. Pollock stated the Planning Board is not approving that configuration this evening. However, the Planning Board will be recognizing that it is approvable by further applications. There were other comments about the flood plain issues and some of the flooding. Mr. Pollock stated we sure got a good test of that this week. The short answer is that FEMA and DES are the experts if the flood plain can be adjusted and if shoreland areas and wetland areas can be impacted without having a particular consequence. Mr. Pollock stated they will be in front of those bodies as well.

Chair Woodfin asked about the Merrimack River Greenway Trail if there are options to move that path away from where it is to get to the twelve-foot paved?

Mr. Pollock stated there are pinch points that will need to be addressed with a more flushed out design. There are certainly places where there is space and others where there isn't. There is also sensitivity to how close they can come to the river.

Chair Woodfin stated from a plan set that is here it sounds like they have made great progress. He noted nothing has changed on the visuals. Chair Woodfin stated Planning Board member Jeff Santacruce had concerns with the 93 access points and configuration issues with the stop lights. Chair Woodfin stated that Staff will incorporate comments received from Planning Board member Jeff Santacruce who could not be present tonight.

Mr. Pollock stated they are happy to look at the suggestions. He noted one of the conditions of approval is to continue the conversation with Staff, Planning, Engineering and DOT.

Councilor Pierce asked if they are working with DOT and the widening of 93.

Mr. Pollock stated they have the memo that discusses some of those upcoming projects. He stated if they can get thru tonight one of the conditions they will try to set up a meeting in January.

Councilor Pierce stated if he looks at the plan where come in off Manchester Street and let's say you are going to the bank. It looks to him like if you are going to do business at the drive-thru of the bank you circle the building you come back out and the egress is a light that comes out on Black Water.

Mr. Pollock stated Black Hill not Black Water.

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Mr. Hicks asked how many curb cuts are there now and how many will be there if this plan goes thru?

Mr. Pollock stated there are four there now and there will be three. Each of them would have a restriction.

Chair Woodfin asked if two of those went into one property where there is a building on the left and a strip mall in the middle.

Councilor Pierce asked if all four curb cuts were active?

Mr. Pollock stated there were four and they are still there. There were all active and now there is nothing for them to go to and they are inactive.

Chair Woodfin opened for public testimony at 8:27 p.m.

Steven Foley (lives on Garvins Falls Rd) which is parallel to this project up the hill. Mr. Foley stated he has concerns about the noise and light pollution. He feels it is pretty close. He has lived on Garvins Falls Rd most of his life and feels it has always been a peaceful and quiet road until the past fifteen years. There has been a constant battle to find peace and quiet due to over development and business encroaching on their residential area. One example is Key Collision built way far back on Manchester St which is practically in his and neighbors back yard. The developers promised the noise would be minimal and they would put trees in the buffer. However, the noise and light pollution from Manchester St has at least doubled with all of trees they removed for the parking lot. The noise from the garage sounds like a dumpster is being dropped from a sky scraper and reverberates thru the neighborhood every day. Mr. Foley would like to know are any plans to minimize noise, air, and light pollution that will come with the construction of these businesses and traffic that will increase?

Chair Woodfin asked if Key auto is there if he lives on the left side of Garvins Falls Rd?

Mr. Foley said yes and his parents live on the other side.

Chair Woodfin informed Mr. Foley if concerned about the street light to reach out to his Councilor.

Councilor Pierce asked if can hear noise from 93?

Mr. Foley said yes.

Ms. Smith-Meyer wanted to comment. Part of the Planning Board prevue is to make recommendations when the dumpsters are collected if at five a.m. becomes an issue. If the gas tankers fill gas station at 2 a.m. Ms. Smith-Meyer stated there are restrictions that can be made for a conditional of approval that gas can only be delivered during operating hours.

Chair Woodfin said there will be a process to get the final approval and they will see this again. The major site plan will be that last thing they need for final approval. There will be another public hearing as well.

Councilor Pierce said there is noise ordinance but it pertains to construction vehicles.

Chair Woodfin suggested to go to code enforcement about the reverberating noise.

Chair Woodfin closed the public hearing at 8:34 p.m. and applicant back to the table.

Mr. Pollock wanted to know if there are particular things the Planning Board wants them to respond to. However, he wanted to point out that the project does not have a direct connection to Garvins

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Falls Rd. As far as noise he said you cannot build something without noise. He feels there is a good buffer that will not be impacted by this project.

Mr. Fox wanted to comment on the bike path. He has done most of the bike paths thru Boscawen. Mr. Fox would prefer a non-imperious surface. He will support what is in place currently for the twelve foot.

Mr. Pollock asked for clarification.

Councilor Pierce stated Mr. Fox like path to be twelve-foot-wide with crushed stone.

Ms. Rosenberger is asking about the guideline for the bike path.

Mr. Pollock stated there was a plan approved by this board back in 2021 that talks about a ten-foot design standard.

Ms. Rosenberger asked what is the standard now? .

Mr. Pollock stated that will not be answered tonight it is an open question.

Chair Woodfin stated some of the confusion comes with the Concord Trails plan. Which was adopted by the Planning Board in 2021. Not the Merrimack River Greenway Trail process and plan.

Councilor Pierce stated this came to council a couple of times. When they approved the tax payer purchase of the land it was up to the Merrimack River Greenway Trail people to build and maintain. To his knowledge the requirement is twelve foot paved for the Merrimack River Greenway Trail.

Chair Woodfin stated Planning Board and the applicant are not committed to do anything. In the packet for the board in the staff report item 4.0 using the finding of fact the material that was received last month, comments heard from the public, the reports seen from Staff and the information that has been provided by the applicant item 4.1 Staff recommends that the Planning Board conditionally approve the Comprehensive Development Plan (CDP) for the mixed-use, phased development at Manchester Street and Black Hill Road, subject to the following precedent and subsequent conditions.

Precedent:

- (a) The applicant shall address all applicable Engineering review comments provided under a separate memo prepared by Pete Kohalmi, PE, dated December 13, 2023, including, but not limited to:
 1. Revisions to plans to address driveway concerns at Unit #6, turning movements for Concord Fire Department tower truck, and pedestrian access to the proposed medical office building from Black Hill Road.
 2. Resolution of traffic comments contained in NHDOT Letter, dated November 9, 2023, and City Engineering Division Review Letters to the satisfaction of NHDOT and the City Engineer, including, but not limited to, improvements to signalized intersection at Black Hill / Manchester Street / Old Turnpike Road to be undertaken by the developer as part of subsequent Major Site Plan and Condominium Subdivision applications for this project, as well as other traffic related off-site exactions required to facilitate/support the applicant's project; all to be implemented by the developer as part of subsequent Major Site Plan and Condominium Subdivision applications for this project.
- (b) The applicant shall clearly label all the required elements of Section 14.02(3)(a) and Section 16 of the Subdivision Regulations (*Per Section 6.03(3) of the Subdivision Regulations the*

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CDP submitted in compliance with Section 28-4-1(g)(2) of the ZO shall conform to the application procedures for a subdivision submitted for the Design Review Phase.)

- (c) The applicant shall clearly label the plan to demonstrate compliance with emergency access requirements. Emergency access drive shall be designed to the satisfaction of the Fire Marshal, including the installation of gates to prevent vehicular traffic on the emergency access road. Applicant shall maintain emergency access so it is fully accessible and capable of supporting emergency service vehicle traffic at all times.

Subsequent Conditions:

- (a) Evaluation of the sanitary sewer by the applicant, the ability thereof to support the applicant's project, and subsequent design of off-site improvements related thereto by the developer, as might be required pending said evaluation shall be completed as part of subsequent Major Site Plan and Condominium Subdivision application submittals for this project.
- (b) Evaluation of the potable water system by the applicant, the ability thereof to support the applicant's project, and subsequent design of off-site improvements related thereto by the developer, as might be required pending said evaluation shall be completed as part of subsequent Major Site Plan and Condominium Subdivision application submittals for this project.
- (c) Updating of utility plans and resubmission thereof in accordance with City standards shall be completed as part of subsequent Major Site Plan and Condominium Subdivision application submittals for this project, including design of private sanitary pump station to serve the development.
- (d) Design of improvements to Black Hill Road, and associated utility infrastructure therewith, in accordance with applicable City regulations and standards to be constructed by the developer shall be completed as part of subsequent Major Site Plan and Condominium Subdivision application submittals for this project.
- (e) The applicant shall submit verification that FEMA has issued approval of the CLOMR application to allow the proposed development to occur.
- (f) The approval of this CDP does not authorize the applicant to undertake any construction related to the proposed development. The applicant must subsequently obtain applicable subdivision approval for the platting of lots and site plan approvals for buildings or sites within the CDP in accordance with the City of Concord Site Plan Regulations, Subdivision Regulations (as applicable), and Zoning Ordinance;
- (g) All Conditional Use Permit applications discussed in this staff report, as well as any that might otherwise be applicable for the applicant's project, shall be submitted as part of the Major Site Plan application submittal and shall contain all required elements for a conditional use permit application.
- (h) Prior to submittal of the Major Site Plan application, the variance request for use of the car wash shall be submitted and acted upon by the Zoning Board of Adjustment. If denied, the CDP shall be amended accordingly.
- (i) The Major Site Plan application materials and the Condominium Subdivision application materials shall clearly identify both through the plan set sheets and the written explanation compliance with the Zoning Ordinance, Site Plan Regulations, and Subdivision Regulations, including but not limited to, all the items staff addressed in this report. Approval of the CDP does not obviate or release the applicant from any requirement.

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- (j) Final determination of the route of the Merrimack River Greenway Trail (MRGT) through the applicant's property to promote connectivity from Terrill Park/Manchester Street to property located to the south and Garvins Falls Road, together with construction of improvements by the developer to satisfaction of City Engineer and granting of easement from the developer to the city for public use and maintenance of applicable MRGT located on the applicant's property; all as part of forthcoming Major Site Plan and Condominium Subdivision applications for the project. Trail shall be a 12-foot-wide paved trail in accordance with design standards, unless otherwise expressly waived by the Planning Board.
- (k) The applicant is responsible for obtaining any federal, state, or local permits that may be required as part of any subsequent subdivision or site plan approvals following the granting of this CDP.

Other Business

- 9. Wilcox and Barton, on behalf of South Congregational Church, requests a one-year extension of a Major Site Plan approval for conversion of an office use to 8 multifamily units at 6 S. State Street in the Civic Performance (CIV) District. (2022-77)

Ms. Shank recommending to extent to one-year extension.

Chair Woodfin asked is someone wanted to make a motion for a one-year extension subject to all the existing conditions.

On a motion made by Ms. Savage, seconded by Councilor Pierce voted to grant a one-year extension subject to all existing conditions. No discussion. All in favor. The motion passed unanimously.

- 10. 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) The Applicant requested to postpone to the January 17, 2023 meeting.
- 11. 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 table to no date certain.
- 12. Any other business which may legally come before the Board.

Ms. Rosenberger thought Hotel Concord was supposed to come back to Planning Board.

Ms. Shank provided update. ADR has reached out to them. There was a communication problem they were sending emails that were not getting to planning. Ms. Shank was able to reach them.

Mr. Bass stated they will be going back to ADR January 2, 2024.

Ms. Shank stated they have set up a site visit so they can look at the various light levels and colors.

Ms. Rosenberg asked if Hotel Concord will have to come back to Planning Board.

Ms. Shank said yes.

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Ms. Rosenberg wanted to know if people are being fined if put signs without approval?

Ms. Shank stated every time they follow up there is a reason why the sign was up.

Ms. Rosenberg stated if someone is putting up a sign without approval to increase fine or get rid of the regulation.

Ms. Shank stated often times the answer is that it was permitted in some way or other.

Ms. Shank will follow up with Code.

Chair Woodfin stated a photo and email to Ms. Shank is a great way to get ball rolling to see if the sign was approved or not.

Ms. Shank stated they do not always know. When they know they pull from consent and put under public hearing. So, if the Planning Board sees something that is under consent and you know they have already been installed that means Planning does not know that.

Ms. Rosenberger wanted to know what the fine is.

Ms. Shank stated it is double the application fee.

Adjournment

Ms. Savage made a motion, seconded by Mr. Fox to adjourn the meeting. All in favor. The motion passed unanimously at 8:48 PM.

The next regular monthly meeting is Wednesday, January 17th, 2023 at 7:00 p.m.

TRUE RECORD ATTEST:

Krista Tremblay
Administrative Specialist II