

City of Concord Planning Board
January 17, 2024
Minutes

The regular monthly meeting of the City Planning Board was held on January 17, 2024, in City Council Chambers, in the Municipal Complex, at 37 Green Street, at 7:00 p.m.

Attendees: Chair Richard Woodfin, Members Jeff Santacruce, Amanda Savage, David Fox, Matthew Hicks, Teresa Rosenberger (Ex-Officio for City Manager), Alternates Chiara Dolcino and Frank Kenison

Absent: Mayor Byron Champlin

Staff: 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

Chair Woodfin called the meeting to order at 7:00 p.m.

2. Welcome and Introduction by Chair

Chair Woodfin recognized the attendance of alternates Chiara Dolcino and Frank Kenison. Chair Woodfin noted that Susanne Smith-Meyer and Carol Foss were not re-appointed and thanked them both for their 20-plus years of service to the Planning Board. There will be a special day in the future to honor them. They did a great job for the City and they will be missed. There will be a new Council representative starting next month once Council approves everyone on the new docket.

3. Roll Call

Chiara Dolcino, Frank Kenison, David Fox, Jeff Santacruce, Amanda Savage, Teresa Rosenberger, Matthew Hicks and, Chair Richard Woodfin.

4. Approval of Meeting Minutes

On a motion made by Mr. Fox, and seconded by Mr. Hicks, the Board voted in favor of approving the December 20, 2023, Planning Board meeting minutes, as written. Motion passed, with Mr. Santacruce, Ms. Dolcino and Mr. Kenison abstaining due to being absent from the December 20, 2023 meeting.

5. Agenda Overview

Chair Woodfin stated that agenda items 9a and 9b have been continued to February 21, 2024.

6. Design Review Applications by Consent

- 6A. Victoria Poland, on behalf of Stephen Duprey, requests ADR approval for a new 90 sf non-illuminated free-standing sign at the intersection of North State Street and Horseshoe Pond Lane in the Institutional (IS) District.

Mr. Santacruce requested to have this application pulled from the consent agenda.

Ms. Skinner read agenda application 6A into the record.

Mr. Santacruce expressed concern that the plan does not indicate the height to the bottom of the sign and there is a MUTCD requirement of a seven-foot minimum and offset from the curb line to the edge of the sign and the post has to be a minimum of two feet per MUTCD.

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Chair Woodfin clarified the requirement for the height of the bottom of the sign.

Mr. Santacruce said the requirement is not less than 7 feet and the curb cannot be closer than two feet to the edge of the sign.

Chair Woodfin asked Mr. Bass if okay with those recommendations.

Mr. Bass recommend including a condition of approval that the sign be compliant with MUTCD standards.

Mr. Santacruce made a motion to approve with the condition that the sign be compliant with MUTCD standards.

Chair Woodfin asked if any one from the audience had comments. Seeing none, Chair Woodfin closed the public hearing.

Mr. Fox seconded. All in favor. Motion passed unanimously.

- 6B. Signarama of Concord requests ADR approval for one (1) new 30.66 sf internally illuminated pylon sign, two (2) new 18.88 sf externally illuminated wall signs and five (5) non-illuminated window signs of 0.44 sf, 4 sf, 0.5 sf, 0.5 sf and 2.25 sf at 249 Sheep Davis Road in the Gateway Performance (GWP) District.

On a motion made by Ms. Savage, and seconded by Mr. Hicks, the Board voted unanimously by consent to approve application 6B with the stipulation that the phone number be removed from the pylon sign.

- 6C. Harvey Signs, on behalf of Capital City Kia, requests ADR approval for a new 38.28 sf internally illuminated wall sign and a new 22.02 sf internally illuminated wall sign at 158 Manchester Street in the Highway Commercial (CH) District.

On a motion made by Ms. Savage, and seconded by Mr. Hicks, the Board voted unanimously by consent to approve application 6C. All in favor. Motion passed unanimously.

- 6D. Sign Source, on behalf of Craft Market, requests ADR approval for a new 31.2 sf internally illuminated and a new 14.7 sf internally illuminated pylon tenant panels at 75 Fort Eddy Road in the Gateway Performance (GWP) District.

On a motion made by Ms. Savage, and seconded by Mr. Hicks, the Board voted unanimously by consent to approve application 6D, with the ADR stipulation that an opaque background be placed behind the white or that the sign have a black background with white letters. All in favor. Motion passed unanimously.

- 6E. Julia Mehrmann, on behalf of Glow, requests ADR approval for a new 1.11 sf non-illuminated window sign and a new 6 sf internally illuminated window sign at 57 North Main Street (2 Capital Plaza) in the Central Business Performance (CBP) District.

- 6F. Josh Philbrick, on behalf of Care Counseling Services, requests ADR approval for a new 15.96 sf externally illuminated wall sign at 47 North Main Street in the Central Business Performance (CBP) District.

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- 6G. Mark Yusko, on behalf of The Bristol Watchmaker, requests ADR approval for a new 5.25 sf non-illuminated wall sign at 13 Pleasant Street in the Central Business Performance (CBP) District.
- 6H. Ron Dulong, on behalf of Brett Marshall, requests ADR approval for a new 9.5 sf non-illuminated window sign a 9 Pleasant Street in the Central Business Performance (CBP) District.
- 6I. Wilcox & Barton, Inc, on behalf of Stephen Duprey, requests ADR approval as part of a building permit application for renovation of an existing commercial building at 20 South Main Street in the Central Business Performance (CBP) District (2023-146).

On a motion made by Ms. Savage, and seconded by Mr. Hicks, the Board voted unanimously by consent to approve applications 6E through 6I as submitted. All in favor. Motion passed unanimously.

7. Determination of Completeness Items by Consent

- 7A. In accordance with RSA 674:54, the State of NH Department of Administrative Services requests review of a proposal to construct a 409-space parking garage at 38 School Street in the Civic Performance District. (2023-145). The review and public hearing for this Application will take place on February 21, 2024.

Chair Woodfin opened a discussion to the public and Planning Board to review the packet of information.

Mr. Santacrucce thanked Engineering for the detailed report and wants to see the results of the traffic study review. He has concerns as an engineer and a citizen.

Mr. Kohalmi stated they just received the traffic study review.

Ms. Savage had a question regarding the upper deck and safety/life safety issues with only having a 4-foot tall wall and wondered the Police Department had made any comments about this.

Chair Woodfin stated there are other parking garages in the area that have the same height, and he is not sure if that is the standard or if that is normal.

Chair Woodfin closed the discussion.

On a motion by Mr. Santacrucce, and seconded by Mr. Hicks, the Board voted to determine the application complete; determine that the project does not meet the criteria for a development of regional impact, per RSA 36:55; and set the public hearing for February 21, 2024. All in favor. Motion passed unanimously.

- 7B. Christ the King Parish requests Major Site Plan approval for construction of a new 5,300 sf building and related site improvements for the purpose of a food pantry at 60 South Main Street in the Urban Transitional (UT) District. (2023-97)

On a motion by Mr. Fox, and seconded by Ms. Savage, the Board voted to determine the application complete; determine that the project does not meet the criteria for a development of regional impact, per RSA 36:55; and set the public hearing for February 21, 2024. All in favor. Motion passed unanimously.

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Public Hearings

8. Design Review Applications

- 8A. 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)

Chair Woodfin asked for staff updates.

Mr. Bass stated there is no change to the application but that the applicant may have some additional materials to show Planning Board.

Tom Raffio, Joe Kasper, and Jeff Paquin presented the request. Mr. Raffio stated they want to take the tree lights which are right now white and during certain holiday periods like St. Patrick's Day to have green lights for a week or 4th of July having red, white, and blue. They know the white lights have been approved for the trees. However, they would like the ability to be flexible during certain holiday periods. Would like to have different colors during the year but on a limited basis. They would shut down at 11 PM to make sure not dealing with bird migration issues. The other thing is having the white lights on the building. They understand and agree with not having the cornice lighting.

Mr. Kasper stated they went to the ADR Committee with three items. One was the cornice lighting, two was providing accent to the brick, and third to provide up lighting in the trees. The ADR Committee denied the cornice lighting and they are okay with that. They approved accent lighting on the building and up lighting on the trees. The only thing they are asking for is adding some color to the up lighting on the trees.

Chair Woodfin asked if the cornice lighting is in the presentation slides?

Mr. Paquin stated it should not be.

Mr. Bass stated what is submitted on the agenda was the most recent and what went to ADR and Planning Board two months ago.

Chair Woodfin stated it does show cornice lighting.

Mr. Bass stated at that time the application was for white up lighting on the building, colored up lighting on the trees, and the cornice colored lighting. ADR recommended white up lighting on the building, white up lighting on the trees, and recommended denying the cornice lighting. The applicant now is coming and requesting approval for white up lighting on the building and colored up lighting on the trees.

Chair Woodfin noted no cornice lighting, white up lighting on the building, and colored up lighting in the trees.

Mr. Paquin stated for the majority of the year the idea is not to have colored light on the trees. The colored lighting on the trees might just be a celebration around St. Patrick's Day when the lights could be green. He suggested having 12 holidays throughout the year with colored tree lights and the remainder of the year or 80% of the time the tree lighting would be white. Also, Mr. Paquin has information on migratory birds and amphibious things. They have statements from the manufacturer and recommendations for migratory bird patterns that might be helpful to give other lighting applicants.

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Chair Woodfin asked Mr. Paquin to share those with the City. Chair Woodfin asked the Board for any questions, comments, or concerns.

Ms. Dolcino asked if ADR only approved the white up lighting on the trees and not the colored lighting.

Chair Woodfin stated yes.

Chair Dolcino asked why ADR did not want colored lighting on the trees?

Mr. Bass stated the seasons tell the change of the year accordingly. They had some concern with the color, but he would need to look back at the minutes for specifics.

Chair Woodfin asked if the color of the up lighting would be the same as the color in the tree?

Mr. Paquin stated no, not necessarily. He stated around St. Patrick's Day the trees will not have buds out on the tree. There would be no leaves on the tree. In the fall when leaves are vibrant they will use white light.

Chair Woodfin asked about the lights in the canopy.

Mr. Paquin stated those lights are prettier around the holidays to stay the white seasonal classic New England look.

Chair Woodfin asked if in the fall they are not looking to have lights up in the canopy and up lighting?

Mr. Paquin stated he would imagine that only one would be on at a time. The seasonal light would be the prominent thing around the holidays. They wait until after the leaves fall to prevent damage to the trees.

Chair Woodfin asked for Fourth of July the leaves are out he asked if they will have up lighting on and canopy lighting?

Mr. Paquin stated no, only up lighting. The seasonal lights come down in March.

Ms. Dolcino asked about the concern for changing color of the lights.

Chair Woodfin asked about the change in color if it would be on and off for the day?

Mr. Paquin stated it will be on in permanent and semi-permanent colors, not alternating colors when it is on. For St. Patrick's Day they will stay green. They will not blink or change color.

Mr. Santacruce stated for Fourth of July they are stating one might be red, one white, and other blue so in that case they will have different colors just not on the one tree.

Mr. Paquin stated when he thinks of alternating physically one tree a color and then another tree a color but not swapping colors or changing colors.

Mr. Santacruce asked if they are asking for building lighting?

Mr. Paquin stated yes.

Mr. Santacruce pointed out section 29.04 building lighting and façade. Light design that will illuminate the side of a building is discouraged. Flood lights and eve lights designed to wash the building are not permitted. He advised the Planning Board they will need to think of that as they decide if up lighting or flood lighting are allowed at all.

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Mr. Paquin stated he did a tour of Main Street and Horseshoe Pond. He noted there are over 20 buildings that have landscape lighting illuminating trees, illuminating building and architectural lighting which are most all improperly installed. When you have a flood light they are indiscriminately lighting the building and not dark sky compliant. Mr. Paquin pointed out Delta Dental is the only building in Horseshoe Pond that does not have architectural lighting, landscape lighting or illumination to the buildings.

Ms. Rosenberger asked if they are proposing to do lighting like in picture number five?

Mr. Paquin stated they have an option to do colored lighting on those trees.

Ms. Rosenberger asked Mr. Paquin to show a photo of the building lighting.

Mr. Paquin showed a classic traditional white light. He noted Delta Dental is the only building that only has landscape lighting illuminating the property. They are also coming at it as a safety-security as crime deterrence prospective that appropriately lit building has that effect.

Mr. Santacruce asked if there is any way to do the lighting they are talking about by using a sconce with down cast light to light the face of the building?

Mr. Paquin stated no. They cannot cast light up into the trees.

Mr. Santacruce stated the building not the trees. He said there are site plan regulations that they have to hold everyone to. The regulation does allow sconces to light the architectural features along the front of the building. Mr. Santacruce wanted to know if instead of coming up if they could come down with the sconce to meet the site plan regulations.

Mr. Paquin stated that is not something they would do.

Chair Woodfin asked if anyone in the audience has any questions or comments? No member of the public wanted to discuss this application. Chair Woodfin closed the public hearing. Chair Woodfin asked if there are any more questions from the board?

Mr. Bass recommended consideration of granting a waiver to Section 29.04 to allow 100% of the up lighting on the building when normally it would be 25% permitted.

A motion was made by Chair Woodfin, seconded by Ms. Dolcino, to grant a waiver to Section 29.04 of the Site Plan Regulations to allow for up lighting on the building as outlined in the packet. Six in favor. Two opposed – Ms. Savage and Mr. Santacruce. Motion carries.

Chair Woodfin verbalized a possible motion to accept as findings of fact the agenda packet materials, the testimony from the applicant, and discussion with the Planning Board and staff in recommending granting approval for the white up lighting of trees identified on the plan, white up lighting on the two buildings and to deny cornice lighting for both buildings as they do not provide the same enhancements of the architectural features of the building nor does the current use of the location of the property generate a nighttime attraction or activity. Chair Woodfin asked the Planning Board if someone wanted to grant the approval as outlined.

Mr. Santacruce asked for clarification if Chair Woodfin stated white up lighting on the tree or multi-colored up lighting?

Chair Woodfin stated he did say white as it was outlined in the packet. Chair Woodfin asked if that should change to white or colored.

Mr. Bass recommended to add the word static.

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Mr. Santacruce suggested non-changing.

Chair Woodfin added static white or colored light.

Ms. Rosenberger asked if they can approve multi-colored static lighting and have them re-visit this after a year?

Chair Woodfin stated they are giving them what they want and there is no approval period for them to come back and do something different.

Ms. Savage asked for a determination of which holidays they will choose. Ms. Savage wants to be specific for the holidays they have outlined with colors for the holiday.

Ms. Dolcino suggested to have them commit to a number of weeks and they can change as needed.

Mr. Raffio stated this will be limited. They are running a business. They are happy to give a memorandum with the holidays. They are thinking 4 to 5 holidays.

Mr. Santacruce suggested they pick 12 holidays and they can choose to do only 4 to 5 holidays but the greater number allows them the option for more than 4 to 5.

Chair Woodfin asked if someone wanted to make a motion to approve with the white or colored static lighting with the understanding the applicant will provide clarification on the number of holidays they will have potential to do lighting.

On a motion by Mr. Santacruce, seconded by Mr. Fox, the Board voted to approve the white or colored static lighting with the understanding the applicant will provide clarification on the number of holidays they will have potential to do lighting.

Discussion.

Ms. Rosenberger asked if it should state not to exceed certain number?

Chair Woodfin stated not to exceed 12?

Mr. Raffio stated 12 and that is high as it is one week out of the month and that will not happen every year.

All in favor. The motion passed unanimously.

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

- 9A. Erin Lambert on behalf of B&L Transmissions, LLC, requests Major Site Plan approval for 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) The Applicant has requested that this hearing be postponed and continued to February 21, 2024.

On a motion by Mr. Santacruce, and seconded by Mr. Hicks, the Board approved postponing application 9A to February 21, 2024. All in favor. Motion passed unanimously.

- 9B. 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). The Applicant requested to be continued to the February 21, 2024

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meeting. The Applicant has requested that this hearing be postponed and continued to February 21, 2024.

On a motion by Mr. Santacruce, seconded by Mr. Hicks, the Board approved application 9B to February 21, 2024. All in favor. Motion passed unanimously.

- 9C. Mark Beauregard requests a Conditional Use Permit (CUP) to allow a driveway separation less than what is required at 5 Short Street in the Downtown Residential (RD) District. (2023-144)

Chair Woodfin asked staff for an update.

Mr. Bass stated the applicant currently does not have a driveway on their property which has a two-family home. They have received zoning variances to be able to construct the driveway. The issue is that due to the proximity of the adjacent driveway they need a conditional use permit to allow this one driveway for this lot.

On a motion by Mr. Hicks, and seconded by Mr. Santacruce, the Board voted to determine the application complete; determine that the project does not meet the criteria for a development of regional impact, per RSA 36:55; and open the public hearing. All in favor. Motion passed unanimously.

Mark Beauregard, the applicant, was present for this application. He noted there is an existing curb cut for parking. The two apartments are being utilized and he wants to give tenants an impermeable surface for parking. Currently it is all grass, and vehicles on grass are making indentations into the land. He would like to open up the existing curb cut by eight feet so he can allow a car to park side by side and then one stacked for the downstairs apartment. He did get a variance to pave within one foot of the property line. That would be utilizing the existing curb cut that is already there. Mr. Beauregard stated he went back for a second variance for having over 70% impermeable surface on the lot. He stated he has received notes from Engineering and he will adhere each one of those notes.

Mr. Santacruce asked if Mr. Beauregard was going to have enough room for snow storage so it is not being pushed into the street?

Mr. Beauregard stated yes there is room off the back. He said the lot line is six feet off the end of the driveway.

Chair Woodfin asked if there is snow storage space.

Mr. Beauregard stated yes there is snow storage space.

Chair Woodfin asked if there was any member of the public what would like to speak and with no response closed the public hearing.

Chair Woodfin asked if staff had any comments.

Mr. Bass asked the applicant to forward to him the revised sketch.

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Chair Woodfin stated that **the findings of fact** include: information provided in staff reports; the applicant's submission materials; testimony provided during the public hearing; and/or, other documents or materials provided in the public hearing. Based on the findings of fact adopted, staff recommends the Board make the motions outlined below:

3.2 **Grant the following Conditional Use Permit approval** in accordance with Section 28-7-11(f) of the Zoning Ordinance to allow 1-foot driveway separation from adjacent driveways where normally 40 feet is required to allow the establishment of driveway access to a lot at 5 Short Street, subject to the following conditions:

- a) All work shall be performed in accordance with the City of Concord Construction Standards and Details (latest edition).
- b) Applicant shall obtain, or update appropriate permits from the Engineering Services Division necessary for the removal of curb and construction of driveway.
- c) All Engineering Services comments are to be addressed prior to the issuance of a Driveway Permit.
- d) If the Construction authorized by the Conditional Use Permit does not commence within a two-year period from the date of the decision of the Planning Board, the CUP shall be deemed to have expired.

Mr. Hicks made a motion, seconded by Mr. Fox, to approve the Conditional Use Permit with the conditions as outlined. No discussion. All in favor. Motion passed unanimously.

9D. Kelly Hilson, on behalf of Thomas Villemure and Mountain Creek Realty, LLC, requests a Conditional Use Permit (CUP) to allow a driveway at 10-12 Higgins Place (Map 641Z Lot 33) at less than the required distance from an intersection and less than the required distance from the adjacent existing driveway in the Opportunity Corridor Performance (OCP) District. (2023-148)

Chair Woodfin asked for a staff update and for the applicant to come forward.

Ms. Skinner stated the applicant went before the zoning board of adjustment on November 8, 2023, and received variances to allow a single-family detached dwelling on the site and to allow multiple principal uses on a single lot. The applicant proposes to construct two single-family dwellings on one lot. The adjacent lot is developed as a duplex. The adjacent existing driveway almost abuts the property line of this site. This site is undeveloped with the exception of a storage shed that will be removed. Staff notes that the property frontage is only about 80 feet. The required distance is 125 feet from the intersection and 100 feet from the adjacent existing driveway. With the street frontage of only 80 feet it is impossible to occur. Staff had one concern to make sure there is enough turning radius. Looking at the site plan turning into the parking spaces looks tight.

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Chair Woodfin agreed.

Ms. Skinner stated staff wondered if perhaps there would be more navigation room if the applicant moved the driveway to the opposite side, which would also give them more separation distance.

Chair Woodfin stated this application does have a determination of completeness component. Staff has determined the application complete and not a development of regional impact and ready for the public hearing.

On a motion made by Mr. Hicks, and seconded by Mr. Fox, the Board voted unanimously to determine the application complete; determine that the project does not meet the criteria for a development of regional impact, per RSA 36:55, and opened the public hearing.

Tom Villemure, applicant, purchased this property a year and half ago. It is open piece of land. The neighborhood is unique it is 8 properties total in Opportunity Corridor in which most property does not follow. Most of the properties are duplex. They have a variance to put two single family houses on this lot. The goal of having two single family is to give two people the opportunity to own a home. They will be small approximately 1000 sf ranch to help with affordable living. They understand the driveway abutting the neighbor lot is because they have existing 11 foot right of way. They can move the driveway to the left side of the lot. They made the proposal based on them having the existing right of way.

Mr. Santacruce went to the site. The other building is not showing on the plan. The garage to the one to the right looks like it sits on the property line. Which he is concerned when vehicles are backing out and not having enough room. Mr. Santacruce stated is you can flip this and look at the whole other way so the garage and entrances are towards the railroad tracks. You can keep the driveway separate so there is no issue with one abutter parking on the other. It will also give a little more privacy to both.

Ms. Savage asked if that had been explored.

Mr. Villemure stated he has been explored. It is not a large lot. He feels it would be doable. They were using the existing 11 foot right of way.

Chair Woodfin asked the location of the right of way.

Mr. Villemure stated it is going top to bottom on the eastern side of the parking lot.

Ms. Savage stated in the past when looking at site plans you see the abutting building. For Planning Board to make a decision and not see the drawing of the

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building this is tight. Do not know the abutting property to know the distance between the two properties.

Chair Woodfin asked if there is a desire to flip these properties around to figure out a way to get the turning radius?

Ms. Santacruce stated unless they can show those other buildings on lot and show a turn template to show on here to prove that yes, a larger pick up could back out with out running into the building. He would also like to know why there are no waivers for the site plan revisions?

Chair Woodfin stated he thinks they are only at Planning Board for the first piece. This is the first of several visits. Chair Woodfin stated he was inclined to send them back and stated this is what need to do for plan set to see in packet. Look at turning radius and potentially flipping the houses around.

Mr. Santacruce is concerned about the tightness to the adjacent property and how they will physically back out without impacting the other property.

Mr. Villemure stated he thinks they can most likely make the flipping of the properties work and make the driveway on the western side instead of the eastern side.

Chair Woodfin made a motion to move this hearing to next month. Come back with new drawings and update on existing conditions.

Mr. Hicks stated looking at this it looks like Higgins Place dead ends where the City might have future projects. Mr. Hicks asked if Higgins Place became a busier street would this having any impact on that?

Mr. Villemure asked to clarify if he comes back next month with the driveway flipped and aerial photos is that all he needs?

Mr. Santacruce stated he will want to provide turning radius on either side is helpful to make a determination that the driveway will not have a negative impact or be dangerous. It also pus the driveway further from the intersection.

Chair Woodfin stated they will be looking for clarification on the spacing and measurements so getting a good look at the spaces between the buildings and the right of way driveway turning radius.

Chair Woodfin made a motion to table this until next month.

Mr. Fox made a motion to table this until next month. Mr. Kenison seconded. No

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discussion. All in favor. The motion passed unanimously.

- 9E. 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), nursery, kitchen, and associated parking; and two Conditional Use Permits (CUPs) for shared parking and separation of driveways at 236 Sheep Davis Rd. in the Industrial (IN) District. (2023-142)

Chair Woodfin asked for a staff update.

Mr. Bass staff is recommending conditional approval. ADR recommends approval as submitted with the recommendation that the applicant provide a walkway between the two external parking lots. So, the upper lot does not have to go through the building to access the bottom area. This was a determination of regional impact. In the packets there are responses from the Central New Hampshire Regional Planning Commission as well as the Town of Pembroke. The Town of Pembroke concern was that the lighting be dark sky compliant. There was no lighting plan provided on the civil plans. Lighting is not required. Staff comment is that they provide a lighting plan that they can confirm will be compliant with the regulations. The applicant is requesting two conditional use permits. One is for shared parking as this building is used to accompany the existing church and both buildings are not projected to be running concurrently at this time. It will be a Sunday School or after church services. The second conditional use permit is to allow 150-foot driveway separation where 250 is required. For section 21 of the site plan regulations a sidewalk along Sheep Davis Rd is required as it is in the 2017 Pedestrian Master Plan. The Planning Board can require the applicant to pay a fee-in-lieu of that. Which Staff would recommend as it would be a segmented sidewalk.

Chair Woodfin stated this application has already been determined complete and will open the public hearing.

Mohamed Mohamud (Calderwood Engineering) and Peter Chamberland (Granite State Baptist Church) presented this application. This will be support structure for existing ministries. The shared parking lot would give a limited foot-print for adding another hundred parking spots right now. The location of the building has been situated as such to be able to utilize the three current parking lots for the entrance to the building and there will be 10 additional ones as entrance coming off Sheep Davis Rd. Inside it will be support ministry there will be a full gymnasium, kitchen, classrooms, and youth room. They need to room and need to expand.

Chair Woodfin asked to walk through the plan and the architectural.

Mr. Santacruce asked if they own the entire lot?

Mr. Chamberland stated yes.

Mr. Santacruce asked what is happening on the rear of the lot where there is existing trailer?

Mr. Chamberland stated that will continue to be used. There is a man that works in the prison systems around New England as a Chaplin and he uses that as his office. There is another one that is more mobile and able to move around.

Mr. Santacruce asked if that gravel lot north of what is proposed now if used for parking or

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anything else to supplement?

Mr. Chamberland stated if they do have to use for overflow it is there.

Mr. Fox drove out there today. The driveway on the northern portion by the old landscape is that being used for the trailer that is there?

Mr. Chamberland stated they will not tie into that land for this project.

Mr. Hicks asked about the three classrooms and the windows. He asked if they are secondary egress from those classrooms? How far from the ground are they? So, if there was emergency and they needed to be evacuated and you need to use a window can you drop children out the windows?

Mr. Mohamud stated the architect came up with these drawings. There is no emergency exit from the second floor classrooms.

Mr. Santacruce pointed out on the site plan there is the ADA space is supposed to be closest to the accessible entrance. They will need to flip that around. Mr. Santacruce asked if engineering already pointed that out.

Mr. Mohamud stated yes.

Mr. Santacruce asked they discussed with DOT or looked at their standards for the driveway in the front?

Mr. Mohamud stated they contacted DOT and they came back with comments about the turning radius.

Mr. Santacruce asked if it was too tight to the edge of the road?

Mr. Mohamud stated yes. They wanted to maintain the water to keep on their property.

Chair Woodfin asked if there was any member of the public that have any questions on this application. No response.

Mr. Santacruce noticed there are no trash receptacles.

Mr. Chamberland stated there is a dumpster on site.

Mr. Santacruce asked which location on the property is the dumpster located?

Mr. Chamberland stated right now it is in between the two buildings.

Mr. Santacruce asked when the new building and sidewalks is there if they will still be able to access?

Mr. Chamberland stated yes, it will still be accessible.

Chair Woodfin pointed out Town of Pembroke made notes about the lighting. He asked if they will be able to move from building to building without going to the street and can do in house?

Mr. Chamberland stated yes. He would not mind commenting about the sidewalk on Sheep Davis Rd and it being useless if segmented sidewalk. He would like to have idea of fee they would have to pay before there is a vote. Mr. Chamberland stated he can have someone design, excavate, and pour concrete for free. He asked what the purpose of a fee if the City is not requiring to be built.

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Chair Woodfin stated as more development on Sheep Davis Rd north and moving towards the south with additional properties being built out they will get to a point where they will need to have sidewalks built. Which side of the road they are on and where they fall that is not for them to discuss. He is aware of putting a sidewalk to no where is not in their best interest.

Mr. Bass stated sidewalks in this area are required per regulations. The Planning Board has the authority to ask the applicant to pay the fee so when the sidewalk is not segmented the funds are available to funds are available to construct that sidewalk. Their proposed project would be segmented and is not ready for sidewalk. How the fee would be accessed they would submit estimate for our engineering staff to be reviewed and then they would agree to the fee. There is interesting conundrum where they feel their cost could be far less than the cost for City to construct.

Mr. Chamberland stated it is very subjective matter to say here is a fee.

Mr. Kohalmi stated the fee is based off NHDOT's standard unit cost list. The standard costs that someone doing work for the state would charge the City. Those fees are available on the State's website.

Mr. Chamberland stated he would not have a problem coming back. He stated there is nothing within a mile in either direction for any type of sidewalk.

Chair Woodfin stated there will be a sidewalk coming up to Pembroke Rd which is pretty close.

Mr. Santacruce stated it is in the master plan that eventually they will build it. However, the issue is if they build the segmented sidewalk now the City will have to maintain the sidewalk. This is why Planning Board will look at a in-lieu-fee you pay for what it would cost to construct the sidewalk and they are done. This is what was agreed to as part of the approval and the City sets that aside. When they go to build the sidewalk, they will use those funds.

Ms. Dolcino stated it sounds like it will be more expensive for them to pay the in-lieu-fee than construct the sidewalk.

Chair Woodfin stated they have seen some in-lieu-fees comeback that are not too expensive.

Mr. Chamberland stated if they come back and it is \$10,000-\$15,000 to install sidewalk for 100-foot sidewalk depending on State crew.

Mr. Santacruce responded the State would not be building it. They would use their requirements for unit prices.

Mr. Kohalmi stated if the City or State decided to put a sidewalk in they would have to re-design at their cost and they would use their money and who ever else contributed to the fund to do the construction. They would not come back and re-design the site.

Ms. Skinner stated the money is paid with the pre-construction. She noted the money is paid long before they get to occupancy.

Mr. Chamberland asked if the note from regional impact is recommending the waste water is treated on site. The other thing is asking for a full traffic study. Mr. Chamberland asked that it be removed because of the use and that it being a supportive structure. It was noted on the DRI report from the regional planning commission.

Mr. Santacruce stated the statement is we believe there maybe regional impacts because of

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proximity to neighbors' communities, transportation networks, surface waters and emergency response based on this we recommend that Concord should solicit a full traffic study provided full storm water management.

Chair Woodfin closed public hearing.

Chair Woodfin stated using **the findings of fact**, which may include: information provided in staff reports; the applicant's submission materials; testimony provided during the public hearing; and/or, other documents or materials provided in the public hearing.

5.3 Motion to require the Applicant pay a fee-in-lieu of constructing a sidewalk along the frontage of Sheep Davis Road as part of this development.

Chair Woodfin made a motion to require the applicant to pay a fee-in-lieu of construction a sidewalk and it will become part of the record once they determine the cost of the fee. Mr. Santacruce seconded.

Discussion

Mr.Santacruce they have done this for low-income housing by Sam's.

Chair Woodfin stated they have done for everyone.

All in favor. The motion passed unanimously.

5.4 Grant Architectural Design Review Approval of the building and site plan as submitted.

Mr. Hicks stated if the fire department goes down and inspects and says you do not have safe secondary means of egress they might have to do something to improve after the fact.

Chair Woodfin stated to make an amendment that fire department review the application for compliance with egress.

Mr. Chamberland stated the architect has not submitted building permit.

Mr. Hicks stated he should be aware of that.

Mr. Bass stated at the time of the permit code and fire would review those safety concerns.

Chair Woodfin asked if someone wanted to make a motion to grant 5.4 Grant Architectural Design Review Approval of the building and site plan as submitted.

On a motion made by Mr. Fox, to grant the approval of 5.4 Architectural Design Review Approval of the building and site plan as submitted. seconded by Mr. Kenison. No discussion. All in favor. The motion passed unanimously.

5.5 Grant the Conditional Use Permit (CUP) in accordance with Section 28-7-11(c) Shared Parking Arrangements of the Zoning Ordinance (ZO) to allow the existing church's 87 parking spaces to be shared and included in the 92-parking space requirement for the proposed building.

Chair Woodfin asked if someone wanted to make a motion to grant that conditional use permit as outlined.

Ms. Savage made a motion to approve 5.5 Conditional Use Permit (CUP) in accordance with Section 28-7-11(c) Shared Parking Arrangements of the Zoning Ordinance (ZO) to allow the existing church's 87 parking spaces to be shared and included in the 92-parking space requirement for the proposed building. Mr. Hicks seconded. All in favor. The motion passed

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unanimously.

5.6 Grant the Conditional Use Permit (CUP) in accordance with Section 28-7-11(f) Driveway Separation Alternatives of the ZO to allow 150 feet of driveway separation on an arterial street where 250 is required.

Chair Woodfin asked if someone wanted to make a motion to grant that conditional use permit as outlined.

On a motion made by Mr. Fox to approve 5.6 Conditional Use Permit (CUP) in accordance with Section 28-7-11(f) Driveway Separation Alternatives of the ZO to allow 150 feet of driveway separation on an arterial street where 250 is required. Mr. Hicks seconded. All in favor. The motion passed unanimously.

5.7 Grant Major Site Plan approval for the new 2-story building and associated parking and site improvements at 236 Sheep Davis Road, subject to the following precedent and subsequent conditions noted below:

- (a) Precedent Conditions – to be fulfilled within one (1) year and prior to sign off by the Clerk and Chair of the Planning Board and issuance of any building permits, or the commencement of site construction, unless otherwise specified:
 - (1) Address all review comments to the satisfaction of the Planning Division.
 - (2) Address all review comments to the satisfaction of the Engineering Services Division.
 - (3) Conditional Use Permit(s) granted are to be noted and fully described on the plan including date granted and applicable Section number(s) of the Zoning Ordinance. Should the Board vote to deny the Conditional Use Permit(s), applicant shall comply with said submission requirements.
 - (4) Final plans shall be signed and sealed by the NH Registered Land Surveyor, Landscape Architect, and Professional Engineer.
 - (5) Submit an estimate if required for the fee-in-lieu of a sidewalk to Engineering Services Division for review and approval. The fee shall be based upon cost of design and constructing sidewalk in accordance with City standards along the frontage of the site. The fee shall be submitted prior to obtaining any Certificates of Occupancy.
 - (6) Submit three (3) copies of final plans for sign off by the Clerk and Chair of the Planning Board.
 - (7) Prior to the commencement of any clearing/construction activity or issuance of a building permit, whichever comes first, the buffer to the bluff will be clearly identified and verified by staff. Buffers need not be marked in area's where disturbance is unlikely.
- (b) Subsequent Conditions – to be fulfilled as specified:
 - (1) The applicant or designated agent shall contact the Engineering Services Division to schedule a pre-construction meeting prior to the start of any construction activities onsite. See Engineering memo for additional pre-construction items to be addressed.
 - (2) Prior to issuance of a Certificate of Occupancy for each phase, as-built drawings shall be provided to the City Engineer in accordance with Section 12.09 of the Site Plan Regulations. The as-built drawings shall be surveyed on NH State Plane coordinates and

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NAVD 88 Datum.

Chair Woodfin asked if someone wanted to make a motion to approve the Major Site Plan as outlined.

Mr. Hicks made a motion to approve the Major Site Plan as outlined. Mr. Kenison seconded. All in favor. The motion passed unanimously.

- 9F. Stephen Duprey requests a Conditional Use Permit to allow a projecting sign above the first floor windows at 45 South Main Street in the Central Business Performance (CBP) District. (2023-127)

Chair Woodfin asked for a Staff update.

Mr. Bass stated this is somewhat as result for the conditional approval for the Concord Coach building as the Concord Coach will obstruct some of the existing tenant's signage frontage. This is putting something up top. They went multiple times to ADR most recently in January. ADR is recommending approval for the sign permit as submitted with the stipulation that the background color currently shown as red matches the dark maroon color of the storefront awnings. Staff is recommending approval with a couple conditions. One of them being this approval is based on the Concord Coach receiving its approval and the building permit.

Victoria Poland is present for this application. She stated this sign needs a conditional use permit because it will be in between rows of windows and 25 feet above grade. They need the sign because the Concord Coach exhibit will be placed outside the front of Gibson's Bookstore. That will obstruct the view the front of the store and the signs they currently have. To allow for this sign to be higher up and vertically against the building will allow for visibility. This way people driving by will be able to see Gibson's Bookstore.

Chair Woodfin asked if there was discussion last time to have sign put on inside of corner and they did not want to do that.

Ms. Poland stated Planning Board suggested to place it how it is in the image.

Chair Woodfin asked if on the outside?

Ms. Poland stated yes.

Mr. Santacruce asked if this will be internally illuminated?

Chair Woodfin stated it is internally illuminated.

Chair Woodfin opened to the public. No one responded.

Mr. Bass stated we need to go back and determine it complete and not a DRI.

Chair Woodfin asked if someone wanted to make a motion to determine the application complete, not in development of regional impact and open the public hearing.

On a motion made by Mr. Santacruce to determine the application complete, not in development

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of regional impact and open the public hearing. Mr. Fox seconded. All in favor. The motion passed unanimously.

Chair Woodfin stated the hearing is open to the public and everything that was said is on the record. With no one from the public to speak the public hearing was closed.

Chair Woodfin using the findings of fact, which may include: information provided in staff reports; the applicant's submission materials; testimony provided during the public hearing; and/or, other documents or materials provided in the public hearing. Based on the findings of fact adopted, staff recommends the Board make the motions outlined below:

2.2 Grant ADR approval for the sign permit as submitted with the condition that the background color currently shown as red matches the dark maroon color of the storefront awnings.

On a motion made by Mr. Santacruce to approve ADR sign permit as submitted with the condition that the background color currently shown as red matches the dark maroon color of the storefront awnings. Mr. Hicks seconded. All in favor. The motion passed unanimously.

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 between rows of windows, above the top row of windows, or at a height of over 25 feet above grade at 45 South Main Street, subject to the following conditions:

- a) Prior to installation and final approval of the sign approved by this Conditional Use Permit, the Concord Coach display proposed in front 45 South Main Street shall receive final approval and a building permit for construction.
- b) If the construction authorized by the Conditional Use Permit does not commence within a two-year period from the date of the decision of the Planning Board, the CUP shall be deemed to have expired.

Chair Woodfin asked if someone wanted to make a motion to grant the conditional use permit as outlined.

Mr. Santacruce noted the Concord Coach display gets approval for a building permit. He asked if it should say that it is actually constructed?

Chair Woodfin stated a building permit would do that.

Mr. Bass stated the tenant may wish during construction to have the sign up.

Mr. Santacruce stated just issuing a building permit does not mean it will be built. If condition this way the get the building permit and put the sign up and for some reason the building does not get built they have their sign and there is nothing they can do.

Mr. Bass suggested to keep the language we have and at the end add should the building permit for the Concord Coach become expired the sign should come down.

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Ms. Savage agreed with Mr. Bass.

Chair Woodfin suggested to add a condition c) if the construction does not commence by the time the building permit has expired the sign should be removed.

Mr. Bass stated should the Concord Coach not be constructed and the approved building permit expire then the sign shall be removed.

Chair Woodfin stated we will add that in a condition c) should the Concord Coach not be constructed and the approved building permit expired then the sign shall be removed and asked if someone wanted to make a motion approve that conditional use permit as outlined.

Mr. Santacruce made a motion to approve the conditional use permit as submitted with the addition of a condition that should the Concord Coach not be constructed and the approved building permit expire, then the sign shall be removed. Mr. Kenison seconded. All in favor. The motion passed unanimously.

10. **Amendments**

- 10A. Wilcox & Barton, Inc., on behalf of Stephen Duprey and The Arts Alley, LLC, requests an amendment to a Major Site Plan approval (that approved a four-story building) to instead construct a two-story building and a separate one-story diner car structure at 20 1/2 S. Main Street (Map 7412Z Lot 37) in the Central Business Performance (CBP) District. (2022-47)

Chair Woodfin made a motion to determine the application complete and not in a development of regional impact and open the public hearing.

On a motion made by Mr. Fox to determine the application complete and not in a development of regional impact and open the public hearing. Mr. Hicks seconded. All in favor. That motion passed unanimously.

Chair Woodfin opened the public hearing.

Erin Lambert (Wilcox & Barton), Steve Duprey and Adam Morrill (Procon) are representing this application. Ms. Lambert stated they have entertained two versions of this project. The site looks relatively similar to what they have seen prior. However, the building has gone from four stories to two stories. It is a two-story mixed-use building. The entrances remain the same from what they have previously seen. When they were at ADR a couple weeks ago there were a few site related items that came up for discussion. Ms. Lambert wanted to share the solutions they came up with. The first is the arch way that will be in the Arts Alley there was concern if that was going to be open all the time and accessible for emergency vehicles as they were contemplating to have a gate there. So, now the gate area will be solely around the courtyard. The arch way and the alley will always be open. It is a shared alley for access to the stage and the carriage house. So, the other gate will be down in the southeast corner. The intention is they want to secure that area off hours. The arch will be tall enough and wide enough to accommodate emergency vehicles it

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won't be obstructed by a gate that needs to open and closed. Ms. Lambert stated everything else is relatively similar to what they have presented before. They have formalized utility extensions to Duke's.

Mr. Duprey stated they have all of Engineering comments and they are fine. Mr. Duprey explained they have several different plans and it came down to a cost factor. The goal is to have four or five separate uses. So, when they first went to ADR the comments were this does not tie in together. Mr. Duprey stated that is exactly what they are trying to do. For that reason, they did make a few adjustments but tried not to. The Friendly Toast does not want to look like the rest of their building. They have a separate identity they are a marketing draw and those are their colors. The second floor is venue space. You could have a wedding or retirement party for 150 people. They wanted that part of the building to look separate as there is a separate entrance. There is a roof top bar it could be separate or booked as part of the venue space. They will put a diner in the alley and that will be used for a variety of uses. A ghost kitchen or pop up kitchen for those interested in coming to Concord. In the back is the Carriage House they will do a Nashville themed bar. They want it to look like separate uses.

Mr. Morrill the idea of the building is to be an active building in an area that is under-utilized. The design of this building is three components. The first-floor retail space which has a different language than the upper part of the building. This portion of the building is pulled forward providing street front activation. They set the building slightly back to not obstruct the Concord Co-op. An important feature as they were re-designing this building was to relate to the adjacent architecture of the Co-op as well as the Bank of New Hampshire Stage. An important feature they are presenting is they have a candle libra canopy that steps into the alley way that mirrors the Bank of New Hampshire marquee. Which creates a wonderful frame for the inviting into the alley way. The second and third floor entrance are located off of the alley way. This is why it was important this building have multiple frontages. The materials they are representation is a combination of brick and metal siding with fiber cement accents in areas.

Mr. Duprey stated they will put in radiant heating so you do not need to plow in the winter. He noted right now they have to back the snow into Main St with every storm. It will let use that space more actively in the winter. This site will be secure. The gate running east and west will keep people out. There will be some fencing between them and the Co-op.

Ms. Lambert stated they have a site plan re-submission that is ready to go addressing Planning and Engineering comments as well as lighting and landscaping.

Mr. Duprey stated they will mark this whole thing as Arts Alley.

Chair Woodfin asked to clarify that ADR is looking for them to come back and they are asking for Planning Board to look at this explain the reasons why there is not a cohesive connection between some pieces. Chair Woodfin stated he likes the look of this, the modern feel and the

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purple of the building in the back. He asked if the second floor if the windows are garage door type openings?

Mr. Duprey stated yes.

Chair Woodfin asked about the arch way if there are any City issues with the arch?

Mr. Duprey stated it is private property. They allow the Co-op to use the 5-6 spaces on the west side of the parking lot and they are on their land. Right now, they will keep them there.

Chair Woodfin asked about deliveries?

Mr. Duprey stated the same way they are doing now for other places on Main St they are using the bypass lane in the middle or they can pull into the alley.

Mr. Santacruce likes it and the fact it will be separate with the different uses. His question is about the arch with tractor trailers and if the height will be ok.

Mr. Duprey stated yes.

Mr. Santacruce the painting into the City's right-of-way. He noted it would be nice to have a green roof top garden. Mr. Santacruce stated he is in favor of this and it is better than a 5-story office space building. He does like the fence to keep people in.

Mr. Duprey stated the Liquor Commission requires a fenced in area is serving alcohol.

Ms. Savage had a question in regards to the fence and if the courtyard will be fenced what is the height of the fence to prevent someone from jumping over?

Mr. Duprey stated it will be high enough.

Chair Woodfin asked if there are any other questions or comments from the board, no one from the public, closed the public hearing.

Chair Woodfin stated **the findings of fact** are as follows: information provided in staff reports; the applicant's submission materials; testimony provided during the public hearing; and/or, other documents or materials provided in the public hearing.

Chair Woodfin is not inclined to send this back to ADR. The Planning Board will make the decision tonight. Chair Woodfin asked for wording on a possible motion.

Ms. Skinner said a possible motion is to grant the amendment to the conditionally approved major site plan approval for the construction of a new two-story building with all precedent and subsequent conditions from the previous original approvals remaining in full force.

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Mr. Hicks made a motion to grant the amendment to the conditionally approved major site plan approval for the construction of a new two-story building with the condition that all precedent and subsequent conditions from the previous original approvals shall remain in full force. Mr. Santacruz seconded. All in favor. The motion passed unanimously.

Other Business

11. None.

Adjournment

Mr. Hicks made a motion, seconded by Mr. Fox to adjourn the meeting at 9:11 p.m. All in favor. Motion passed unanimously.

The next regular monthly meeting is Wednesday, February 21, 2024 at 7:00 p.m.

TRUE RECORD ATTEST:

Krista Tremblay
Administrative Specialist II