

**City of Concord Planning Board**  
**June 18, 2024**  
**Minutes**

The regular monthly meeting of the City Planning Board was held on June 18, 2024, at 7:00 p.m., in City Council Chambers at 37 Green St, Concord.

Attendees: Chair Richard Woodfin, Vice-Chair Erle Pierce, Members Jeff Santacruce, Amanda Savage, David Fox, Matthew Hicks, Dina Condodemetraký Teresa Rosenberger (Ex-Officio for City Manager), and Councilor Brent Todd

Absent: Mayor Byron Champlin, Alternates Chiara Dolcino and Frank Kenison,

Staff: AnneMarie Skinner (Acting City Planner), Alec Bass (Senior Planner), Peter Kohalmi (Associate City Engineer)

**1. Call to Order**

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

**2. Roll Call**

The Clerk, AnneMarie Skinner, did the roll call, noting that a quorum is present.

**3. Approval of Meeting Minutes**

On a motion made by Member Pierce, seconded by Member Fox, the Board voted in favor of approving the May 15, 2024, Planning Board meeting minutes, as written. The motion passed unanimously. Members Savage and Santacruce abstained.

**4. Agenda Overview**

On a motion made by Member Pierce, seconded by Member Santacruce, the Planning Board voted to continue agenda items 7a, 8a, and 8b to a date certain of July 17, 2024, at the request of the applicants. All in favor. The motion passed unanimously.

**5. Design Review Applications by Consent**

At the request of Member Santacruce, item 5e was requested for public hearing and removed from the design review application consent agenda.

On a motion made by Member Pierce, seconded by Member Santacruce, the Board voted unanimously to approve applications 5a through 5d, 5f, and 5g as submitted, subject to the recommendations of the Architectural Design Review Committee. All in favor. The motion passed unanimously.

- 5a. Advantage Signs, on behalf of Eastpoint Recovery, requests architectural design review for a new 10-square-foot non-illuminated freestanding sign at 7 N State St in the Civic Performance (CVP) District.

The Planning Board voted to approve the application as submitted.

- 5b. Advantage Signs, on behalf of WB4, LLC., requests architectural design review for a new 41.6-square-foot internally illuminated building wall sign and a new 22.2-square-foot non-illuminated window door sign at 2 Home Ave in the Opportunity Corridor Performance (OCP) District.

The Planning Board voted to approve the application as submitted.

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- 5c. Carolyn A. Parker Consulting, on behalf of TD Bank, requests architectural design review for two new 25.02-square-foot internally illuminated building wall signs, a new 17.45-square-foot non-illuminated awning sign, and a new 17.8-square-foot internally illuminated monument sign at 143 N Main St in the Urban Commercial (CU) District.

The Planning Board voted to approve the application as submitted with the understanding that the awning sign SO4 will be internally illuminated.

- 5d. Ross Mingarelli, on behalf of CandleTree, requests architectural design review for an existing 6.8-square-foot externally illuminated building wall sign at 44 N Main St in the Central Business Performance (CBP) District.

The Planning Board voted to approve the application as submitted.

- 5e. Expose Signs, on behalf of The John Flatley Company, requests architectural design review for a new 200-square-foot internally illuminated pylon sign at 10 Ferry St in the Opportunity Corridor Performance (OCP) District.

This item was removed from the consent agenda to public hearings.

- 5f. William Hurley and Centerline Communications, LLC, on behalf of AT&T and PFP Associates Ltd Partnership, request architectural design review for modification of existing AT&T communications equipment and replacement of existing antennas and radios at 22 Bridge St in the Opportunity Corridor Performance (OCP) District. (2024-029)

The Planning Board voted to approve the application with the condition that the exterior color of the antennas match the brick of the building, similar to the leftmost antenna of the existing photo labeled “Close-up view of Southwest of Building” provided in the supplemental package.

- 5g. Jenn Robichaud and Poyant Signs, on behalf of Interchange Development, LLC and Dunkin’, request architectural design review for construction of a clearance bar, canopy, digital menu board, and improvements to an existing awning at 1 Whitney Rd in the Gateway Performance (GWP) District. (2024-030)

The Planning Board voted to approve the application as submitted.

**6. Extension Applications by Consent**

- 6a. Northpoint Engineering, LLC, on behalf of ZV Investments, LLC, requests approval for a one-year extension of the major site plan approval for the expansion of the existing multi-family use from 3 units to 9 units at 5 Thomas St located in the High Density Residential (RH) District. (2023-103)

On a motion made by Member Pierce, seconded by Member Hicks, the Planning Board voted to **grant a one-year extension** to meet the conditions of the conditional approval granted on June 21, 2023, for the major site plan and conditional use permit applications for the proposed 9-unit multi-family project at 5 Thomas Street. All in favor, the motion passed unanimously.

- 6b. Joseph M. Wichert, LLS, Inc., Jeffrey Lewis, and Northpoint Engineering, LLC, on behalf of Mark Boucher, request approval for a two-year extension of the major subdivision approval for a 4-lot subdivision on the north side of Elm St located in the Open Space Residential (RO) District and Medium Density Residential (RM) District. (2023-104)

On a motion made by Member Pierce, seconded by Member Hicks, the Planning Board voted to **grant a two-year extension** to meet the conditions of the conditional approval granted on June 21,

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2023, for the major subdivision application for the proposed 4-lot subdivision on Elm Street. All in favor, the motion passed unanimously.

**Public Hearings**

- 5e. Expose Signs, on behalf of The John Flatley Company, requests architectural design review for a new 200-square-foot internally illuminated pylon sign at 10 Ferry St in the Opportunity Corridor Performance (OCP) District.

Member Santacruce requested this item be removed from consent agenda and have a public hearing.

Ms. Skinner shared that the applicant provided an email informing staff they could not attend tonight's meeting and requested to be continued if their item was removed from the consent agenda.

Member Santacruce wants to make sure the applicant is compliant with NH RSA 236:69 DOT close proximity to see if they require a separate permit.

On a motion made by Member Santacruce, seconded by Member Pierce, the Planning Board voted to continue this application, at the applicant's request, to the July 17, 2024, Planning Board meeting. All in favor. The motion passed unanimously.

**7. Amendments**

- 7a. Tom Zajac and Hayner/Swanson, Inc., on behalf of Stickney Avenue, LLC, request approval for an amendment to a major site plan approval to move precedent condition 2 to subsequent conditions as a new subsequent condition 6. The site is addressed as 5-13 Stickney Ave in the Opportunity Corridor Performance (OCP) District. (2022-78)

On a motion made by Member Pierce, seconded by Member Santacruce, the Planning Board voted to postpone this application, at the request of the applicant, to a date certain of July 17, 2024. All in favor. The motion passed unanimously.

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

- 8a. Granite Engineering, LLC and Brenton Cole, on behalf of Bradcore Holdings, LLC, request approvals for a major site plan application and architectural design review for an 8,250-square-foot building addition and accompanying circulation and parking improvements, and conditional use permit applications for disturbance to a wetland buffer and an alternative parking arrangement for the construction of fewer parking spaces than what is required. Also requested are waivers from certain Site Plan Regulations. The site is addressed as 391 Loudon Rd, operating as Chappell Tractor Sales, LLC, in the Gateway Performance (GWP) District. (2024-018) The applicant requested a postponement to a date certain of July 17, 2024.

On a motion made by Member Pierce, seconded by Member Santacruce, the Planning Board voted to postpone this application, at the request of the applicant, to a date certain of July 17, 2024. All in favor. The motion passed unanimously.

- 8b. Jonathan Devine and TFMoran, Inc., on behalf of West Street Keene, LLC, request approval for a minor site plan application and architectural design review for an 1,800-square-foot addition to an

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existing building at 313 Loudon Rd in the Gateway Performance (GWP) District. (2024-034) The applicant continued this application to a date certain of July 17, 2024.

On a motion made by Member Pierce, seconded by Member Santacrucce, the Planning Board voted to postpone this application, at the request of the applicant, to a date certain of July 17, 2024. All in favor. The motion passed unanimously.

- 8c. LSE Ursa Minor LLC and GZA GeoEnvironmental, Inc., on behalf of L.A. Brochu, Inc., request approval of a minor site plan and conditional use permit application for the installation of a solar array at 67 W Portsmouth St in the Open Space Residential (RO) District. (2024-028)

On a motion made by Member Fox, seconded by Member Pierce, the Planning Board determined the application complete, not a development of regional impact, and opened the public hearing. All in favor. The motion passed unanimously.

Oliver Sandreuter (Lodestar Energy / LSE Ursa Minor, LLC, 40 Tower Ln, Avon, CT) and Ryan Daponte (GZA GeoEnvironmental, 188 Valley St, Providence, RI) were present to represent this application.

Ms. Skinner provided a staff update, sharing with the Board the applicant had submitted revised plans since the May 15, 2024, continuation addressing concerns and incomplete items and staff recommends conditional approval.

Mr. Sandreuter and Mr. Daponte added that the project is proposing an 11,000-panel solar array. The proposed array is being located in a primarily grass field, which will be allowed to reestablish as a meadow upon completion of the project. The location is considered infertile by the owner. The proposal includes a crushed stone driveway.

Member Santacrucce shared concerns that the temporary construction entrance appears to be too narrow to allow construction without parking on the street and the inability to access panels for future maintenance if the field is left to revegetate.

Mr. Sandreuter responded that these conditions are typical for projects of this nature, and a pickup truck is often utilized to navigate these conditions and to provide any necessary maintenance.

Member Condodemetraky asked where the collected energy will be distributed.

Mr. Sandreuter responded that the energy collected will be returned back to the Unitil energy grid infrastructure. The proposed project will be able to collect 6.4 megawatts of direct current, and export the maximum allowable of 4.98 AC megawatts. The facility will generate about 10 million kilowatt hours per year.

Member Condodementraky asked if any perimeter fencing will be installed as part of the project.

Mr. Sandreuter responded that a 7-foot fence will be installed around the array facility, raised up 6 inches to allow animal travel below.

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

On a motion made by Member Santacruce, seconded by Member Condodemetraky, the Planning Board voted to **grant the waiver request** from Section 25.02(1) *Underground Utilities* of the Site Plan Regulations, using the criteria of RSA 674:44 III(e)(2) and Section 36.08 of the Site Plan Regulations, to allow for 220 feet of electric lines to be located above ground.

On a motion made by Member Pierce, seconded by Member Condodemetraky, the Planning Board voted to **grant the waiver request** from Section 26.02 *Mechanical Equipment* of the Site Plan Regulations, using the criteria of RSA 674:44 III(e)(2) and Section 36.08 of the Site Plan Regulations, to not provide full screening of the transformers.

On a motion made by Member Condodemetraky, seconded by Member Hicks, the Planning Board voted to **grant the conditional use permit** for Article 28-2-4(c) of the Zoning Ordinance to allow the proposed use of the site for a solar collection system.

On a motion made by Member Pierce, seconded by Member Santacruce, the Planning Board voted to **grant minor site plan approval** for the construction of site improvements associated with a commercial solar collection system, subject to the following precedent and subsequent conditions:

- (a) **Precedent Conditions** – to be fulfilled within one year and prior to signature of the certificate of approval by the Planning Board Chair and Clerk, unless otherwise specified:
1. Address the compliance comments in the attached memorandum from the Engineering Division, dated June 4, 2024, such that the Engineering Division is satisfied that the project complies with applicable codes, regulations, standards, and details.
  2. Waivers granted are to be noted and fully described on the site plan, including the date granted and applicable section numbers of the Site Plan Regulations. Should the Board vote to deny the waivers, or the applicant cannot meet conditions of the waivers, the applicant shall comply with said submission requirements.
  3. Conditional use permits granted are to be noted and fully described on the site plan, including date granted and applicable section numbers of the Zoning Ordinance.
  4. Prior to the issuance of a certificate of approval, digital information from the site plan shall be provided to the City Engineer for incorporation into the City of Concord Geographic Information System and tax maps in accordance with Section 12.08 of the Site Plan Regulations.
  5. Prior to the issuance of a certificate of approval, financial guarantees for any public improvements shall be submitted in accordance with Section 13.02(5) of the Site Plan Regulations.
  6. Final plans shall be signed and sealed by the New Hampshire registered land surveyor, wetland scientist, soil scientist, and professional engineer.
  7. Upon notification from the Planning Division that the final plan set complies with applicable Zoning Ordinance requirements and the Site Plan Regulations, the applicant shall deliver to the Planning Division three plan sets (two full-size and one 11x17) for endorsement by the Planning Board Chair and Clerk.

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8. Provide information on the width of entrance and vehicle movements to allow construction vehicles access the site to the satisfaction of the City Engineer.

(b) **Subsequent Conditions** – to be fulfilled as specified:

1. The applicant is responsible for full knowledge of, and compliance, with all applicable portions of the municipal code, Site Plan Regulations, and Concord Construction Standards and Details for the project.
2. Prior to the start of construction, a pre-construction meeting shall be scheduled with the Engineering Division.
3. Per Section 16.02(19) of the Site Plan Regulations, if work will take place immediately adjacent to a travel way of a public street, a traffic control plan shall be submitted to the satisfaction of the City Engineer.
4. Prior to the start of construction, applicable permits shall be obtained from the Engineering Division.
5. Erosion control measures shall be installed and maintained in accordance with Section 27.09 of the Site Plan Regulations.
6. In accordance with 36.28 of the Site Plan Regulations, wetland buffers shall be clearly and permanently marked during and after construction.
7. Prior to the issuance of a certificate of occupancy, digital as-built drawings shall be provided conforming to the Engineering Division’s as-built checklist, per Section 12.09 of the Site Plan Regulations.

8d. Sean Landry, Emily Landry, R. Shep Melnick, and Joanne G. Linden request approval of a minor subdivision lot line adjustment between 224 and 226 Little Pond Rd in the Open Space Residential (RO) District. (2024-025)

On a motion made by Member Savage, seconded by Member Condodemetraky, the Planning Board determined the application complete, not a development of regional impact, and opened the public hearing. All in favor. The motion passed unanimously.

Sean Landry (224 Little Pond Road, Concord, NH) was present to represent the application.

Ms. Skinner provided a staff update that the applicant is proposing a lot line adjustment with no proposed development.

Chair Woodfin listed the **findings of fact**, which included the information provided in the staff reports and testimony provided during the public hearing, and made the following motions:

On a motion made by Member Savage, seconded by Member Hicks, the Planning Board voted to **grant minor subdivision approval** for the lot line adjustment at 224 and 226 Little Pond Road, subject to the following conditions:

(a) **Precedent Conditions** – to be fulfilled within one year and prior to signature of the final lot line adjustment plat by the Planning Board Chair and Clerk, unless otherwise specified:

1. For compliance with the Subdivision Regulations, revise the plat as follows:
  - a. Compliance with Section 12.04 requires adding a location plan with a minimum scale of 1” = 400’, including all information listed in Section 12.04.
  - b. Compliance with Section 12.05 requires showing and labeling Little Pond as an additional water body on the vicinity map.

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- c. Compliance with Section 12.07 requires the signature and seal of the New Hampshire certified wetland scientist on the final lot line adjustment plat that shows the mapping of the portions of wetland, along with the date of the wetland delineation noted.
  - d. Compliance with Section 12.08(3) requires providing existing topographic conditions at a contour level of two feet at locations that are part of the lot line adjustment area.
  - e. Compliance with Section 12.08(4) requires providing identification and classification of the extent and type of soils.
  - f. Compliance with Section 12.08(13) requires noting whether or not the properties are located within the City of Concord Flood Hazard Overlay District as defined in Article 28-3-2 of the Zoning Ordinance. This can be noted in Note 4.
  - g. Compliance with Section 15.02(8) requires adding the property addresses of each of the two lots.
  - h. Compliance with Section 15.02(9) requires adding the proposed type of residential use for each lot.
  - i. Compliance with Section 15.03(1) requires showing and labeling the buildings, wells, septic systems, and property addresses for all abutters.
2. Per Section 9.02(6), Section 13.01(6), and Section 13.02(10), copies of permit applications to state and federal agencies shall be submitted to the Planning Division. For clarification, list the required state and federal permits for the project on the plat. If none, add a note to the plat stating that the project does not require any state or federal permits.
  3. A note shall be added to the final plat submitted for recording that states: “The project must comply with all subsequent conditions from Case 2024-025 for compliance with Section 12.02(4), Section 15.04(17), and Appendix B of the Subdivision Regulations.”
  4. Prior to the recording of the plat and as required by Section 12.09 of the Subdivision Regulations, digital information from the plat shall be provided to the City Engineer for incorporation into the City of Concord Geographic Information (GIS) and tax maps. The digital information shall be submitted in a format and media conforming to standards promulgated by the City Engineer. Layers (see 12.09(1) through (8)) shall be submitted referencing New Hampshire State Plane Grid Coordinates and shall be based on National American Vertical Datum 1988 (NAVD 88).
  5. Monuments shall be set in accordance with Section 19.04 of the Subdivision Regulations.
  6. Upon notification from the Planning Division that the final plat complies with Planning Board conditions, the Zoning Ordinance, and Subdivision Regulations, the applicant shall deliver to the Planning Division one mylar, one full-size plan set, and one 11x17 plan set for endorsement by the Planning Board Chair and Clerk and subsequent recording of the mylar at the Merrimack County Registry of Deeds. The plans shall contain the signature and seal of the appropriate licensed professionals as outlined in Section 12.03 and Section 15.02(1) of the Subdivision Regulations.
  7. Per Section 13.02(13), the applicant is responsible for submittal of recording fees required by the Merrimack County Registry of Deeds for the plat and deeds to be recorded.
- (b) **Subsequent Conditions** – to be fulfilled as specified:
1. This approval notwithstanding, the applicant is responsible for full knowledge of, and compliance with, the municipal code, Subdivision Regulations, and Concord Construction Standards and Details for the project, unless a variance, waiver, or conditional use permit is granted.

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2. Per Section 9.08(10) of the Subdivision Regulations, no building permit shall be issued within a subdivision until the plat has been approved, the conditions of plat approval have been satisfactorily addressed, and the plat recorded in the Merrimack County Registry of Deeds.
  3. Per Section 24.05 of the Subdivision Regulations, individual private wells shall comply with all standards of the New Hampshire Department of Environmental Services, and the construction of which shall comply with the applicable standards of the New Hampshire Water Well Board.
  4. Per Section 25.04 of the Subdivision Regulations, sanitary sewage disposal shall be provided by individual waste disposal systems for each dwelling unit located on a lot and located on lots of sufficient size to assure an area appropriate for two leaching fields for each system, which meets requirements of the New Hampshire Department of Environmental Services.
- 8e. Jonathan Halle and Warrenstreet Architects, Inc., on behalf of Michael Dennehy and Riverbend Community Mental Health, Inc., request approval for a major site plan and architectural design review application to convert an existing building from a business to a rooming house. Also requested are waivers from the Site Plan Regulations. The site is addressed as 3 N State St in the Central Business Performance (CBP) District. (2024-032)

Member Fox recused himself due to a personal conflict of interest as members of his family receive services provided by the applicant.

On a motion made by Member Hicks, seconded by Member Pierce, the Planning Board granted the waiver request from Section 6.03(2)(c) using criteria RSA 676:44(e)(2). All in favor. The motion passed unanimously.

On a motion made by Member Pierce, seconded by Member Condoentraky, the Planning Board determined the application complete, not a development of regional impact, and opened the public hearing. All in favor. The motion passed unanimously.

Phillip Hasting (Cleveland Waters and Bass, P.A., 2 Capital Plaza, 5<sup>th</sup> floor, Concord, NH), Jonathan Halle (Warrenstreet Architects, 4 Crescent St, Unit 2, Concord, NH), and Mike Dennehy were present to represent this application.

Mr. Hasting provided a summary of the project that major site plan review is necessary solely due to the number of rooms; however, the site is a perfect fit for the project requiring no proposed changes to the site, or exterior of the building. For this reason, they are requesting multiple waivers from the Site Plan Regulations.

Chair Woodfin asked if the building will be compliant with life safety code.

Mr. Halle shared that it will meet all code.

Chair Woodfin listed the **findings of fact**, which included the information provided in the staff reports and testimony provided during the public hearing, and made the following motions:

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On a motion made by Member Pierce, seconded by Member Condodemetraky, the Planning Board voted to **grant architectural design review approval** for the interior conversion of the existing building into a 12-room rooming house, as submitted, with no changes to the exterior of the building or site.

On a motion made by Member Pierce, seconded by Member Condodemetraky, the Planning Board voted to **grant the waiver requests** from the following Sections of the Site Plan Regulations, using the criteria of RSA 674:44 III(e)(2) and Section 36.08 of the Site Plan Regulations:

- Sections 6.03(2)(c) *Site Plan*, 11.01(4), (8), and (9) *Major Site Plan Application Requirements*;
- Sections 11.05 *Determination of Completeness*;
- Section 12.02(1)(b) *Name and address of the owner and applicant*;
- Section 12.06(1) *Certificate of Ownership* and (2) *Easements*;
- Section 12.07 *Wetland Delineations*;
- Section 15.02(2) *Copies*, (4) *Plan Size*, (5) *Easements and Restrictions*, and (8) *Addresses*;
- Sections 15.03(3) *Topography*, (4) *Soils*, (13) *Flood Hazard*, (18) *Lighting*, and (20) *Existing Vegetation*;
- Section 15.03(23)(b), (c), (d), (e), and (f) *Tabulations*;
- Section 15.04 *Proposed Site Plan*;
- Section 16.01 *Required Information* (1) *All items set forth in Section 12, General Requirements for All Drawings*, (3) *All items set forth in Section 15, Application Requirements for Minor Site Plans*, and (4) *All items set forth in Section 16.02, Site Plan Requirements*;
- Section 16.02 *Site Plan Requirements*;
- Section 16.03 *Architectural Plans and Elevations*;
- Section 18 *Parking Lot Design Standards*;
- Section 19 *Access and Driveway Standards*;
- Section 20 *Loading, Solid Waste and Disposal*;
- Section 22 *Storm Water Management*; and
- Section 27.03 *Landscape Plans*.

On a motion made by Member Condodemetraky, seconded by Member Hicks, the Planning Board voted to **grant major site plan approval** for the conversion of the existing business building to a 12-room rooming house, subject to the following precedent and subsequent conditions:

- (a) **Precedent Conditions** – to be fulfilled within one year and prior to signature of the certificate of approval by the Planning Board Chair and Clerk, unless otherwise specified:
1. The site plan shall list all approved variances, waivers, and conditional use permits, with the section numbers and description, and date of approval.
  2. Address comments listed in the memorandum from the Engineering Division, dated June 1, 2024, to show compliance with the applicable section or standard.
  3. Upon notification from the Planning Division that the final plan set complies with Planning Board conditions, Zoning Ordinance requirements, and the Site Plan Regulations, the applicant shall deliver to the Planning Division three plan sets (two full-size and one 11x17) for endorsement by the Planning Board Chair and Clerk.

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4. In accordance with Section 36.15 of the Site Plan Regulations, no building permits may be issued for any building, structure, or site improvement, or change of use prior to site plan approval and the satisfactory completion of the pre-construction conditions of Planning Board approval.

(b) **Subsequent Conditions** – to be fulfilled as specified:

1. This approval notwithstanding, the applicant is responsible for full knowledge of, and compliance with, the municipal code, Site Plan Regulations, and Concord Construction Standards and Details for the project, unless a variance, waiver, or conditional use permit is granted.
2. In accordance with Section 4.02 of the Site Plan Regulations, no building permit shall be issued for the purposes of constructing a new or renovated building or structure, or for the purpose of making exterior alterations to an existing building or structure, or for the purpose of changing the use of an existing use of land, building, or structure, unless the certificate of approval has first been issued by the Planning Board.
3. Per Section 33.08 of the Site Plan Regulations, no certificate of occupancy or use permit may be issued prior to a determination by the Clerk that the proposed use is consistent with the Board's approval.
4. Per Section 36.15 of the Site Plan Regulations, the certificate of occupancy shall not be approved, nor shall any use of the building or site commence, unless the proposed improvements, and the proposed use of land or buildings, is found by the Clerk to be in compliance with the approved site plan and the conditions of Planning Board approval.
5. Per Section 36.24 of the Site Plan Regulations, no certificate of occupancy or other use permit shall be issued until the development has been completed according to the approved plans.

- 8f. The City of Concord requests a public hearing in accordance with New Hampshire State Law RSA 674:54 for construction of a new terminal building at the Concord Municipal Airport. The site is addressed as 65 Airport Rd in the Industrial (IN) District. (2024-031)

Member Savage recused herself from this application due to a professional conflict of interest.

Tim Thompson (Assistant Community Development Director for the City of Concord, 41 Green Street, Concord, NH), was present to represent this application.

Mr. Thompson shared the City received a grant allowing this project to move forward. The project is currently at a 60% completion status, and may change as it goes through federal and local review. Due to the time parameters set by the financial grant, the project is hoping to be prepared for bidding within 2 months.

Chair Woodfin asked if the signage shown in the renderings will be the final signage, sharing concern that once all the necessary backings are in place the signage will not look as depicted. Chair Woodfin also shared he received inquiries about providing a public viewing tower.

Mr. Thompson shared that any signage on the project is subject to change and not final. He shared there is no proposed public tower, but there is a proposed public café and viewing area within the terminal.

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Councilor Todd asked if there will be a designated space for aviation flight school.

Mr. Thompson shared that the current design does not provide a designated location, but there could be opportunity to house it in the tenant space. Mr. Thompson also shared the current proposal is to allow complete construction of the new terminal building prior to demolition of the existing building. While the existing hangar is not listed as historic, it is eligible and being treated as such by the federal government which is a process the City is currently navigating.

Member Santacruce shared concern that the proposed driveways may promote cut through traffic, and also recommended that the crosswalk from Airport Road should be aligned more perpendicular. Member Santacruce also suggested that the infrastructure proposed for electric charging also be installed by the ADA parking locations.

Member Condoemetraky recommended to make sure the building is energy efficient, particularly with all of the proposed glass.

**Public Comment**

David Rolla (Concord Aviation Services, 71 Airport Road) shared that he is the current airport manager of the Concord Airport. Mr. Rolla clarified that the flight school is currently operating out of a hangar space of about 1,600squarefeet. Mr. Rolla provided a brief explanation of the use of the existing terminal building and operations, sharing that the terminal building is a key part of the airport infrastructure.

Chair Woodfin asked about the utilization of the airport.

Mr. Rolla replied the FAA considers the Concord Airport as providing 30,000 – 35,000 operations per year, which is either a takeoff or a landing.

Mr. Rolla shared that the current FBO running the airport is in their 30<sup>th</sup> year of managing the Concord Municipal Airport. There are two contracts, one to allow them to be the airport managers for day-to-day operations and the other contract with the City is paying the City for the use of facilities.

Chair Woodfin asked if Mr. Rolla would like to see the building be demolished, and if he sees people show up just to watch aircraft take off or land.

Mr. Rolla shared he supports the concept of removing the old terminal to allow for construction of a new hangar in its location. He also sees many people come to the airport just to watch aircraft.

Chair Woodfin recommended the City consider an outside seating area, playground, viewing deck, and other amenities to further promote the public assembly component and public viewing of the airport.

Councilor Todd furthered the sentiment of providing public viewing features and for future growth of the airport.

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With no action needed by the Planning Board, Chair Woodfin thanked Mr. Thompson and Mr. Rolla for the public hearing.

- 8g. The State of New Hampshire requests a public hearing in accordance with New Hampshire State Law RSA 674:54 for reconstruction and formalization of the driveway and parking areas along Twitchell Rd. The site is addressed as 105 Pleasant St in the Institutional (IS) District. (2024-033)

Scott Carri (State of NH Public Works) was present to represent this application.

Mr. Carri provided an update of the project stating that the existing pavement has failed and the parking lot is to be reclaimed and paved, with new striping, and some other minor drainage and utility improvements. Mr. Carri noted that the total impervious area will be less than what existed within the project area.

Member Santacruce provided comment that they are proposing parking signs within the City right-of-way which should be relocated on state property. He also shared that there is a large tree on sheet 9, which doesn't specify how it will be preserved during construction.

Mr. Carri shared that if it is on City property they will look to preservation of the tree.

With no action needed by the Planning Board, Chair Woodfin thanked Mr. Carri for the public hearing.

- 8h. NH Land Consultants and NH Sustainable Communities, LLC, on behalf of Thomas Cheney, request approvals for a major site plan application, architectural design review, conditional use permit for driveway separation, and a condominium subdivision application for an 83-unit condominium development at 153, 159, 165, and 169 Fisherville Rd in the General Commercial (CG) District. Also requested are waivers from certain Site Plan Regulations. (2023-151)

Scott Frankiewicz (NH Land Consultants, PLLC, 683C First NH Turnpike, Northwood, NH), Shane Carter (NH Sustainable Communities, LLC, PO Box 185, Deerfield, NH), and Jeff Burd (RJB Engineering, 15 Pleasant Street, Suite 5, Concord, NH)

Ms. Skinner provided a brief staff update. The project will be completed in two phases. The City Fire Marshall has provided comments which has been listed as one of the precedent conditions.

Mr. Frankiewicz added the project also includes a driveway access from Fisherville Road, which after meeting with City staff will be modified slightly from what is shown on the current plan set, the proposed ADA parking at the club house will be designed to meet required van parking dimensioning, and the sanitary sewer will be tied into a manhole at the northern corner of the project site. As part of the project, they are proposing to provide a bus pull-off lane on Fisherville Road.

Mr. Frankiewicz shared that the City and applicant have met about traffic concerns and they have agreed to satisfy all comments from staff as a result of that meeting.

Chair Woodfin provided comment that he would like to see a larger green space provided in the middle courtyard area allowing greater recreational activities and open space.

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Member Pierce shared a concern the Board received from an abutter on Alice Drive about providing a year-round buffer behind the property along the chain link fence.

Mr. Frankiewicz responded that they are trying to maintain a 15-foot to 20-foot wooded buffer from what currently exists. Due to the contouring of abutters and their site a berm is not conducive to provide screening.

Member Santacruce provided comment that the crosswalks throughout the development cross diagonally and should be made perpendicular, and other components of the sidewalk network don't appear to be fully connected, including accessible paths to the fire pits and other amenities proposed. Mr. Santacruce also added that the truck turning plan only shows a right in and right out and believes that the left turns need to be considered and that the sight distance plan is compliant for state requirements, but does not identify that it satisfies ASHTO and City requirements.

Member Savage provided comment that the crab apple trees proposed around parking spaces sometimes have issues with fruits being dropped on vehicles.

Member Santacruce stated he would like to see the landscaping plan more clearly depict the existing tree line to be preserved.

Councilor Todd added there is concern with the Alice Drive residents not being provided a year round buffer and suggested evergreen trees be added.

Member Santacruce shared a comment that he would like the lighting plan be revisited, as it appears the lighting illumination values shown quickly turn to zero and don't appear to spread properly.

Mr. Frankiewicz agreed it looked a little odd and he would have their lighting designer take another look.

Member Condodemetraky asked the applicant if they are envisioning a shared use roadway for pedestrians and vehicles as the sidewalks appear to just end near the driveway and there is no network in front of the buildings.

Mr. Santacruce commented that the proposed trail should be tipped down to allow accessible access where it meets the roadway.

#### Public Comment

Jennifer Blackman (149 Fisherville Rd, Concord, NH) and Marcia Blackman (149 Fisherville Rd, Concord, NH) presented public testimony. They shared concern that there is a conditional use permit request to allow the proposed driveway to be located closer than it should be to their driveway, which is already hard to get out of onto Fisherville Road.

Ms. Jennifer Blackman shared concern and questioned how their residence would be protected throughout construction. She stated construction from across the street caused vibrations to their home. They also feel as though a privacy fence should be required to protect their residence.

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Both Jennifer Blackman and Marsha Blackman added concern that the Fire Marshall had outstanding comments and questioned the safety of the proposal.

Ms. Skinner responded that the fire code requires fire hydrants to be spaced a certain distance from building and apart from other hydrants. The Fire Marshall requested improvements to satisfy current fire code, which will be a condition of approval.

Councilor Todd asked the Blackmans if they prefer fencing or landscaping for privacy screening.

Marsha Blackman responded they would prefer fencing, and have concerns that during construction their house and windows will be made vulnerable from blowing debris, sand, and dust.

Chair Woodfin invited the applicant back up to respond to the public comment.

Mr. Frankiewicz shared that the project is removing multiple existing residential driveways which were in closer proximity to the Blackmans' driveway, and the proposed single driveway access is being moved farther north. Though he recognizes that there will be more traffic utilizing this single drive due to the number of units, here will be about 150feet between the abutter's driveway and the proposed driveway for the development.

Member Santacruce suggested that as the applicant revises the driveway to satisfy staff comments that they look to adjust it as far north as possible within the same general area to try to gain as much separation from the driveway of 149 Fisherville Road as possible.

Chair Woodfin listed the **findings of fact**, which included the information provided in the staff reports and testimony provided during the public hearing, and made the following motions:

On a motion made by Member Pierce, seconded by Member Hicks, the Planning Board voted to **grant architectural design review approval** for the 83-unit condominium subdivision development and associated accessory facilities and amenities as submitted, but with the following conditions:

- Provide the walkways and trails with curvature
- Add trees to the interior courtyard area community space

All in favor. The motion passed unanimously.

On a motion made by Member Fox, seconded by Member Pierce, the Planning Board voted to **grant the waiver requests** below from the listed sections of the Site Plan Regulations, using the criteria of RSA 674:44(III)(e)(2) and Section 36.08 of the Site Plan Regulations:

- Section 16.03(1) *Preparation* to not provide the seal and signature of the New Hampshire licensed architect on the architectural elevations for architectural design review;
- Section 16.03(5) *Windows, Doors, and Roofs* to not provide the sizing, labels, and dimensions for the windows and doors on the architectural elevations for architectural design review;
- Section 16.03(8) *Dimensions* to not provide the detailed horizontal and vertical dimensions on the architectural elevations for architectural design review;
- Section 18.17 *Tree Plantings* to allow for one tree to be planted for each 2,000 square feet of proposed parking area instead of the required one tree for each 1,000 square feet of proposed

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parking area; and,

- Section 22.07(2) *Storm Water Recharge* to allow for less than the four-foot separation between the bottom of an infiltration system and the groundwater as required by the regulation.

All in favor. The motion passed unanimously.

On a motion made by Chair Woodfin, seconded by Member Fox, the Planning Board voted to **grant the conditional use permit** in accordance with Article 28-7-8(c)(2) *Separation of Driveways in Nonresidential Districts* of the Zoning Ordinance to allow for the proposed driveway to be no less than 150 feet, and more if possible, from the adjacent driveway to the satisfaction of the City Engineer, which is less than the 200-foot distance required by the Zoning Ordinance and the 250-foot distance required by the Site Plan Regulations. All in favor. The motion passed unanimously.

On a motion made by Member Pierce, seconded by Member Hicks, the Planning Board voted to **grant major site plan approval** for the 83-unit condominium subdivision development and associated accessory facilities and amenities as submitted, but subject to the following precedent and subsequent conditions:

- (a) **Precedent Conditions** – to be fulfilled within one year and prior to signature of the certificate of approval by the Planning Board Chair and Clerk, unless otherwise specified:
  1. For compliance with the Site Plan Regulations, revise the plan set as follows:
    - a. For compliance with Section 11.10, include in Note 21 on Sheet 3 (site plan) and the notations on Sheet 16 (phasing plan) the language that no phase shall exceed two years in duration, no phasing plan shall exceed six years in total, and the approval of remaining phases automatically expires when any phase expires except where significant development has already commenced.
    - b. For compliance with Section 12.03(1), the existing conditions plan shall contain the signature and seal of the licensed land surveyor who prepared the plan.
    - c. For compliance with Section 16.02(14)(c), the utility plan shall show provisions for tying into the power lines in Fisherville Rd to service the development.
    - d. For compliance with Section 16.02(16), the color of the light pole shall be noted in the pole detail.
    - e. For compliance with Section 18.10 and Table 19-1, the driveway width shall not exceed 28 feet.
    - f. For compliance with Section 18.06, the accessible space for the van shall be at least 19 feet in length and 11 feet in width with an access aisle of 5 feet in width immediately adjacent to the parking space.
    - g. For compliance with Section 20.06, the solid waste dumpster enclosure shall be screened from view by a solid opaque fence not less than six feet nor more than eight feet in height.
    - h. Add the following note to the utility plan and the site plan: “Per Section 25.02(1) of the Site Plan Regulations, all utility facilities shall be located underground throughout the proposed development. Whenever existing utility facilities are located above ground, except where existing on public roads and rights-of-way, they shall be removed and placed underground.”
    - i. Add the following note to the utility plan and the site plan: “Per Section 25.02(2) of the Site Plan Regulations, service connections to non-municipal utilities shall be constructed to the standards contained in the City of Concord Construction Standards

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and Details, and the standards established by the private utility company responsible for the service.”

- j. For compliance with Section 27.06(5), label and show the dimension of the distance between the proposed tree planting and the sewer easement in the northwest corner of the property to ensure that there is at least 10 feet between the easement and the spot where the tree will be planted.
- k. For compliance with Section 27.07(4), no more than 25% of the trees to be planted can be of the same species.
- l. For compliance with Section 31 and 32.02, all scoping session items shall be addressed in the traffic study and the plans.
2. The site plan shall list all approved variances, waivers, and conditional use permits, with the section numbers and description, and date of approval.
3. Per Section 13.01(6) of the Site Plan Regulations, copies of permit applications to state and federal agencies, where applicable, shall be submitted to the Planning Division. For clarification, list the required state and federal permits for the project on the site plan. If none, add a note to the site plan stating that the project does not require any state or federal permits.
4. The plans submitted for final approval shall contain the signature and seal of the appropriate licensed professional as outlined in Section 12.03(1) through (6), as applicable, unless the waiver is granted.
5. Per Section 13.02(4) of the Site Plan Regulations, the required bus stop easement document shall be submitted to the Planning Division for review and approval prior to issuance of a certificate of approval. Once approved by the Clerk, City Engineer, and City Solicitor as to form and content, the properly executed easement document shall be submitted to the Planning Division for recording prior to the issuance of a building permit. The applicant is responsible for the recording fees, per Section 13.02(7).
6. Per Section 13.02(5) of the Site Plan Regulations, a financial guarantee for all public improvements in the full amount approved by the City Engineer, and in a form acceptable to the City Solicitor, shall be submitted prior to the issuance of a certificate of approval.
7. As required by Section 12.08 and Section 13.02(11) of the Site Plan Regulations, prior to the issuance of a certificate of approval, digital information from the site plan shall be provided to the City Engineer for incorporation into the City of Concord Geographic Information (GIS) and tax maps. The digital information shall be submitted in a format and media conforming to standards promulgated by the City Engineer. Layers (see Section 12.08(a) through (i) of the Site Plan Regulations) shall be submitted referencing New Hampshire State Plane Grid Coordinates and shall be based on National American Vertical Datum 1988 (NAVD 88).
8. Address comments listed in the memorandum from the Engineering Division, dated May 31, 2024, to show compliance with the applicable section or standard, including addressing traffic study issues identified in the scoping session.
9. Address comments from the fire marshal’s email, dated June 13, 2024, to show compliance with requirements of the NFPA 1 Fire Code 2018 Edition, including but not limited to: the number of fire hydrants, spacing, and locations; and, access.
10. For compliance with the Zoning Ordinance, including Article 28-4-1, the voluntary lot merger application to merge 169, 165, 159, and 153 Fisherville Rd into one lot needs to be submitted through the online portal and the merger recorded at the Merrimack County Registry of Deeds prior to the issuance of any building permits for the project.

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11. Add the following note to the site plan: “In accordance with Section 12.09 and Section 36.25 of the Site Plan Regulations, and prior to the issuance of a certificate of occupancy, the applicant’s engineer or surveyor shall submit to the City Engineer a detailed “as-built” survey showing the location of buildings, structures, utilities, parking areas, driveways and access, as well as for any public improvement constructed indicating location, dimensions, materials, and other information required by the City Engineer. The as-built survey shall also be submitted in digital format and media conforming to the Engineering Division’s as-built checklist.”
  12. Upon notification from the Planning Division that the final plan set complies with Planning Board conditions, Zoning Ordinance requirements, and Site Plan Regulations, the applicant shall deliver to the Planning Division three plan sets (two full-size and one 11x17) for endorsement by the Planning Board Chair and Clerk.
  13. In accordance with Section 36.15 of the Site Plan Regulations, no building permits may be issued for any building, structure, or site improvement, or change of use prior to site plan approval and the satisfactory completion of the pre-construction conditions of Planning Board approval.
  14. Provide a revised truck turning plan to also show left in and left out turns to the satisfaction of the City Engineer and Clerk.
  15. Applicant to verify the proposed foot-candle values shown on the lighting plan are accurate and to the satisfaction of the City Engineer and Clerk.
  16. Provide additional sidewalk accessibility throughout the site, including connectivity to the trail, patio, and fire pit area. Additionally, provide better alignment coming from the driveway to the satisfaction of the City Engineer and Clerk.
  17. Provide approximate limits of existing tree line to be preserved on the plans to the satisfaction of the City Engineer and Clerk.
- (b) **Subsequent Conditions** – to be fulfilled as specified:
1. This approval notwithstanding, the applicant is responsible for full knowledge of, and compliance with, the municipal code, Site Plan Regulations, and Concord Construction Standards and Details for the project, unless a variance, waiver, or conditional use permit is granted.
  2. Per Article 28-4-5(g) of the Zoning Ordinance, all non-municipal utilities, both those existing on the tract, and those proposed to serve the development shall be placed underground.
  3. In accordance with Section 4.02 of the Site Plan Regulations, no building permit shall be issued for the purposes of constructing a new or renovated building or structure, or for the purpose of making exterior alterations to an existing building or structure, or for the purpose of changing the use of an existing use of land, building, or structure, unless the certificate of approval has first been issued by the Planning Board.
  4. In accordance with Section 11.09(6) of the Site Plan Regulations, no building permit shall be issued until the site plan has been approved by the Planning Board and the pre-construction conditions of approval have been satisfactorily addressed as determined by the Clerk of the Planning Board.
  5. As a phased development, the project is subject to the requirements and deadlines of Section 11.10 of the Site Plan Regulations. No residential certificate of occupancy for a particular phase shall be issued until all items in that phase are completed as depicted and

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noted on the phasing plan, including but not limited to, walkways, landscaping, accessory facilities and amenities, utilities, and as-built drawings.

6. Erosion control measures shall be installed and maintained in accordance with Section 27.09 of the Site Plan Regulations.
7. A site stabilization guarantee shall be provided in accordance with Section 27.11 of the Site Plan Regulations.
8. Per Section 33.08 of the Site Plan Regulations, no certificate of occupancy or use permit may be issued prior to a determination by the Clerk that the proposed use is consistent with the Board's approval.
9. Per Section 34.07 of the Site Plan Regulations, no certificate of occupancy or use permit may be issued prior to a determination by the Clerk that the proposed use is consistent with the Board's conditional use permit approval.
10. Per Section 11.09(6), no certificate of occupancy shall be issued until all site and building improvements have been completed to the satisfaction of the Clerk according to the approved plans and conditions of the Planning Board approval.
11. Per Section 36.15 of the Site Plan Regulations, the certificate of occupancy shall not be approved, nor shall any use of the building or site commence, unless the proposed improvements, and the proposed use of land or buildings, is found by the Clerk to be in compliance with the approved site plan and the conditions of Planning Board approval.
12. Per Section 36.24 of the Site Plan Regulations, no certificate of occupancy or other use permit shall be issued until the development has been completed according to the approved plans.
13. In accordance with Section 12.09 and Section 36.25 of the Site Plan Regulations, and prior to the issuance of a certificate of occupancy, the applicant's engineer or surveyor shall submit to the City Engineer a detailed "as-built" survey showing the location of buildings, structures, utilities, parking areas, driveways and access, as well as for any public improvement constructed indicating location, dimensions, materials, and other information required by the City Engineer. The as-built survey shall also be submitted in digital format and media conforming to the Engineering Division's as-built checklist.

All in favor. The motion passed unanimously.

On a motion made by Member Pierce, seconded by Member Fox, the Board voted to grant the major subdivision approval for the 83-unit condominium subdivision, subject to the following precedent and subsequent conditions:

- (a) **Precedent Conditions** – to be fulfilled within one year and prior to signature of the final plat by the Planning Board Chair and Clerk, unless otherwise specified:
  1. The plat shall list all approved variances, waivers, and conditional use permits, with the section numbers and description, and date of approval.
  2. Revise note 13 on the cover sheet to specifically state which sheet numbers of the 5-sheet condominium subdivision plan set will be recorded at the Merrimack County Registry of Deeds.
  3. Per Section 13.01(6) and Section 13.02(10), copies of permit applications to state and federal agencies shall be submitted to the Planning Division. For clarification, list the required state and federal permits for the project on the plat.

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4. A note shall be added to the final plat submitted for recording that states: “The project must comply with all subsequent conditions from Planning Board Application #2023-151 for compliance with Section 12.02(4) and Appendix B of the Subdivision Regulations.”
  5. Prior to the recording of the plat and as required by Section 12.09 of the Subdivision Regulations, digital information from the plat shall be provided to the City Engineer for incorporation into the City of Concord Geographic Information (GIS) and tax maps. The digital information shall be submitted in a format and media conforming to standards promulgated by the City Engineer. Layers (see 12.09(1) through (8)) shall be submitted referencing New Hampshire State Plane Grid Coordinates and shall be based on National American Vertical Datum 1988 (NAVD 88).
  6. Address comments listed in the memorandum from the Engineering Division, dated May 31, 2024, to show compliance with the applicable section or standard.
  7. Per Section 13.02(4), (11), and (12) of the Subdivision Regulations, the documents shall be submitted to the Planning Division for review and approval prior to the endorsement of the plat by the Chair and the Clerk of the Planning Board. Once approved by the Clerk, the City Engineer, and the City Solicitor as to form and content, property executed documents and agreements shall be submitted for recording with the plat.
  8. Address comments listed in the memorandum from the Engineering Division, dated May 31, 2024, to show compliance with the applicable section or standard, including addressing traffic study issues identified in the scoping session.
  9. Address comments from the fire marshal’s email, dated June 13, 2024, to show compliance with application requirements of the NFPA 1 Fire Code 2018 Edition, including but not limited to: the number of fire hydrants, spacing, and locations; and access.
  10. Upon notification from the Planning Division that the final plat complies with Planning Board conditions, the Zoning Ordinance, and Subdivision Regulations, the applicant shall deliver to the Planning Division one mylar, one full-size plan set, and one 11x17 plan set for endorsement by the Planning Board Chair and Clerk and subsequent recording of the mylar at the Merrimack County Registry of Deeds. The plans shall contain the signature and seal of the appropriate licensed professionals as outlined in Section 12.03 of the Subdivision Regulations.
  11. Per Section 13.02(13), the applicant is responsible for submittal of recording fees required by the Merrimack County Registry of Deeds for the plat and deeds to be recorded.
- (b) **Subsequent Conditions** – to be fulfilled as specified:
1. This approval notwithstanding, the applicant is responsible for full knowledge of, and compliance with, the municipal code, Subdivision Regulations, and Concord Construction Standards and Details for the project, unless a variance, waiver, or conditional use permit is granted.
  2. Per Section 4.02 of the Subdivision Regulations, no land shall be subdivided or portions of a lot transferred within the corporate limits of the City of Concord, until a subdivision plat for said land has been prepared in accordance with the Subdivision Regulations, approved by the Board, endorsed by the Chair and Clerk of the Planning Board, and filed at the Merrimack County Registry of Deeds.
  3. Per Section 4.03 of the Subdivision Regulations, no building permit or certificate of occupancy shall be issued for any parcel or plat of land which was created by subdivision after the effective date of, and which is not in conformity with, the provisions of the Subdivision Regulations.

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4. Monuments shall be set in accordance with Section 19.04 of the Subdivision Regulations.
5. Per Section 30.01, if the Planning Board does not require that all public and common private improvements be installed and dedicated prior to signing of the subdivision plat by the Chair and Clerk of the Planning Board, a financial guarantee shall be provided to secure the installation of the public and common private improvements. The applicant shall provide an acceptable financial guarantee for all public and common private improvements, together with easements for any public rights-of-way, utility or storm drainage easements, slope and access easements, conservation easements, agreements to provide a private easement, public improvement guarantee, or any other required legal document.

All in favor. The motion passed unanimously.

**Other Business**

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

**Adjournment**

Member Pierce moved, seconded by Member Santacruce, to adjourn the meeting at 9:07 p.m. All in favor. The motion passed unanimously.

The next regular meeting is **Wednesday, July 17, 2024**, at 7:00 p.m.

TRUE RECORD ATTEST:



Alec Bass  
Senior Planner