

**City of Concord Planning Board**  
**October 16, 2024**  
**Minutes**

The regular monthly meeting of the Concord Planning Board was held on October 16, 2024, at 7:00 p.m., in City Council Chambers at 37 Green St, Concord.

Attendees: Matthew Hicks, Teresa Rosenberger (Ex-Officio for City Manager), Jeff Santacruce, Amanda Savage, Councilor Brent Todd, Chair Richard Woodfin, and Dina Condodemetraky

Absent: Vice-Chair Erle Pierce, David Fox, Mayor Byron Champlin, Alternate Chiara Dolcino, and Alternate Frank Kenison

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

**1. Call to Order**

Chair Woodfin called the meeting to order at 7:10 p.m.

**2. Roll Call**

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

**3. Approval of Meeting Minutes**

3a. On a motion by Member Santacruce, seconded by Councilor Todd, the Planning Board voted to approve the September 18, 2024, Planning Board meeting minutes, as written. The motion passed unanimously.

3b. On a motion by Member Santacruce, seconded by Councilor Todd, the Planning Board voted to approve the September 18, 2024, Joint Work Session Planning Board/Architectural Design Review Committee meeting minutes, as written. The motion passed unanimously.

**4. Agenda Overview**

Chair Woodfin provided an agenda overview noting that items 6A, 7A, and 7B were all requested by the applicants to be continued to a date certain of November 20, 2024.

Member Rosenberger moved, seconded by Member Santacruce, to continue agenda items 6A, 7A, and 7B to a date certain of November 20, 2024, at the request of the applicant. All in favor. The motion passed unanimously.

**5. Design Review Applications by Consent**

On a motion made by Member Santacruce, seconded by Member Hicks, the Board voted unanimously to approve agenda items 5A-5F as submitted, subject to the recommendations of the Architectural Design Review Committee. All in favor. The motion passed unanimously.

5A. Green Mountain Tableworx, on behalf of Remi's Block, LLC, requests architectural design review approval for three existing non-permitted signs - an 0.5-square-foot non-illuminated door sign (SP-

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0338-2024), and two 2.25-square-foot non-illuminated window signs (SP-0339-2024 and SP-0340-2024), at 154 N Main St in the Central Business Performance (CBP) District.

The Planning Board approved the application as submitted.

- 5B. SV Property II, LLC and Doug Lee request architectural design review approval for six existing non-permitted signs - a 70-square-foot internally illuminated freestanding pylon sign (SP-0337-2024), a 35-square-foot internally illuminated freestanding pylon sign (SP-0342-2024), two 26.25-square-foot internally illuminated wall mounted building signs (SP-0343-2024 and SP-0344-2024), a 12-square-foot internally illuminated wall mounted building sign (SP-0345-2024), and a 12-square-foot internally illuminated freestanding pylon sign (SP-0346-2024) at 204 Fisherville Rd in the General Commercial (CG) District. (2024-064)

The Planning Board approved the application with the conditions that white street address numbers be added on the posts of the pylon signs below the signage and that the white backgrounds of the pylon signs and 24-hour carwash building wall signs have an opaque backing installed per Section 5.4(c) of the Architectural Design Guidelines.

- 5C. Signarama Concord, on behalf of Moon Babes, requests architectural design review approval for three existing non-permitted signs - a 2.1-square-foot non-illuminated door sign (SP-0351-2024), a 2.1-square-foot non-illuminated window sign (SP-0352-2024), and a 1.35 square-foot non-illuminated window sign (SP-0367-2024) at 12 N State St in the Central Business Performance (CBP) District.

The Planning Board approved the application as submitted.

- 5D. Spectrum Signs, on behalf of B & L Transmission, LLC and AAMCO, requests architectural design review approval for three new signs - two new 24-square-foot internally illuminated building wall signs (SP-0358-2024 and SP-0359-2024), and one new 68.06-square-foot internally illuminated freestanding sign (SP-0360-2024) at 92 Manchester St in the Highway Commercial (CH) District. (2024-065)

The Planning Board approved the application as submitted with the condition that the street address be added to the pylon sign post and the white backgrounds of the wall signs be opaque in accordance with Section 5.4(c) of the Architectural Design Guidelines.

- 5E. Amber Monmaney, requests architectural design review approval for two existing non-permitted 9.4-square-foot non-illuminated window signs (SP-0357-2024 and SP-0361-2024) at 146 N Main St in the Central Business Performance (CBP) District. (2024-066)

The Planning Board approved the application as submitted with the suggestion that the color of the small black lettering on the bottom of the signs be switched to white.

- 5F. Signarama Concord, on behalf of Club Pilates, requests architectural design review approval for a new 28.2-square-foot internally illuminated wall sign (SP-0353-2024) at 6 Merchants Way in the Gateway Performance (GWP) District.

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The Planning Board approved the application as submitted, including architectural design review approval for a future sign permit for a door sign provided that it matches what is shown on this submission.

**6. Determination of Completeness by Consent**

- 6A. Wilcox & Barton, on behalf of The Arts Alley, LLC and 20 South Main Street, LLC, requests approvals for a major condominium subdivision and certain waivers from the Subdivision Regulations for a four-unit condominium subdivision, with two units in the Arts Alley building, one unit as the proposed diner car building, and the fourth unit being the renovated carriage house to be known as Duke's, at 20 S Main St, 20 1/2 S Main St, and 22 S Main St in the Central Business Performance (CBP) District. (2024-060)

Member Rosenberger moved, seconded by Member Santacruce, to continue agenda item 6A to a date certain of November 20, 2024, at the request of the applicant. All in favor. The motion passed unanimously.

- 6B. TFMoran, Inc., on behalf of Interchange Development, LLC, requests approvals for a major site plan, architectural design review, and certain waivers from the Site Plan Regulations for a full-service restaurant with an outdoor seating area, an attached retail space, and associated site improvements at 10 Merchants Wy in the Gateway Performance (GWP) District. (2024-047)

On a motion made by Member Hicks, seconded by Member Rosenberger, the Planning Board voted to determine the application complete, a development of regional impact per New Hampshire RSA 36:55 and as determined in the review and approval of the comprehensive development plan, and set the public hearing for November 20, 2024. All in favor. The motion passed unanimously.

**Public Hearings**

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

- 7A. Nobis Group, on behalf of SARP Realty, LLC, requests approvals for a minor site plan application and certain waivers from the Site Plan Regulations for a 2,598-square-foot addition to the south side of the existing Red Blazer restaurant building at 72 Manchester St in the Highway Commercial (CH) District. (2024-059) This application has been continued to a date certain of November 20, 2024, at the request of the applicant.

Member Rosenberger moved, seconded by Member Santacruce, to continue agenda item 7A to a date certain of November 20, 2024, at the request of the applicant. All in favor. The motion passed unanimously.

- 7B. Dundee Investment Associates, LLC, and Raising Cane's request approval for a site plan and architectural design review application, a conditional use permit application for a reduced number of stacking spaces in a drive-thru lane, and waivers from certain portions of the Site Plan Regulations, including the bypass lane requirement, for a new 3,404-square-foot drive-thru restaurant at 287 Loudon Rd in the Gateway Performance (GWP) District. (2024-069)

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Member Rosenberger moved, seconded by Member Santacruce, to continue agenda item 7B to a date certain of November 20, 2024, at the request of the applicant. All in favor. The motion passed unanimously.

7C. Nobis Group, on behalf of Brixmor Capitol SC, LLC, requests approvals for a minor site plan application, architectural design review, and certain waivers from the Site Plan Regulations for a 2,850-square-foot addition to the existing commercial building at 80 Storrs St in the Opportunity Corridor Performance (OCP) District. (2024-062)

Ms. Skinner provided a staff update, sharing that this application was previously continued at the request of the applicant as they resolved items of completeness, which have been accomplished and staff now recommends the Board determine it complete and open the public hearing. Ms. Skinner noted the applicant has requested numerous waivers, some of which staff is recommending denial due to the broad scope of the request. Ms. Skinner shared that this afternoon at 2:20 p.m., the applicant submitted via email, a revision to the waiver requests including removing some and amending others. Ms. Skinner shared that staff is recommending that after the public hearing, the Planning Board vote to continue this application to a date certain of November 20, 2024 to allow staff time to review the revised waiver requests and revise the staff report accordingly.

On a motion made by Councilor Todd, seconded by Chair Woodfin, the Board voted to determine the application complete, not a development of regional impact, per New Hampshire RSA 36:55, and open the public hearing. All in favor. The motion passed unanimously.

Chris Nadeau (Nobis Group), Marc Newman (Brixmore Property Group), and Shawn Laug (Create Architecture Planning & Design, LLC) presented the application.

Mr. Newman shared that Burlington Coat Factory has 77,000 square feet of area currently and has been requesting to downsize. They have been able to achieve that goal after finding new tenants (Ulta, Boot Barn, and Five Below), leaving one tenant space left to fill. This is a plan to update the center and get rid of obsolete, larger retail space. The plan proposes a 2,850-square-foot infill to square off the retail space for Five Below, as well as construction of a sidewalk for accessibility to the rear tenant, loading dock changes for the tenants, and façade renovations of the building. The necessary improvements resulted in a loss of 33 parking spaces, which they received zoning relief for on August 7, 2024, as well as some other zoning relief items for signage and setbacks.

Mr. Nadeau stated there is only a small amount of property in the rear of the building. There is an established easement allowing the shopping center to use the pavement in the back, but it does not include utilities. They have been working for over a year with the railroad to try to establish or revise the easement in place to include utilities.

Member Santacruce referenced the applicant's waiver request to not provide a lighting plan, but shared his concern for the rear tenant and new sidewalk and would not be supportive of not providing a lighting plan for that entrance and walkway, but would be understandable to not provide a plan for the entire site. Member Santacruce also noted that a truck turning plan be provided, particularly for the truck turning templates and the large painted island between the rear entrance and sidewalk tip down, believing a flush concrete or something may be a better application.

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Mr. Newman responded by sharing that the tenants are requesting similar turning templates, and believes revising the painted island should be easy enough. There is also existing lighting out in the area.

Mr. Nadeau spoke on behalf of two requested waivers. The first is the request to not provide underground utilities and instead keep the overhead wires. Mr. Nadeau showed the poles, explaining how going underground would be quite challenging and out of character, as all existing utilities are overhead, adding that to go underground would require an easement from the railroad. Mr. Nadeau also spoke on behalf of the waiver request to not provide screening of loading areas abutting a roadway or visible from view from a right-of-way, stating that they are not abutting residential, nor I-93, and that the railroad property is between the property and I-93. They are asking for a waiver to not provide screening of loading areas visible from view from a right-of-way, as there is not enough room, and it would require construction on railroad property to complete such screening.

Chair Woodfin closed public hearing.

Chair Woodfin listed the findings of fact, which included the 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 Hicks, seconded by Member Savage, the Planning Board voted, based on the findings of fact, to grant architectural design review approval of the proposed 2,850-square-foot addition, subject to the following conditions:

- Change the white strip above and below each of the signs to a color that is comparable to the shadowed color above the Five Below sign that is depicted in the rendering;
- Lower the three interstitial parapets (one to the left of Five Below, one to the right of Five Below, and one to the right of Boot Barn) approximately 18 inches;
- The existing metal seam roof and wall shall remain the existing green;
- "Punch" the storefront glazing on the northeast elevation; and,
- Modify the plans to improve the aesthetics of the applicant's property as viewed from I-93 (façade improvements, landscaping).

All in favor, the motion passed unanimously.

On a motion made by Member Santacruce, seconded by Councilor Todd, the Planning Board voted, based on the findings of fact, to grant the waiver requests below from the listed sections of the Site Plan Regulations, based on the criteria from New Hampshire RSA 674:44(III)(e)(2) and Section 36.08 of the Site Plan Regulations:

- Section 15.03(23)(e) *Tabulations*, to not include tabulations on the existing conditions plat for parking required for existing and proposed uses;
- Section 16.02(12) *Grading and Drainage Plan*, to not submit the required drainage study;
- Section 16.02(13) *Erosion Control*, to not submit the required erosion control plan;
- Section 12.02(1)(a) *Title Block*, to allow for the title in the title block of the existing conditions plan to differ from the title in the title block provided with the rest of the plan set;

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- Section 15.03(8) *Parking, Loading and Access*, on the existing conditions sheets, to not show and label dimensions of existing driveways, curb cuts, parking, and loading areas as normally required;
- Section 15.04(11) *Parking, Loading, and Access*, on the site plan sheet, to not show and label dimensions of all existing driveways, curb cuts, parking, and loading areas;
- Section 15.04(21) *Signs*, to not provide the size of existing and proposed ground signs on the site plan;
- Section 15.04(26) *Lighting*, to not provide the type and location of existing outdoor lighting for the entire site, as required in Section 29 *Lighting*;
- Section 16.02(16) *Lighting Plan*, to not provide a lighting plan for the entire site;
- Section 16.02(22) *Construction Details* and Section 18.20 *Construction Standards*, to allow non-City details for the dumpster enclosures and sidewalk construction, where City details are required for those specific items;
- Section 16.03(5) *Architectural Plans and Elevations (Windows, Doors and Roofs)*, to not provide the type and pitch of roofs, as well as the size and spacing of all windows and door openings;
- Section 16.03(9) *Architectural Plans and Elevations (Colored Renderings)*, to not provide colored renderings of each elevation that include the proposed landscaping at the time of initial planting and as expected five years after planting;
- Section 16.03(11) *Architectural Plans and Elevations (Signs)*, to not provide the location, size, and placement of affixed and freestanding signage on the site plan;
- Section 18 *Parking Lot Design Standards*, to not show and label dimensions of spaces, drive aisle widths, loading areas, curb cuts, and driveways of the entire site and only within the proposed project area;
- Section 18.15 *Other Landscaped Areas*, to only show labeled dimensions within the project area and not entire site;
- Section 18.17 *Tree Plantings*, to provide not provide one tree planting for each 1,000 square feet of parking area and instead provide one tree planting for each 2,000 square feet of parking area;
- Section 18.18 *Lighting*, to not provide a lighting plan for the entire site;
- Section 20.05 *Screening of Loading Areas*, to not provide the screening required for the proposed loading areas;
- Section 22.08 *Storm Water Design Standards for Minor Impact Site Plans*, to not provide the supplemental stormwater report and information as required;
- Section 25.02(1) *Underground Utilities*, to not remove and place underground existing above ground non-municipal utilities outside of public roads and rights-of-way as required, and to leave it overhead;
- and,
- Section 29 *Lighting*, to not provide a lighting plan for the entire site,

subject to the following conditions:

- That the required lighting plan be submitted for the project area, rather than the entire site, showing compliance with the Site Plan Regulations and Zoning Ordinance; and,
- That the non-City details used for the dumpster enclosures and sidewalk constructions are subject to review and approval by the City Engineer.

All in favor. The motion passed unanimously.

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On a motion made by Member Santacrucce, seconded by Councilor Todd, the Planning Board voted, based on the findings of fact, to grant minor site plan approval for the 2,850-square-foot addition to the existing commercial building at 80 Storrs St, subject to the following precedent and subsequent conditions:

- (a) **Precedent Conditions** – Per Section 7.08(9) *Expiration of Approval*, approved site plans shall meet all precedent conditions and obtain the signature of the Chair and Clerk of the Planning Board within one year of the date of the Planning Board meeting where conditional final approval was granted; otherwise said plans shall be null and void. Precedent conditions are as follows:
1. Per Section 7.08(7) *Building Permits and Certificates of Occupancy*, no building permit shall be issued where site plan approval is required 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.
  2. Revise the plan set to show full compliance with the Site Plan Regulations, including but not limited to the following, unless a specific variance, waiver, or conditional use permit has been specifically requested and specifically granted:
    - a. Per Section 12.03(3) Plan Certification, architectural elevations shall be signed or sealed by a New Hampshire licensed professional as allowed by the State of New Hampshire professional licensing boards.
    - b. Section 16.02(14)(a) Utility Plan lists requirements that are not showing as being met. The proposed sewer services for Units B, C, and E are not located on the site and instead are located on abutting private railroad property owned by Northern Railroad (c/o Pan Am Railways, Inc.), resulting in construction work taking place outside of the boundary limits and permanent placement of utility services outside of the boundary limits. The application materials did not include any documents showing permission from Northern Railroad (c/o Pan Am Railways, Inc.) for construction work or permanent placement of utility services on the railroad’s property. Staff notes that the Sheet 1 of 2 of the Existing Conditions Plat contains a note that states: “This area is accessible to the shopping center for traffic circulation only as certified by the former vice president of the Boston and Maine Railroad, G.F. Glacy, on August 16, 1961 (see items of certification item #4 as shown on plan ref. no 4).” The cited reference only pertains to traffic circulation, not to construction work or permanent placement of utility services on the railroad’s property.
    - c. Section 16.02(22) Construction Details requires showing construction details for all utilities, driveways and parking areas, pavement markings, sidewalks, drainage facilities and structures, informational, regulatory, and directional signage, solid waste receptacles, buffer walls, fences, retaining walls, landscaping, and site lighting. Unless specifically waived by the Planning Board, the construction details shall be the City of Concord Construction Standards and Details. It appears that not all items contain a detail, that details are provided other than the City’s standard details when a City standard detail is available, and some details are included that are not necessary. Sheet LA103, Sheet LA104, and Sheets C need to be reviewed for compliance with this section. Use of City details for dumpster enclosures and sidewalk construction was waived by the Planning Board, subject to review and approval of the proposed non-City detail by the City Engineer.

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- d. Staff notes that a waiver was originally requested from Section 16.02(22) Construction Details to allow the use of non-City Details. At the public hearing, the applicant revised that waiver from a blanket waiver of all City Details to only two specific details – dumpster enclosures and sidewalk construction. The Board granted the waiver to not use City details for dumpster enclosures and sidewalk constructions, subject to review and approval of the non-City details by the City Engineer. All other City details must be used.
- e. Section 16.03(3) Architectural Plans and Elevations (Scale and Plan Size) requires submittal of architectural elevations prepared at a minimum scale of 1/8" = 1'. The southwest, northwest, and southeast elevations shown on Sheet 5 of 8 are missing the required scale.
- f. Section 16.03(8) Architectural Plans and Elevations (Dimensions) requires that horizontal and vertical dimensions be provided. The information required by this section appears to be missing from the submitted elevations.
- g. Section 18.15 Other Landscaped Areas requires landscape areas outside the parking lot being a minimum of four feet wide, and a minimum of six feet wide if trees are to be planted in the landscape area. The labeled dimensions of all landscaped areas appear to be missing from both the site plan and landscaping plan to determine compliance. Staff notes that a waiver from this section was granted to only show dimensions with the project area, rather than the entire site. However, the landscaped area within the project area that shows the proposed planting of a red maple tree is not being shown with labeled dimensions. This area needs to have a labeled dimension so staff can confirm compliance with the minimum width requirement.
- h. Section 20.02 Loading Requirements requires off-street loading areas shall be provided as required in Article 28-7 Access Circulation and Parking of the Zoning Ordinance. Revisions are need to show compliance.
- i. Staff acknowledges that revisions have been made in the 21-sheet plan set titled "Capitol Shopping Center Anchor Reposition Project" prepared by Nobis Group, dated August 28, 2024 with revisions through October 4, 2024. However, the following information remains inconsistent with the requirements of this section and shall be revised accordingly:
  - i. Section 20.02 Loading Requirements requires off-street loading areas shall be provided as required in Article 28-7 Access Circulation and Parking of the Zoning Ordinance.
  - ii. Section 20.03 Design Standards for Loading Spaces requires each loading space shall have a minimum width of 14 feet, have a minimum height clearance of 14 feet above grade, and contain an area of not less than 1,000 square feet, including space for maneuvering. The dimensions provided do not show conformance with this section and shall be revised.
  - iii. Section 20.04 Location of Loading Spaces requires that no loading space in any district shall be located within 10 feet of a property line.
  - iv. Section 20.05 Screening of Loading Areas requires loading areas to be screened from view from abutting streets to the maximum extent possible, but the Board waived this requirement. List this waiver on the site plan.
  - v. Section 20.06 *Solid Waste Facility Screening* requires that a solid waste disposal or recycling facility unless blocked from view from the public right-of-way and abutting properties by buildings or walls, shall provide solid opaque gates for

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the fenced enclosure. The information provided on Sheet C-3 and Sheet C-9 does not provide enough information to determine compliance with the requirements. Additionally, the Dumpster Enclosure and Pad Detail references a typical detail for the steel gate which does not appear to be provided in the plan set.

- vi. Section 20.07 *Design of Solid Waste Disposal Areas* requires that all solid waste storage facilities shall be designed to minimize noise and odor impacts on abutting properties. The design of the screening shall be compatible with the architecture of the proposed development. Insufficient information is provided, such as color, material, and style for both of the proposed steel gates to consider compatibility with the architecture of the development. The stockade fence detail on Sheet C-8 needs to be located on Sheet C-9, and shall specify a height of 8 feet as indicated on Sheet C-3.
- j. Section 21.05 *Design Standards* requires construction of sidewalks in conformity to the City of Concord Construction Standards and Details. This includes a minimum of five feet in width, exclusive of curbing, and a minimum transverse slope of 2% and a maximum slope of 8%. Applicant shall review plans for compliance with this section and ensure that applicable construction details from the City of Concord Construction Standards and Details for all proposed sidewalks and curbing are included in the plan set. The Board granted a waiver from use of the City detail for sidewalk construction, with the non-City detail being subject to review and approval by the City Engineer.
- k. Staff acknowledges that revisions have been made in the 21-sheet plan set titled “Capitol Shopping Center Anchor Reposition Project” prepared by Nobis Group, dated August 28, 2024, October 4, 2024. However, the following information remains inconsistent with the requirements of this section and shall be revised accordingly:
  - i. The Concrete Sidewalk with Curb Section shown on sheet C-8 Construction Details does not conform with Concord Construction Standards and Details. However, the Board waived the requirement to use the City’s sidewalk construction details.
  - ii. The proposed spot elevations provided along the sidewalk do not show conformance with the required maximum transverse slope of 2%.
- l. Per Section 24.04 *Design Standards for Service Connections* and Section 24.05 *Substandard Connections*, all service connections to the municipal sanitary sewer system shall be constructed in accordance with the standards in the Concord Construction Standards and Details, and any existing substandard service connections shall be replaced or upgraded. At a minimum sewer services need to be located on the site, or proof needs to be provided that the applicant has legally authority to encroach on the railroad property for construction and permanent placement of utilities. All services and service connections shall adhere to Concord Construction Standards and Details.
- m. Recognizing the importance of various public drainage mains which pass through the applicant’s property and beneath the applicant’s building, the applicant shall grant to the City a utility easement for future relocation and replacement of all stormwater drainage mains located beneath buildings at the site. The form of easement and legal details associated therewith shall be acceptable to the City Solicitor, and consistent with the City’s normal and customary form of easement. The location of said easement rights shall be acceptable to the City Engineer, and located on an area or areas of the

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applicant's property which is not presently encumbered by buildings. The easement shall also expressly prohibit the construction or placement of buildings within the easement area.

- n. The applicant shall, at its sole expense, conduct a video inspection of the 12-inch drainage pipe located underneath the 48-inch drainage pipe that was already videoed, as well as the 18-inch drainage pipe located beneath the proposed loading dock. The applicant shall provide said video inspections to the City Engineer for review. If, upon review, the City Engineer determines that improvements, or modifications, to said drainage pipes are warranted, the applicant shall complete design said improvements for review and approval by the City Engineer. Upon the City Engineer's approval of said designs, the applicant shall implement improvements or modifications at the applicant's sole expense. Improvements or modifications shall comply with the City's Construction Standards. Unless otherwise approved by the Deputy City Manager – Development, all improvements/modifications to drainage mains shall be completed prior to the issuance of building permits for the applicant's approved project.
3. The site plan shall list all approved variances, waivers, and conditional use permits with the section numbers and description, and date of approval. Any item for which a variance, waiver, or conditional use permit has not been specifically requested and specifically granted shall be shown on the plan set as fully complying with the applicable requirement, standard, detail, or regulation.
4. The plan set shall comply with all engineering requirements as set forth in the Site Plan Regulations, Concord Construction Standards and Details, and Concord Municipal Code, unless a specific waiver from a specific regulation, standard, or detail has been granted by the Planning Board.
5. Upon notification from the Planning Division that the plan set complies with Planning Board conditions, the Zoning Ordinance, Site Plan Regulations, and Concord Construction Standards and Details, the applicant shall deliver to the Planning Division two full-size plan sets and one 11x17 plan set for endorsement by the Planning Board Chair and Clerk. The plan sets shall contain the signature and seal of the appropriate licensed professionals as outlined in the Site Plan Regulations.
6. The applicant shall grant the City easement rights to design and install public improvements to beautify the appearance of the City's Opportunity Corridor and Central Business District as viewed from Interstate 93 ("the public beautification improvements"). Public beautification improvements may include, but not be limited to, façade improvements to the applicant's building such as public art/murals, or landscaping, vegetative screening, or other free-standing public art displays or improvements installed at the applicant's property. The location of areas reserved on the façade of the applicant's building or land at the applicant's property shall be acceptable to the City Planner. Design of any public beautification improvements shall be subject to the review and approval of the applicant; however, said approval shall not be unreasonably withheld provided the public beautification improvements do not unreasonably obstruct internal traffic flow at the applicant's property, unreasonably obstruct the view of signage on the easterly side of the applicant's property from Interstate 93, or unreasonably interfere with access to or maintenance of the applicant's building or private utilities. The form of, and legal details of easement shall be acceptable to the City Solicitor.

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

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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 specifically requested and granted.
2. Per Section 4.02 no building permit shall be issued for the purposes of constructing a new building or structure unless a Certificate of Approval has first been issued by the Planning Board as required by the Site Plan Regulations.
3. Per Section 7.08(7) *Building Permits and Certificates of Occupancy*, no certificate of occupancy shall be issued until all public and private improvements have been completed, and all conditions of a site plan approval established by the Planning Board have been satisfactorily addressed as determined by the Clerk of the Planning Board.
4. Per Section 27.07(8) *Maintenance* the applicant or their successors shall be responsible for the regular maintenance of all plantings and other landscape features. Plant materials shall be maintained alive, healthy, and free from pests and disease. Tree stakes and guys shall be removed after the first growing season.
5. Per Section 27.11 *Site Stabilization Guarantee* a site stabilization guarantee shall be provided to ensure the site is properly stabilized. The guarantee shall be in a form of a cash deposit or a letter of credit from a New Hampshire bank. The City Engineer may call said financial guarantee, and stabilize a disturbed site if, upon notice, the applicant has not stabilized or restored the site.
6. Per Section 36.02 *Conditions* the applicant has the duty to comply with the approved site plan and any reasonable conditions set forth by the Planning Board for design, dedication, improvement, and restrictive use of the land.
7. Per 36.15 *Compliance with Regulations* no site construction, or change of use of land, shall occur in violation of the Site Plan Regulations and the Zoning Ordinance. No building permits may be issued for any building, structure, site improvement, or change of use prior to site plan approval and the satisfactory completion of any pre-construction conditions of Planning Board approval. The Clerk shall not approve any certificate of occupancy, nor shall any use of a building or site commence, unless the proposed improvements, and the proposed use of land or buildings, is found to comply with the approved site plan and the conditions of Planning Board approval.
8. Per 36.24 *Inspections* the Community Development Department shall be responsible for inspecting the site plan improvements for conformity with the approved plans and conditions of Planning Board approval. The City may assess the application for all or a portion of the cost, including overhead, of the necessary inspections. No certificate of occupancy shall be issued until the development has been completed according to the approved plans.
9. Per Section 36.25 *As-Built Plans* the applicant's engineer or surveyor shall submit to the City Engineer a detailed as-built survey for all site plans showing the location of buildings, structures, utilities, parking and loading areas, driveways and access, as well as for any public improvement 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.
10. Per Section 36.27 *Release of Financial Guarantees* a release of any financial guarantee assurance shall not be undertaken until the Clerk of the Planning Board and the City Engineer have ascertained that all site related improvements, or required public

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improvements, have been constructed in conformance with the approved plans and specifications

All in favor, the motion passed unanimously.

- 7D. Granite Engineering, LLC, on behalf of Pitco Frialator, LLC, requests approvals for an amendment to a major site plan approval for certain waivers from the Site Plan Regulations, a conditional use permit for a use in the Aquifer Protection District Community Water Systems Protection Area, and a conditional use permit for the construction of fewer parking spaces for a 356,224-square-foot industrial building and associated site improvements at 15 Integra Dr in the Office Park Performance (OFP) District, Industrial (IN) District, and Open Space Residential (RO) District. (2021-34)

Mr. Bass provided a staff update, sharing that this application was determined complete and a development of regional impact at the September 18, 2024, Planning Board meeting. Included in the agenda packet are responses from both the Central New Hampshire Regional Planning Commission and the Town of Pembroke Planning Board, and the comments received reiterated the comments they both provided in 2021 when the conditional use permit was originally approved prior to expiring. The applications before the Board today are essentially the same that were approved in 2021, with revisions made based on comments received from the State of New Hampshire as part of the Alteration of Terrain Permit process.

Brent Cole (Granite Engineering) and Daniel Luker (Preti Flaherty) presented the application.

Mr. Cole shared they are before the Board for major site plan amendment approval for two waiver requests necessary to satisfy conditions imposed by the State of New Hampshire, as well as approval for two conditional use permits, which have expired, but were granted in 2021.

Mr. Cole noted that the first waiver request is to allow details not compliant with the City's construction standards to allow the on-site catch basins to use a frame and grate style with 2"x2" openings, instead of the typical allowed by the City of Concord, to aid in preventing wildlife from falling through due to the sensitive location of the site. Mr. Cole clarified they are requesting to use a Neenah Foundry Type A frame and grate, not a NH DOT style Type A, as written on the waiver narrative. Additionally, in response to the State comments, they are asking to allow six catch basins to not have sumps, to aid in not trapping wildlife and potential endangered species in the catch basin structures. The sediment forebays are sized accordingly to compensate for the lack of sumps in the six catch basins.

Mr. Cole stated the second waiver request is to substitute the seed mix with a more wildlife friendly mix, which is not compliant with the City of Concord Construction Standards, and to allow loam to not be placed in those locations and instead use the existing materials. This again is a condition being imposed upon the applicant by the State of New Hampshire.

Mr. Cole stated, in response to a comment by Member Santacruce, that Granite Engineering does have documented authorization from McCourt Engineering, the engineer of record, to use and revise their plans, and to act on their behalf for this application.

Chair Woodfin closed the public hearing.

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Chair Woodfin listed the findings of fact, which included the 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 Rosenberger, seconded by Member Santacruce, the Board voted, based on the findings of fact, to grant the waiver requests below from the listed sections of the Site Plan Regulations, using the criteria of New Hampshire RSA 674:44 (III)(e)(2) and Section 36.08 of the Site Plan Regulations:

- Section 22.02 *Construction Standards*, to allow for Neenah Foundry Type A catch basin frame and grates, and select catch basins to have no sumps where normally only NHDOT "Type B" frame and grates are allowed and all catch basins have 3-foot sumps; and,
- Section 27.09(3) *Site Restoration*, to allow restoration of disturbed areas with no loam and allow seeding with a meadow conservation mix as approved by Natural Heritage Bureau (NHB) and New Hampshire Fish and Game (NHFG) as shown and specified on the plans where normally 6 inches of loam and Park Seed Type 15 or Slope Seed Type 44 shall be used meeting NHDOT Standard Specifications Sections 641 and 644.

All in favor. The motion passed unanimously.

On a motion made by Member Santacruce, seconded by Councilor Todd, the Board voted, based on the findings of fact, to grant the conditional use permit for Article 28-3-6(d)(4) *CUP Required for Certain Uses in the Aquifer Protection District* of the Zoning Ordinance to allow approximately 701,765-square-feet of impervious surface to be constructed within the limits of the Aquifer Protection District.

All in favor. The motion passed unanimously.

On a motion made by Member Savage, seconded by Member Hicks, the Board voted, based on the findings of fact, to grant the conditional use permit for Article 28-7-11(b) *Construction of Fewer Parking Spaces* of the Zoning Ordinance to construct only 400 parking spaces where 470 are required.

All in favor. The motion passed unanimously.

On a motion made by Member Hicks, seconded by Member Santacruce, the Board voted, based on the findings of fact, to grant major site plan amendment approval for the additional waivers to the conditionally approved major site plan approval for the construction of a new 356,000-square-foot industrial building for manufacturing, warehouse, office space, and associated site improvements at 15 Integra Drive, 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 application is subject to all previous conditions of approval.
  2. Waivers granted as part of this amendment request are to be noted and fully describe on the plan, including date granted and applicable section numbers of the Site Plan Regulations. Should the Board vote to deny any waivers as part of this amendment request, the applicant

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- shall comply with said submission requirements.
3. Conditional Use permits granted are to be noted and fully described on the plan, including date granted and all applicable section numbers of the zoning ordinance. Should the Board vote to deny any conditional use permits, the applicant shall comply with said requirements.
  4. Per Section 17.02 Self-Imposed Restrictions, the deed of easement shall receive final city approval and be recorded with the Merrimack County Registry of Deeds. The deed of easement for permanent public right-of-way, drainage and temporary turnaround for the City shall also be amended to include language that the City of Concord is not subject to the NHDES Alteration of Terrain permit conditions within the City right-of-way or deeded easements.
  5. 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.
  6. Per Section 12.08 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 System (GIS) and tax maps. The digital information shall be submitted in a format and media conforming to standards promulgated by the City Engineer. The following layers shall be submitted referencing New Hampshire State Plane Grid Coordinates and shall be based on National American Vertical Datum 1988 (NAVD 88): (a) through (i).
  7. 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.
  8. Per 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 as specified in Section 12.08.
  9. 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.
  10. 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. Erosion control measures shall be installed and maintained in accordance with Section 27.09 of the Site Plan Regulations.

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4. In accordance with Section 27.11 of the Site Plan Regulations, a site stabilization guarantee shall be provided to ensure that sites are properly stabilized. The guarantee shall be in the form of a cash deposit or a letter of credit from a New Hampshire bank. The City Engineer may call said financial guarantee, and stabilize a disturbed site if, upon notice, the applicant has not stabilized or restored the site.
5. 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.
6. 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.
7. Per Section 36.15 of the Site Plan Regulations, the Clerk shall not approve any certificate of occupancy, nor shall any use of the building or site commence, unless the proposed improvements, and the proposed use of land or buildings, is found to be in compliance with the approved site plan and the conditions of Planning Board approval.
8. Per Section 36.19 of the Site Plan Regulations, it shall be the duty of the Clerk to enforce the regulations and to bring any violations or lack of compliance herewith, to the attention of the City Solicitor and Code Administrator.
9. 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.
10. Per Section 36.25 and Section 12.09 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.

- 7E. Richard D. Bartlett & Associates, LLC, on behalf of 87 South Main Street, LLC, requests approval for a minor subdivision application to create a two-building condominium development, with one existing commercial building (Unit 1) addressed as 85 S Main St and one existing residential building (Unit 2) addressed as 87 S Main St, on tax map lot 7413Z 38 in the Urban Commercial (CU) District. (2024-067)

Member Dina Condodemetraky arrived at 8:00 p.m.

On a motion made by Member Santacruce, seconded by Councilor Todd, the Board voted to determine the application complete, not a development of regional impact, per New Hampshire RSA 36:55, and open the public hearing. All in favor. The motion passed unanimously.

Mr. Bass provided a staff update, stating that staff is in support of the two requested waivers and recommending the Board grant conditional approval. Mr. Bass specifically called attention to recommended precedent conditions (a)(e) Section 12.06(2) *Easements* and (a)(r) Section 17.05 *Acceptable Water Metering and Water Service Connections* for both the Board and the applicant to be

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aware of and to discuss if necessary. As recommended both of those items will need to show compliance prior to final approval. Mr. Bass also shared that the applicant, on October 15, 2024, provided a plan revision, and on October 16, 2024, provided a revised condominium declaration in response to the staff report, which did address most precedent conditions, but are not reflected in the current staff report, and are not provided in the agenda packet.

Mark Sargent (Richard D. Bartlett & Associates, LLC) and Peter Hodgkins (Owner) presented the application.

Mr. Sargent shared that the application is to convert the 0.43-acre parcel, having 80 feet of frontage, into a two-unit condominium. The first unit is commercial, and the second unit is residential, with a designation of common and limited common area throughout.

Chair Woodfin closed the public hearing.

Chair Woodfin stated the findings of fact, which included the 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 Councilor Todd, seconded by Member Savage, the Board voted, based on the findings of fact, to grant the waiver requests below from the listed sections of the Subdivision Regulations, using the criteria of New Hampshire RSA 674:36(II)(n)(2) and Section 35.08 of the Subdivision Regulations:

- 15.02(3) *Scale* – To allow a scale of 1" = 10' where normally a scale of 1"=20', 1"=30', 1"=40', 1"=50', or 1"=60' is required.
- 15.03(11) *Municipal Sewer* – To not provide location, size, rim, and invert elevations of existing and proposed sanitary and storm sewers including manholes, catch basins, and culverts other than what has been provided for onsite and adjacent storm drains.

All in favor. The motion passed unanimously.

On a motion made by Member Savage, seconded by Councilor Todd, the Board voted, based on the findings of fact, to grant minor subdivision approval for the condominium subdivision of 85-87 South Main St, as submitted, 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. For compliance with the Subdivision Regulations, revise the plat as follows:
    - a. Section 12.02(1)(b) Title Block requires that the name and address of the owner and the applicant be included in the title block. This information appears to be missing. Specifically, the owner name and owner address are missing.
    - b. Section 12.02(3) Standard Notes requires listing the notes set forth in Appendix B. The plat does not appear to contain all information as required by Appendix B. Specifically, additional required tabulations of use, area, parking existing and proposed, useable and buildable land area, etc, as applicable.

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- c. Section 12.02(4) Conditions of Planning Board Approval requires listing conditions of approval which remain to be fulfilled after plat recording. This requirement can be satisfied by adding a note that states: “The development is subject to all subsequent conditions of Planning Board approval from Case 2024-067.” In the area reserved for Planning Board conditions on sheet 1 of 2.
- d. Section 12.03(5) Wetland requires that wetland boundaries shall be delineated by a New Hampshire certified wetland scientist who shall sign and seal the plan upon which the wetland boundaries are mapped. It appears that sheet does not contain the signature and seal of the required certified wetland scientist. If the site does not contain any wetlands, a note needs to be added to both the existing conditions plan and the subdivision plat stating that the site does not contain any wetlands.
- e. Section 12.06(2) Easements requires showing on the plat the plan or deed references for recorded easements for the purposes of providing access, utilities, and drainage. A note needs to be added to the plat stating that there are no existing recorded easements for utilities or drainage for clarification and confirmation. Staff notes that the underground electric and fiber optic services for the carriage house cross the property line of 89 South Main Street Lot 7413Z 39 to the south with no reference of what permits this use. A note added stating what permits this use, or an easement shall be obtained prior to final approval.
- f. Section 12.07 Wetland Delineations requires that the existing conditions plan and the subdivision plat contain the signature and seal of the New Hampshire certified wetland scientist who performed the wetland delineation, as well as the date of the wetland delineation. If the site does not contain any wetlands, a note needs to be added to both the existing conditions plan and the subdivision plat stating that the site does not contain any wetlands.
- g. Section 12.08(13) Flood Hazard requires that a notation as to whether or not the property is located in a Flood Hazard Zoning Overlay District be noted on the existing conditions plan, along with the location of the boundary line of the Flood Hazard Zoning Overlay District if it transects the property, and the required finished floor elevation if all or a portion of the property is located within a flood hazard area. This required information appears to be missing and should be included as part of Note 7 on sheet 1 of 2.
- h. Section 12.08(14) Aquifers requires that the existing location plan show the boundaries and label for each water systems protection area. This information appears to be missing from that plan. If the site does not contain any water system protection area, a note shall be added to the existing conditions plan stating that the site does not contain any water systems protection areas.
- i. Section 12.08(15) Shoreland Protection requires that the existing conditions plan show the boundaries and label for the shoreland protection overlay district and the natural vegetative and woodland buffers associated with that district. If the site does not contain any shoreland protection overlay districts, a note shall be added to the existing conditions plan stating that the site does not contain any shoreland protection overlay districts.
- j. Section 12.08(17) Solid Waste and Outside Storage requires that the type and location of existing solid waste disposal facilities be shown on the existing conditions plan. Also required is showing the locations, dimensions, height, and types of material or equipment stored in existing outside storage areas. If the site does not contain any solid waste areas, a note shall be added to the existing conditions plan stating that the site does not contain

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any solid waste areas. If the site does not contain any outside storage areas, then the note shall be added to the existing conditions plan stating as much.

- k. Section 12.08(19) Setbacks and Buffers requires that setbacks and buffers shall be shown and dimensioned, including wetland buffers, shoreland protection district buffers, buffers to bluffs, and residential district buffers. If the site does not require or contain any of the stated buffers, a note shall be added to the existing conditions plan stating as much.
- l. Section 12.08(23)(b) tabulations requires that the square footage of each existing building broken down by floors and use be listed on the existing conditions plan. This information appears to be missing from said plan as required.
- m. Section 15.01(3) Required Information requires that the application provide a wetland delineation and wetland buffers, where applicable. If the site does not contain any wetland or wetland buffers, a note shall be added to the subdivision plat stating as much.
- n. Section 15.02(8) Street Names and Addresses requires the address of each existing and proposed lot to be noted on the plat as approved by the City Engineer. The City Engineer will confirm the proposed allocation of 85 South Main and 87 South Main Street to the two buildings on the site.
- o. Section 15.03(13) Municipal Water Supply requires showing the location and size of all existing and proposed water mains, including hydrants, gates, valves, and blowoffs. Unless the applicant has data stating otherwise, the ¾" CT water line on South Main Street servicing the hydrant shall be revised to show a 6-inch line per city water valve #2163 record.
- p. Section 15.03(17) Conditions of Approval requires that the conditions of approval as set forth by the Planning Board which remain to be fulfilled after the recording of the plat shall be duly noted on the plat. This required information appears to be missing from the plat, and can be satisfied with a note stating: "The development is subject to all subsequent conditions of Planning Board approval from Case 2024-067." In the area reserved for Planning Board conditions on sheet 1 of 2.
- q. Section 17.04(2) requires location, dimensions, and purpose of each common area and limited common area be shown on the final plat. It doesn't appear that the dimensions for the common area and limited common areas are shown. Additionally, the purpose of each common area and limited common area is not stated as required by this section.
- r. Section 17.05 Acceptable Water Metering and Water Service requires demonstration of one or more of four provisions for water metering and water service for the conversion of the existing buildings into a condominium. The site plan and condominium documents shall be revised to clearly show how compliance with this section will be achieved. Staff notes that the Site Plan indicates that 85 South Main Street is separately metered, while Section 2-401 Utility Systems of the Condominium Declaration states the water line is not separately metered. Prior to final approval, the applicant shall show compliance with one or more of the provisions of Section 17.05 Acceptable Water Metering and Water Service.
- s. Section 17.06 Condominium Declaration and By-Laws requires that all condominium documents be provided for review and approval as to form and content by the City Solicitor and Clerk. The approved condominium documents shall be considered part of the official approval and shall not be altered to be inconsistent with the recorded plat, without further review and approval by the Board of a revised subdivision application. Prior to final review and approval, the condominium declaration document shall also be revised to include the meets and bounds description as part of Exhibit A *Submitted Land*

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as referenced in Article 2-100 *Description of Land* of the Declaration of Condominium for the Carriage House Condominium documents.

2. The plat shall list all approved variances, waivers, and conditional use permits with the section numbers and description, and date of approval.
3. Prior to the recording of the plat and as required by Section 12.09 *Electronic Submission* 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. The layers listed in Section 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).
4. 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. Per Section 15.02(1) *Licensed Land Surveyor*, the final plat drawings shall contain the signature and stamp of the New Hampshire licensed land surveyor who prepared the plat.
5. Per Section 13.02(13) *Recording Fees*, the applicant is responsible for submittal of required recording fees.
6. Per Section 4.02, no land shall be subdivided or portions of a lot transferred within the corporate limits of the City, until a subdivision plat for said land has been prepared in accordance with the regulations, approved by the Board, endorsed by the Chair and Clerk of the Planning Board, and filed at the Merrimack County Registry of Deeds.
7. Per Section 15.02(12) *Registry Requirements*, the applicant is responsible for ensuring that the plat to be recorded complies with the current standards of the Merrimack County Registry of Deeds.

**(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 4.03 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.
3. Per Section 17.06 Condominium Declaration and By-Laws, the approved condominium documents shall be considered part of the official approval and shall not be altered to be inconsistent with the recorded plat, without further review and approval by the Board of a revised subdivision application.

All in favor. The motion passed unanimously.

7F. Richard D. Bartlett & Associates, LLC, on behalf of Daeyoung Ko, Steven Abbott, Claudia Altemus, and 4-6 Hutchinson Ave Condo Association, LLC, requests approval for an amended condominium

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subdivision to annex a portion of 35 Downing St to become limited common area at 6 Hutchinson Ave in the Downtown Residential (RD) District. (2024-068)

On a motion made by Member Hicks, seconded by Member Santacruce, the Board voted to determine the application complete, not a development of regional impact, per New Hampshire RSA 36:55, and open the public hearing. All in favor. The motion passed unanimously.

Mr. Bass provided a staff update, sharing with the Board that this application is a condominium amendment, necessary to account for changes to common area, and as a precedent condition for a lot line adjustment which the Board conditionally approved on August 21, 2024. Staff is recommending conditional approval.

Mark Sargent (Richard D. Bartlett & Associates, LLC) presented the application.

Mr. Sargent shared that the application is to account for a lot line adjustment between 35 Downing Street and 4-6 Hutchinson Ave. The plan also designates limited common area for both 4 Hutchinson Ave and 6 Hutchinson Ave, with the limited common area for 6 Hutchinson Ave being the recently, or soon to be, annexed land from 35 Downing St.

Chair Woodfin closed the public hearing.

Chair Woodfin stated the findings of fact, which included the 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 Hicks, seconded by Member Condodemetraky, the Board voted, based on the findings of fact, to grant minor subdivision approval for the subdivision amendment at 4-6 Hutchinson Ave, as submitted, 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. For compliance with the Subdivision Regulations, revise the plat as follows:
    - a. Section 12.02(3) Standard Notes requires listing the notes set forth in Appendix B. The plat does not appear to contain all information as required by Appendix B, including required tabulations of use, area, lot coverage, parking existing and proposed, useable and buildable land area, etc, as applicable, and a list of those conditions of Planning Board approval which remain to be fulfilled after the recording of the plat.
    - b. Section 12.02(4) Conditions of Planning Board Approval requires listing conditions of approval which remain to be fulfilled after plat recording. The plat does not appear to contain any notes regarding subsequent conditions of approval. This requirement can be satisfied by adding a note that states: "The development is subject to all subsequent conditions of Planning Board approval from Case 2024-068."
    - c. Section 12.03(5) Wetland requires that wetland boundaries shall be delineated by a New Hampshire certified wetland scientist who shall sign and seal the plan upon which the wetland boundaries are mapped. If the site does not contain any wetlands, a note needs to be added to both the existing conditions plan and the subdivision plat stating that the site does not contain any wetlands.

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- d. Section 12.06(2) Easements requires showing on the plat the plan or deed references for recorded easements for the purposes of providing access, utilities, and drainage. A note needs to be added to the plat stating that there are no existing recorded easements for utilities or drainage for clarification and confirmation that there are no existing recorded easements.
- e. The plat gives no indication of any existing restrictions on the property for compliance with Section 12.06(3) Existing Restrictions and Section 12.08(21) Restrictions. A note needs to be added to the plat stating that there are no existing recorded covenants or restrictions relating to the use of the land for clarification and confirmation that there are no existing restrictions.
- f. Section 12.07 Wetland Delineations requires that the existing conditions plan and the subdivision plat contain the signature and seal of the New Hampshire certified wetland scientist who performed the wetland delineation, as well as the date of the wetland delineation. This required information appears to be missing from both the existing conditions plan and the subdivision plat. If the site does not contain any wetlands, a note needs to be added to both the existing conditions plan and the subdivision plat stating that the site does not contain any wetlands.
- g. Section 12.08(17) Solid Waste and Outside Storage requires that the type and location of existing solid waste disposal facilities be shown on the existing conditions plan. Also required is showing the locations, dimensions, height, and types of material or equipment stored in existing outside storage areas. If the site does not contain any solid waste areas, a note shall be added to the existing conditions plan stating that the site does not contain any solid waste areas. If the site does not contain any outside storage areas, then the note shall be added to the existing conditions plan stating as much.
- h. Section 12.08(19) Setbacks and Buffers requires that setbacks and buffers shall be shown and dimensioned, including wetland buffers, shoreland protection district buffers, buffers to bluffs, and residential district buffers. This required information appears to be missing from the existing conditions plan. If the site does not require or contain any of the stated buffers, a note shall be added to the existing conditions plan stating as much.
- i. Section 12.08(21) Restrictions requires that the existing conditions plan shall contain notations of all covenants, easements, self-imposed restrictions, and any other restrictions in place at the time of application submittal. This required information appears to be missing from the existing conditions plan. If the site does not contain any of the aforementioned items, a note shall be added to the existing conditions plan stating which items are not in place.
- j. Section 12.08(23)(a) Tabulations requires noting the gross acreage of the site in square feet and acres. This information appears to be missing from the existing conditions plan.
- k. Section 12.08(23)(b) Tabulations requires that the square footage of each existing building broken down by floors and use be listed on the existing conditions plan. This information appears to be missing from said plan as required.
- l. Section 12.08(23)(c) Tabulations requires that the existing conditions plan list the impervious surface coverage of the site in square feet and percent, and this required information appears to be missing from said plan.
- m. Section 12.08(23)(d) Tabulations requires that the existing conditions plan show the useable land area calculations for residential development and net land area calculations for non-residential development. This required information appears to be missing from the existing conditions plan.

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- n. Section 13.01(6) State and Federal Permits requires that a copy of any application made to a state or federal agency required for the approval of the subdivision, including those required for the development of the individual lots, be submitted with the application. The submittal did not include copies of any state and federal permits, nor are there any notes on the subdivision plat indicating if any state or federal permits are required. A note shall be added to the subdivision plat listing the required state and federal permits or stating that there no such permits are required for the subdivision.
  - o. Section 15.01(3) requires that the application provide a wetland delineation and wetland buffers, where applicable. If the site does not contain any wetland or wetland buffers, a note shall be added to the subdivision plat stating as much.
  - p. Section 15.02(9) Proposed Use requires a statement of uses proposed for each unit. The plat does not appear to have any notes stating the use of a two-unit condominium.
  - q. Section 15.02(10) Easements and Restrictions requires notations of all easements, covenants, and restrictions. The plat does not appear to have any notes regarding easements, covenants, and/or restrictions. Specifically list all the existing and proposed easements, covenants, and restrictions in a note or include a note on the subdivision plat that states the site does not contain any existing easements, covenants, or restrictions and none are proposed.
  - r. Section 15.03(1) Abutting Property requires showing existing abutting properties, property lines, buildings, wells, septic systems, owner’s names and addresses, property addresses, and tax map block lot information. The plan appears to be either missing, or hidden, the property line separating 1 Hutchinson Ave and 5 Hutchinson Ave.
  - s. Section 15.03(3) Tabulations requires that the plat show the areas of each lot in square feet and/or acres for new and existing lots, with the area of contiguous buildable land noted for each lot and shown on the plat drawing. This information appears to be missing from the plat.
  - t. Section 15.03(17) Conditions of Approval requires that the conditions of approval as set forth by the Planning Board which remain to be fulfilled after the recording of the plat shall be duly noted on the plat. This required information appears to be missing from the plat, and can be satisfied with a note stating: “The development is subject to all subsequent conditions of Planning Board approval from Case 2024-068.”
  - u. Per Section 17.06 Condominium Declaration and By-Laws, the tract description, which includes the entire parcel perimeter of 4-6 Hutchinson Ave shall be included in the Amendment to Declaration of Condominium 4-6 Hutchins Ave. Additionally, some values provided in the bearings and dimensions shall be corrected, as they appear to have been taken from the adjacent property line and do not accurately depict the area annexed from 35 Downing Street. Staff further suggests this correction be made on the Quitclaim deed as well.
- 2. The plat shall list all approved variances, waivers, and conditional use permits with the section numbers and description, and date of approval.
  - 3. Prior to the recording of the plat and as required by Section 12.09 *Electronic Submission* 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. The layers listed in Section 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).

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4. 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. Per Section 15.02(1) *Licensed Land Surveyor*, the final plat drawings shall contain the signature and stamp of the New Hampshire licensed land surveyor who prepared the plat.
5. Per Section 13.02(13) *Recording Fees*, the applicant is responsible for submittal of required recording fees.
6. Per Section 4.02, no land shall be subdivided or portions of a lot transferred within the corporate limits of the City, until a subdivision plat for said land has been prepared in accordance with the regulations, approved by the Board, endorsed by the Chair and Clerk of the Planning Board, and filed at the Merrimack County Registry of Deeds.
7. Per Section 15.02(12) *Registry Requirements*, the applicant is responsible for ensuring that the plat to be recorded complies with the current standards of the Merrimack County Registry of Deeds.

**(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 4.03 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.
3. Per Section 17.06 *Condominium Declaration and By-Laws*, the approved condominium documents shall be considered part of the official approval and shall not be altered to be inconsistent with the recorded plat, without further review and approval by the Board of a revised subdivision application.

All in favor. The motion passed unanimously.

**Other Business**

None.

**Adjournment**

Member Hicks moved, seconded by Member Savage, to adjourn the meeting at 8:13 p.m. All in favor. The motion passed unanimously.

The next regular meeting is Wednesday, November 20, 2024, at 7:00 p.m.

TRUE RECORD ATTEST:

*Alec Bass*

Alec Bass

Assistant City Planner – Community Planning