

A special meeting of the City Planning Board was held on June 23, 2004 in the City Council Chambers at the City Hall Annex at 7:00 PM.

Present at the meeting were Members Drypolcher (who as Chair presided), Blanchette, Foss, Gross, Kuhlman Brown, McGonagle, and Swope. Messrs. Woodward and Henninger, and Ms. Osgood of the City Planning Division were also present.

At 7:06 PM a quorum was present and the Chair called the meeting to order.

NEW BUSINESS

Pre-application review, in accordance with the State of New Hampshire RSA 676:4 II(b) as amended, of a development which will later become the subject of a formal application:

- **Capital Commons LLC and the City of Concord** for approval of a development of property at **7-23 South Main Street and Freight Street**.

Mr. Gross asked for confirmation that there would be no votes taken this evening and he was told that there would be no votes taken on this project this evening. Mr. Gross then explained that when this comes before the Board as a formal application he will need to recuse himself. Mr. Blanchette reported that he would also have to recuse himself when it comes to a formal application.

Thomas Aspell, Assistant City Manager, and Matthew Walsh, Community Development Project Manager, were present to introduce this project. Mr. Aspell explained that the City has a development agreement with Capital Commons LLC for a project that will be built on land currently owned by the City that would be subdivided to accommodate a commercial building owned by Capital Commons and a parking garage on a lot to be owned by the City. He explained that the original plans called for the City to construct a 330 space garage but the City Council has expressed interest in a larger garage and will review design variations before determining the optimal size. Building a 530 space garage would mean eliminating Freight Street as a traveled way.

Michael Simchik, from Capital Commons LLC, was present as the prospective developer of the site and indicated they had been working with City staff on this proposal and are now looking for public input on the project. He introduced development team members present. They included Jamie Simchik from Capital Commons LLC, Larry Young from Larry Young Architect, Tom Avallone from Cobb Hill Construction, Erin Reardon and Chris Nadeau from Nobis Engineering, Dick Rich from Rich & Associates Inc., Scott O'Neil and Greg Coates from PCI Architecture Inc., and Mike Reed and Gary Berwick from Stebbins Commercial Properties LLC

Mr. Simchik explained that the intent was for retail uses to occupy the first floor, with residential uses on the upper levels. He did note that there was not yet a firm plan for uses and the residential uses could change to office use if the market for offices was greater.

Mr. Young presented building plans showing the brick Storrs Street façade of the proposed garage with window-like openings. He indicated that if the larger garage was constructed, it could potentially accommodate a retail space in the structure's northeast corner on Storrs Street.

He reported that, if the City discontinued Freight Street, a plaza could be built in the space not taken up by building construction. The plaza could contain outdoor seating for a restaurant or accommodate moviegoers to the theatre that is working to secure a spot in the building.

Mr. Swope asked how many parking spaces would be available to serve the tenants of the proposed building in the parking garage and Mr. Simchik responded they would lease at least 150 of the spaces in the 330 space structure as called for in the development agreement.

Mr. McGonagle mentioned that his first reaction was to the windows flush with the building. He felt one of the design features of downtown was that the windows are recessed. He asked if that could be taken into account in the design. Mr. Young indicated that the windows are actually recessed a bit. It just did not show well on the plan.

Ms. Kuhlman Brown asked if there would be handicapped access, especially an elevator, for the garage. Mr. Young responded that there would be and they are now researching where it should be constructed.

Ms. Foss asked if there would be direct access for residents from the parking garage to the building. Mr. Simchik responded that they want to have direct access between the garage and the building. He did remind the Board that at this point they do not know what kind of tenant mix there will be, whether there will be a mix of residential and commercial or only non-residential. He reported the market will determine that.

Ms. Foss also asked whether they would be using non-reflective glass that minimizes solar reflection. Mr. Young responded that he is not inclined to use reflective glass.

Mr. Drypolcher mentioned that it was his hope that there would be an opportunity for residential uses in this building in order to give this part of Main Street more life. He indicated it has been a long-term goal of the City to have a residential component downtown. Mr. Simchik responded that they are still looking at that. They want the most vibrant potential that they can get out of the building. An active first floor of the building, offices, and a possible home for the Red River Theatre all will help bring energy to the area.

Mr. Drypolcher commented about the windows. He felt they looked bland. The existing buildings downtown seem to have more flavor to the windows. He suggested that if there is a way to create an appearance closer to the existing window treatments downtown, he would be in favor of that. Mr. Young responded he would like to create something that does not look institutional.

Mr. Drypolcher also asked about the possibility of retail uses along the Storrs Street façade of the parking garage. Mr. Walsh responded that they are still looking at that and pursuing that option.

Mr. McGonagle discussed the stepped back sixth floor and wondered how they could make it fit more into the current appearance of downtown. He would like to see it fit into the fabric of downtown. Mr. Young responded that the exact form of the sixth floor has not yet been determined. They would like to have a lot of glass and windows on that floor. They are trying to work for a passive solar benefit. This is still conceptual and they have not yet done the design of the sixth floor.

Mr. Simchik mentioned that one of the reasons for a set back sixth floor is to make it look like a five story building from the street. This diminishes the mass of the building from the point of view of the pedestrian.

Mr. Blanchette asked what their thoughts were for the uses and activities of the plaza area. Mr. Young responded that it would be dependent on the tenant mix but some of that area might be used as an outdoor sitting area for a restaurant. Also, if Red River Theatre were to be a tenant as hoped, patrons of the theatre would likely use the plaza, both as a path to the theatre and as a gathering place.

MT Mennino, executive director of the Capital Center for the Arts, spoke in favor of the project. She spoke particularly in favor of the 550 space parking garage. She felt that anything that can be done to move this along should be done. She would like to see this built.

Mr. Drypolcher had questions regarding parking and the potential for shops on the ground floor of the garage on Storrs Street. Mr. Aspell responded that the 550 space garage would create a lot of potential in this project. He pointed out areas on the plan that could be used for retail. He also cautioned that the larger garage is much more expensive than the 330 space garage. He reminded the Board that this is a decision the City Council will have to make after taking into account cost versus flexibility and supply.

Mr. Swope felt that from a planning perspective the larger garage would be much better for downtown. The addition of parking could make adjacent real estate more valuable.

Mr. Henninger reported that the Downtown Parking Committee at its meeting last night learned that there were a number of other options for parking between 330 and 530 spaces.

Mr. Aspell reported that there would be a public forum on July 15, 2004, at 7:00 PM at the Capital Center for the Arts to review the newest designs.

Mr. Swope indicated that encouraging the use by the theatre would be particularly welcome as it would generate activity downtown.

Mr. Gross asked if there was any potential for redevelopment of the whole block at this time. Mr. Aspell responded that there are challenges with some of the abutting properties in this block that make redevelopment more difficult.

Mr. Simchik indicated that, from a design and development perspective, it would be wonderful to do the whole block. If they can get involved with other aspects of that block, he felt it would be exciting but they do not want to hold up this part of the development until the other properties are available for redevelopment. In answer to a question posed by Mr. McGonagle, Mr. Simchik indicated he did not feel the abutting buildings should be demolished.

Michael Herrmann, owner of Gibson's Book Store, spoke in favor of the project and asked if the plaza could be more ambitious. He spoke strongly in favor of the larger parking garage. He did not believe the day would ever come that there would be an oversupply of parking in downtown. He just wanted to be certain that little things like trash removal are taken care of in the proposal. He would love to see some design elements from Mr. Simchik's Portsmouth property brought to this project.

Mr. Swope asked the size of the plaza and Mr. Young responded it would be about 55' x 100'.

Mr. Herrmann indicated he would like to see a wider plaza with a view to the east.

Ron Mainer, a downtown Concord resident who is a professional engineer and environmental consultant, suggested that the curvature of the building lends itself to a modernistic feel that does not blend in with downtown. He suggested it should blend in with the historic nature of downtown. He noted that the State had built a garage at the State Hospital and suggested that everyone drive by and look at it. It is really nicely done and would blend in well with downtown. He suggested including aspects of that design in this project. He also asked about putting parking in the South Main Street building and Mr. Young responded that the elevations of the garage floors do not align with the floors of the commercial building. He reported it never works out to enough spaces for the additional cost. It is financially not feasible.

Mr. Mainer questioned whether 550 spaces would be enough for downtown. He felt the ideal space for parking downtown is the block immediately to the north behind the existing Pitchfork Records building. He would like to see a mix of residential and commercial space at the building.

Mr. Gross felt this was a promising project.

At 8:00 PM the Planning Board recessed to the Second Floor Conference Room in City Hall. The public was invited to remain and view the plans and ask questions of City staff and the design team.

At 8:15 PM the Planning Board resumed its meeting in the Second Floor Conference Room of City Hall, joined by Roger Hawk, Director of Community Development, and Michael Vignale, City Engineer.

Mr. Hawk asked for the return of surveys he had sent to Board members in order to help staff serve the Board. He reported this is an opportunity to tell the staff anonymously places where we need to improve the process and to make suggestions.

Growth Management

Mr. McGonagle explained that earlier this year the City Council discussed in its goal-setting session the possibility of establishing a growth management policy, not for the entire city but for certain areas of the city where it might be appropriate. There was a surprisingly strong vote by the City Council to place it high on the priority list. That meant that the City Council would like to see it investigated - the benefits, outcomes, concerns. They understood it could only be short term in duration to allow the infrastructure of the City to catch up with development. The Council learned at that time that a growth management ordinance could not come from the political body. It must come from the Planning Board.

Mr. Swope suggested City administration come into the Master Plan process and make an argument for restriction in a particular area for a period of time for a specific reason and provide data to support that reason.

Mr. Hawk also mentioned that the City Council is looking for Planning Board members wishing to participate in a committee to look into the matter and to explore whether there is rationale behind adopting, and legal basis and justification for, growth management.

The consensus was that the Planning Board should inform the City Council that it would be willing to explore the possibility of a growth management ordinance and, if a committee is formed, the Board will offer two members.

Discussion relative to subdivision and site plan application procedures and hearing processes.

The Board discussed the definition of complete applications and the State Statutes regarding consideration of applications.

Mr. Swope felt that the Board should not set anything for public hearing until staff is certain it is complete. Mr. Drypolcher agreed. Mr. Gross felt the Planning Board should be entitled to a reasonably fixed target that it can reasonably respond to. He felt the public is also entitled to that courtesy.

It was agreed that the Board should adopt amendments to their regulations that before an application for a major subdivision or site plan is scheduled for public hearing, the Planning Board will determine that it is complete based on staff recommendation before notices go out for the public hearing. If staff feels that an application is not complete, they should specify why in a report to the Board. If the applicant disagrees with staff, they should submit their rebuttal in written form because there will be no opportunity to speak at the meeting relative to determination of completeness.

It was agreed that the Clerk will review the Board's regulations and prepare revisions for adoption by the Planning Board relative to completeness.

Mr. Blanchette suggested that since staff now publishes yearly deadline dates and meeting dates, those schedules should also include deadlines for staff to submit comments to the applicant and deadline dates for resubmittals.

The Board then discussed the conduct of public hearings and how citizens could be assured they are being heard without extending the hearings needlessly.

Mr. Swope suggested that staff cut the time they take for presentations and only point out issues the Board should be concerned with and then let the major burden be carried by the developer.

Mr. Gross appreciated the staff's well-written reports and did not feel the same information needed to be made in the presentation again. He suggested having the developer make the presentation and have the staff rebut if necessary.

The Board's consensus was that, for the benefit of the audience, staff should make a brief presentation setting the stage and reporting where the issues and concerns are but not with a lengthy description since it is already in written form in the staff report. There should be a staff presentation of no more than five minutes. They felt a need to avoid repetition in presentations either by the developer repeating the staff presentation or repetition by members of the public in testifying before the Board.

The Clerk was directed to draft an outline of what is expected to be included in staff presentations as well as applicant presentations.

There was no further business to come before the Board and the meeting adjourned at 10:20 PM.

A TRUE RECORD ATTEST:

Douglas G. Woodward
Clerk

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