

City of Concord Planning Board

June 18, 2025

Minutes

The regular monthly meeting of the Concord Planning Board was held on June 18, 2025, at 7:00 p.m., in City Council Chambers at 37 Green St, Concord.

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

Absent: 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 Technician III), and Peter Kohalmi (Associate City Engineer)

1. Call to Order

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

2. Roll Call

The Clerk of the Planning Board, AnneMarie Skinner City Planner, did the roll call, noting that a quorum is present.

3. Approval of Meeting Minutes

On a motion made by Member Hicks, seconded by Member Condodemetraky, the Planning Board voted to approve the May 21, 2025, Planning Board meeting minutes, as written. Chair Woodfin abstained due to not being present at the May meeting. The motion passed.

4. Agenda Overview

Member Hicks moved, seconded by Member Savage, to continue agenda items 6A and 9G to a date certain of July 16, 2025, at the request of the respective applicants. All in favor. The motion passed unanimously.

5. Architectural Design Review by Consent

On a motion made by Member Savage, 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. Agenda item 5G was pulled from consent by Chair Woodfin.

5A. Carolyn A. Parker Consulting and New England Signs & Awnings, on behalf of Langdon H. Wait, trustee of the trust under the will of Alice E. Ward and Sherwin Williams, requests an architectural design review approval for an 81.27-square-foot internally illuminated freestanding sign (SP-0520-2025) to reface an existing freestanding sign, and a 53.47-square-foot internally illuminated building wall sign (SP-0551-2025) to replace an existing building wall sign at 149 Loudon Rd in the General Commercial (CG) District. (2025-041) (PL-ADR-2025-0086)

The Planning Board voted to approve the application as submitted.

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- 5B. Spirit Halloween, on behalf of Albertsons, requests an architectural design review approval for a new 75-square-foot non-illuminated building wall sign (SP-0547-2025) at 24 Fort Eddy Rd in the Gateway Performance (GWP) District. (2025-058) (PL-ADR-2025-0098)

The Planning Board voted to approve the application as submitted.

- 5C. Batten Bros Signs Inc, on behalf of Gallagher and 45 Constitution LLC, requests an architectural design review approval for a 77.25-square-foot internally illuminated building wall sign (SP-0549-2025) to replace an existing building wall sign, and a 10.3-square-foot non-illuminated monument sign (SP-0550-2025), to replace an existing monument sign at 45 Constitution Ave in the Opportunity Corridor Performance (OCP) District. (2025-051) (PL-ADR-2025-0092)

The Planning Board voted to approve the application as submitted.

- 5D. Sousa Signs, LLC, on behalf of Swenson Stone Works and Swenson Granite Company, LLC, requests an architectural design review approval for a new 37.8-square-foot internally illuminated freestanding sign (SP-0571-2025) at 375 N State St in the Industrial (IN) District. (2025-052) (PL-ADR-2025-0093)

The Planning Board approved the application as submitted with the condition that the sign meets the required road setbacks, and the suggestion that the granite for the planter box be a different color.

- 5E. Spectrum Signs & Graphics, on behalf of Hermanos and T&A Holdings, LLC, requests an architectural design review approval for two 29-square-foot internally illuminated building wall signs (SP-0572-2025 and SP-0573-2025) to replace two existing building wall signs, and an 8.7-square-foot internally illuminated hanging blade sign (SP-0574-2025) to replace an existing hanging blade sign at 11 Hills Ave in the Central Business Performance (CBP) District. (2025-053) (PL-ADR-2025-0094)

The Planning Board voted to approve the application as submitted.

- 5F. Advantage Signs, on behalf of 80 Main LLC, requests an architectural design review approval for two new 37-square-foot internally illuminated building wall signs (SP-0575-2025 and SP-0576-2025) at 80 S Main St in the Urban Commercial (CU) District. (2025-054) (PL-ADR-2025-0095)

The Planning Board approved the application as submitted with the following condition: the color scheme of the panels shall be inverted, with black background and white lettering in accordance with Section 5.4(B) of the Architectural Design Review Guidelines.

- 5G. Father - Daughter Customs LLC requests an architectural design review approval for an existing, non-permitted 21-square-foot non-illuminated window sign (SP-0542-2025) at 154 N Main St in the Central Business Performance (CBP) District.

Chair Woodfin pulled this agenda item from consent.

Chair Woodfin stated he received several notes regarding design review comments. Chair Woodfin noted the Planning Board should follow the recommendation of the Architectural Design Review Committee and deny the application, noting that the sign has already been installed without the required review.

On a motion made by Chair Woodfin, seconded by Councilor Todd, the Planning Board denied the application, as the sign does not provide a simple and direct message per Section 5.4(B) of the Architectural Design Review Guidelines.

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All in favor. The motion passed unanimously.

6. Determination of Completeness Items by Consent

- 6A. Keach-Nordstrom Associates, Inc., on behalf of Parmenter Place, requests approval for major site plan, architectural design review, and certain waivers from the Site Plan Regulations, to add eight additional townhouse units to the existing development, at Tax Map Lot 392Z 22, addressed as 15 Parmenter Rd, in the Neighborhood Residential (RN) District. (2025-046) (PL-SPR-2025-0044) The applicant continued the application to a date certain of July 16, 2025.

Member Hicks moved, seconded by Member Savage, to continue agenda item 6A to a date certain of July 16, 2025, at the request of the respective applicants. All in favor. The motion passed unanimously.

7. Extensions by Consent

- 7A. Northpoint Engineering, LLC, on behalf of ZV Investments, LLC, requests a time extension to the June 21, 2023, conditionally approved major site plan that was previously extended from June 21, 2024, to June 21, 2025, to now extend to June 21, 2026, and to the June 21, 2023, conditional use permit and architectural design review approvals, to extend said approvals from June 21, 2025, to June 21, 2026, for Tax Map Lot 631Z 19, addressed as 5 Thomas St, in the High Density Residential (RH) District. (2023-103) (PL-EXT-2025-0019)

Member Hicks made a motion to **grant a one-year extension** from the June 21, 2023, conditionally approved major site plan, conditional use permit, and architectural design review approvals extending conditional approval from June 21, 2025, and set the new expiration date to June 21, 2026.

Member Condodemetraky seconded. All in favor. The motion passed unanimously.

- 7B. Nobis Group, on behalf of CATCH Neighborhood Housing and Ciborowski Associates LLC, requests a time extension to the July 17, 2024, conditionally approved major site plan, extending conditional major site plan approval from July 17, 2025, to July 17, 2026, for Tax Map Lot 7411Z 2, addressed as 6 N State St, in the Central Business Performance (CBP) District. (2024-042) (PL-EXT-2025-0018)

Member Hicks made a motion to **grant a one-year extension** from the July 17, 2024, conditionally approved major site plan, extending conditional approval from July 17, 2025, and set the new expiration date to July 17, 2026.

Member Condodemetraky seconded. All in favor. The motion passed unanimously.

*****End of Consent Agenda*****

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Public Hearings

8. Architectural Design Review Applications

None.

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

- 9A. Jeffrey Kelly, on behalf of Mor Real Estate Holdings, LLC, and Allison Street Holdings, LLC, requests approvals for a minor site plan application and certain waivers from the Site Plan Regulations, to convert an office to an apartment in an existing building containing two existing apartments, at Tax Map Lot 644Z 54, addressed as 63 School St, in the Civic Performance (CVP) District. (2025-026) (PL-SPM-2025-0022) The application was continued from April 16, 2025, to May 21, 2025, at the request of the applicant. The application was continued from May 21, 2025, to June 18, 2025.

Ms. Skinner stated the application was continued for a few months and now the application is complete. It has all of the variances it needs.

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

John Arnold (45 S Main St, Concord) is present to represent this application. Mr. Arnold stated this is a residential property at 63 School St. Historically, it was residential. At some point there was an office created within the house. Mr. Arnold stated his client bought the property a little less than a year ago and wanted to convert the office space back to residential. They pulled a building permit from the city. They have done the conversion. It is now a residential unit. After the fact during the final walk through the city determined they should have required site plan approval before granting the building permit. They have applied after the fact for the site plan approval. They went to the Zoning Board of Adjustment for variances for lot size and lot frontage, and they were granted. There are no exterior changes proposed, no site work, or additional impervious surface.

Chair Woodfin asked if there is any member of the audience that would like to speak on this application and with no response closed the public hearing.

Chair Woodfin stated the findings of fact, which include the information provided in the 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 Savage seconded by Member Fox, the Board voted to **grant the waiver requests below** from the listed sections of the Site Plan Regulations, based on evidence provided showing that the criteria of RSA 674:44(III)(e)(2) and Section 36.08 of the Site Plan Regulations are met, to not show all information required by the section and to instead only show the information provided on the plan set submitted for the public hearing on June 18, 2025:

- a. Sections 12, 13, and 15

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All in favor. The motion passed unanimously.

On a motion made by Member Savage, seconded by Member Hicks, the Board voted to **grant site plan approval** for the conversion of an office unit to a dwelling unit within a building addressed as 63 School St, as submitted, thus establishing a 5th dwelling unit at the subject parcel, subject to the following:

- 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.
 1. Unless a specific variance, waiver, or conditional use permit is granted stating otherwise, revise the plan sheet to fully comply with the Site Plan Regulations, Zoning Ordinance, and Concord Construction Standards and Details, including but not limited to the following:
 - a. Designation of one off-street parking space as the required accessible space with dimensions and signage as required by the 2010 ADA Standards for Accessible Design; and
 - b. Compliance with applicable fire codes is required and cannot be waived by staff or the Planning Board.
 2. The plan sheet shall list all approved variances, waivers, and conditional use permits with the section numbers and description, and date of approval.
 3. 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 one paper plan sheet for endorsement by the Planning Board Chair and Clerk of the Planning Board.
- 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, unless a variance, waiver, or conditional use permit is granted.
 2. Deviations from the Site Plan Regulations are only authorized with a waiver approval from the Planning Board. Deviations from the Zoning Ordinance are only authorized with a variance/special exception approval from the Zoning Board of Adjustment or a conditional use permit approval from the Planning Board as applicable.
 3. Per the Concord Construction Standards and Details, all work performed in the City shall, as a minimum, conform to the requirements of the latest edition of the manual and the standards contained therein. The more stringent criteria shall apply in the case of conflicts. Deviations from the standards are only authorized with a waiver approval from the Planning Board.
 4. Per Section 33.08 *Inspection of Improvements*, the Clerk or authorized designee shall inspect the exterior appearances of the site to determine if modifications to the exterior of a building, site, and signage are in conformity with the architectural design review approval granted by the Planning Board. No certificate of occupancy may be issued prior to a determination by the Clerk that the proposed use is consistent with the Board's approval. The Clerk may approve minor design modifications to approved plans provided

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that the design is consistent with the Board's approval, and does not adversely impact the appearance of the site, building, or sign.

5. 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.
6. 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.
7. Per Section 36.17 *Minor and Major Amendments*, the Clerk may approve minor amendment to a site plan previously approved by the Planning Board, if the amendments are not substantive in nature and are fully in compliance with the standards, and are consistent with any condition imposed by the Board. Other changes shall be considered by the Planning Board at the next regular meeting as a further consideration item with appropriate abutter notice. A major change to a previously approved plan shall require a new public hearing before the Board as required for a new application.

All in favor. The motion passed unanimously.

- 9B. Wilcox & Barton, Inc., on behalf of Braydin R. and Kelsey E. Clouthier, requests approval for a minor subdivision, a conditional use permit for Section 28-4-3(d) Conditional Use Permits Required for Certain Disturbance of Wetland Buffer to disturb wetland buffer, and certain waivers from the Subdivision Regulations, to divide the site into two lots, at Tax Map Lot 42Z 28, unaddressed Curtisville Rd, in the Open Space Residential (RO) District. (2025-047) (PL-MIS-2025-0039, PL-CUP-2025-0089)

Chair Woodfin asked for staff update.

Ms. Skinner stated this was continued from last month to this month to address the incomplete items. It is now complete. It is dividing the site into two lots. It went to Conservation Commission for a conditional use permit for disturbance to the wetland buffer. The Conservation Commission recommended approval as submitted. There are certain waivers being requested. Staff supports the waivers.

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

Erin Lambert (2 Home Ave, Concord) is present to represent this application. This is a request for a subdivision of a parcel on Curtisville Rd. Is it an 11.6-acre parcel on the south side of Curtisville Rd. Ms. Lambert noted the 11.6 acres do not have much buildable land. It does qualify for two lots. They would be subdivided into lot 28 of 6.3 acres and lot 28-1 of 5.3 acres. The buildable land for the first lot is in the rear and that is where there is a conditional use permit for disturbance to the wetland

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buffer. Of the 11.6 acres, 4.75 is the wetland and that does not include the buffers or the land in the middle that they cannot access. The buildable land is in the lower left corner. There is a way to sneak a driveway in 10 feet off the property line and they do not need to disturb the wetlands but they do need to disturb the wetland buffer just over 3,000 square feet. Ms. Lambert stated they took this before the Conservation Commission and they did not have any comments or concerns. The other lot would have direct access off Curtisville Rd. The waivers they are requesting are for underground power. All of the other houses on the road have power coming off the poles and they are requesting waiver of the subdivision regulations to allow that.

Member Santacruce stated he took a drive out there and one concern is sight distance. Member Santacruce noted the driveway width is not called out.

Ms. Skinner stated the subdivision itself does have a condition of approval to submit a driveway plan. All of those items are addressed in the driveway plan. They have to show all of that as one of the precedent conditions.

Member Santacruce asked if they are approving this or the buffer impact and they cannot meet those does that mean they have to come back again. Member Santacruce noted it is on a corner with a lot of trees.

Ms. Lambert noted the driveway will extend out to meet the road. The disturbance of the driveway is 12 feet in accordance with the regulations. Most of the criteria are met because the site is pretty flat.

Member Santacruce stated the trees go right out to edge of the road.

Mr. Kohalmi stated to get a building permit they need a driveway permit.

Ms. Skinner stated the precedent condition is to present the driveway plan to meet all of the criteria, and if they cannot they will have to adjust the driveway.

Member Santacruce asked if the driveway has to move and there is buffer impact do they need to come back.

Ms. Lambert answered yes, if for some reason they are not able to put the driveway. They would have to get a wetland permit and go back through the process.

Member Savage asked if it has the distance and the length of the driveway because it will be set back on the property.

Ms. Lambert stated no, they do not have the house location yet.

Chair Woodfin asked if there is any member of the audience that would like to speak on this application and with no response closed the public hearing.

Chair Woodfin stated the findings of fact include 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.

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On a motion made by Member Fox, seconded by Councilor Todd, the Board voted to **grant the waiver requests below** from the listed sections of the Subdivision Regulations, using the criteria of RSA 674:36(II)(n) and Section 35.08 of the Subdivision Regulations:

- a. Section 12.08(22) and Section 15.03(1) *Abutting Properties*, to not show existing buildings, wells, and septic systems that are more than 75 feet from the property lines on the subdivision plat;
- b. Section 15.03(10) *Site Improvements*, to not show existing buildings, wells, and septic systems that are more than 75 feet from the property lines on the subdivision plat;
- c. Section 15.03(4) *Topography*, to not show existing topography on the subdivision plat;
- d. Section 15.03(14) *Wells*, to not show all existing and proposed wells and wellhead protection radii on the subdivision plat;
- e. Section 15.03(12) *Septic Systems*, to not show the required septic information on the subdivision plat, and to instead provide the information on the topographic plan;
- f. Section 19.05(14) *On-site Septic Disposal*, to not show the required septic information on the subdivision plat, and to instead show on the topographic plan;
- g. Section 25.04 *Nonmunicipal Sanitary Sewage Disposal*, to not show the required septic information on the subdivision plant and instead provide on the topographic plan; and
- h. Section 26.02(1) *Non-Municipal Utilities*, to allow overhead utilities to be installed for the two new lots.

All in favor. The motion passed unanimously.

On a motion made by Member Hicks, seconded by Member Fox, the Board voted to **grant the conditional use permit** from Section 28-4-3(d) *Conditional Use Permits Required for Certain Disturbance of Wetland Buffers*, to allow for disturbance of wetland buffers in conjunction with the installation of a driveway at Tax Map Lot 42Z 28, because all of the criteria of Section 28-4-3(d)(1) through (5) and Section 28-9-4(b)(4)(a) through (g) have been met.

All in favor. The motion passed unanimously.

On a motion made by Member Condodemetraky, seconded by Councilor Todd, the Board voted to **grant minor subdivision approval** for the two-lot subdivision of Tax Map Lot 42Z 28, unaddressed Curtisville Rd, 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 subdivision plat as follows:
 - a. Per Section 12.02(4) and Section 15.03(17) *Conditions of Planning Board Approval*, the plat shall contain a note regarding conditions of Planning Board approval which remain to be fulfilled after the recording of the plat. The required note is shown, but with a date of May 21, 2025. The current note shall be revised to reflect the correct public hearing date of June 18, 2025.
 - b. Per Section 13.01(6) *State and Federal Permits* and Section 13.02(10) *State and Federal Permits*, a copy of any application made to a state or federal agency required for the approval of this subdivision, including those required for the development of the individual lots, shall be provided to the Planning Division.

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- c. Per Section 19.04(3) *Buildable Lot Area*, the minimum buildable lot area for each of the new lots, as set forth in the Zoning Ordinance, shall be shown and labeled on the subdivision plat prior to the Clerk's signature on the plat for recording.
- d. Per Section 19.04(4) *Useable Lot Area Rectangle*, the required useable lot area rectangle shall be shown and labeled on the subdivision plat prior to the Clerk's signature on the plat for recording.
- e. Per Section 19.05(14) *On-site Septic Disposal*, the applicant shall demonstrate that each lot can be served by an individual waste disposal system, which complies with the construction standards and specifications of New Hampshire Department of Environmental Services (NHDES). The required 4,000-square-foot septic drain field area required by NHDES shall be shown on Sheet 2 Topographic Plan, and the drain field areas, test pits, and corresponding test pit logs for the two lots shall be shown and labeled on Sheet 2 Topographic Plan prior to the Clerk's signature on the subdivision plat for recording.
- f. Per Section 19.05(15) *On-site Water Supply*, the applicant shall demonstrate that each lot can be served by a private well, which complies with the current construction standards and specifications of the New Hampshire Water Well Board. Wellhead protection radii and separation from wetlands and waste disposal facilities shall be shown on Sheet 2 Topographic Plan prior to the Clerk's signature on the subdivision plat for recording.
- g. Per Section 20.09 *Residential Single-Family Driveways*, each lot shall have safe, independent, and direct access form a public street. The driveway serving the new houses shall have a slope no greater than 10%; a landing area at the intersection of the driveway and public street with a minimum length of 20 feet and a slope not exceeding 2%; minimum width of 10 feet and maximum width of 24 feet; driveway separation of 40 feet from existing and proposed driveways and intersections; maximum length of 1,000; and conformance to sight distances set forth in the most recent edition of the AASHTO Highway Safety Design and Operations Guide. A driveway plan shall be submitted showing compliance with Section 20.09 *Residential Single-Family Driveways*.
- h. Per Section 24.05 *Design Standards for Non-municipal Water Supply*, individual private wells shall be provided which shall comply with all the standards of NHDES, and the construction of which shall comply with applicable standards of the New Hampshire Water Well Board. The location of each well along with the required NHDES' 75-foot wellhead protection radius shall be shown for each of the two lots on Sheet 2 Topographic Plan. The wellhead protection radius shall be shown entirely on the lot the well is serving.
- i. Per Section 24.06 *State and Federal Permits*, the applicant shall obtain all state and federal water system permits where required. The applicant shall conform to the requirements and conditions of all state and federal permits in addition to the requirements contained in the Subdivision Regulations.
- j. Per Section 25.04 *Non-Municipal Sanitary Sewage Disposal*, where a municipal sanitary sewer system is not required, sanitary sewage disposal shall be provided by individual waste disposal systems for each dwelling unit located on a lot and located on lots of sufficient size to assure an area appropriate for two leaching fields for each system, which meet requirements of NHDES. The required 4,000-square-foot septic drain field area required by NHDES shall be shown Sheet 2

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Topographic Plan, along with test pit locations and corresponding test pit logs. Community sewerage systems, which serve more than a single lot or an individual dwelling unit are expressly forbidden in the City of Concord. Each dwelling unit not served by the municipal sanitary sewer system shall be provided with its own individual waste disposal system.

- k. Per Section 26.01 *General Requirements*, all subdivisions shall make adequate provision for non-municipal utilities as may be necessary and appropriate for the subdivision. The applicant is responsible for all coordination with the utility companies to assure that non-municipal utilities are installed in accordance with plans approved by the Planning Board pursuant to the Subdivision Regulations.
 2. Per Section 13.02(13) *Recording Fees*, the applicant is responsible for the recording fees required by the Merrimack County Registry of Deeds, or the State of New Hampshire, for all plans and documents to be recorded.
 3. 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.
 4. Per Section 19.04 *Monuments*, a New Hampshire licensed land surveyor shall place permanent reference monuments in the subdivision, as required in the Subdivision Regulations and as approved by the City Engineer. All monuments shall be inspected by the City of Concord. All such monuments shall be set flush with the proposed grade and planted in such a manner that they will not be removed by frost. All monuments shall be properly set prior to the time of the release of the performance guarantee per the Subdivision Regulations. Recognizing that a performance guarantee will not be required for this two-lot subdivision, all monuments shall be set prior to the Clerk's signature on the plat for recording, and in accordance with Section 19.04(1) Street Right-of-Way Monuments, Section 19.04(2) Lot Monuments, and Section 19.04(3) Boundaries and Blazing of Conservation Easements, as applicable.
 5. Per Section 28.07 *Wetland Buffer Marking*, wetland buffers shall be clearly and permanent marked before construction. Recognizing that there will be no overall subdivision construction (i.e., public improvements, common private infrastructure), all wetland buffers shall be clearly marked prior to final approval.
 6. Upon notification from the Planning Division that the subdivision plat complies with Planning Board precedent conditions, the Zoning Ordinance, and Subdivision Regulations, the applicant shall deliver to the Planning Division one mylar for signature by the Planning Board Chair and Clerk of the Planning Board. The subdivision plat shall contain the signature and seal of the appropriate licensed professionals as outlined in Section 12.03 and Section 15.02(1) of the Subdivision Regulations.
- (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, 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 9.08(10) *Building Permits and Certificates of Occupancy*, no building permit shall be issued within a subdivision until the plat has been approved, the conditions of

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plat approval have been satisfactorily addressed, and the plat recorded in the Merrimack County Registry of Deeds.

4. Per Section 19.01 *Conformance to Applicable Laws, Rules, and Regulations*, all subdivision applications shall comply with all applicable state statutes and federal law and all rules and regulations promulgated in accordance with such statutes and laws; the zoning and health ordinances, building and housing codes, and all other applicable ordinances and regulations of the City of Concord; and the Master Plan, Official Map, and CIP of the City of Concord.
5. Per Section 24.06 *State and Federal Permits*, the applicant shall obtain all state and federal water system permits where required. The applicant shall conform to the requirements and conditions of all state and federal permits in addition to the requirements contained in the Subdivision Regulations.
6. Per Section 26.01 *General Requirements*, all subdivisions shall make adequate provision for non-municipal utilities as may be necessary and appropriate for the subdivision. The applicant is responsible for all coordination with the utility companies to assure that non-municipal utilities are installed in accordance with plans approved by the Planning Board pursuant to the Subdivision Regulations.
7. Per Section 28.03 *Land Clearing Restriction*, no trees shall be removed from any subdivision nor any change of grade of the land affected, until approval of the subdivision plat has been granted.
8. Per Section 28.07 *Wetland Buffer Marking*, wetland buffers shall be clearly and permanently marked during and after construction on the land proposed for subdivision. Building permits shall not be issued until the wetland buffers are marked.

All in favor. The motion passed unanimously.

9C. GZA GeoEnvironmental, Inc., on behalf of Public Service Co. of New Hampshire aka Eversource Energy, requests approval for conditional use permit applications for Section 28-3-3(f) Conditional Use Permit Required for Disturbance of Buffers in the SP District, Section 28-4-3(d) Conditional Use Permits Required for Certain Disturbance of Wetland Buffers, and Section 28-8-4(d) Conditional Use Permits Required for Certain Disturbance of Bluffs and Buffers, to disturb shoreland buffers, wetland buffers, bluff buffers for the 334G distribution line structure replacement project, at Tax Map Lot 89Z 14, Garvins Falls Rd, in the Office Performance (OFP) District and Open Space Residential (RO) District. (2025-055) (PL-CUP-2025-0090, PL-CUP-2025-0091, PL-CUP-2025-0092)

Chair Woodfin asked for staff update.

Mr. Bass stated this is for three separate conditional use permits. For any action they will treat each separately. Mr. Bass noted the recommendation is to determine this application complete and a development of regional impact. They have received comments from the Central New Hampshire Regional Planning Commission, and they have nothing new to add. Mr. Bass has discussed with the applicant about some of the recommended conditions.

On a motion made by Councilor Todd, seconded by Member Condodemetraky, **the Board voted to:**

- **Determine that the application is complete;**

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- **State that the project does meet the criteria for a development of regional impact per RSA 36:55; and,**
- **Open the public hearing.**

All in favor. The motion passed unanimously.

Jacob Kwapiszkeski (13 Legends Dr, Hooksett) and Conor Madison (14 Central Park Dr, Hooksett) are present to represent this application.

Mr. Madison stated they are here for three conditional use permits. This is for structure replacement work. Currently they are wood. There are 23 poles across Bow, Concord, and Pembroke to be replaced with steel. In the City of Concord there are six utility poles off Garvins Falls Rd to the east side of the Merrimack River. This is pole replacement and there is no clearing of trees. The unique part of this project is that there is no proposed ground disturbance or grading. There is a current road that is about 400 feet out that they will utilize. From there on out any proposed access or work areas will be upland matted with timber matting. That is for uplands and wetlands. They are proposing temporary impacts to the shoreland, bluff buffer and to wetlands and wetlands buffer. Those mats will be remove upon completion of this project. They also have some state permits for wetland and alteration of terrain for Bow, Pembroke and Concord.

Chair Woodfin asked for an update on the regional impact.

Mr. Bass stated the Central New Hampshire Regional Planning Commission provided comments and deferred to the local fire department and planning board. The applicant seeks a waiver from requiring a licensed engineer to sign and seal the plans. This will dovetail into one of the requirements from the conditional use permit for the buffer to the bluffs.

Mr. Madison stated there are two points to bring up noting that the first is Section 12.03(2) that requires the professional engineer's stamp, and they are requesting a waiver from Section 12.03(2) pertaining to Section 28-4-4(d) of the Zoning Ordinance in that the proposed drawing does not require grading, drainage, or utilities; therefore, they do not believe that a professional engineer is required to sign and seal the plans.

Mr. Bass supports the waiver request. that and a waiver is the way to go to make it clear if there is any different interpretation in the future. Where this falls into play with section 28-4-4(d) of the conditional use permit for the buffer to bluff. It states if there are erosion control measures a plan shall be prepared by a licensed engineer. Part of the understanding is that in granting this conditional use permit and this waiver that the Planning Board understand they are granting the conditional use permit without having the plan prepared by a licensed engineer even though it includes erosion control measures.

Chair Woodfin asked if staff is comfortable with that.

Mr. Bass answered yes.

Mr. Kohalmi answered yes.

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Mr. Bass stated one of engineering's comments is for them to prepare and provide a broken-out erosion control plan. That is part of some precedent conditions of the project.

Chair Woodfin asked the applicant if they are fine with the precedent conditions.

Mr. Madison stated they are more than happy and did not touch on erosion control. Mr. Madison noted it will be silt sock and silt fence along the Merrimack River.

Chair Woodfin asked if that changes anything.

Mr. Bass stated when it comes to action they will address that.

Mr. Madison stated the second one is the easement requirement from 12.06(2). Mr. Madison noted that all the work in Concord is in an Eversource-owned parcel. There are no easements in this situation.

Chair Woodfin noted section 12.06(2) can be struck from this application.

Mr. Madison answered correct.

Chair Woodfin asked if there is any member of the audience that would like to speak on this application and with no response closed the public hearing.

Chair Woodfin stated the findings of fact include 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.

Chair Woodfin asked if the structures will be at the same height.

Mr. Madison stated the conductors will be at the same height but due to engineering design of the steel structures they might be slightly taller. Less than five feet.

On a motion made by Councilor Todd, seconded by Member Condodemetrakys, the Board voted to **grant a waiver from Section 12.03(2)** of the Site Plan Regulations, to not require a licensed professional engineer to prepare, sign, and seal all plans where grading, drainage, and utility information is proposed. As part of this action, the Board determined to not require a licensed engineer to prepare a plan as part of their findings when granting conditional use permit approval in accordance with Section 28-4-4(d) *Conditional Use Permits Required for Certain Disturbance of Bluffs and Buffers*.

All in favor. The motion passed unanimously.

On a motion made by Member Fox, seconded by Councilor Todd, the Board voted to **grant conditional use permit (PL-CUP-2025-0090) approval** for disturbances to the wetland buffer for the replacement of the existing utility structures 250, 251, and 252, consisting of a total of six utility structure poles, and related site work for temporary access and construction pads along the 334G distribution line, in accordance with Section 28-4-3(d) *Conditional Use Permits Required for Certain*

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Disturbance of Wetland Buffers, at Tax Map Lot 89Z 14, along Garvins Falls Road, because the criteria from Section 28-4-3(d)(1) through (5) and Section 28-9-4(a) through (g) have been met, or will be met, and subject to the following precedent and subsequent conditions:

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

1. For compliance with the Site Plan Regulations, revise the plans as follows:
 - a. Per Section 12.02(1)(c), Figure 3 – *Wetland Setback Plan* is dated March 11, 2025, and shall be dated April 30, 2025, similar to every other sheet provided in the plan set.
 - b. Per Section 12.03(5), the certified wetland scientist shall sign and seal Figure 3 – *Wetland Setback Plan*.
 - c. Per Section 12.07 *Wetland Delineations*, the certified wetland scientist shall sign, seal, and note the date of the wetland delineation on Figure 3 – *Wetland Setback Plan*.
 - d. Per Section 14.02(3)(b)(ii) *Man-made Features*, a note shall be added to the plan stating whether or not the property is located in the City of Concord Flood Hazard Zoning Overlay (FH) District. If the property is located within the FH District as defined by Section 28-3-2 *Flood Hazard (FH) District* of the Zoning Ordinance, the boundaries shall be shown on the plans and the plans shall conform with requirements of the FH District.
 - e. Section 13.01(6) *State and Federal Permits*, a copy of any state or federal permits, including permit by notification, shall be submitted prior to final approval.
 - f. Add the Planning Board approval block on the cover sheet of the plan set. Staff can provide a template as a .pdf, .dwg, or .jpg if requested.



2. For compliance with the Site Plan Regulations and compliance comments provided from the Engineering Services Division, revise the plan as follows:
 - a) An erosion control plan shall be included in the plan set pursuant to Section 16.02(13) *Erosion Control* of the Site Plan Regulations.
 - b) The erosion control/restoration notes on Sheet S1 shall include the following notes for compliance with Sections 27.09(2) through 27.09(5):
 1. Per Section 27.09(2) *Disturbed Areas*, a note shall be added that all disturbed areas remaining idle for more than 21 days shall be stabilized, including stockpiles.
 2. Per Section 27.09(3) *Site Restoration*, a note shall be added that all disturbed land shall be recovered with loam and a minimum depth of six inches. The loam shall be fertile, natural soil, typical of the locality, free from large stones, roots, sticks, clay, peat, weeds and sod, and obtained from a naturally well drained area, nor

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- contain toxic materials to plants. When possible, top soil, topsoil from the proposed development shall be redistributed so as to provide the required cover.
3. Per Section 27.09(3) *Site Restoration*, a note shall be added that unless otherwise stated, all disturbed areas shall be seeded in accordance with the City of Concord Construction Standards and Details.
 4. Per Section 27.09(4) *Monitoring and Maintenance*, a note shall be added, or Note 7 shall be revised, stating that sedimentation and erosion control measures shall be removed after final site stabilization in accordance with City, NHDES and NPDES requirements.
 5. Per Section 27.09(5) *Final Stabilization*, general note 6 on Sheet S1 shall be revised to conform with the requirements that a site shall be deemed to be stabilized when it is in a condition in which the soils on the site will not erode under the conditions of a 10-year storm. Temporary sediment and erosion control devices shall not be removed until permanent stabilization is established for the entire site or phase of the development. All temporary erosion and sediment control measures shall be removed after the completion of construction.
- c) Per Section 27.09(1) *Erosion Control Plan*, the site plan or erosion control plan shall show the location of the typical wetland crossing detail provided on Sheet S2.
 - d) Per Section 27.09 *Erosion Control*, a detail of the stump grindings shown in the typical wetland crossing detail on Sheet S2 shall be provided. Clarify if the stump grindings are the same or similar treatment as the straw waddle detail on Sheet S3.
 - e) Per Section 27.09 *Erosion Control*, the temporary construction entrance/exit detail provided on Sheet S2 shall be replaced with, or revised to meet or exceed the requirements of, City of Concord Construction Detail E-1 *Construction Entrance Detail*.
 - f) Per Section 27.09(1) *Erosion Control Plan*, the site plan or erosion control plan shall show the location of the following construction details provided on Sheet S3: dewatering basin; typical water bar; slope installation detail of erosion control blanket; and straw waddle. If any of the details are not to be used, they shall be removed from Sheet S3.
 - g) Per Section 27.09(1) *Erosion Control Plan*, in the typical water bar detail, the “can” and “should” in notes 1 and 2, shall respectively be changed to, “shall”
3. Upon notification from the Planning Division that the final plan set complies with Planning Board conditions, Zoning Ordinance requirements, and the Site Plan Regulations, the applicant shall deliver to the Planning Division two full-size plan sets for endorsement by the Planning Board Chair and Clerk of the Planning Board.
- (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. Erosion control measures shall be installed and maintained in accordance with Section 27.09 of the Site Plan Regulations.
 3. 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.

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4. In accordance with Section 36.28 of the Site Plan Regulations, wetland buffers shall be clearly and permanently marked before, during, and after construction. Permanent markers used shall either be the marker discs available for purchase from the Planning Department, or match the marker discs available from the Planning Department and be subject to the Clerk's approval prior to placement.
5. In accordance with Section 28-9-4(b)(7) *Expiration of a Conditional Use Permit* of the Zoning Ordinance, if the use or construction so authorized by granting a conditional use permit has not commenced within a two-year period from the date of the decision of the Planning Board, then the conditional use permit shall be deemed to have expired and the Planning Board's decision shall be considered null and void.
6. Prior to the start of any work, the applicant shall apply and receive appropriate permits required by the Engineering Services Division.
7. Prior to the start of any work, a site stabilization guarantee shall be provided in accordance with Section 27.11 *Site Stabilization Guarantee* of the Site Plan Regulations. 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. A single site stabilization guarantee can be considered for planning case 2025-055, consisting of the three conditional use permits associated with the project: PL-CUP-2025-0090; PL-CUP, 2025-0091; and PL-CUP-2025-0092.
8. In accordance with Section 17-6-10 of the Traffic Code, truck traffic for vehicles with a gross weight over nine tons shall be prohibited from travel on roads with posted load limits. Waivers for travel of overweight vehicles on posted roads shall not be considered unless requested by the Public Utilities Commission stating such waiver is requested for consideration of the City Manager as an emergency to address public safety and wellbeing. The contractor/developer/applicant/property owners shall comply with this code and schedule work accordingly.

All in favor. The motion passed unanimously.

On a motion made by Member Hicks, seconded by Councilor Todd, the Board voted to **grant conditional use permit (PL-CUP-2025-0091) approval** for disturbances of bluffs and buffers for the replacement of the existing utility structure 252, and related site work for temporary access and construction pads along the 334G Distribution line, in accordance with Section 28-4-4(d) *Conditional Use Permits Required for Certain Disturbance of Bluff and Buffers*, at Tax Map Lot 89Z 14, along Garvins Falls Road, because the criteria from Section 28-4-4(d)(1) through (2) and Section 28-9-4(a) through (g) have been met, or will be met, and subject to the following precedent and subsequent conditions:

- (a) **Precedent Conditions** – to be fulfilled within one year and prior to signature of the final plans by the Planning Board Chair and Clerk, unless otherwise specified:
 1. Prior to final approval, the accompanying conditional use permits for impacts to wetland buffers (PL-CUP-2025-0090) and impacts to shoreland protection buffers (PL-CUP-2025-0092) shall also be determined ready for final approval by the Clerk of the Planning Board.
- (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

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Standards and Details for the project, unless a variance, waiver, or conditional use permit is granted.

2. Erosion control measures shall be installed and maintained in accordance with Section 27.09 of the Site Plan Regulations.
3. 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.
4. In accordance with Section 28-9-4(b)(7) *Expiration of a Conditional Use Permit* of the Zoning Ordinance, if the use or construction so authorized by granting a conditional use permit has not commenced within a two-year period from the date of the decision of the Planning Board, then the conditional use permit shall be deemed to have expired and the Planning Board's decision shall be considered null and void.
5. Prior to the start of any work, a site stabilization guarantee shall be provided in accordance with Section 27.11 *Site Stabilization Guarantee* of the Site Plan Regulations. 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. A single site stabilization guarantee can be considered for planning case 2025-055, consisting of the three conditional use permits associated with the project: PL-CUP-2025-0090; PL-CUP, 2025-0091; and, PL-CUP-2025-0092.
6. In accordance with Section 17-6-10 of the Traffic Code, truck traffic for vehicles with a gross weight over nine tons shall be prohibited from travel on roads with posted load limits. Waivers for travel of overweight vehicles on posted roads shall not be considered unless requested by the Public Utilities Commission stating such waiver is requested for consideration of the City manager as an emergency to address public safety and wellbeing. The contractor/developer/applicant/property owners shall comply with this code and schedule work accordingly.

All in favor. The motion passed unanimously.

On a motion made by Member Hicks, seconded by Member Condodemetraky the Board voted to **grant conditional use permit (PL-CUP-2025-0092) approval** for disturbances of buffers in the Shoreland Protection District for the for the replacement of the existing utility structure 252, and related site work for temporary access and construction pads along the 334G Distribution line, in accordance with Section 28-3-3(f) *Conditional Use Permit Required for Disturbance of Buffers in the SP District*, at Tax Map Lot 89Z 14, along Garvins Falls Road, because the criteria from Section 28-3-3(f)(2)(a) through (e) and Section 28-9-4(a) through (g) have been met, or will be met, and subject to the following precedent and subsequent conditions:

- (a) **Precedent Conditions** – to be fulfilled within one year and prior to signature of the final plans by the Planning Board Chair and Clerk, unless otherwise specified:
 1. Prior to final approval, the accompanying conditional use permits for impacts to wetland buffers (PL-CUP-2025-0090) and impacts to buffers to bluffs (PL-CUP-2025-0091) shall also be determined ready for final approval by the Clerk of the Planning Board.
- (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.

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2. Erosion control measures shall be installed and maintained in accordance with Section 27.09 of the Site Plan Regulations.
3. 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.
4. In accordance with Section 28-9-4(b)(7) *Expiration of a Conditional Use Permit* of the Zoning Ordinance, if the use or construction so authorized by granting a conditional use permit has not commenced within a two-year period from the date of the decision of the Planning Board, then the conditional use permit shall be deemed to have expired and the Planning Board's decision shall be considered null and void.
5. Prior to the start of any work, a site stabilization guarantee shall be provided in accordance with Section 27.11 *Site Stabilization Guarantee* of the Site Plan Regulations. 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. A single site stabilization guarantee can be considered for planning case 2025-055, consisting of the three conditional use permits associated with the project: PL-CUP-2025-0090; PL-CUP, 2025-0091; and, PL-CUP-2025-0092.
6. In accordance with Section 17-6-10 of the Traffic Code, truck traffic for vehicles with a gross weight over nine tons shall be prohibited from travel on roads with posted load limits. Waivers for travel of overweight vehicles on posted roads shall not be considered unless requested by the Public Utilities Commission stating such waiver is requested for consideration of the City manager as an emergency to address public safety and wellbeing. The contractor/developer/applicant/property owners shall comply with this code and schedule work accordingly.

All in favor. The motion passed unanimously.

9D. Nobis Group, on behalf of St. Paul's School, requests approval for an amendment to an approved site plan at Tax Map Lot 723Z 13/6, addressed as 16 Dunbarton Rd, in the Institutional (IS) District. (2023-98) (PL-AMEND-2025-0015)

Chair Woodfin asked for a staff update.

Ms. Skinner stated this is a project that came before the Planning Board in 2023, and it was conditionally approved by the Board. It received final approval and is completely constructed. There is a temporary certificate of occupancy. There have been a number of minor amendments that were able to go through as administrative approvals. However, this request is to remove a sidewalk and a sidewalk is required per construction standards. The Planning Board is the only entity that can waive that requirement. They have requested a waiver and amendment to remove the sidewalk.

Chair Woodfin asked if this is not on public land.

Ms. Skinner answered correct, this is on private property.

Morgan Dunson (18 Chenell Drive, Concord) is present to represent this application. Ms. Dunson stated they are asking for an amendment to the approved site plan to omit a sidewalk that was previously shown along the edge of the existing driveway and the front of the building. Ms. Dunson

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stated St. Paul's School has a temporary occupancy permit for the admission center. They had a grand opening day and they laid down sod. They like the feel of the sod and want to keep it and omit the sidewalk. Ms. Dunson noted there is an overflow parking lot next to the red barn where there is a sidewalk and existing crosswalk. Ms. Dunson noted it is low traffic and a private boarding school. Students are not allowed to have vehicles.

Member Santacruce went on the record that he is not in favor of this change, noting that he recalled a long discussion on this the first time.

Member Savage clarified the location of where they don't want the sidewalk is in front of the building next to the driveway.

Ms. Dunson answered correct. Ms. Dunson has photos of what it looks like today. Ms. Dunson showed the main entrance. They will repave the entire parking lot this summer. Ms. Dunson noted there is access to the building from the parking lot and two accesses from the drawbridge.

Member Savage asked about ADA access from the additional parking across the street.

Ms. Dunson stated that is not associated with the project. The project is admission center that has a shared lot with the alumni center. There is a conditional use permit they received in 2023 and they designed a future parking lot.

Member Savage asked the number of parking spots that are adjacent to that and does that have the ADA access. Member Savage asked if there was a larger event and someone had to park in the overflow parking how that would work.

Ms. Dunson stated if they have larger events, they provide shuttles for ADA accessibility. St. Paul's provides a phone number to people to call for shuttles. Ms. Dunson noted they will also mark off more spots in front of the building for ADA access.

Member Santacruce stated it is not just about the ADA access. It is forcing pedestrians to walk up the driveway and mixing pedestrians and cars. If you take the right into that driveway and a vehicle was trying to come out, it is a tight turn and if the vehicle had to go to the curb there would have been a conflict if a pedestrian was there.

Ms. Dunson noted if they do put a sidewalk there it will not be ADA accessible. The existing driveway is greater than five percent.

Member Santacruce noted it is to the extent practical.

Chair Woodfin asked if there is any member of the audience that would like to speak on this application and with no response closed the public hearing.

Chair Woodfin stated the findings of fact include 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.

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On a motion made by Member Santacruce, seconded by Member Condodemetraký, the Board voted to deny the waivers. 3 in favor (Condodemetraký, Santacruce, Savage) to 4 opposed (Todd, Fox, Hicks, Woodfin). The motion failed.

On a motion made by Member Fox, seconded by Member Hicks, the Board voted 4 in favor (Todd, Fox, Hicks, Woodfin) to 3 opposed (Condodemetraký, Santacruce, Savage) to **grant the waiver requests below** from the listed sections of the Site Plan Regulations, based on evidence provided showing that the criteria of RSA 674:44(III)(e) and Section 36.08 of the Site Plan Regulations are met:

- a. Section 16.02(22) *Construction Details*, to not fully comply with construction details SD-3 (Storm Drain Manhole) and M-9 (Multiple Dumpster Pad) from the Concord Construction Standards and Details, and instead:
 - Revise structure covers for CB-2 and CB-3 with drainage manhole covers and not install a concrete invert as shown on detail SD-3 but leave the installed catch basins as is with a drain manhole cover to eliminate the risk of the mulch beds draining into the catch basins.
 - Install an asphalt dumpster pad, rather than the concrete dumpster pad required by detail M-9.
- b. Section 21.01 *Sidewalks General Requirements*, to not provide an on-site sidewalk along the admission center's driveway off Dunbarton Rd;
- c. Section 21.03 *Connection to Public Sidewalks*, to not provide a sidewalk connection to the existing sidewalk along Dunbarton Rd, which ultimately connects to the public sidewalk along Pleasant St; and
- d. Section 21.04 *Accessibility*, to not provide an accessible curb ramp at the east end of the existing crosswalk in Dunbarton Rd.

All in favor. The motion passed unanimously.

On a motion made by Member Hicks, seconded by Member Fox, the Board voted 4 in favor (Todd, Fox, Hicks, Woodfin) to 3 opposed (Condodemetraký, Santacruce, Savage) to **grant major site plan amendment approval** for the removal of the sidewalk along the driveway off of Dunbarton Rd, and other site modifications as shown on Sheets C-1.0, C-3.0, and C-4.0, revised 5/14/2025, and Sheets L1-1, L2-1, and L3-1, revised 5/15/2025, all as submitted for the public hearing on June 18, 2025, subject to the following precedent and subsequent conditions:

(a) Precedent Conditions

1. Submit two full-size paper sets of the aforementioned sheets with the signatures and seals of the appropriate licensed professionals for signature by the Planning Board Chair and Clerk.

(b) Subsequent Conditions

1. The application is subject to all previous conditions of approval for Case 2023-98.
2. 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.

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3. Erosion control measures shall be installed and maintained in accordance with Section 27.09 of the Site Plan Regulations.
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.
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 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 comply with the approved site plan and the conditions of Planning Board approval.
7. 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.
8. 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.
9. 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 Services Division's as-built checklist.**

All in favor. The motion passed unanimously.

- 9E. Richard D. Bartlett & Associates, LLC, on behalf of St. Paul's School, requests approval for a minor subdivision application and certain waivers from the Subdivision Regulations for a lot line adjustment between Tax Map Lot 723Z 28-1, addressed as 310 Pleasant St, and Tax Map Lot 723Z 28, unaddressed Pleasant St, in the Medium Density Residential (RM) District and the Open Space Residential (RO) District. (2025-059) (PL-MIS-2025-0040)

Chair Woodfin asked for a staff update.

Ms. Skinner stated the parent parcel lot 28 was all one piece and was split into two lots, which has been recorded. This is a re-subdivision in the regulations, but it is a lot line adjustment to move the lot line of the one-acre lot so it will be three acres.

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

Mark Sargent (214 N State St, Concord) is present to represent this application. Mr. Sargent stated they were at the March Planning Board. It is located at 310 Pleasant Street. There is a vacant property next door. There are two parcels involved. The 310 Pleasant St has an area of one acre with 223 feet of

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frontage with an existing single-family home. The vacant lot has 26 acres and 464 square feet of frontage. The split was approved back in March. St. Paul's would like to add an additional two acres to 310 Pleasant Street. The remaining parcel will be 24.19 acres. There is no change to the frontage. They did request several waivers.

Chair Woodfin asked if there is any member of the audience that would like to speak on this application and with no response closed the public hearing.

Chair Woodfin stated the findings of fact include 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 Fox, the Board voted to **grant the waiver requests below** from the listed sections of the Subdivision Regulations, using the criteria of RSA 674:36(II)(n) and Section 35.08 of the Subdivision Regulations:

- a. Section 12.03(5) *Wetland* and Section 12.07 *Wetland Delineations*;
- b. Section 12.08(7) *Existing Conditions Plan Buildings and Structures*;
- c. Section 12.08(10) *Municipal Utilities*;
- d. Section 12.08(11) *Nonmunicipal Utilities*;
- e. Section 12.08(20) *Existing Vegetation*;
- f. Section 12.08(23)(a), (b), (c), and (d) *Tabulations*;
- g. Section 12.08(3) *Topography*;
- h. Section 12.09 *Electronic Submission*;
- i. Section 15.03(3) *Tabulations*;
- j. Section 15.03(4) *Topography*;
- k. Section 15.03(11) *Municipal Sewer*; and
- l. Section 15.03(15) *Other Utilities*.

All in favor. The motion passed unanimously.

On a motion made by Councilor Todd, seconded by Member Hicks, the Board voted to **grant minor subdivision approval** for the lot line adjustment between 310 Pleasant St and unaddressed Pleasant 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. Per Section 12.06(4) *Prior Subdivisions or Surveys*, plan references for prior recorded subdivisions or surveys on the properties proposed for subdivision or abutting said properties proposed to be subdivided shall be shown on the plat. Reference information is included on the re-subdivision plat, but the previously-approved subdivision plan, dated Feb. 2025, Plan Number 202500006092, is missing. This missing reference shall be added to the re-subdivision plat for total compliance with this section.
 - b. Per Section 15.02(8) *Addresses*, the addresses of each existing and proposed lot shall be noted on the plat as approved by the City Engineer. The detail map

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shows the address of 310 Pleasant St, but the address of 310 Pleasant St is not shown on the main drawing area of the re-subdivision plat and shall be added prior to final approval for complete compliance with this section.

- c. Per Section 15.03(5) *Monumentation*, the type and location of existing and required monuments (bounds) at the corners of lots, at points of curvature, tangency, and deflection points along the street rights-of-way shall be shown and labeled on the plat. The monument at the proposed northwest corner of Lot 28-1 shown on the re-subdivision plat shall be labeled as required, and the discrepancy between the pin setting dates on the detail map and the re-subdivision plat itself shall be resolved.
 2. Per Section 19.04 *Monuments*, a New Hampshire licensed land surveyor shall place permanent reference monuments in the subdivision, as required in the Subdivision Regulations and as approved by the City Engineer. All monuments shall be inspected by the City of Concord. All such monuments shall be set flush with the proposed grade and planted in such a manner that they will not be removed by frost. All monuments shall be properly set prior to the time of the release of the performance guarantee. Recognizing that a performance guarantee will not be required for this application, all monuments shall be set prior to final approval and in accordance with Section 19.04(1) *Street Right-of-Way Monuments*, 19.04(2) *Lot Monuments*, and 19.04(3) *Boundaries and Blazing of Conservation Easements*.
 3. Upon notification from the Planning Division that the final plat complies with Planning Board precedent conditions, the Zoning Ordinance, and Subdivision Regulations, the applicant shall deliver to the Planning Division one mylar set and one full-size paper plan set for signature by the Planning Board Chair and Clerk and subsequent recording of the mylar set at the Merrimack County Registry of Deeds. The plans shall contain the signature and seal of the appropriate licensed professionals as outlined in Section 12.03 and Section 15.02(1) of the Subdivision Regulations.
 4. Per Section 13.02(13) *Recording Fees*, the applicant is responsible for recording fees required by the Merrimack County Registry of Deeds for all plans and documents to be recorded.
 5. Per Section 15.02(12) *Registry Requirements*, the applicant is responsible for ensuring that all plats to be recorded comply 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, no building permit or certificate of occupancy shall be issued for any which is not in conformity with, the provisions of the Subdivision Regulations.
 3. Per Section 9.08(10) *Building Permits and Certificates of Occupancy*, no building permit shall be issued within a subdivision until the plat has been approved, the conditions of plat approval have been satisfactorily addressed, and the plat recorded in the Merrimack County Registry of Deeds.

All in favor. The motion passed unanimously.

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- 9F. Wilcox & Barton, Inc., on behalf of Arts Alley LLC, requests approval for an amendment to an approved site plan at Tax Map Lot 7412Z 37, addressed as 20 ½ S Main St, in the Central Business Performance (CBP) District. (2022-047) (PL-AMEND-2025-0016)

Chair Woodfin asked for a staff update.

Mr. Bass stated this is an amendment to the previously approved site plan and architectural design review approval. Staff is recommending conditional approval of both of those items with the recommended conditions from the Architectural Design Review Committee. Mr. Bass noted as part of this amendment the decorative archway is removed. There is a gate proposed to go across. The only recommended condition pertains to the gate both from Fire and Planning with a little easement work in the conditions of approval.

Erin Lambert (2 Home Ave, Concord) and Steve Duprey (20 ½ S Main St, Concord) are present to represent this application.

Mr. Duprey stated the easement for the loading dock encompasses the area.

Ms. Lambert stated they have an access easement to use that.

Mr. Duprey noted they gave an easement for the loading dock. Mr. Duprey stated they got rid of the arch because they have to control the area because of the liquor. This is not a social district. This is private property. Mr. Duprey stated they are getting the same permit they have at Tuscan Village. In order to do that they need to control access. There will be a gate with lock box. Mr. Duprey noted it is not an alley.

Chair Woodfin asked what is the red in the bottom right of the plan.

Ms. Lambert stated in the last approval it was a granite curb to create a planter. There is a drainage manhole there. There will be a movable planter there. They are asking for that to be approved. The design plan shows the gate. There is a passage door on the concrete sidewalk. Then there will be a gate that maintains the full width of the pavement. The architectural team met with the Fire Department and they were okay with it. The gate will recess on the Bank of New Hampshire property so they will need make sure that the easement is updated.

Mr. Duprey noted a location for a tall fence, and there will be a lockable gate.

Ms. Lambert stated previously everything was perennials and they are not vibrant in color. They are asking for permission for annuals to have more color.

Chair Woodfin asked about access during the day.

Mr. Duprey stated it will be open during the day.

Chair Woodfin asked about the front lawn and driving vehicles in there.

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Mr. Dupery the gate will be left open during the day and vehicles will drive in there to load and unload.

Ms. Lambert stated on the plan that went to the Architectural Design Review Committee, they had listed black chain link. The recommendation was that it not be chain link and be decorative fence instead.

Mr. Duprey stated most of the time it will be covered with a banner.

Member Fox asked why the arch is eliminated.

Mr. Dupery stated the problem was it has to be high enough for the ladder fire truck to get underneath.

Chair Woodfin asked if there is any member of the audience that would like to speak on this application and with no response closed the public hearing.

Chair Woodfin stated the findings of fact include 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 Councilor Todd, the Board voted to **grant the architectural design review amendment request** as submitted, with the condition that the black chain link fence crossing the alley shall be replaced with a decorative fence.

All in favor. The motion passed unanimously.

On a motion made by Member Hicks, seconded by Member Condodemetraky, the Board voted to **grant the major site plan amendment request** for the changes to the landscaping and hardscape in the courtyard, and the addition of a fence with a gate across the alley for security at 20 ½ South Main Street, subject to the following precedent and subsequent conditions:

- (a) **Precedent Conditions** – to be fulfilled within one year and prior to signature of the certificate of approval by the Planning Board Chair and Clerk, unless otherwise specified:
 - 1. For compliance with the Site Plan Regulations, revise the plans as follows:
 - a. Per Section 16.03(2) *copies*, a detail for the gate spanning the access alley shall be provided with the plan set.
 - b. Per Section 15.04(12) *Easements and Rights-of-way*, an easement for the placement, operation, and maintenance of the fence and gate shall be established, unless otherwise determined to not be necessary as determined by the Clerk of the Planning Board and City Solicitor, shown on the plan, and recorded with the Merrimack County Registry of Deeds prior to final approval of this amendment to the major site plan approval. The easement shall also consider any additional space necessary for the opening and closing operations of the gate.
 - c. Per Section 15.04(12) *Easements and Rights-of-way*, the existing common dock and stairway easement shall be revised, unless otherwise determined to not be necessary as determined by the Clerk of the Planning Board and City Solicitor, to

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encompass the entirety of the newly proposed stair and dock structure, shown on the plan, and recorded with the Merrimack County Registry of Deeds prior to final approval of this amendment to the major site plan approval.

2. For compliance with the Site Plan Regulations and compliance comments provided from the Fire Department, revise the plans as follows:
 - a. Per Section 28.06 *Gated Access* of the Site Plan Regulations, a Knox Box shall be affixed to the gate spanning the access drive aisle. The gate and access box(es) shall be of an approved type listed in accordance with UL 1037 and conform with NFPA 1 Fire Codes and NFPA 101 Life Safety Codes.
 - b. Per Section 28.002 *Fire Access* of the Site Plan Regulations, fire access shall be provided through an unobstructed 15-foot wide corridor from an accessible paved area, and the gate across the access aisle cannot decrease the current width for fire apparatus access.
 - c. Per Section 28.06 *Gated Access* of the Site Plan Regulations, an egress for the Bank of NH building through the alley without the use of special tools or keys shall be provided.
 3. The amended site plan approval shall be noted and fully described on the cover sheet or site plan sheet, including date granted.
 4. The plan sheets 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.
 5. 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 two complete plan sets (two full-size) for endorsement by the Planning Board Chair and Clerk.
- (b) **Subsequent Conditions** – to be fulfilled as specified:
1. The application is subject to all previous subsequent conditions of approval.
 2. On-site survey and approval that the access alley gate complies with the site plan regulations and NFPA 1 Fire Codes and NFPA 101 Life Safety Codes will be required by the City of Concord Fire Marshal
 3. 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.
 4. 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.
 5. 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.
 6. 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.

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7. 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.
8. 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.
9. 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 Services Division's as-built checklist.**

All in favor. The motion passed unanimously.

- 9G. Zachary Letourneau, on behalf of McCarthy Family Trust of 2021, requests approval for a minor subdivision application and certain waivers from the Subdivision Regulations for a two-lot subdivision, at Tax Map Lot 92Z 4, addressed as 227 Garvins Falls Rd, in the Medium Density Residential (RM) District and Open Space Residential (RO) District. (2025-060) (PL-MIS-2025-0041)

Member Hicks moved, seconded by Member Savage, to continue agenda item 9G to a date certain of July 16, 2025, at the request of the respective applicants. All in favor. The motion passed unanimously.

10. Other Business

- 10A. Zoning Ordinance amendment for compliance with RSA 674:39-aa, II

Ms. Skinner stated this has to do with restoration of involuntary merged lots. Right now, the ordinance has a condition that applications for restoration of involuntarily merged lots have to be submitted prior to December 2021, which has long gone as we are now in 2025. The State of New Hampshire changed the legislation and did away with the expiration date. This ordinance amendment essentially just removes the expiration date.

Chair Woodfin stated that was all that was in there.

Ms. Skinner answered yes, that is all that was in there.

On a motion made by Member Santacruz, seconded by Member Hicks, the Board vote to recommend City Council approve the Zoning Ordinance amendment for compliance with RSA 674:39-aa, II as written.

All in favor. The motion passed unanimously.

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Any other business which may legally come before the Board.

Adjournment

Member Hicks moved, seconded by Member Fox, to adjourn the meeting at 8:11 p.m. All in favor. The motion passed unanimously.

The next regular meeting is Wednesday, July 16, 2025, at 7:00 p.m.

TRUE RECORD ATTEST:

Krista Tremblay

Krista Tremblay

Administrative Technician III