

City of Concord Planning Board
February 19, 2025
Minutes

The regular monthly meeting of the Concord Planning Board was held on February 19, 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 Santacruz, 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 Specialist II), 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, AnneMarie Skinner, did the roll call, noting that a quorum is present.

3. Approval of Meeting Minutes

On a motion by Member Hicks, seconded by Member Rosenberger, the Planning Board voted to approve the January 15, 2025, Planning Board meeting minutes, as written. The motion passed unanimously.

4. Agenda Overview

Member Hicks moved, seconded by Member Savage, to continue agenda items 9A and 9B to a date certain of March 19, 2025, at the request of the respective applicants. All in favor. The motion passed unanimously.

5. Design Review Applications by Consent

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

5A. Pamela Seguin, on behalf of Root Up & More and PRM Holdings, LLC, requests architectural design review approval for an existing, non-permitted 9.1-square-foot sign (SP-0430-2024) at 47 N Main St in the Central Business Performance (CBP) District. (2025-003)

The Planning Board voted to approve the application as submitted.

5B. Sousa Signs, LLC, on behalf of Ulta Beauty and Brixmore Capital SC, LLC, requests architectural design review approval for a new 133.4-square-foot internally illuminated building wall sign (SP-0431-2024), and a 90-square-foot internally illuminated building wall sign (SP-0432-2024) to replace an existing building wall sign, at 80 Storrs St, in the Opportunity Performance Corridor (OCP) District (2025-001)

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The Planning Board voted to approve the application as submitted.

- 5C. Signarama of Concord, on behalf of Who Doesn't Want That?, requests architectural design review approval for a new 6.25-square-foot non-illuminated hanging blade sign (SP-0438-2025), at 34 Warren St Unit 1, in the Central Business Performance (CBP) District. (2025-008)

The Planning Board voted to approve the application as submitted.

- 5D. Advantage Signs, on behalf of Woodpecker Insurance, requests architectural design review approval for a new 3.5-square-foot non-illuminated tenant panel sign (SP-0441-2025) to be placed on an existing freestanding sign, at 30 S Main St Bldg. 1, in the Central Business Performance (CBP) District. (2025-002)

The Planning Board voted to approve the application as submitted.

- 5E. Sundance Sign Co, on behalf of Totally Tea + Coffee, and Foxfire Management, requests architectural design review approval for a 22-square-foot externally illuminated building wall sign (SP-0444-2025), to replace an existing building wall sign, at 2 Capital Plaza in the Central Business Performance (CBP) District. (2025-004)

The Planning Board voted to approve the application as submitted.

6. Determination of Completeness Items by Consent

7. Extensions by Consent

- 7A. Tom Wilson and Wilson & Wilson Architects, on behalf of Paisano's Realty LLC, request a one-year extension to the March 20, 2024, conditionally approved minor site plan application for an addition of 1,200 square feet to an existing 8,000-square-foot building for the purpose of four additional dwelling units at 59 South Main St in the Central Business Performance (CBP) District. (2024-010)

Member Savage made a motion to grant a one-year extension to meet the conditions of the conditional approval granted on March 20, 2024. Member Hicks seconded. All in favor. The motion passed unanimously.

Public Hearings

8. Design Review Applications

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

- 9A. Richard D. Bartlett & Associates, LLC, on behalf of Jesse E. Murray Revocable Trust 1991 and Helen B. Murray Revocable Trust 1991, requests approvals for a minor subdivision and certain waivers from the Subdivision Regulations for a lot line adjustment between 115 River Rd and 119 River Rd, in the Open Space Residential (RO) District. (2024-084) This application was continued to a date certain of March 19, 2025, at the request of the applicant.

Member Hicks moved, seconded by Member Savage, to continue agenda item 9A to a date certain of March 19, 2025, at the request of the applicant. All in favor. The motion passed unanimously.

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9B. Ian MacKinnon and Jones & Beach Engineers, Inc., on behalf of Aaron LeClerc and Cara Scala, request approvals for a minor site plan application to construct a detached workshop building for a home-based business and an associated detached single-family dwelling, conditional use permit application for disturbance to a wetland buffer to construct a driveway, and certain waivers from the Site Plan Regulations, at unaddressed Shaker Rd (Tax Map Lot 411Z 49) in the Medium Density Residential (RM) District. (2024-074) This application was continued to a date certain of March 19, 2025, at the request of the applicant.

Member Hicks moved, seconded by Member Savage, to continue agenda item 9B to a date certain of March 19, 2025, at the request of the applicant. All in favor. The motion passed unanimously.

9C. Michael G. and Eileen M. Gfroerer request approvals for a minor subdivision and certain waivers from the Subdivision Regulations for a lot line adjustment between 12 Tahanto St and 11 Summit St, in the Neighborhood Residential (RN) District. (2024-085)

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 New Hampshire RSA 36:55, and open the public hearing. All in favor. The motion passed unanimously.

Mr. Bass provided a staff update, stating this is a lot line adjustment between two parcels with the same owner. The applicant is requesting a number of waivers. Mr. Bass noted the one waiver staff does not support is for a note referencing waivers granted to a previous but similar project. Staff is recommending conditional approval.

Michael Gfroerer (12 Tahanto St, Concord, NH 03301) is present to represent this application. Mr. Gfroerer stated in October 2023 the Planning Board granted approval for a lot line adjustment similar between these two properties, which is on record with the Merrimack County Registry of Deeds as of last March or April. Mr. Gfroerer noted what is brought to the Planning Board now is a modification of the plan to move the bulk of the lot line between the two properties. Mr. Gfroerer is trying to change the lot line to indicate that instead of being six feet behind the 12 Tahanto St property, he is moving it to six feet behind the 11 Summit St property. Mr. Gfroerer stated variances were needed from the Zoning Board of Adjustment, which were granted in July of 2024, and corrected and modified in January of 2025.

With no additional testimony, Chair Woodfin closed the public hearing.

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

On a motion made by Chair Woodfin, seconded by Member Hicks, the Board voted to **deny the waiver request** from Section 12.02(3) *Standard Notes* of the Subdivision Regulations to allow the plan to reference waivers granted for a previous lot line adjustment at this site.

All in favor. The motion passed unanimously.

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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)(2) and Section 35.08 of the Subdivision Regulations:

- a. Section 12.08(3) *Topography*, to not provide existing topographic conditions;
- b. Section 12.08(4) *Soils*, to not provide the identification and classification of the extent and type of soils, using the USDA Natural Resources Conservation Service system;
- c. Section 12.08(7) *Buildings and Structures*, to not provide exterior dimensions to buildings and structures;
- d. Section 12.08(10) *Municipal Utilities*, to not provide the location, size, material, and type of municipal utilities currently serving the subdivision, including all structures, valves, hydrants, meters, and other appurtenances to be shown on the plan;
- e. Section 12.08(11) *Non-municipal Utilities*, to not provide the location, type, and size, where applicable, of the non-municipal utilities currently serving the subdivision;
- f. Section 12.08(20) *Existing Vegetation*, to not provide the location, type, and size of existing trees on the site;
- g. Section 12.08(22) *Abutting Properties*, to not provide existing abutting buildings and driveways to be shown on the plan;
- h. Section 15.03(1) *Abutting Property*, to not provide existing abutting buildings and driveways to be shown on the plan;
- i. Section 15.03(4) *Topography*, to not provide the existing topographic conditions and all proposed changes in ground elevation at a contour interval of two feet be shown on the plat;
- j. Section 15.03(11) *Municipal Sewer*, to not provide existing sanitary sewer location, type, and material on the subdivision plan;
- k. Section 15.03(13) *Municipal Water Supply*, to not provide existing location, type, and size of municipal water services on the subdivision plan; and,
- l. Section 15.03(15) *Utilities*, to not provide location and size of all non-municipal utilities on the subdivision plan.

All in favor. The motion passed unanimously.

On a motion made by Member Hicks, seconded by Councilor Todd, the Board voted to **grant minor subdivision approval** for the lot line adjustment between 12 Tahanto St and 11 Summit St, as submitted, subject to the following precedent conditions 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 12.02(1)(d) *Title Block* and Section 15.02(1) *Licensed Land Surveyor*, the signature and seal of the licensed professional who prepared the subdivision plan is missing and shall be added to the subdivision plan.
 - b. Per Section 12.02(3) *Standard Notes*, tabulations for useable and buildable land area, and notes in regard to existing or proposed easements for 12 Tahanto to access through 11 Summit Street shall be added to the subdivision plan.
 - c. Per Section 12.02(4) *Conditions of Planning Board Approval* and Section 15.03(17) *Conditions of Approval*, a note shall be added listing conditions of approval which remain to be fulfilled after plat recording. This requirement can be satisfied by adding a note that

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states: “The development is subject to all subsequent conditions of Planning Board approval from Case 2024-085.”

- d. Per Section 12.03(5) *Wetland*, Section 12.07 *Wetland Delineations* and Section 15.01(3), wetland boundaries shall be delineated by a New Hampshire certified wetland scientist who shall sign, seal and date the plan upon which the wetland boundaries are mapped. If the site does not contain any wetlands, a note needs to be added to the plat stating that the site does not contain any wetlands.
- e. Per Section 12.06(2) *Easements*, the established and documented easement, or intent to convey an easement, for the 15-foot right-of-way reserved for lot 7322Z 50 shall be noted on the plan. If no easement, or intent to convey an easement exists, then one shall be created, reviewed by staff in accordance with Section 13.02 of the Subdivision Regulations, and recorded as part of this lot line adjustment.
- f. Per Section 12.06(4) *Prior Subdivisions or Surveys*, the previously recorded subdivision for the lot line adjustment between these properties recorded on April 10, 2024, with the Merrimack County Registry of Deeds Document 202400004433 shall be referenced and noted accordingly on the plat.
- g. Per Section 12.08 *Existing Conditions Plan*, the text font and size of the before and after areas for Tax Map 7322Z 51 are inconsistent with the rest of the plat and are difficult to read and shall be revised to match the before and after areas for Tax Map 7322Z 50.
- h. Per Section 12.08(2) *Abutters*, the full owners name, owners address, property address and tax assessor’s map block lot number for the abutting property of 7 Tahanto Street shall be added to the plan.
- i. Per Section 12.08(6) *Community Features*, existing adjacent public buildings, parks, open space, and any historic structures or features shall be shown on the plan. If there are no existing adjacent community features, a note needs to be added to the plan stating that there are no existing adjacent public buildings, parks, open spaces, or historic structures or features.
- j. Per Section 12.08(9) *Easements or Right-of-way*, the location, dimensions, and purpose of any easements or rights-of-way within or adjacent to the subdivision shall be added to the plan. Specifically, the 15-foot right-of-way reserved to P/L of Tax Map 7322Z 50.
- k. Per Section 12.08(9) *Easements or Right-of-way*, the location, dimensions, and purpose of any easements or rights-of-way within or adjacent to the subdivision shall be added to the plan. Specifically, the easterly right-of-way line of Summit Street shall be shown and dimensions be added to the right-of-way width of Tahanto Street.
- l. Per Section 12.08(14) *Aquifers*, the plan shall show the boundaries and label for each water systems protection area. If the site does not contain any water system protection area, a note shall be added to the existing conditions plan stating that the site does not contain any water systems protection areas.
- m. Per Section 12.08(15) *Shoreland Protection*, the plan shall show the boundaries and label for the shoreland protection overlay district and the natural vegetative and woodland buffers associated with that district. If the site does not contain any shoreland protection overlay districts, a note shall be added to the existing conditions plan stating that the site does not contain any shoreland protection overlay districts.
- n. Per Section 12.08(16) *Signs*, the location and size of existing ground signs shall be shown and labeled on the plan. If the site does not contain any existing ground signs, a note shall be added to the existing conditions plan stating that the site does not contain any existing ground signs.

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- o. Per Section 12.08(19) *Setbacks and Buffers*, setbacks and buffers shall be shown and dimensioned on the plan, including wetland buffers, shoreland protection district buffers, buffers to bluffs, and residential district buffers. If the site does not require or contain any of the stated buffers, a note shall be added to the existing conditions plan stating as much.
 - p. Per Section 12.08(21) *Restrictions*, the plan shall contain notations of all covenants, easements, self-imposed restrictions, and any other restrictions in place at the time of application submittal. Specifically, a note referencing the 15-foot right-of-way on 11 Summit St benefiting 12 Tahanto Street shall be included on the plan.
 - q. Per Section 12.08(23)(d), the plan shall show the useable land area calculations for residential development.
 - r. Per Section 13.01(6) *State and Federal Permits*, a note shall be added to the subdivision plat listing the required state and federal permits required as part of the proposed subdivision, or a note shall be added stating that there no State or Federal permits required for the subdivision.
 - s. Per Section 13.02(9) *Agreement to Convey a Private Easement* and Section 15.02(10) *Easements and Restrictions*, an agreement to convey a private easement shall be provided and noted on the plat where easements or common facilities are to benefit the future owners of the individual lots including, but not limited to, vehicular and pedestrian access, drainage, utility, and access for maintenance purposes. The plat references a 15-foot right-of-way on 11 Summit Street but does not reference or establish a documented easement, or intent to convey an easement. This information shall be added to the plat. If no intent to convey an easement exists, then one shall be created, reviewed by staff in accordance with Section 13.02 of the Subdivision Regulations, and recorded as part of this lot line adjustment.
 - t. Per Section 15.02(3) *Scale*, the subdivision plan scale shall be revised to a scale of 1" = 20', 1" = 30', 1" = 40', 1" = 50', or 1" = 60'.
 - u. Per Section 15.03(2) *Dimensions*, the plat shall show the dimensions and bearings of all existing property lines and new property lines to be created, with property to be removed clearly distinguished from all new and remaining property lines. The plat does not clearly identify the 14.13-foot property line with a bearing of S 88°17'11"E as to be removed, nor does it clearly state the 70.36-foot property line with a bearing of S03°03'59"W as a new property line. Both lines shall be shown and labeled accordingly.
 - v. Per Section 15.03(3) *Tabulations*, the plat shall show the area of contiguous buildable land for each lot.
 - w. Per Section 15.03(5) *Monumentation*, a note shall be added for the monument required to be set along the southern side of the new property line clearly identifying it as needing to be set.
 - x. Per Section 15.03(16) *Easements*, the metes and bounds description of the 15-foot right-of-way called out on 11 Summit St benefiting 12 Tahanto Street is missing and shall be added.
- 2. The plat shall list all approved variances, waivers, and conditional use permits with the section numbers and description, and date of approval.
 - 3. Prior to the recording of the plat and as required by Section 12.09 *Electronic Submission* of the Subdivision Regulations, digital information from the plat shall be provided to the City Engineer for incorporation into the City of Concord Geographic Information (GIS) and tax maps. The digital information shall be submitted in a format and media conforming to standards promulgated by the City Engineer. The layers listed in Section 12.09(1) through (8)

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shall be submitted referencing New Hampshire State Plane Grid Coordinates and shall be based on National American Vertical Datum 1988 (NAVD 88).

4. Upon notification from the Planning Division that the final plat complies with Planning Board conditions, the Zoning Ordinance, and Subdivision Regulations, the applicant shall deliver to the Planning Division one mylar, one full-size plan set, and one 11x17 plan set for endorsement by the Planning Board Chair and Clerk and subsequent recording of the mylar at the Merrimack County Registry of Deeds. Per Section 15.02(1) *Licensed Land Surveyor*, the final plat drawings shall contain the signature and stamp of the New Hampshire licensed land surveyor who prepared the plat.
5. Per Section 13.02(13) *Recording Fees*, the applicant is responsible for submittal of required recording fees.
6. Per Section 15.02(12) *Registry Requirements*, the applicant is responsible for ensuring that the plat to be recorded complies with the current standards of the Merrimack County Registry of Deeds.

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

1. This approval notwithstanding, the applicant is responsible for full knowledge of, and compliance with, the municipal code, Subdivision Regulations, and Concord Construction Standards and Details for the project, unless a variance, waiver, or conditional use permit is granted.
2. Per Section 19.04 *Monuments*, a New Hampshire licensed land surveyor shall place permanent reference monuments in the subdivision, as required by the Subdivision Regulations and as approved by the City Engineer.

All in favor. The motion passed unanimously.

9D. Reardon Property Services, LLC requests approval for a conditional use permit application for disturbance to a wetland buffer, and certain waivers from the Site Plan Regulations, for the new construction of a house at 557 Mountain Rd in the Medium Density Residential (RM) District. (2025-005)

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

Mr. Bass provided a staff update, noting that staff is recommending conditional approval. Mr. Bass noted it is a conditional use permit for impacting wetland buffers. It is a small impact to install a footing drain. The applicant went before the Conservation Commission and they recommended approval as submitted. The applicant is not requesting any waivers.

Erin Lambert (2 Home Ave, Concord, NH 03301) is present to represent this application. Ms. Lambert stated they did go before the Conservation Commission and they were in support of a very small impact, 77 square feet, to the wetland buffer to install a foundation drain. Staff did recommend they add erosion control to the plan as well as restoring it with a native wetland planting. Ms. Lambert stated they have agreed to do that.

Chair Woodfin asked if any member of the Board had a comment.

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Member Santacruce asked if about a roof drain tying into this.

Ms. Lambert answered no, this is just a foundation drain.

Chair Woodfin closed the public hearing.

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

Member Hicks made a motion, seconded by Member Condodemetraky, to **grant the conditional use permit for** Section 28-4-3 (d) *Conditional Use Permits Required for Certain Disturbance of Wetland Buffers*, to allow for temporary and permanent disturbance of the wetland buffer, for the construction and installation of the foundation drain at 557 Mountain Road, subject to the following precedent conditions 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)(b), include the owner address in the title block in addition to the owner name.
 - b. Per Section 12.02(2) *Scale*, the plan does not scale accurately at 1" = 20' and shall be corrected to accurately scale at the depicted scale.
 - c. Per Section 12.06 (1) *Certificate of Ownership*, a note shall be added on the plan which clearly references the owner of the parcel and the book and page on file with the Merrimack County Registry of Deeds.
 - d. Per Section 13.01(6) *State and Federal Permits*, a copy of any State or Federal permit shall be submitted prior to final approval. The approved NHDOT Driveway Permit and State Permit NHWSPCD App. No. ECA2024032613 shall be submitted to the City to accompany the application materials.
 - e. Per Section 27.09 *Erosion Control*, the plan shall be revised to clearly show both the temporary erosion control devices and the revegetation materials to be used for the disturbances to the wetland buffer.
 - f. The Planning Board Approval Block shall be added to the site plan.
2. The plans submitted for final approval shall contain the signature and seal of the appropriate licensed professional responsible for preparing the plans as outlined in Section 12.03(1) through (6), as applicable.
3. A note shall be added to the plan annotating the Planning Board's subsequent conditions of approval.
4. Upon notification from the Planning Division that the final plan set complies with Planning Board conditions, Zoning Ordinance requirements, and the Site Plan Regulations, the applicant shall deliver to the Planning Division three plan sets (two full-size and one 11x17) for endorsement by the Planning Board Chair and Clerk.

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

1. This approval notwithstanding, the applicant is responsible for full knowledge of, and

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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.
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 Article 28-9-4(b)(7) *Expiration of a Conditional Use Permit*, 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 construction, or the issuance of a building permit, whichever comes first, the applicant shall receive a City of Concord Driveway Permit, and any other permit deemed necessary by the City Engineer. Permit applications shall include the following: A project schedule; an estimate of the anticipated number of inspections, subject to review by City Engineering; and, paying applicable permit inspection fees in accordance with Section 36.24 *Inspections* of the Site Plan Regulations.

All in favor. The motion passed unanimously.

- 9E. Reardon Property Services, LLC requests approval for a conditional use permit application for disturbance to a wetland buffer, and certain waivers from the Site Plan Regulations, for the new construction of a house at 563 Mountain Rd in the Medium Density Residential (RM) District. (2025-007)

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

Mr. Bass provided a staff update, stating that the only difference with this application and the previous application is the recommended precedent condition (g) of the staff report, which is to issue within the proximity of the water well to the wetland on site.

Erin Lambert (2 Home Ave, Concord, NH 03301) is present to represent this application. Ms. Lambert stated the project did receive state subdivision approval in 2021 by NHDES and will follow up with them to see if there is anything that needs to be done pertaining to the well and wetland proximity.

Chair Woodfin closed the public hearing.

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

Member Savage made a motion, seconded by Councilor Todd, to **grant the conditional use permit** for Section 28-4-3(d) *Conditional Use Permits Required for Certain Disturbance of Wetland Buffers*, to allow for temporary and permanent disturbance of the wetland buffer at 563 Mountain Road, 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)(b), the owner address shall be included in the title block, in addition to the already-included owner name.
 - b. Per Section 12.02(2) *Scale*, the plan does not scale accurately at 1" = 20' and shall be corrected to accurately scale at the depicted scale.
 - c. Per Section 12.06 (1) *Certificate of Ownership*, a note shall be added on the plan which clearly references the owner of the parcel and the book and page on file with the Merrimack County Registry of Deeds.
 - d. Per Section 13.01(6) *State and Federal Permits*, a copy of any State or Federal permit shall be submitted prior to final approval. The approved NHDOT Driveway Permit and State Permit NHWSPCD App. No. ECA 2024032611 shall be submitted to the City to accompany the application materials.
 - e. Per Section 27.09 *Erosion Control*, the plan shall be revised to clearly show both the temporary erosion control devices and the revegetation materials to be used for the disturbances to the wetland buffer.
 - f. The Planning Board Approval Block shall be added to the site plan.
 - g. Per NHDES Fact Sheet DWGB-21-1, the water well shall not be closer than 50-feet from the surface water of the wetland. A copy of a setback-reduction approval from NHDES Drinking Water Bureau shall be submitted to the City, or the well shall be relocated to be 50 feet from surface water of any wetlands.
2. The plans submitted for final approval shall contain the signature and seal of the appropriate licensed professional responsible for preparing the plans as outlined in Section 12.03(1) through (6), as applicable.
3. A note shall be added to the plan annotating the Planning Board's subsequent conditions of approval.
4. Upon notification from the Planning Division that the final plan set complies with Planning Board conditions, Zoning Ordinance requirements, and the Site Plan Regulations, the applicant shall deliver to the Planning Division three plan sets (two full-size and one 11x17) for endorsement by the Planning Board Chair and Clerk.

(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

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- 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 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 Article 28-9-4(b)(7) *Expiration of a Conditional Use Permit*, 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 construction, or the issuance of a building permit, whichever comes first, the applicant shall receive a City of Concord Driveway Permit, and any other permit deemed necessary by the City Engineer. Permit applications shall include the following: A project schedule; an estimate of the anticipated number of inspections, subject to review by City Engineering; and, paying applicable permit inspection fees in accordance with Section 36.24 *Inspections* of the Site Plan Regulations.

All in favor. The motion passed unanimously.

- 9F. Sean Landry, on behalf of Sean Landry, R. Shep Melnick, and Joanne Linden, requests an amendment to a minor subdivision application, conditionally approved on June 18, 2024, for waivers from Section 12.04, Section 12.05, Section 12.07, Section 12.08(3), Section 12.08(4), Section 12.08(13), Section 15.02(8) and Section 15.02(9) of the Subdivision Regulations, for a lot line adjustment between 224 and 226 Little Pond Rd in the Open Space Residential (RO) District. (2024-025)

Chair Woodfin opened the public hearing.

Mr. Bass provided a staff update, stating that the applicant is requesting some waivers from some of the conditions from the previous approval. Staff is recommending the Planning Board approve all but two of the waivers requested. Mr. Bass stated this was a lot line adjustment between two lots.

Chair Woodfin stated for the record the staff's recommended denial is for Section 12.08(13) *Flood Hazard* and Section 15.02(8) *Addresses*.

Sean Landry (224 Little Pond Rd, Concord, NH 03301) is present to represent this application. Mr. Landry stated he was okay with the staff recommendation.

Chair Woodfin closed the public hearing.

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

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Member Hicks made a motion, seconded by Chair Woodfin, to **grant the waiver** requests below from the listed sections of the Subdivision Regulations, using the criteria of RSA 674:36(II)(n)(1) and Section 35.08 of the Subdivision Regulations a-g.

- a. Section 12.04 *Location Plan*, to not provide a location plan on the subdivision plan.
- b. Section 12.05 *Vicinity Plan*, to not provide names and labels of all water bodies and watercourses, including Little Pond, on the vicinity plan.
- c. Section 12.07 *Wetland Delineations*, to not require the signature and seal of the New Hampshire certified wetland scientist, or a note of the date of delineation on the final lot line adjustment plat.
- d. Section 12.08(3) *Topography*, to not provide existing topographic conditions.
- e. Section 12.08(4) *Soils*, to not require identification and classification of the extent and type of soils.
- f. Section 15.02(9) *Proposed Use*, to not require a statement of the proposed type of residential use the lots.
- g. Section 15.03(1) *Abutting Property*, to not require showing and labeling the buildings, wells, septic systems, and property addresses for all abutters.

All in favor. The motion passed unanimously.

Chair Woodfin made a motion, seconded by Councilor Todd, to **deny the waiver** requests below from the listed sections of the Subdivision Regulations, because the request does not meet the criteria of RSA 674:36(II)(n)(1) and Section 35.08 of the Subdivision Regulations a-b.

- a. Section 12.08(13) *Flood Hazard*, to not require a notation as to whether or not the property is located in a FH – Flood Hazard Zoning Overlay District.
- b. Section 15.02(8) *Addresses*, to not require the property addresses of each of the two lots.

All in favor. The motion passed unanimously.

Member Hicks made a motion, seconded by Councilor Todd, to **grant approval of the amendment** to the conditions of approval for the previously approved minor subdivision application for the lot line adjustment between 224 and 226 Little Pond Rd, subject to the following conditions:

- a. The application is subject to all previous remaining conditions of approval from the June 18, 2024 Planning Board decision.
- b. Waiver(s) granted as part of this amendment request are to be noted and fully described on the plan, including the date granted and applicable section numbers of the Subdivision Regulations. Should the Board vote to deny any waivers as part of this amendment request, the applicant shall comply with said submission requirements.

All in favor. The motion passed unanimously.

Other Business

Any other business which may legally come before the Board.

Chair Woodfin mentioned as they move through to the master plan preparation this year and into next year, there are some regulations which need to be cleaned up and revised prior to some of those efforts.

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Ms. Skinner stated prior to the master planning efforts, there is expected to be an interim zoning amendment addressing a handful of items such as setbacks, parking, signs, definitions, accessory dwelling units, and general clean up in the zoning ordinance to correct things that are incorrect.

Chair Woodfin stated the public also would like to provide feedback. Chair Woodfin noted they might have a couple meeting to address the needs. Chair Woodfin suggested an off-meeting night from 6-7 p.m.

Member Santacruz suggested a working session on a weekend or night they do not have a scheduled Planning Board meeting.

Ms. Skinner recommended doing it by topic. Ms. Skinner stated this is an interim zoning amendment to clean up things ahead of the master plan. There will be no major zoning changes or creating any new zoning districts.

Chair Woodfin will work with staff to get sessions set up.

Councilor Todd suggested informing the public of these sessions well in advance of the day of the meeting.

Member Fox recommended having each Board member choose a topic of their interest and not all of the Board have to participate for every topic.

Chair Woodfin stated that is what he would like to see and can look at getting outside help as well.

Adjournment

Member Fox moved, seconded by Councilor Todd, to adjourn the meeting at 7:37 p.m. All in favor. The motion passed unanimously.

The next regular meeting is Wednesday, March 19, 2025, at 7:00 p.m.

TRUE RECORD ATTEST:

Krista Tremblay

Krista Tremblay
Administrative Specialist II