

City of Concord Planning Board
October 18, 2017
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The regular monthly meeting of the City Planning Board was held on October 18, 2017, in City Council Chambers, in the Municipal Complex, at 37 Green Street, at 7:02 p.m.

1. Call to Order

Chairman Woodfin called the meeting to order at 7:02 pm. Planning Staff present included Heather Shank (City Planner), Beth Fenstermacher (Assistant City Planner), John Stoll (Senior Planner), and Lisa Fellows-Weaver (Administrative Specialist). Engineering Staff present included Bryant Anderson (Associate Engineer).

2. Roll Call

Present: 6 – Chairman Richard Woodfin, Councilor Byron Champlin, members David Fox and Matthew Hicks, Alternate Chiara Dolcino and Alternate Frank Kenison.

Absent: 5 – Vice-Chair Carol Foss, Teresa Rosenberger (Ex-Officio for City Manager), Susanne Smith-Meyer, Ian West, and John Regan.

3. Approval of September 20, 2017 Planning Board Meeting Minutes

On a motion made by Mr. Hicks, and seconded by Mr. Fox, the Board voted unanimously to accept the minutes of September 20, 2017, as written.

4. Planning Board Chair Overview

Chairman Woodfin announced that Items 5A and 5B have been pulled from the consent agenda and will be address in the Public Hearing Section of the meeting.

In addition, at the requests of the petitioners, Item 7B, the City Council referral regarding a request from Concord Orthopaedic to rezone portions of the Medium Density Residential (RM) District along Pleasant Street to the Institutional (IS) District has been postponed to the November 15, 2017 meeting.

Chairman Woodfin announced that the following item would be taken out of order:

8. Dundee Investments, LLC, requesting an amendment to a condition of Architectural Design Review approval as part of a previously approved Major Site Plan application for 285-287 Loudon Road in the in the Gateway Performance (GWP) District (2017-31).

Michael D'Amante from Dundee Investments was present to discuss the proposed amendment. He explained that ALDI was not in favor of the conditions of the previously approved Major Site Plan application requiring aluminum composite material be used on the upper section of the building, adjacent to the ALDI sign, instead of the EIFS material or composite board proposed. ALDI wanted a more natural look and presented an alternative which introduced cedar plank board, and cultured stone pillars around the parapet and along the base of the façade. He added that he presented the proposed redesign to the ADRC committee, and they were generally in favor of the proposed changes but recommended that the brick panel adjacent to the front entrance be removed because there were too many materials in that location. They suggested that either the cultured stone panel extend up to meet the windows, or the windows extend down to meet the stone. Mr. D'Amante presented an alternative showing the stone extending up to the windows. He added that ALDI prefers to keep the brick due to the durability of the material. Additionally, the windows cannot extend down due to the location of shelf space on the interior.

After discussion, Board members felt that using brick is more aesthetically pleasing for the project.

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On a motion made by Councilor Champlin, and seconded by Mr. Hicks, the Board voted unanimously to remove the condition from the ADR approval "...the proposed EIFS material or composite board is replaced with aluminum composite material consistent with the material around the Aldi sign" and to approve the revised design, as submitted at the October 10, 2017 ADRC meeting.

Consent Agenda Items

5. Design Review Applications by Consent

If an applicant, Planning Board member, or audience member wishes to remove an item from the Consent Agenda for discussion, it will be pulled for consideration during the public hearing segment of the agenda. Otherwise, consent items are approved subject to the recommendations of the Design Review Committee.

5A. Off Main Pizzeria, on behalf of State Pleasant Street, LLC, requesting ADR approval to install a new internally illuminated projecting sign on existing brackets and an awning sign at 26 Pleasant Street in the Central Business Performance (CBP) District. MBL: 35/5/10

Jonathan Devens was present for this application. He asked that the application be pulled from the consent agenda to discuss ADR recommendations regarding the canopy color. He explained that the Architectural Design Review Committee recommended that the fonts and colors on the awning and sign should match and suggested green rather than red as they felt the brick and awning may clash. Ms. Shank explained that the applicant submitted a revised drawing showing the fonts on the awning matching the hanging sign as requested by ADR, and a maroon awning. Mr. Devens requested that the maroon awning be permitted. No member of the Board objected to the maroon awning.

Other discussion was held regarding the location of the sign to the awning. Mr. Devens stated that the sign would remain as presented. It is higher than the awning so there is no conflict from the awning or other neighborhood signs.

Chairman Woodfin opened the public hearing. There being no comments from members of the public, the Chair closed the public hearing.

On a motion made by Councilor Champlin, and seconded by Mr. Fox, the Board voted unanimously to approve the application subject to the revised awning graphic submitted, with the font matching the hanging sign and the maroon colored awning.

5B. Chappel Tractor, on behalf of Bradcore Holdings, LLC, requesting ADR approval to install a new internally lit freestanding sign in the Gateway Performance (GWP) District. MBL: 112/5/37

Mr. Hicks asked for the sign to be pulled from the consent agenda to discuss the LED lighting. He noted that there are no similar signs with this type of lighting in the area. The representative from Chappel Tractor explained that the sign is proposed to be 20 feet high. The LEDs will light the sign, not project out around the vicinity.

Ms. Shank stated that, according to the Code office, the sign complies with all codes, and that members of the ADR Committee liked the proposed design with the LEDs. The Committee recommended approval with the condition that either additional landscaping be added no more than 2 to 3 feet high, or the existing landscaping be maintained. The representative stated that he would talk with Chappel Tractor regarding the landscaping request.

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Chairman Woodfin opened the public hearing. There being no comments from members of the public, the Chair closed the public hearing.

On a motion made by Mr. Fox, and seconded by Mr. Hicks, the Board voted unanimously to approve the sign, as submitted, subject to the condition that either the existing landscaping be maintained, or additional landscaping no more than 2 to 3 feet in height be provided. .

Public Hearings

6. Site Plan & Subdivision Applications

- 6A. Penacook Community Center is requesting a one year extension of a Major Site Plan approval for construction of a new 40,000 sf community center at 99 Village Street in the General Commercial (CG) and Medium Density Residential (RM) Districts. MBL: 143P/29, 143P/30, 143P/31

Richard Jaques, president of the Penacook Community Center (PCC) was present to make the request. He explained that the request is for a one year extension due to circumstances that have delayed the work.

Chairman Woodfin opened the public hearing. There being no comments from members of the public, the Chair closed the public hearing.

On a motion made by Councilor Champlin, and seconded by Mr. Hicks, the Board voted unanimously to grant the request for a one year extension of the Major Site Plan approval for construction of a new 40,000 sf community center at 99 Village Street.

- 6B. GZA Environmental on behalf of PSNH dba Eversource Energy, requesting a Conditional Use Permit for disturbance of wetland buffer to replace an existing utility pole in the utility right of way off Hoit Road and Mountain Road in the Medium Density (RM) District. MBL 122/3/8, 122/3/6, and 122/3/12

Jennifer Grawin and Lindsey White from GZA Environmental were present along with Matthew Cardin from Eversource Energy presenting this application.

Ms. Fenstermacher stated that the applicant met with the Conservation Commission at their September 13, 2017 meeting and the Commission had no comments or concerns.

On a motion made by Councilor Champlin, and seconded by Mr. Hicks, the Board voted unanimously to determine the application complete and open the public hearing.

An overview of the proposal was provided. Ms. Grawin explained that the project is to replace a pole off Mountain Road and Hoit Road along with routine maintenance of the right of way for access. There is one structure to be replaced within the wetland buffer. She explained the sediment and erosion control measures that will be installed. Wood matting will be used to ensure that they are not compacting the wetland buffer; all mats will be removed when the work is completed. There are temporary wetland impacts to the buffer for the access and permanent impacts along the edge of the buffer for the pole replacement. She stated that they were hopeful that the work will begin as soon as possible and be completed by the end of November.

With no comments from members of the public, the Chair closed the public hearing.

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On a motion made by Mr. Hicks, and seconded by Mr. Fox, the Board voted unanimously to **grant Conditional Use Permit approval** to allow for the disturbance of the 50-foot wetland buffer, subject to the condition that the temporarily disturbed wetland buffer areas are restored per the plan, within the existing right-of-way off Hoit Road Map/Block/Lot 122/3/8, 122/3/6, and 122/3/12).

6C. Anthony & Pauline Minichiello Irrevocable Trust, requesting Minor Subdivision approval for a 2-lot subdivision at 47 Noyes and 20 Cypress Street in the Single Family Residential (RS) District. MBL: 21/1/5; 21/1/9

On a motion made by Councilor Champlin, and seconded by Mr. Hicks, the Board voted unanimously to determine the application complete and open the public hearing.

Tim Bernier of TF Bernier represented this application along with Henry Minichiello. Mr. Bernier stated that the proposal is for a minor subdivision to legally subdivide Lots 5 and Lot 19. He explained that the lots were purchased in 1962 and have been considered separate for tax purposes in the past. Ms. Shank stated that the parcels were never formally subdivided by the Planning Board. Both parcels have frontage and access to public utilities.

Mr. Bernier explained that the Zoning Board of Adjustments granted variances for lot size for both lots. He explained that the lots in the neighborhood were all created within the same timeframe.

Mr. Bernier stated that there are three waivers they are requesting:

- **Section 19.05(4) SDR:** To not provide a Usable Area Rectangle.
- **Section 25.02 SDR:** To not extend Municipal Sanitary Sewer.
- **Section 26.02(1) SDR** requiring the replacement of existing overhead utilities with underground utilities. Staff does not support this request as past precedent has required minor subdivision applicants to bury overhead utilities on existing homes unless a site related hardship prevents such action.

Mr. Bernier stated that at this time the two lots do not share any utilities. They are requesting a waiver to not have to put in underground utilities on the lot with the existing house. They still plan to put in underground utilities on the lot on Cypress Street where no house exists currently. Mr. Bernier states that there is a significant hardship to require this for the existing house because it would disrupt the current resident, be expensive, and all other houses have above ground utilities.

With no comments from members of the public, the Chair closed the public hearing.

Ms. Shank stated that Planning Board applications are the only opportunity for the City to encourage improvements, such as burying utility lines, for existing development. Staff would support the waiver if there was a physical hardship such as the presence of ledge underground, or a prohibition against disturbing the road, if that were needed. Mr. Minichiello explained that there is a significant hardship as he would need to go to the abutter and request an easement, and it would require additional construction. Chairman Woodfin stated that there are buildable lots on Noyes Street. He stated that the new lot would have underground utilities. He added that a hardship is sometimes not as important as aesthetics. Ms. Dolcino stated that the

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lack of records could also be a hardship as there is a lack of clarity. Ms. Shank stated that there is not a lack of records or any confusion as far as Staff is concerned, but that the applicant has disagreed with the conclusions of staff.

A discussion was held regarding the status of the parcels. Mr. Bernier commented that the parcels are not one contiguous lot; the parcels were purchased as two separate lots and the description is clear. He added that the parcels were owned by different people.

Ms. Shank explained that there has been significant research done by Staff regarding these two parcels. She stated that the City Surveyor, Zoning Administrator, Assessing staff, and Legal staff looked at the parcels and determined that they were connected and were never legally subdivided. Additional discussion was held regarding the 7 foot strip along one of the parcels.

On a motion made by Councilor Champlin, and seconded by Mr. Fox, the Board voted unanimously to grant the following waivers to the Subdivision Regulations (SDR):

- **Section 19.05(4) SDR:** Usable Area Rectangle. To allow 4,447 sf of useable area on Lot 5 and 2,037 sf of useable area on Lot 19, without a minimum dimension of 60 feet. The applicant was granted variances for reduced lot sizes by the Zoning Board of Adjustment (ZBA).
- **Section 25.02 SDR:** Municipal Sanitary Sewer. To not extend municipal sanitary sewer main to the middle of Lot 19 frontage, and allow the connection of municipal sanitary sewer service for Lot 19 at an existing sewer main in Cypress Street. Staff supports this request since there is service on both sides of the lot, and the waiver will limit future financial obligation for infrastructure maintenance to the City.

On a motion made by Chairman Woodfin, and seconded by Ms. Dolcino, the Board voted unanimously to grant **Section 26.02(1) SDR for** Underground Utilities, to allow the existing overhead utilities serving Lot 5 off of Noyes Street to remain provided that underground utilities are provided for the lot on Cypress Street and based on the testimony provided by the applicant that burying the utilities would be a hardship.

On a motion made by Councilor Champlin, seconded by Mr. Hicks, the Board voted unanimously to **Grant Minor Subdivision approval** for the Minor Subdivision application at 47 Noyes St & 20 Cypress St. subject to the following precedent conditions to be fulfilled within one year and prior to endorsement of the final plan by the Planning Board Chairman and Clerk, unless otherwise specified:

- (1) Address Engineering Review Comments dated October 10, 2017 to the satisfaction of the Engineering Division.
- (2) Address Technical Review Comments, noted in Section 3 above, to the satisfaction of the Planning Division.
- (3) Prior to the final plat being signed by the Planning Board Chair and Clerk, digital information shall be provided to the City Engineer for incorporation into the City of Concord Geographic Information System (GIS) and tax maps. The information shall be submitted in accordance with Section 12.09 of the Subdivision Regulations.
- (4) The Licensed Land Surveyor shall sign and seal final plans and mylars.

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- (5) The Applicant shall submit two checks for recording the plan at the Merrimack County Registry of Deeds (including a separate check in the amount of \$25.00 for the LCHIP fee). Both checks are to be made payable to the Merrimack County Registry of Deeds.
- (6) The Applicant shall deliver to Planning, one (1) plan sets and one (1) mylar(s) for endorsement by the Planning Board Chairman & Clerk and recording at the Registry of Deeds.
- 6D. The Caleb Development Group, on behalf of the City of Concord, requesting Major Site Plan approval for construction of (2) three story multi-family buildings totaling 54 units; a Conditional Use Permit (CUP) to construct fewer parking spaces than are required; and Minor Subdivision approval for a 2-lot subdivision at 11-35 Canal Street, Penacook in the Opportunity Corridor Performance (OCP) and Central Business Performance (CBP) Districts. MBL 543/P 18 (2017-32 and 2017-33)

Robert Hitchcock was present along with Robert Bernardin to represent this application. Mr. Hitchcock explained that The Caleb Development Corporation has submitted a Major Site Plan application for the development of 54 units of workforce housing consisting of 14 two bedroom units and 40 one bedroom units, to be completed in two phases. The existing 4.04 acre lot is currently owned by the City. In addition, a Minor Subdivision is also proposed to create a 2.52 acre lot for the proposed development, and a 1.52 acre lot to be retained by the City for future development of a riverfront park. A condition of the P&S with the City is that an existing structure on the site be demolished by the applicant. A Conditional Use Permit is also submitted to construct fewer parking spaces than required.

An overview of the property was provided by Mr. Hitchcock covering the history of the tannery site, which was established in 1940's and closed in the early 1990's. The site is now subject to coal ash which is not harmful as long as it is covered. He added that City Council approved the sale of the parcel in May.

Mr. Hitchcock stated that the proposal is for 54 units and 108 parking spaces. There will be one bedroom units and two bedroom units. He stated that they have provided planned space for all 108 parking spaces, but since they feel that one bedroom units only need one parking space, they are requesting a CUP for parking spaces to be reduced from 108 spaces to 92.

The presentation continued with Mr. Hitchcock explaining the stormwater. He stated that there is no groundwater infiltration system proposed per NHDES due to past contamination associated with the tannery and the proximity of to the river. The lighting plan was also reviewed. He noted that they have requested a few waivers. Mr. Hitchcock stated that they have addressed Staff comments. Per the recommendations from ADR, landscaped pathways will be added throughout the parking lots to the back entrances of the buildings and material samples were provided to the ADR at the October meeting, which were received positively. Additional discussion was held regarding the proposed landscaping. Mr. Hitchcock stated that after the initial review, staff has required additional landscaping, which will be met with up to 40 trees and 200 shrubs.

Chairman Woodfin opened the public hearing.

Allen Herschlag, as a resident of Concord, read a disclaimer to that effect into the record and submitted the statement for the file. Mr. Herschlag expressed his opinion relative to the proposed design and stated that it is not consistent with the City documents. He referenced the Architectural Design Guidelines under the Site Plan regulations as well as the City Master

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Plan and the Penacook Vision Plan indicating how each document has sections that do not support this type of project for this area. Mr. Herschlag suggested that the project be four to six stories high, and the bottom floor be utilized for commercial space. He added that with the proposed cost of the development and limitations of the site it is important to maximize the square footage. He stated that the proposed vinyl siding for the exterior has no relationship with the characteristics in the Village; this project should be approved with the intent to enhance the architectural characteristics of the neighborhood. In addition, he criticized the financial commitment made in the project and the fact that it is not consistent with the investment made in other projects developed by The Caleb Group; similar projects with higher financial investment by the company have been completed in Maine. Mr. Herschlag requested the Planning Board require the developer to use materials on the exterior of the buildings that would be consistent with the historic nature of the Penacook Village Community. He indicated that the area should be considered as a gateway area, similar to other gateways throughout the City, and should have similar characteristics to the village area.

A discussion was held regarding the exterior of the structures within the surrounding area. It was noted that some are brick, clapboards, and vinyl siding.

Matt Walsh, the Director of Redevelopment for Downtown Services and Special Projects, stated that the project was approved by City Council by a vote of 14-1. He stated that the development is ~~an~~ appropriate for Penacook Village, and that there are existing buildings in Penacook with vinyl siding. Mr. Walsh explained that building height is limited to 45 feet in the Opportunity Corridor Zoning District and that is why the buildings could not be constructed to six stories. He added that this project will have an improved streetscape where it is now a waste land. Mr. Walsh added that there will be a portion of the land held by the City for a park area. Housing is a perfect use for this site and will bring in tax revenues to repay bonds for infrastructure and will clean up the site. The units are estimated to cost between \$800-\$1100 per month.

With no additional comments from members of the public, the Chair closed the public hearing.

Ms. Shank stated that there have been many changes made to the project over the past few months and that the applicant has been very receptive to feedback by staff and ADRC. ADRC did not have any further issues with the exterior and materials proposed during the last meeting that the applicant attended.

Councilor Champlin expressed concern with Penacook public officials doing the best they can to look out for Penacook. Mr. Fox commented that the contrast is appealing just not the vinyl. Discussion ensued with regard to adding natural materials. Suggestions were offered to change the darker brown area to a brick façade. The applicants agreed to work with staff to alter the façade.

On a motion made by Mr. Fox, and seconded by Councilor Champlin, the Board voted unanimously to **grant the following waivers** from the Site Plan Regulations:

- **Section 22.07(2) Stormwater Recharge:** to not infiltrate stormwater. Given the history of soil contamination at the site, since remediated, NHDES staff requested that the applicant not infiltrate stormwater any more so than necessary.

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- **Section 22.07(3) Off-Site Flows:** to exceed the volume of off-site discharge before development. The New Hampshire Department of Environmental Services does not require detention of stormwater flows when a water body of substantial size is immediately adjacent to a property, as is the case with this property.
- **Section 29.06 Lighting:** to exceed 0.2 foot candles at the property line. The standard to be met is 0.2 foot candles (fc) at the property line. The proposed Lighting Plan predicts a minimal exceedance of the standard for not more than 100feet along the Western property line. The maximum exceedance, 0.3 fc, is a minimal level of light. The Western property line is and will be shared with the City's unoccupied and underdeveloped land.

On a motion made by Councilor Champlin, and seconded by Mr. Hicks, the Board voted unanimously to **grant a Conditional Use Permit (CUP) approval** to construct fewer parking spaces than are required by Section 28-7-2(e) (ZO).

On a motion made by Councilor Champlin, and seconded by Mr. Fox, the Board voted unanimously to **grant ADR approval** for the site design, landscaping, and related site improvements subject to the following conditions:

- (1) Provide clearly marked landscaped pathways through the parking lot to the back entrances of the building.
- (2) The applicant will work with City Staff to incorporate alternate materials such as brick or other natural materials that better fit the surrounding area.

On a motion made by Councilor Champlin, and seconded by Mr. Hicks, the Board voted unanimously to **grant Major Site Plan Approval** for the proposed residential development, subject to the following precedent and subsequent conditions noted below:

- (a) Precedent Conditions – to be fulfilled within one (1) year and prior to issuance of any building permits, or the commencement of site construction, unless otherwise specified:
 - (1) Address Technical Review Comments noted in Section 4 of the Planning Staff Report to the satisfaction of the Planning Division.
 - (2) Address review comments from Engineering to the satisfaction of the Engineering Division.
 - (3) Any waiver(s) granted are to be noted and fully described on the plan including date granted and applicable Section number(s) of the Site Plan Regulations. Should the Board vote to deny the waiver request(s), applicant shall comply with said submission requirement(s).
 - (4) The applicant shall add a hedge or other dense planting, at least 4 feet in height consisting of at least fifty (50) percent evergreen shrubs to the landscape plan in accordance with Article 28-7-10(a) of the Zoning Ordinance.
 - (5) The applicant shall provide an "intent to convey" pedestrian easement for future recreation greenway connections. The easement shall connect the lot to be retained by the City with a sidewalk on Crescent Street, and generally be located between the applicant's parking lot and north property line. The intent to convey shall be indicated in a note on the plan and recorded as an agreement by MCRD.
 - (6) Submit two (2) copies of fully revised plans for sign off by the Clerk and Chair of the Planning Board.

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- (b) Subsequent Conditions – to be fulfilled as specified:
- (1) Prior to commencement of construction activity, payment of inspection fees in an amount approved by the City Engineer shall be made.
 - (2) A pre-construction meeting shall be required prior to the start of any construction activities onsite. The applicant shall pick up one (1) set of signed plans at the Planning Office to make copies for the pre-construction meeting. A total of five (5) copies of the signed plan set shall be provided by the applicant at the pre-construction meeting.
 - (3) Prior to a Certificate of Occupancy or final construction sign-off, as-built drawings shall be provided to the City Engineer in accordance with Section 12.09 of the Site Plan Regulations. The as-built drawings shall be surveyed on NH State Plane coordinates and NAVD 88 Datum.
 - (4) Prior to the issuance of a Certificate of Occupancy or final construction sign-off, digital information shall be provided to the City Engineer for incorporation into the City of Concord Geographic Information System (GIS) and tax maps. The information shall be submitted in accordance with Section 12.08 of the Site Plan Review Regulations and all information shall be converted to a vertical datum of NAVD 88.

Robert Hitchcock and Robert Bernardin presented the minor subdivision application. Mr. Hitchcock explained that The Caleb Development Corporation is proposing a Minor Subdivision to create a 2.52 acre lot for their proposed development, and a 1.52 acre lot will be retained by the City for future development of a river front park. A condition of the P& S with the City is that an existing structure on the site be demolished by the applicant and another brick building will also be demolished.

Chairman Woodfin opened the public hearing. There being no comments from members of the public, the Chair closed the public hearing.

On a motion made by Councilor Champlin, and seconded by Mr. Hicks, the Board voted unanimously to **grant Minor Subdivision Approval** for the application submitted by the City of Concord, Penacook Landing, subject to the following precedent conditions to be fulfilled within one year and prior to endorsement of the final plan by the Planning Board Chairman and Clerk, unless otherwise specified:

- (1) Address Engineering Review Comments dated October 10, 2017 to the satisfaction of the Engineering Division.
- (2) Address Technical Review Comments, noted in Section 2 of the Planning Staff Report, to the satisfaction of the Planning Division.
- (3) Add all variances granted as a note on the final plan.
- (4) The applicant shall provide an “intent to convey” pedestrian easement for future recreation greenway connections. The easement shall connect the lot to be retained by the City with a sidewalk on Crescent Street, and generally be located between the applicant’s parking lot and north property line. The intent to convey shall be indicated in a note on the plan and recorded as an agreement by MCRD.

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- (5) Prior to the final plat being signed by the Planning Board Chair and Clerk, digital information shall be provided to the City Engineer for incorporation into the City of Concord Geographic Information System (GIS) and tax maps. The information shall be submitted in accordance with Section 12.09 of the Subdivision Regulations.
- (6) The Licensed Land Surveyor shall sign and seal final plans and mylars.
- (7) The Applicant shall submit two checks for recording the plan at the Merrimack County Registry of Deeds (including a separate check in the amount of \$25.00 for the LCHIP fee). Both checks are to be made payable to the Merrimack County Registry of Deeds.
- (8) The Applicant shall deliver to Planning, one (1) plan sets and one (1) mylar(s) for endorsement by the Planning Board Chairman & Clerk and recording at the Registry of Deeds.

6E. IQRA Islamic Society of Greater Concord, on behalf of the James R. Stewart Trust of 2000, requesting Minor Site Plan approval for construction of a new 16-space parking lot at 9 Pearl Street and 181 North Main Street in the Urban Commercial (CU) District. MBL: 55/3/3; 55/3/15 (2017-45)

On a motion made by Mr. Hicks, and seconded by Councilor Champlin, the Board voted unanimously to determine the application complete and open the public hearing.

Chris Nadeau of Nobis Engineering was present along with Hubert Mass, President of the Islamic Society of Greater Concord.

Mr. Nadeau gave an overview of the project explaining that, at this time, the Society rents a space at the Eastman Street Community Center. The applicant is proposing to construct a 3,300 sf 16-space parking lot to support the growing population of the IQRA Islamic Society of Greater Concord. The project includes the demolition of the existing house at 9 Pearl St., grading, drainage, and installation of new pavement for 16 new parking spaces. The Society will share parking with the neighboring church. There is a recorded agreement for this at the Registry of Deeds.

Councilor Champlin expressed concern with the demolitions of houses for parking lots and the tendency to allow the older buildings to deteriorate and be replaced by asphalt. Chairman Woodfin stated that the Heritage Commission demolition team noted that this building is not historic; however, it is a double ended brick building which is unusual. However, the demolition was granted.

Jay Stewart, owner of 9 Pearl Street explained that they chose to not continue to rent out the building about 5 years ago due to safety issues. He stated that it is not economical to restore.

With no further comments from members of the public, the Chair closed the public hearing.

On a motion made by Councilor Champlin, and seconded by Mr. Fox, the Board voted unanimously to **grant Conditional Use Permit approval** for Article 28-2-4 (c) (ZO) to permit churches, synagogues, and places of religious worship in the Urban Commercial (CU) district.

On a motion made by Mr. Fox, and seconded by Councilor Champlin, the Board voted unanimously to **Grant Minor Site Plan approval** for the proposed 3,300 sf parking lot, subject to the following precedent and subsequent conditions noted below:

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- (a) Precedent Conditions – to be fulfilled within one (1) year and prior to issuance of any building permits, or the commencement of site construction, unless otherwise specified:
 - (1) The lots known as Map/Block/Lot: 55/3/3 and 55/3/15 shall be merged and recorded at the Merrimack County Registry of Deeds.
 - (2) Address comments from Engineering Services to the satisfaction of the Engineering Division.
 - (3) Address Site Layout Comments noted in Section 3 above to the satisfaction of the Planning Division
 - (4) Submit two (2) copies of fully revised plans for sign off by the Clerk and Chair of the Planning Board.
- (b) Subsequent Conditions – to be fulfilled as specified:
 - (1) Prior to commencement of construction activity, payment of inspection fees in an amount approved by the City Engineer shall be made.
 - (2) A pre-construction meeting shall be required prior to the start of any construction activities onsite. The applicant shall pick up one (1) set of signed plans at the Planning Office to make copies for the pre-construction meeting. A total of five (5) copies of the signed plan set shall be provided by the applicant at the pre-construction meeting.

6F. The State of New Hampshire is requesting Major Site Plan review, in accordance with RSA 674:54, for construction of a 1,700 sf building, parking, and related site improvements for the purpose of a new steam boiler building at 33 Green Street in the Civic Performance (CVP) District, and also installation of an underground distribution system for heat delivery to the State House, State Library, and State House Annex buildings. MBL: 44/3/25, 45/5/6, 45/4/1

Robert Favali from Dubois & King, John Alden, Architect from Scott & Partners Architecture, Mike Connor, and Beverly Kowalik from the State of NH presented the application.

Mr. Favali explained the proposal is to add a single story, 1,700 sq. ft. boiler building on the corner of Green St. and School St., which will provide steam to the State House, State Library, and State House Annex buildings. The interior will consist of a small control room, 2 boilers, and all necessary accessories for the operation of the plant. Piping will all be underground to the three sites, and be new as the existing steam lines are damaged and beyond repair. Depending on the weather the project will take 12-16 months.

Mr. Alden provided an overview of the improvements to the parking area, which will be utilized primarily by State employees. He explained that he recognizes the project is in the “high rent” area and wanted to honor the civic area; therefore, the exterior of the building will be similar to the character of the neighboring City buildings, using brick and granite.

A brief discussion was held regarding the opacity of the windows. At this time the type of windows had not been determined; however, there be some type of transparency so that the inside is at least partially visible. The lot will have new drainage, some lighting; landscaping and plantings will be low due to visibility for traffic at the Green Street intersection. In addition, the existing buffered strip between the lot and dentist office will be maintained. A new walkway will be added along with benches to create a park-like space. Additional discussion was held regarding the false entrance. Mr. Alden stated that some form of museum

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quality artwork will be added and they are working with the State. A granite State seal will be placed above the entrance.

Councilor Champlin stated that this is a sensitive part of the City and an important parcel. He complimented the proposed design; it is sensitive to the architectural environment while considering the nature of the building.

Chairman Woodfin opened the public hearing. There being no comments from members of the public, the Chair closed the public hearing.

Mr. Favali stated that there may be some additional modifications to the plan and they will provide a final plan set.

The Board expressed appreciation at the effort taken to mirror the surrounding architecture.

7A. City Council referral pertaining to a request from Interchange Development LLC, and on behalf of Susan Whitney, to modify the conditions of a Covenant, and rezone property off Whitney Road from the Urban Commercial (CU) and Industrial (IN) Districts to the Highway Commercial (CH) District.

Ms. Rauseo, the petitioner, was present.

Ms. Shank stated that this is a referral from Council. She provided an overview of the history of Whitney Road and the development of the area, which began in the 1980's. At that time, the City was in the process of updating the Master Plan 2010, which had designated the entire area as Industrial Service characterized by intense industrial and commercial activity, including wholesale sales, services and industrial activities. In 2008 there was a request granted to change the zoning from Industrial to Urban Commercial with covenants that limited the size and amount of retail development for the future. During the drafting of the Master Plan 2030, the area was seen as an appropriate location to provide some small scale convenience services for northeast Concord residents as well as for the industrial park area and commuters on Hoit Road. The Master Plan 2030 recommended 5 acres at the southeast corner of the Whitney and Hoit Road intersection as Neighborhood Commercial (CN) to serve that purpose. It should be noted that the location of the 5 acres in the Master Plan coincided with approximately 4.4 acres that had been previously subdivided from the parent tract in 1990.

The petitioners request was considered during public hearings for the draft Master Plan 2030. Though the Planning Board and Council voted in favor of the petitioner's request subject to the conditions of the covenant, the CN designation for the 5 acres at the corner of Whitney and Hoit remained in the final Master Plan 2030. Staff has found no record of public opposition to the action in 2008. In 2011 the Rauseo's petitioned for the covenants to be eliminated and presented a concept plan with a total gross floor area of 64,500 sf. At this time, the petitioner's request is to have the covenants removed to allow larger scale developments such as a grocery store and rezone an additional 4.9 acres.

Ms. Shank stated that the Board determined this request to have regional impact at last month's meeting. Letters were sent out to the Town of Boscawen Planning Board, which did not support the request, and the Central New Hampshire Regional Planning Commission, which offered input pertaining to economic development and traffic.

Ms. Rauseo presented a PowerPoint showing the area of Whitney Road as well as a concept

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plan demonstrating what types of businesses the area could accommodate. The presentation explained the intent of the proposal is to lift the covenants to provide commercial services such as a grocery store for local and regional commuters and Penacook residents. She stated that there was a meeting held October 5 where the majority of comments from residents expressed support for the project as it will provide opportunities to increase the tax base of Penacook to offset the high property taxes in the Merrimack Valley School District. Ms. Rauseo stated that they want to do something that is in the best interest of the neighborhood and would not negatively affect or duplicate businesses in Penacook Village. Ms. Rauseo also provided general estimates for the amount of tax revenue that could potentially be generated if their concept plan were fully built out.

Board members noted that the petitioner's proposal is not consistent with the Master Plan 2030, but that circumstances have changed since that document was created. It was noted that this area may be one of the last areas in Penacook that is available for a grocery store. Many members of the community are in favor of having a grocery store nearby, and that the presence of an interchange near the subject area indicates that it might be appropriate for more intense development.

The Board agreed that traffic should be discussed as the intersection is dangerous and should be addressed prior to any future developments within the area. Mr. Hicks mentioned that the Whitney Road extension to Sewalls Falls should be evaluated prior to any decisions being made.

A suggestion was made to update the Master Plan 2030 to more accurately reflect the needs of the community. Another option discussed was for the petitioner to hire a planning consultant to create a site based master plan with community input to explore the options, create a more dynamic concept plan, and provide a basis for approving a zoning change.

Councilor Champlin stated that the City hired, Economic Development Director Suzi Pegg, and asked about opportunities that she might see for the entire parcel. He expressed concern with the amount of land available for future industrial development should the petitioner's proposal be implemented. Mr. Hicks agreed and asked if the Board could have a discussion with Ms. Pegg.

Staff's suggestion for GWP zoning was also discussed, and the implication of the scale of development being proposed. Ms. Rauseo expressed willingness to engage in a public outreach and visioning process with the assistance of a planning consultant, and was in favor of the GWP zoning.

Mr. Kenison stated that there have been some changes with circumstances and he suggested more information be provided as to what should be considered to be in the Village as the change could be a benefit. Mr. Fox stated that this area could be considered a gateway and that should be considered prior to making any decisions. Chairman Woodfin suggested creating an amendment to the Master Plan 2030 to designate the area as a gateway and that the covenants be reviewed. Ms. Dolcino stated that she was uncomfortable with recommending approval of something that was not consistent with the Master Plan 2030. Members agreed. Chairman Woodfin suggested the public provide input as to what they would like to see in the area as well as the Board. He added that scheduling a meeting with Ms. Pegg to discuss the economic development aspects would also be another option.

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Ms. Rauseo asked about the extent of the planning area she should be responsible for. Ms. Shank suggested that the subject area was the primary concern, but that a discussion during the public outreach could address the land around Whitney Road and gather feedback on the community's opinion.

Ms. Rauseo agreed to work with the Staff to develop a public process to create a vision and master plan for the area. Ms. Shank noted that a master plan generated with community involvement would serve as a basis for any rezoning of the area in place of the Master Plan 2030.

Members discussed whether the covenants should be eliminated. Ms. Shank questioned whether there would be any incentive to engage in the public process, since the petitioner could develop the proposed uses in the current concept plan under the current zoning if the covenants were released. Ms. Rauseo stated that the incentive was that they still needed the additional 4.9 acres rezoned to have enough space to attract a grocery store with the associated satellite stores. Ms. Dolcino stated that she would feel more comfortable recommending to Council that the covenants be eliminated or modified, if Council preferred to keep some restrictions.

On a motion made by Chairman Woodfin, seconded by Councilor Champlin, the Board voted unanimously to recommend to City Council to eliminate or modify the covenants for 9.6 acres off of Whitney Road. Ms. Dolcino suggested that there be no further rezoning until the petitioner completes a public outreach process of a master plan for the site. Chairman Woodfin amended his motion accordingly, Councilor Champlin seconded the amendment. The amended motion passed unanimously.

9. Design Guidelines Update

Due to the time, this item was continued to next month.

Adjournment

At the request of Chair Woodfin, Mr. Hicks made a motion to adjourn at 10:33 p.m., seconded by Councilor Champlin. Motion carried unanimously.

A TRUE RECORD ATTEST:
Lisa Fellows-Weaver
Administrative Specialist