

**City of Concord Joint Work Session with Planning Board
and Architectural Design Review Committee
October 16, 2024 - Draft
Minutes**

City of Concord Joint Work Session with City Planning Board and Architectural Design Review Committee was held on October 16, 2024, at 6:00 p.m., in City Council Chambers at 37 Green St, Concord.

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

(Architectural Design Review Committee) Co-Chair Jay Doherty, Co-Chair Elizabeth Durfee-Hengen, Ron King, and Douglas Proctor

Absent: (Planning Board) Mayor Byron Champlin, Dina Condodemetraky, David Fox, Alternate Chiara Dolcino, Alternate Frank Kenison, and Vice-Chair Erle Pierce

(Architectural Design Review Committee) Claude Gentilhomme and Merle Thorpe

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

1. Call to Order

Chair Woodfin called the meeting to order at 6:01 p.m.

2. Roll Call

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

3. Joint Work Session with Architectural Design Review Committee

(a) Architectural Design Review Process and the role of Architectural Design Review Committee

Chair Woodfin stated this is a work session and there will be no public testimony.

Ms. Skinner stated this meeting is at the request of Architectural Design Review Committee to provide an overview of the role of the Architectural Design Review Committee in relation to the Planning Board.

Ms. Skinner read Section 28-9-1(c)(4) *Design Review Committee* of the Zoning Ordinance: “A Design Review Committee has been established by the Planning Board for the purpose of providing advice to the Board relative to conformance of development applications with compatibility standards of this ordinance and Architectural Design Guidelines as adopted by the Board as part of the Site Plan Review Regulations. The Design Review Committee is appointed by the Planning Board.”

Ms. Skinner reiterated the standards for recommendations for the architectural design review committee as established in Section 28-9-6(c) *Standards for Recommendation* of the Zoning Ordinance: “In developing its recommendations, the Design Review Committee shall utilize the criteria set forth in the Architectural Design Guidelines as adopted and most recently amended by the Planning Board.”

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Ms. Skinner reiterated the standards for architectural design review for the Planning Board as established in Section 28-9-1(f)(6) *Standards for Review* of the Zoning Ordinance: “In the process of reviewing a project or permit for the purpose of making a decision thereon, the Planning Board shall take into consideration the following:

- a. The criteria set forth in the Architectural Design Guidelines as adopted and most recently amended by the Planning Board;
- b. The goals and recommendations contained in the master plan, as most recently amended;
- c. The purposes of this ordinance and of the several districts established herein;
- d. The recommendations of the design review committee;
- e. Reports of the city departments;
- f. Reports, graphics and other relevant materials together with information presented at the hearing by the applicant and the applicant’s agent; and
- g. Reports, graphics, and other relevant materials together with information presented at the hearing by anyone who can demonstrate that they are directly affected by the application.”

Ms. Skinner stated that the architectural design review committee is more limited in that they are looking mainly at compliance with the architecture design guidelines. The Planning Board’s decision is based on more than just the architecture design guidelines and the design review committee’s recommendation. This gives the Planning Board broad leeway to craft a condition(s) to meet the purpose(s) of the zoning ordinance, the purposes(s) of the zoning district, the purpose(s) and goals of the master plan as well as the architecture design guidelines, the recommendation from the architectural design review committee, and recommendations from staff.

Ms. Skinner stated the Planning Board should not feel constrained because the ordinance gives a lot of options for coming up with conditions for architectural design review approvals.

Ms. Skinner stated the design review committee is filled with professionals in their field. They review these applications in conjunction with the architecture design guidelines and provide that expertise that staff does not possess so the Planning Board can make an informed decision.

Ms. Skinner provided a summary of sections from the architecture design guidelines adopted on August 29, 1990, and revised April 12, 1991.

The Planning Board and Architectural Design Review Committee discussed alternatives to try to increase the time between meeting dates of the Architectural Design Review Committee and the Planning Board to allow for more time so applicants could revise applications based on feedback and recommendations received from the Architectural Design Review Committee before their public hearing with the Planning Board. Both committees and staff determined no change to be the best action, as the current meeting schedules already provides the greatest time between meetings while also allowing time for administrative tasks associated with the applications to be conducted.

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The Planning Board discussed and asked staff what solutions and action the Board should take when they have an application subject to architectural design review approval that they are not comfortable approving but are ready to approve or conditionally approve the site plan itself.

Staff reminded the Board that, per New Hampshire Statute RSA 676:4 *Board's Procedures on Plats*, the Planning Board typically has 65 days from when the application is determined complete to approve, conditionally approve, or deny an application, unless the applicant requests to waive the 65-day action requirement and the applicant and the Board mutually agree to a postponement. Additionally, if it is only the architectural design review approval the Board is not ready to approve, conditionally approve, or deny, the Board can still choose to act on the site plan application by making architectural design review approval required prior to final plan approval. In such an event, the applicant would be required to appear before the Planning Board again to receive that architectural design review approval, and the Board could have them return to the architectural design review committee to review changes and to provide a new recommendation prior to their return to the Board.

Mr. Walsh also commented that applicants can request to appear before the architectural design review committee prior to applying for an application. This is not exercised often, but has been done with success in the past.

Chair Woodfin asked the best way to handle situations where the Architectural Design Review Committee reviews a site plan application and provides a recommendation or comments, which the Planning Board may not share?

Mr. Walsh reminded the Planning Board that in those scenarios, the Planning Board is the body which grants the architectural design review approval. As stated before by AnneMarie Skinner, the recommendation by the Architectural Design Review Committee is one of the seven criteria the Board uses in making a decision to approve, conditionally approve, or deny the architectural design review component of an application.

Chair Woodfin asked the Architectural Design Review Committee how their time is spent, and best spent when reviewing applications. Often it seems as though there are a lot of comments pertaining to signs.

The Architectural Design Review Committee responded by stating that they provide recommendations for the applications which appear before them that are subject to architectural design review approval. Many of those applications at times happen to be sign permits, which the Planning Board also sees, but they also review components of site plans when before them. The Design Review Committee members shared that they are all professionals, and can quickly identify components of a building and how the components relate to each other and the building. Their discussions are based off of years of professional experience. Their recommendations are based off the City Architectural Design Guidelines and are not arbitrary.

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Member Santacruce stated that by adding specific reference of the Architectural Design Guidelines into a recommendation that helps him and the Board weigh the recommendation against other criteria.

Co-Chair Doherty of the Architectural Design Review Committee cautioned that at times it can be difficult to capture the entire intent of a recommended condition of approval, or reasons for denial, even when citing a specific section. There have been times when an applicant has made revisions based on their recommendations and subsequently received architectural design review approval from the Planning Board without addressing the core of the issue that went into the committee's recommendation.

Chair Woodfin concluded this topic of the joint meeting, and reiterated that the Planning Board values the Design Review Committee's recommendations, but weighs it against other competing criteria at times.

(b) Discussion on possible amendments to Ordinance #3168

Mr. Walsh shared with the Board that provided within the agenda packet is a memo he provided and a revised ordinance annotated with comments for the Board's consideration and feedback.

Mr. Walsh summarized the staff's recommended changes, which included:

- Added definitions
- References to the Main Street, Architectural, and other guidelines
- Amendments to stepping back a structure at 65 feet of height
- Removed some sections which were found to be duplicated elsewhere in the existing code and instead modify and reference those articles.
- Clarifying the language of South Main Street buildings, to be measured from South Main Street.
- Clarified required frontage on North State Street or other areas of Central Business District where the 90-foot height CUP would not be eligible.
- Revised language pertaining to demolition of buildings and impacts to historic, cultural, or architectural resources.
- Changes to some Central Business Performance (CBP) District items, including views of the State House Dome, build to line items, and also having other items within the CBP become conditional use permits to go before the Planning Board including multifamily dwelling use on the ground floor and parking lot setbacks from Main Street.
- Some dimensional corrections
- Correction to wording in regards to the views from the State House Dome
- Expanding the scope of the Conditional Use Permit process and step back requirements to other Streets.
- Revising the building entrance requirements on ground levels to resolve issues that have come up in the past, particularly in the performance districts.
- Allowing a Conditional Use Permit by the Planning Board when an application has reason to not meet ground floor transparency requirements.

Member Santacruce mentioned consideration of adding the lists expanded in these revisions of item 9i, but on page 10 the street list is limited again.

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Mr. Walsh responded stating that one list is intended for height, while the other is intended for mercantile and open storefronts. However, if the Board wished to expand that last to include Storrs Street, or other streets they should do that.

Councilor Todd shared that the reference and protection of historic language in the proposed document still needs revision. The document should mimic or reference language already existing in New Hampshire RSA 79-E, nor does it seem that reference to the National Register of Historic Places would create an unreasonable obstacle impeding redevelopment, and if it does, it would be a good thing and consistent with Section 8 of the current master plan. Councilor Todd further added that the City will be going through updating their master plan, which may create opportunity for new districts near or around Main Street.

The Board discussed sharing other public feedback received with AnneMarie Skinner to distribute to the Board, including feedback Councilor Todd has received from constituents pertaining to this ordinance change.

The Planning Board set a public hearing date of November 20, 2024, for proposed amendments to Ordinance #3168.

Adjournment

Chair Woodfin adjourned the joint work session at 7:05 p.m.

TRUE RECORD ATTEST:

Alec Bass

Alec Bass

Assistant City Planner – Community Planning