

**City of Concord Planning Board**  
**March 19, 2025**  
**Minutes**

The regular monthly meeting of the Concord Planning Board was held on March 19, 2025, at 7:00 p.m., in City Council Chambers at 37 Green St, Concord.

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

Absent: Mayor Byron Champlin, Alternate Chiara Dolcino, David Fox, Matthew Hicks, and Alternate Frank Kenison

Staff: AnneMarie Skinner (City Planner), Alec Bass (Assistant City Planner – Community Planning), Krista Tremblay (Administrative Technician III), and Peter Kohalmi (Associate City Engineer)

**1. Call to Order**

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

**2. Roll Call**

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

**3. Approval of Meeting Minutes**

On a motion made by Member Condodemetraký, seconded by Member Savage, the Planning Board voted to approve the February 19, 2025, Planning Board meeting minutes, as written. The motion passed unanimously.

**4. Agenda Overview**

Member Santacruce moved, seconded by Member Condodemetraký, to continue agenda items 6B and 9A to a date certain of April 16, 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 Condodemetraký, seconded by Member Rosenberger, the Board voted unanimously to approve agenda items 5A through 5F as submitted, subject to the recommendations of the Architectural Design Review Committee. All in favor. The motion passed unanimously.

5A. NH Signs, on behalf of ARCK TEJ Realty, LLC and Nouria, requests an architectural design review approval for a replacement 48-square-foot internally illuminated panel (SP-0455-2025) on an existing pylon sign to replace an existing panel, two 9-square-foot internally illuminated canopy signs (SP-0456-2025 and SP-0457-2025) to replace two existing canopy signs, and a 16-square-foot internally illuminated building wall sign (SP-0458-2025) to replace an existing building wall sign, at 188 Pleasant St, in the Neighborhood Commercial (CN) District. (2025-010) (PL-ADR-2025-0065)

The Planning Board voted to approve the application as submitted.

5B. NEOPCO Signs, on behalf of Fitzgerald Trust, Fitzgerald Warren D & Nicole H Trustees, and New Hampshire Golf, requests an architectural design review approval for a 9.7-square-foot non-

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illuminated sign panel (SP-0446-2025), to replace an existing sign panel on a freestanding sign, at 56 South State St, in the Urban Transitional (UT) District. (2025-011) (PL-ADR-2025-0066)

The Planning Board voted to approve the application as submitted.

- 5C. New England Sign and Awnings, on behalf of Morrill Mill Pond, LLC, Carolyn A. Parker Consulting, and Chipotle, requests an architectural design review approval for two new 37.81-square-foot internally illuminated building wall signs (SP-0449-2025 and SP-0450-2025), at 10 Whitney Rd, in the Industrial (IN) District.

The Planning Board voted to approve the application as submitted.

- 5D. NH Signs, on behalf of DSM MB II LLC and Crumbl, requests an architectural design review approval for a 16.38-square-foot internally illuminated building wall sign (SP-0451-2025), to replace an existing building wall sign, at 98 Fort Eddy Rd, in the Gateway Performance (GWP) District. (2025-009) (PL-ADR-2025-0064)

The Planning Board voted to approve the application as submitted with the optional suggestion that the existing channel letters remain and a pink background be added behind to provide coordinated and similar signage throughout the building complex per Section 5.4(D) of the Architectural Design Guidelines.

- 5E. NEOPCO Signs, on behalf of Moksha Investments, LLC, Alison Murphy, and Penumbra, requests an architectural design review approval for a new 13.4-square-foot non-illuminated building wall sign (SP-0462-2025), at 10 North State St in the Central Business Performance (CBP) District (2025-012) (PL-ADR-2025-0067)

The Planning Board voted to approve the application as submitted.

- 5F. Revision Energy, on behalf of Housing Land Partners NH, LLC, requests an architectural design review approval for the installation of new roof mounted solar panels on three buildings at 195-199 Pembroke Rd, in the Gateway Performance (GWP) District. (2025-020) (PL-ADR-2025-0069)

The Planning Board voted to approve the application as submitted.

**6. Determination of Completeness Items by Consent**

- 6A. Northpoint Engineering, LLC, on behalf of Manchester Street Concord Auto, LLC and Manchester Street Concord Auto TIC, LLC, requests approvals for a major site plan review and a conditional use permit application for a use in the AP District - Community Water Systems Protection Area that will render impervious more than 15% of the lot, and certain waivers from the Site Plan Regulations, for the expansion of the automobile parking and inventory display areas, at 150 Manchester St in the Highway Commercial (CH) District and Industrial (IN) District. (2025-006) (PL-SPR-2025-0039, PL-CUP-2025-0078)

Member Santacruce moved to:

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- Determine the major site plan and conditional use permit applications complete;
- Determine that the project is a development of regional impact; and
- Set the public hearing for April 16, 2025.

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

- 6B. Northpoint Engineering, LLC, on behalf of the City of Concord and Hampshire Aviation, LLC, requests approvals for major site plan review, architectural design review, a conditional use permit application for the reduction in driveway width from 24 to 18 feet, and certain waivers from the Site Plan Regulations, for the construction of a new 11,550-square-foot aircraft hangar at 65 Airport Rd, Lease Area DZ-4, in the Industrial (IN) District and Open Space Residential (RO) District. (2025-014) (PL-SPR-2025-0040, PL-CUP-2025-0081)

Member Santacruz moved, seconded by Member Condodemetraky, to continue agenda item 6B to a date certain of April 16, 2025, at the request of the applicant. All in favor. The motion passed unanimously.

- 6C. Nobis Group, on behalf of Child & Family Services Realty Corporation and NHSCOT, requests approvals for major site plan review; architectural design review; conditional use permit applications to allow an outdoor recreation facility, construction of fewer parking spaces than required, an alternative parking surface, and disturbance to wetland buffers; and certain waivers from the Site Plan Regulations, for conversion of the site to the NHSCOT headquarters, at Tax Map Lot 32Z 59, addressed as 210 Bog Rd, in the Open Space Residential (RO) District. (2025-015) (PL-SPR-2025-0041, PL-CUP-2025-0082, PL-CUP-2025-0083, PL-CUP-2025-0084, PL-CUP-2025-0085)

Member Condodemetraky moved to:

- Determine the major site plan and conditional use permit applications complete;
- Determine that the project is not a development of regional impact per RSA 36:55; and
- Set the public hearing for April 16, 2025.

Councilor Todd seconded. All in favor. The motion passed unanimously.

**7. Extensions by Consent**

- 7A. Altus Engineering, on behalf of Eastern Development, LLC, requests a two-year extension to the March 20, 2024, conditionally approved 8-unit major condominium subdivision, extending conditional approval from March 20, 2025, to March 20, 2027, at 15 Hot Hole Pond Rd, in the Open Space Residential (RO) District. (2023-140) (PL-EXT-2025-0015)

Member Rosenberger made a motion to **grant a 2-year extension** from the March 20, 2024, major subdivision application conditional approval for the 8-unit residential cluster condominium development at 15 Hot Hole Pond Rd, and set the new expiration date to March 20, 2027. Member Savage seconded. All in favor. The motion passed unanimously.

- 7B. Keach-Nordstrom Associates, Inc., on behalf of 33 Old Loudon Road, LLC, requests a one-year extension to August 16, 2023, conditionally approved conditional use permit and architectural design

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review approvals, extending approval from August 16, 2025, to August 16, 2026, at 33 Old Loudon Rd, in the Medium Density Residential (RM) District. (2023-113) (PL-EXT-2025-0016)

Member Savage made a motion to **grant a one-year extension** from the August 16, 2023, conditional use permit and architectural design review conditional approvals for the proposed 144-unit age restricted development at 33 Old Loudon Rd, and set the new expiration date to August 16, 2026. Member Rosenberger 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. 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 is continued to a date certain of April 16, 2025, at the request of the applicant.

Member Santacruce moved, seconded by Member Condodemetraky, to continue agenda item 9A to a date certain of April 16, 2025, at the request of the applicant. All in favor. The motion passed unanimously.

- 9B. Ross Engineering, LLC, on behalf of James McSharry, requests approvals for a minor condominium subdivision and certain waivers from the Subdivision Regulations, for the conversion of an existing duplex into two condominium units at 4-6 Myrtle St, in the Downtown Residential (RD) District. (2025-016) (PL-MIS-2025-0034)

Ms. Skinner provided a staff updated, noting that the property exists as a fully developed site with an existing duplex. The only change that is being made is ownership so that each unit in the building can be sold separately instead of the building being sold as one.

On a motion made by Member Rosenberger, seconded by Member Savage, 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.

Alex Ross (909 Islington St, Newington) is present to represent this application. Mr. Ross stated it is an existing multi-family building seeking a condo conversion. Mr. Ross stated he did go through the staff memo and is happy with the conditions recommended by staff.

Chair Woodfin asked the Board if they have any questions for the applicant. With no additional testimony, Chair Woodfin closed the public hearing.

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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 Member Santacruz, 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. 12.08(3) *Topography*, to not show the topographic information required by this section;
- b. 12.08(4) *Soils*, to not provide the type and classification of the site's soils;
- c. 12.08(18) *Lighting*, to not show the existing lighting; and
- d. 12.08(20) *Existing Vegetation*, to not show the site's existing vegetation.

All in favor. The motion passed unanimously.

On a motion made by Member Santacruz, seconded by Member Condodemetrak, the Board voted to **grant minor subdivision approval** for the two-unit condominium subdivision of 4-6 Myrtle St, subject to the following precedent and subsequent conditions:

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

- 1. For compliance with the Subdivision Regulations, revise the plat as follows:
  - a. Section 12.02(4) *Conditions of Planning Board Approval* and Section 15.03(17) *Conditions of Approval* require listing conditions of approval which remain to be fulfilled after plat recording. There do not appear to be any indications on the condominium site plan regarding conditions of approval. For compliance with these sections, a note shall be added to the condominium site plan that states: "The development is subject to all subsequent conditions of Planning Board approval from Case 2025-016."
  - b. Section 12.06(2) *Easements* requires showing on the plat the plan or deed references for recorded easements for the purposes of providing access, utilities, and drainage. It does not appear that the site contains any easements since none are shown, so this is satisfied for purposes of determination of completeness. However, for clarification and confirmation of compliance, a note needs to be added to the condominium site plan stating that there are no existing recorded easements for access, utilities, or drainage.
  - c. Per Section 12.08 (9) *Easement or Right-of-way*, the applicant shall show the location, dimensions, and purpose of any easements or rights-of-way within or adjacent to the subdivision. It does not appear that the site contains any easements or rights-of-way since none are shown, so this is satisfied for purposes of determination of completeness. However, for clarification and confirmation of compliance, a note shall be added as a condition of approval to both the existing conditions plan and the condominium site plan stating that the site does not contain any easements or rights-of-way.
  - d. Section 17.05 *Acceptable Water Metering and Water Service* requires demonstration of one or more of four provisions for water metering and water service for the conversion of the existing buildings into a condominium. The first option is to install separate water services and water meters for each condominium unit, the second option is to install separate water service valves at the street line and individual meters in the condominium units, the third option is to use a single meter for the building with the association assuming responsibility for the water billing, and the fourth option is to install multiple

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water meters on a single water service where the service enters the building. The condominium site plan has a note stating that the existing ¾" water line connected to the 8" ductile iron water main in Myrtle St shall be disconnected from 4 Myrtle St so that it only services 6 Myrtle St, and a new ¾" copper water line shall be installed and connected to the 8" ductile iron water main and service 4 Myrtle St. However, nothing is stated in the note about the installation and location of water meters. Therefore, the note shall be revised to state that separate water meters shall be installed for each condominium unit. Additionally, the plan shall be revised to show the location of the water meter for each unit. The location of meters shall comply with applicable City standards.

- e. Section 17.06 *Condominium Declaration and By-Laws* requires that all condominium documents be provided for review and approval as to form and content by the City Solicitor and Clerk. The approved condominium documents shall be considered part of the official approval and shall not be altered to be inconsistent with the recorded plat, without further review and approval by the Board of a revised subdivision application. The draft condominium bylaws shall be revised to correct the spelling of "Myrle" in the first paragraph on the first page so that it is correctly shown as "Myrtle" in all locations. The draft condominium declaration shall be revised to correct 2(e) so that the Condominium Site Plan title matches what is shown on the condominium site plan sheet (Sheet 2 of 3), and to correct 2(f) so that the Condominium Floor Plans title matches the title shown on the condominium floor plans sheet (Sheet 3 of 3). Provisions for proration of common utilities between the units shall be included within the condominium documents if the applicant elects to maintain a shared sewer service for these units
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) 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 4.02, no land shall be subdivided or portions of a lot transferred within the corporate limits of the City, until a subdivision plat for said land has been prepared in accordance with the regulations, approved by the Board, endorsed by the Chair and Clerk of the Planning Board, and filed at the Merrimack County Registry of Deeds.
7. Per Section 15.02(12) *Registry Requirements*, the applicant is responsible for ensuring that

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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 4.03 of the Subdivision Regulations, no building permit or certificate of occupancy shall be issued for any parcel or plat of land which was created by subdivision after the effective date of, and which is not in conformity with, the provisions of the Subdivision Regulations.
3. Per Section 17.06 *Condominium Declaration and By-Laws*, the approved condominium documents shall be considered part of the official approval and shall not be altered to be inconsistent with the recorded plat, without further review and approval by the Board of a revised subdivision application.

All in favor. The motion passed unanimously.

9C. Richard D. Bartlett & Associates, LLC, on behalf of St. Paul's School, requests approvals for a minor subdivision and certain waivers from the Subdivision Regulations, for a two-lot subdivision at Tax Map Lot 723Z 28, Parcel 6577, addressed as 310 Pleasant St, in the Medium Density Residential (RM) District. (2025-013) (PL-MIS-2025-0033)

On a motion made by Member Condodemetraky, 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.

Ms. Skinner provided a staff update, stating that the existing parcel is a little over 27 acres with a house towards the front of the parcel. They are requesting to split off the house and an acre and leave the remainder.

Dan Mullen (214 N State St, Concord) is present to represent this application. Mr. Mullen stated the project is located at 310 Pleasant Street. It is a straight forward one-acre lot cut off of a 27-acre parcel. They are not proposing any changes to the site. The lot as presented meets or exceeds the minimum requirements. They are not asking for any variances or conditional use permits.

Member Santacruce asked about the garden shown on the plan straddling the proposed property line.

Mr. Mullen does not know and will have to check with the owner.

Chair Woodfin asked if any member of the public wished to testify on this application. With no additional testimony, Chair Woodfin closed the public hearing. Chair Woodfin asked the Board if they have any questions or comments.

Chair Woodfin stated he saw in the packet there was a note about items from sections 12, 13 or 15 that are missing from the application.

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Ms. Skinner stated that the applicant is requesting waivers from those sections.

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 Member Savage, seconded by Member Condodemetraky, 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(10) *Municipal Utilities*;
- b. Section 15.03(15) *Other Utilities*;
- c. Section 12.08(11) *Non-municipal Utilities*;
- d. Section 15.03(11) *Municipal Sewer*;
- e. Section 12.08(23) *Tabulations*;
- f. Section 12.08(3) *Topography*;
- g. Section 15.03(4) *Topography*;
- h. Section 12.08(20) *Existing Vegetation*;
- i. Section 12.07 *Wetland Delineations*.

All in favor. The motion passed unanimously.

On a motion made by Member Santacruz, seconded by Councilor Todd, the Board voted to **grant minor subdivision approval** for the two-lot subdivision at 310 Pleasant Street, subject to the following precedent and subsequent conditions:

- (a) **Precedent Conditions** – to be fulfilled within one year and prior to signature of the final plat by the Planning Board Chair and Clerk, unless otherwise specified:
  - 1. For compliance with the Subdivision Regulations, revise the plat as follows:
    - a. Section 12.02(4) *Conditions of Planning Board Approval* and Section 15.03(17) *Conditions of Approval* requires listing conditions of approval which remain to be fulfilled after plat recording. There do not appear to be any indications on the plat regarding conditions of approval. For compliance with these sections, a note shall be added to the plat that states: “The development is subject to all subsequent conditions of Planning Board approval granted on INSERT DATE HERE for application 2025-013.”
    - b. Per Section 15.02(8) *Addresses*, the addresses of each existing and proposed lot shall be noted on the plat as approved by the City Engineer. The plat does not appear to show the address of either the existing or proposed lot as required and shall be added prior to final approval.
    - c. Per Section 15.03(5) *Monumentation*, the type and location of existing and required monuments (bounds) at the corners of lots, at points of curvature, tangency, and deflection points along the street rights-of-way shall be shown and labeled on the plat. This required information shall be added prior to final approval.
    - d. Address the existing garden straddling the proposed lot line so that the portion of the garden that is straddling the lot line is removed/moved such that it does not straddle the



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lot line OR the proposed lot line is adjusted to go around the garden so that it's completely on one lot or the other OR provide a reciprocal easement.

2. Monuments shall be set in accordance with Section 19.04 *Monumentation* prior to the plat being signed by the Planning Board Chair and Clerk.
3. Upon notification from the Planning Division that the final plat complies with Planning Board precedent conditions, the Zoning Ordinance, and Subdivision Regulations, the applicant shall deliver to the Planning Division one mylar and one full-size plan set for signature by the Planning Board Chair and Clerk and subsequent recording of the mylar at the Merrimack County Registry of Deeds. The plans shall contain the signature and seal of the appropriate licensed professionals as outlined in Section 12.03 and Section 15.02(1) of the Subdivision Regulations.
4. Per Section 13.02(13) *Recording Fees*, the applicant is responsible for submittal of recording fees required by the Merrimack County Registry of Deeds for the plat and deeds to be recorded.

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

1. This approval notwithstanding, the applicant is responsible for full knowledge of, and compliance with, the municipal code, Subdivision Regulations, and Concord Construction Standards and Details for the project, unless a variance, waiver, or conditional use permit is granted.
2. Per Section 4.03, no building permit or certificate of occupancy shall be issued for any parcel or plat of land which was created by subdivision after the effective date of, and which is not in conformity with, the provisions of the Subdivision Regulations.
3. Per Section 9.08(10) *Building Permits and Certificates of Occupancy*, no building permit shall be issued within a subdivision until the plat has been approved, the conditions of plat approval have been satisfactorily addressed, and the plat recorded in the Merrimack County Registry of Deeds.
4. Per Section 28.07 *Wetland Buffer Marking*, wetland buffers shall be clearly and permanently marked before, during, and after construction. Building permits shall not be issued until the wetland buffers are marked.

All in favor. The motion passed unanimously.

9D. 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, a conditional use permit for driveway separation and number of driveways, 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) (PL-MIS-2024-0031, PL-CUP-2025-0080)

On a motion made by Member Condodemetraky, seconded by Member Santacruce, 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 updated, noting that the applicant has requested multiple waivers and a conditional use permit. Staff is recommending the Board approve those as well as conditionally approve the subdivision application.

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Dan Mullen (214 N State St, Concord) and Grady Crews (61 Broad Cove Rd, Concord) are present to represent this application. Mr. Mullen stated they are trying to settle the estate. The lot lines of the existing residence at 119 River Rd went through the greenhouses on the commercial property at 115 River Rd. To rectify that they have received six variances for building setbacks, pavement setbacks, and reduction of a lot size. Part of the configuration is so the existing commercial driveway which ran across the residential lot will now be on the commercial lot, as well as the existing sign. There is an existing swap of pavement that runs across the frontage of both 115 River Rd and 119 River Rd and has been there since the 1950s. It used to serve a hatchery building that was in front of the greenhouse which burned down several years ago. Part of the use of the pavement is a semi-circular driveway for the residential house. If it is not there and they try to back out of the driveway the grade is such it is not visible from the road. Mr. Mullen stated it is fairly a blind driveway. The only option is to back out if the pavement was removed. Mr. Mullen stated that is why they are asking for the conditional use permit. Mr. Mullen noted if it is there and remains they will be able to back out of the garage, and then head out of the driveway up the road where there is better visibility. Mr. Mullen stated because of the narrow River Rd the commercial trucks have a hard time navigating to the greenhouses. They will have a place to safely pull off the road so the truck is out of the way, unload, and then take off. The applicant is not proposing to make changes to the sites. Mr. Mullen stated all they are doing is adjusting the lot line so they can sell the house.

Chair Woodfin stated they have a long history of not liking second curb cuts into driveways. Chair Woodfin noted there is ample reason to need it. Chair Woodfin asked if there are alternative areas for a turnaround.

Mr. Mullen stated there is not. Mr. Mullen noted the grade is high in front of the house and then it drops down to the road. There is no other place to come out of there.

Member Santacruce stated his concerns is that they are mixing residential and commercial use. Member Santacruce noted there is a proposal for an easement.

Mr. Bass stated it will be an access easement for the two lots to overlap.

Member Santacruce noted there will be residential and commercial use which are co-mingling a driveway entrance. Mr. Santacruce asked if there is a way to have a fence to separate residential from commercial.

Mr. Bass stated staff and the applicant went back and forth and that it is an existing configuration and situation already happening today. The lot line adjustment changed the frontages for both lots, changing what each lot was allowed to have for a number of driveways. This is cleaning it up. Mr. Bass stated a big factor was to give space for the tractor trailers for the commercial use.

Member Santacruce stated in the future if someone is to purchase the house, the buyer may not understand the easement. There could be a tractor trailer in the driveway. Member Santacruce asked if there is a separate septic system on 115 River Rd.

Mr. Crews stated yes, there are separate septic systems.

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Member Santacruce noted he did go to the driveway and tried to back out and can understand the need for the two. Member Santacruce stated the use overlap is what concerns him.

Chair Woodfin asked if any member of the audience wished to testify on this application and with no response, 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.

On a motion made by Member Savage, seconded by Member Condodemetraky, the Board voted to **grant the waiver requests below** from the listed sections of the Subdivision Regulations, using the criteria of New Hampshire RSA 674:36(II)(n)(2) and Section 35.08 of the Subdivision Regulations:

- a. Section 12.07 *Wetland Delineations*;
- b. Section 12.08(3) *Topography*;
- c. Section 12.08(8) *Parking, Loading and Access*
- d. Section 12.08(10) *Municipal Utilities*;
- e. Section 12.08(18) *Lighting*;
- f. Section 12.08(23)(c), (d), and a portion of Appendix B, partial request for coverage calculations on lot 56 not surveyed and lot 58 – Useable land cannot be shown due to smaller lot size allowed by variance;
- g. Section 15.01(3) *Wetlands*;
- h. Section 15.03(4) *Topography*
- i. Section 15.03(11) *Municipal Sewer* (not available on site);
- j. Section 15.03(13) *Municipal Water Supply* (not available on site); and,
- k. Section 15.03(15) *Other Utilities*.

Discussion

Chair Woodfin asked about the waiver for municipal sewer even though there is no sewer available on the site and a waiver for municipal water even though there is no municipal water on the site.

Ms. Bass stated he does not feel the waivers were necessary. However, they were submitted with the application.

All in favor. The motion passed unanimously.

Chair Woodfin stated **the conditional use permit from Section 28-7-11(f) *Driveway Separation Alternatives*** of the Zoning Ordinance, to allow 119 River Road to maintain two driveways with only 220.82 feet of frontage where 250 feet is required, and 115 River Road to have 3 driveways with 279.27 feet of frontage where 400 feet is required.

Member Santacruce asked if he could request a physical barrier between the two to separate the commercial and residential uses.

Ms. Skinner stated it would be a condition of approval for the conditional use permit.

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Member Santacruce stated he is fine with them having the number of driveways but would like to see a fence to separate the driveways for the uses.

Chair Woodfin reopened the public hearing at 7:29 p.m.

Ms. Skinner asked Member Santacruce for specifics to make sure nothing would impede the sight distance triangle.

Member Santacruce stated his concern is the mixing of the residential and commercial use where the two driveways meet. Member Santacruce asked if they were allowed to keep the number of driveways and install a post and rail fence on the new property line to separate the two driveways and to prevent co-mingling of the commercial in the residential.

Mr. Mullen stated if you put a physical barrier on the property line the exit out of the property will not be wide enough for a car to turn.

Mr. Crews stated the chances of anyone occupying the residence other than a Murry is very slim. Mr. Crews stated the property has co-mingled between residential and commercial uses for so long and the business needs the space. Mr. Crews stated since 1965 there has been two accidents with family members backing out of the driveway onto River Rd. Mr. Crews noted the easement that will be created will make a hardship. Mr. Crews stated this is the best solution without making drastic changes. Mr. Crews noted if they put the fence up it will preclude that area to have the semi-circle for the driveway for the residence.

Member Santacruce suggested from the edge of the property line to the edge of the green in the circular is 16.5 feet and curious how it precludes a vehicle from using it as a driveway.

Mr. Mullen stated it is because of the turning radius.

Mr. Crews asked if he is asking for a split rail fence.

Member Santacruce stated yes, five feet from the property line so it gives the ability to have the turn radius.

Mr. Crews asked to help understand why a residential owner would not understand the property line with or without a mark.

Member Santacruce stated they are proposing an easement that allows cross access to both. A commercial vehicle can use the residential driveway.

Mr. Crews stated he was told he needed reciprocal easement.

Member Santacruce stated he did not know about the reciprocal easement and that is a question for staff.

Ms. Bass stated it would be up to the property owner.

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Ms. Skinner asked if the easement is for the benefit of both.

Mr. Bass stated he believes that was the intent.

Ms. Skinner asked Member Santacruce if he does not want a reciprocal easement.

Member Santacruce is concerned with the idea of the reciprocal easement because they are mixing commercial use and residential use.

Ms. Skinner stated if someone were to purchase the property they would see the recorded easement.

Councilor Todd stated whatever happens it will be record on the deed for the property. Councilor Todd stated if a non-Murray were to purchase the property they will see on the deed and if they do not like it they have an option not to purchase the property.

Mr. Crews stated the activity on the front apron stated it is limited use.

Member Condodemetraky asked if the single-family home can have one driveway instead of two.

Mr. Mullen stated the primary driveway is in front of the garage and they cannot see when backing out.

Mr. Crews stated the driveway is blind to traffic that is traveling.

Member Rosenberger asked about how this impacts emergency services.

Mr. Bass stated the Fire Marshall had no comment.

Chair Woodfin asked where to go from here.

Member Santacruce stated to keep the motion as is and he will probably be a nay.

Member Condodemetraky asked if the circular green space is grass.

Mr. Crews stated the green space has mulch and small flowering tree.

Member Condodemetraky asked if the tree can be moved to give each property more space.

Mr. Crews stated can it be removed yes, but do they want it to be moved is a different answer.

Chair Woodfin closed the public hearing at 7:38 p.m.

On a motion made by Chair Woodfin, seconded by Councilor Todd, the Board voted to **grant the conditional use permit from Section 28-7-11(f) Driveway Separation Alternatives** of the Zoning Ordinance, to allow 119 River Road to maintain two driveways with only 220.82 feet of frontage where 250 feet is required, and 115 River Road to have 3 driveways with 279.27 feet of frontage where 400 feet is required.

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4 in favor (Rosenberger, Savage, Todd, Woodfin) to 2 opposed (Santacruce, Condodemetraky). The motion passed.

On a motion made by Member Rosenberger, seconded by Councilor Todd, the Board voted to **grant minor subdivision approval** for the lot line adjustment between 115 River Rd and 119 River Rd, as submitted, subject to the following precedent and subsequent conditions:

- (a) **Precedent Conditions** – to be fulfilled within one year and prior to signature of the final plat by the Planning Board Chair and Clerk, unless otherwise specified:
1. For compliance with the Subdivision Regulations, revise the plat as follows:
    - a. Per Section 12.02(4) *Conditions of Planning Board Approval* and Section 15.03(7) *Conditions of approval*, the date of the Planning Board decision shall be added to the Planning Board Conditions reference shown on the plat.
    - b. Per Section 13.02(9) *Agreement to Convey a Private Easement* a private easement, benefiting 119 River Road, to protect the wellhead radius shall be provided for review and approval by the Clerk of the Planning Board and City Solicitor prior to recording with the Merrimack County Registry of Deeds.
    - c. Per Section 13.02(9) *Agreement to Convey a Private Easement* an access and maintenance easement for the shared driveway between 115 and 119 River Rd shall be provided for review and approval by the Clerk of the Planning Board and City Solicitor prior to recording with the Merrimack County Registry of Deeds.
    - d. Per Section 13.02(10) *State and Federal* a copy of the approved New Hampshire State Subsurface Systems Subdivision application shall be provided to the City.
  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) 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:

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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.

5 in favor (Conodemetrak, Rosenberger, Savage, Todd, Woodfin) to 1 opposed (Santacruce). The motion passed.

- 9E. Nobis Group, on behalf of The Roman Catholic Bishop of New Hampshire, a Corporation Sole, requests an amendment to a major site plan application, conditionally approved on April 17, 2024, signed on November 1, 2024, for a waiver from Section 24.04 Design Standards for Service Connections of the Site Plan Regulations, to install a four-inch sanitary sewer service pipe where a six-inch pipe is required by Section 4.03.B.13 of the Concord Construction Standards and Details, at 60 S Main St (67 S State St) in the Urban Transitional (UT) District. (2023-97) (PL-AMEND-2025-0013)

Mr. Bass provided a staff update, stating that this is a previously approved site plan that is under construction. They were anticipating a six-inch sewer service as was shown on the plan. When they got down they found an existing four-inch sanitary sewer service. The street is currently under a moratorium. The applicant provided flow calculations demonstrating the use is less than what a single-family home would use. Staff is conditionally supporting the waiver to allow the four-inch sanitary sewer service with the condition that if the use changes or flow increases the entire service will be upsized to be compliant with City standards.

Chris Nadeau (18 Chennell Dr, Concord) is present to represent this application. Mr. Nadeau stated when they did the investigation they thought it was a six-inch pipe and found that it is four inches. The street is under moratorium and they cannot dig it up. Mr. Nadeau stated the food pantry will use less water than a house. There are two small bathrooms and a janitor sink.

Chair Woodfin asked the Board and any member of the audience if they have any questions. With no response Chair Woodfin closed the public hearing at 7:44 p.m. Chair Woodfin stated staff has taken the right avenue if the use changes and wondered how it is monitored.

Mr. Bass stated by a change in use or an increase in the demand for the sanitary service.

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.

On a motion made by Member Rosenberger, seconded by Councilor Todd, the Board voted to **grant the waiver** request from *Section 24.04 Design Standards for Service Connections* of the Site Plan Regulations, to allow the use of a 4-inch sanitary sewer service for the proposed food pantry building, where a 6-inch service is normally required per Section 4.03.B.13 of the 2020 City of Concord Construction Standards and Details., using the criteria of New Hampshire RSA 674:44(III)(e)(2) and Section 36.08 of the Site Plan Regulations.

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Discussion

Mr. Bass stated the motion did not contain the recommended condition and the Board discussed the wording of the recommended condition.

Councilor Todd stated his understanding of the working of the sanitary sewer flow or demand increase. Councilor Todd noted the way the City of Concord calculates is not by sewer but by water use. It would be an increase in water use that would trigger. Councilor Todd asked if it should be worded as such to include the term water use or water demand?

Mr. Kohalmi stated generally it is the same volume of water between potable water and the sewer unless there is a sprinkler system.

Mr. Bass stated that is how they bill for sanitary sewer. Mr. Bass noted usage can be planned out and calculated ahead of time based on number of bathrooms, sinks, and usage.

Member Santacruz stated the real trigger is them going to Code Enforcement or the Building Inspector if they add any facilities such as a bathroom, shower, and washer that would increase the sewer demand.

Chair Woodfin stated he is looking for a way to restructure the motion for the waiver approval with the condition that should the use of the building change, or the sanitary sewer flow or water demand increase, the entire length of the 4-inch sanitary sewer service shall be re-laid to be compliant with current City of Concord Construction Standards.

Councilor Todd stated he thinks what Chair Woodfin is stating is correct and beyond adding a bathroom or shower the use might change internally based on the organization.

Chair Woodfin asked if they are okay with adding that language to the motion.

Member Rosenberger moved to accept the amendment on the previous motion to include the condition as stated by Chair Woodfin, seconded by Councilor Todd,

All in favor. The motion passed unanimously.

On a motion made by Councilor Todd, seconded by Member Rosenberger, the Board voted to **grant amendment approval** to the previously approved major site plan application at 60 South Main St, Planning Case 2023-097, for changes to the sanitary sewer service and required waiver from the Site Plan Regulations, subject to the following conditions:

- a. The application is subject to all conditions of April 17, 2024 Planning Board approval decision.
- b. Waiver(s) granted as part of this amendment request are to be noted and fully described on the as built plan, including the date granted and applicable section numbers of the Site Plan 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.



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- 9F. Granite Engineering, LLC, on behalf of Bradcore Holdings, LLC, requests approvals for major site plan review; architectural design review; conditional use permit applications for disturbance to a wetland buffer and an alternative parking arrangement for the construction of fewer parking spaces than required; and certain waivers from the Site Plan Regulations, for construction of an 8,250-square-foot addition and accompanying circulation and parking improvements, at 391 Loudon Rd in the Gateway Performance (GWP) District. (2024-018) (PL-SPR-2024-0027, PL-CUP-2024-0059, PL-CUP-2024-0060)

Mr. Bass provided a staff update, stating the Board might remember the project from April 17, 2024, when the project was determined complete. Since that time the applicant and staff have been going back and forth to provide the plan that is in front of the Board tonight. Mr. Bass stated one of the conditions of approval will be a voluntary lot merger between the two lots at the end of Break O'Day Drive. The applicant is requesting a phased approach. Mr. Bass stated phase one will include minor improvements along Loudon Rd and Break O'Day Dr. Mr. Bass noted staff recommends conditional approval of the application, conditional use permit, and waivers submitted with the application.

Brent Cole (150 Dow St, Manchester), Jeff Merritt (150 Dow St, Manchester) and Kurt Lauer (118 Page Hill Rd, Goffstown) are present to represent this application. Mr. Cole stated the applicant sells new and used agricultural equipment. There is an existing 12,000-square-foot building with four service bays. The land surrounding the site is largely pavement and gravel. There is a parking lot located to the south. They plan on merging the two lots and creating the project before the Board. The plan with the project is to reorganize the site utilizing the vacant land to use for outdoor storage. There is an opportunity to expand the existing building. They plan bringing six service bays with one of those bays being a wash bay. Mr. Cole stated this is a two-phase approach. Mr. Cole noted the first phase will be recognizing the parking lot to the south. Mr. Cole stated the second phase will be bringing expanding the building and the upgrade of Break O'Day Dr. Mr. Cole noted right now Break O'Day Dr is their primary driveway. Mr. Cole noted a major item is a large increase to stormwater. Mr. Cole noted there is nothing for stormwater on site today. They will have a large infiltration pond. They have new rain guards going in where the parking is located. The impervious area will go to the infiltration pond. Mr. Cole stated with the increase in stormwater there is a conditional use permit for impact to the wetland buffer. Mr. Cole noted the area in orange has been impacted and they will try to restore as much as possible. The area in green is the area that is being restored. They are pulling the gravel out of the buffer and will leave grass. Mr. Cole stated the blue area will be new buffer impacts and those area because of the stormwater. Mr. Cole noted the wetland happens to be the low spot of the site. Mr. Cole stated they have gone to Conservation Commission and they did recommend approval of the wetland buffer impact. They just requested any plantings be native plantings. Mr. Cole noted the second conditional use permit they have is related to parking. Mr. Cole stated with the new service bays they are required to have 46 parking spaces. Mr. Cole stated they do not need 46 parking spaces for this type of use. Mr. Cole noted they only need roughly 33 parking spaces, which leaves 13 spaces to be constructed in the future if they needed them. They are requesting a few waivers. Mr. Cole stated some are due to the nonconformities. The first one is the width of the driveway, which is currently 70 feet wide. They are bringing it back down to 58 and they need it that wide to get trucks in and out of the site. Mr. Cole noted the last waivers are related to Break O'Day Dr. Mr. Cole noted in this district it is required to be 34 feet wide with sidewalks on both sides. Mr. Cole noted Break O'Day is not a major arterial but would be designed to a major arterial road standard. Mr. Cole has worked with the City to come up with a compromise. The first part is to get the site into compliance. They

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have reduced the width to 24 feet and agreed to a sidewalk on one side. There are waivers for dimensional requirements for the Break O'Day Drive. They have received all of their state permits.

Chair Woodfin asked what of the existing buildings are remaining.

Mr. Cole stated that all of the existing buildings will stay.

Member Santacruce noted they cannot have snow storage in the buffer. Member Santacruce asked if they can create a berm to have the water go back out towards the property line so snow cannot be pushed in that area. Member Santacruce stated that section of the driveway slopes towards Loudon Rd and there are two catch basins on Loudon Rd that are seeing a large amount of silt. Member Santacruce stated he went out there this weekend and to the right driveway it is completely covered over with silt and sand. Member Santacruce noted that is in the City's right-of-way. It is a concern because it now clogs the downstream for the City. Member Santacruce stated on the second site plan the existing disturbed area has now expanded. It is much closer to the utilities. Member Santacruce asked if they will restore all that area that is disturbed and put back to a vegetative state. Member Santacruce stated the snow storage is on the north of the site and it slopes all the way down to the south so the water will drain across the gravel. Member Santacruce noted they might need a manual maintenance agreement that they will go out and keep track of the seven and four days in the stormwater treatment area. Member Santacruce noted they provided turning templates for the fire truck but it is cutting across the display area of the lot. Member Santacruce stated the fire truck will not be able to make it in the front of the lot with the equipment on display. Member Santacruce stated they did not provide truck turning templates but they mentioned the need for the 58-foot driveway. Member Santacruce stated in phase two behind bay 9 and 10 there is rip rap swale that goes down. Member Santacruce asked how that will work in the winter. Member Santacruce asked staff if this proposal matches the other proposal for improvements on Break O'Day Drive.

Mr. Bass stated there is a conditionally approved site plan for a parcel across the street, which may or not be developed. The idea here is that this proposal meets the needs of our current standards. Both projects are utilizing the same street detail to meet that standard should any project get developed before the other. For example, if this becomes approved and something comes in across the street if they have to widen or redesign and they want to move forward with phase two and it no longer aligns with the condition of Break O'Day Drive. They would have to come back to the Planning Board for amendment to their previously approved site plan.

Member Santacruce stated he is fine with that and just wanted to make sure he heard the process.

Chair Woodfin stated before the public testimony he wanted to see if the applicant wanted to respond to Member Santacruce's questions.

Mr. Cole stated they received a lot of Member Santacruce's comments prior to the meeting and wrote a response to the comments that are in the packet. Mr. Cole stated they will show more snow storage in the area of the buffer. Mr. Cole noted they did disagree on the philosophy of the berm. They will use plantings and trees that will guard from future plowing of snow into that buffer. They have significantly removed the gravel back and there will be grass and plantings. They are not trying to concentrate the stormwater to the wetland. The AoT thinks a buffer is a good source of treatment. To assist with the silt in the catch basin they have extended the surrounding pavement. Mr. Cole noted

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they do not own the maintenance of the City catch basin and that has not come up in staff reports. There may be disturbed areas and they will restore back to what is on the plan. The fire truck has plenty of space. They do have a new driveway. They worked with the City to provide the turn around. Mr. Cole noted AoT does require an operation and maintenance manual with the stormwater and they will have annual inspections. They will have two rain gardens.

Chair Woodfin asked about the unloading of the trucks.

Mr. Cole stated unloading cannot continue on Break O'Day Drive.

Member Santacruce asked how they are proposing to unload because he cannot see that on the plan.

Mr. Cole stated they will drive through Break O'Day Drive.

Member Santacruce asked if they can make the rights and lefts into the property. Member Santacruce asked if they have shown they can make the rights and lefts. Member Santacruce asked if that is a part of the phase two plan.

Mr. Cole stated there is a lot of land out there and they can show it if they need to.

Member Santacruce made a formal request that they provide staff with a truck turning template going in and out of Break O'Day Drive showing lefts in, lefts out, rights in and rights out.

Chair Woodfin asked if anyone from the Board had any questions about this application.

Mr. Bass stated sidewalks are required in the urban growth boundary. Staff recommends the Planning Board require the applicant pay a fee in lieu for the remainder of their frontage where they are not providing sidewalks.

Chair Woodfin asked if that is a part of the recommended conditions.

Mr. Bass stated yes.

Mr. Cole asked about the sidewalks and in-lieu fee.

Mr. Bass stated the recommended condition is to provide the in-lieu fee for the area along their legal frontage for areas they are not providing sidewalk, on both Break O'Day Drive and Loudon Rd. Mr. Bass noted in the recommendation he provided an estimated lineal footage.

Chair Woodfin closed the public hearing at 8:19 p.m.

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.

On a motion made by Chair Woodfin, seconded by Councilor Todd, the Board voted to **grant architectural design review approval** as submitted.

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All in favor. The motion passed unanimously.

On a motion made by Member Santacruce, seconded by Councilor Todd, the Board also voted to **grant the waiver requests below from the listed sections** of the Site Plan Regulations, using the criteria of New Hampshire RSA 674:44 (III)(e)(2) and Section 36.08 of the Site Plan Regulations:

- a. Section 18.10 *Driveway Widths*, to allow an existing driveway 70-feet in width to be relocated and reduced to 58-feet in width, where a maximum of 28-feet is allowed.
- b. Section 16.02(20) *Offsite Improvement Plan*, along Break O' Day Drive, to allow a 24-foot wide paved roadway with vertical granite curbing, grass panels and roadway shoulders of varying widths less than 5-feet, and sidewalk to be constructed on one side of the street, where normally a 34-foot wide paved roadway with curbing, 5-foot shoulders, and sidewalks on both sides of the street is required by Section 21.03(2) Non-residential/Mixed Use Local Section., Section 21.04 Construction Standards and Details, Section 21.06 Sidewalks, and Table 21-2 Non-residential Street Standards of the Subdivision Regulations.

All in favor. The motion passed unanimously.

On a motion made by Member Santacruce, seconded by Member Savage, the Board also voted to **grant the conditional use permit** in accordance with Section 28-7-11(b) *Construction of Fewer Parking Spaces* of the Zoning Ordinance to allow for the construction of only 33 of the required 46 parking spaces with the understanding that the 13 unbuilt spaces will be constructed per the plan and Concord Construction Standards and Details, if and when deemed necessary by the property owner, or the City of Concord, without requiring additional reviews or approvals.

All in favor. The motion passed unanimously.

On a motion made by Councilor Todd, seconded by Member Rosenberger, the Board also voted to **grant the conditional use permit** in accordance with Article 28-4-3(d) *Conditional Use Permits Required for Certain Disturbance of Wetland Buffers* of the Zoning Ordinance to allow disturbances to wetland buffers for the construction of a driveway and construction of the stormwater system to discharge to the low points of the site, with the condition that the disturbed wetland buffer be restored with native plantings.

All in favor. The motion passed unanimously.

On a motion made by Councilor Todd, seconded by Member Condodemetraky, the Board also voted to **require the applicant**, per Section 21.02 *Sidewalks Required*, to set aside equivalent funds to be placed in a City escrow account instead of constructing the required sidewalk in the following frontage locations: along Break O' Day Drive between their second (eastern) driveway and the turnaround (approximately 300 feet); and, between their two driveways along Loudon Road (approximately 160 feet). Prior to final approval of the site plan, a cost estimate shall be prepared and submitted to the City Engineer and Clerk of the Board for approval. Upon approval of the estimate, all funds associated with the payment in lieu of construction shall be provided to the City prior to final approval. All other required sidewalk shall be installed as shown on the approved site plans and in accordance with the Site Plan Regulations and Concord Construction Standards and Details.

All in favor. The motion passed unanimously.

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On a motion made by Member Savage, seconded by Member Santacruce, the Board finally voted to **grant major site plan approval** for the phased construction of an 8,250-square-foot addition and associated site improvements, subject to the following precedent and subsequent conditions:

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

1. Revise the plan set to show full compliance with the Concord Municipal Code, Site Plan Regulations, and Concord Construction Standards and Details, including but not limited to, the following:
  - a. Per Section 27.06(5) *Underground Utilities*, the Betula nigra ‘Heritage’ (BN) tree, located between headwall 104 and the 10-inch HDPE connecting to the building roof drain shall be relocated to be planted outside of ten (10) feet of an existing or proposed underground utility line.
  - b. Per Section 21.04 *Accessibility*, spot elevations shall be added between the bottom of the concrete tip down (Elev 349.78) and the sidewalk along Loudon Rd (Elev 349.70) to clarify constructability of tip down and to clarify that the ramp tips up from the driveway, and stormwater from parking lot is not designed to drain into the sidewalk area and instead run along the curb line.
  - c. Per Section 19.01 *Compliance with Zoning Regulations*, the two driveways along Break O’Day Drive shall be designed in accordance with City of Concord Construction Detail D-2 *Drive with Vertical Granite Curb, and Grass Panel Between 5’ and 8’ Wide*. Grade breaks shall be added along the driveways to demonstrate constructability and proper drainage toward Break O’ Day gutter line.
  - d. A note shall be added to the site plan and erosion control plans stating that all previously disturbed areas outside of the proposed storage areas shall be revegetated and restored with native seed mixes.
  - e. Additional snow storage areas shall be located on the site, outside of wetland buffers.
  - f. A turning plan shall be provided which demonstrates proper truck turning movements, specifically for trailers required for loading and unloading of large commercial vehicles, showing left in, left outs, right in and right out movements at the Break O’ Day and Loudon Road intersection, subject to the review and approval of the City Engineer.
2. Revise the plan set to show full compliance with the Concord Municipal Code, Site Plan Regulations, and Concord Construction Standards and Details, including but not limited to, the following comments from the Engineering Review:
  - a. Per Section 22.05 *Maintenance and Operations Plan*, the callout accompanying note 3 on sheet 7 and 16 shall be made bold and black, as it is currently grayed out and not clearly visible. Additionally, the note and callout shall be revised to include that the videos are subject to review by the City Engineer, and pipes shall be replaced if found to be in poor or failed condition.
  - b. As part of phase 2, the municipal stormwater is being removed from the system between CB 19702 and DMH 3506 which crosses under the building, resulting in the establishment of a private stormwater system. Catch Basin 19702 shall be removed and relocated on-site and out of the public right-of-way. This work shall also include the relocation of the 6-inch PVC building drain as necessary.
  - c. The Easement Plan shows approximately 160 feet of an unspecified proposed easement running parallel and adjacent to Break O’ Day Drive. The applicant shall remove it from

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the plan unless they can demonstrate the purpose and need to convey said easement to the City.

- d. The applicant shall, at its sole expense, conduct a CCTB video inspection, conforming with City of Concord Construction Standards, of the 12-inch RCP stormwater system running beneath the building between CB 19702, DMH 3506 and CB 19708. The applicant shall provide said video inspections to the City Engineer for review. If, upon review, the City Engineer determines that improvements, or modifications, to said drainage pipes are warranted, the applicant shall design and construct said improvements as part of phase 1. Design plans for any such improvements shall be completed in accordance with Concord Construction Standards and Details, prior to final approval of the site plan. All drainage improvements shall be in accordance with City of Concord Construction Standards and require review and approval by the City Engineer.
  - e. Per Section 13.02(2) *Utility and Drainage Slope Easements*, the applicant shall grant a utility easement benefiting the City of Concord for the area of land within 12.5-feet of the municipal water main as shown and also referenced with note 7 on the prepared Easement Plan. The form of easement and legal details associated therewith shall be acceptable to the City Solicitor, and consistent with the City's normal and customary form of easement. Additionally, the boundary line information for the utility easement on the southwest corner of lot 39 shall be added to the easement plan sheet.
  - f. Per Section 13.02(2) *Utility and Drainage Slope Easements* and Section 17.02 *Self-Imposed Restrictions*, the applicant shall grant to the City a utility and maintenance easement for the stormwater drainage main running below the building and through the site between CB 19702, DMH 3506 and CB 19708. The form of easement and legal details associated therewith shall be acceptable to the City Solicitor, and consistent with the City's normal and customary form of easement. The easement shall also expressly prohibit the construction or placement of new buildings and structures within the easement area. Upon completion of phase 2, and the removal of Break O' Day stormwater from this system, the easement shall be extinguished and the stormwater on site is to be considered a private stormwater system.
  - g. Per Section 13.02(2) *Utility and Drainage Slope Easements* and Section 17.02 *Self-Imposed Restrictions*, the applicant shall grant to the City a utility easement for the future relocation and replacement of the stormwater drainage main running below the building between CB 19702 and DMH 3506. The location of said easement rights shall be acceptable to the City Engineer, and located on an area or areas of the applicant's property which is not presently encumbered by buildings. The form of easement and legal details associated therewith shall be acceptable to the City Solicitor, and consistent with the City's normal and customary form of easement. The easement shall also expressly prohibit the construction or placement of buildings and structures within the easement area. Upon completion of phase 2, and the removal of municipal stormwater from this system, the easement shall be extinguished and be considered an on-site private stormwater system.
3. The site plan shall list all approved variances, waivers, and conditional use permits, with the section numbers and description, and date of approval.
  4. Per Section 13.01(6) of the Site Plan Regulations, copies of permit applications to state and federal agencies, where applicable, shall be submitted to the Planning Division. For clarification, list the required state and federal permits for the project on the site plan. If none, add a note to the site plan stating that the project does not require any state or federal permits.

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5. The plans submitted for final approval shall contain the signature and seal of the appropriate licensed professional as outlined in Section 12.03(1) through (6) and Section 16.02(1), as applicable.
6. As required by Section 12.08 and Section 13.02(11) of the Site Plan Regulations, prior to the issuance of a certificate of approval, digital information from the site plan 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. Layers (see Section 12.08(a) through (i) of the Site Plan Regulations) shall be submitted referencing New Hampshire State Plane Grid Coordinates and shall be based on National American Vertical Datum 1988 (NAVD 88).
7. Upon notification from the Planning Division that the final plan set complies with applicable 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.
8. In accordance with Section 36.15 of the Site Plan Regulations, no building permits may be issued for any building, structure, or site improvement, or change of use prior to site plan approval and the satisfactory completion of the pre-construction conditions of Planning Board approval.
9. For compliance with the Zoning Ordinance, including Section 28-4-1, the voluntary lot merger application to merge tax lots 46Z 39 and 46Z 38 shall be submitted through the online portal and the merger recorded at the Merrimack County Registry of Deeds prior to final approval.
10. The applicant shall complete a sanitary sewer capacity study for all phases of the project and submit to the City Engineer. The sewer capacity identified by the study shall be noted on the site plan, with reference to the study. If sanitary sewer utilization will increase, the applicant shall be ineligible to receive a building permit for the proposed renovation and expansion of the building until such time as aforementioned sewer improvements associated with Capital Improvement Projects #91 and #275 are operational, or sufficient capacity is determined to exist within the municipal sanitary sewer system as determined by the City Engineer (whichever occurs first).
11. Per Section 36.26 *Public Improvement Guarantees*, a financial guarantee shall be provided for all off-site improvements proposed for phase 1, including any improvements or modifications required for the 12-inch RCP stormwater pipe system which crosses beneath the building connecting CB 19702 to DMH 3506 and CB 19708. The financial guarantee shall also include provisions for an asbuilt for all phase 1 on and off-site improvements to conform with Section 36.25 *As-Built Plans* of the Site Plan Regulations. Prior to the establishment of the financial guarantee, the applicant shall first prepare a cost estimate for said work, to be reviewed and approved by the City Engineer.
12. The applicant shall provide required cost estimates for all sidewalk segments for which the applicant desires to make a payment in lieu of construction. Upon review and approval of said estimates by the Clerk of the Planning Board and City Engineer, the applicant shall provide payment to the City in the required amount. Payment in lieu shall be received by the Clerk of the Board prior to final approval of the plan.

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

1. This approval notwithstanding, the applicant is responsible for full knowledge of, and compliance with, the municipal code, Site Plan Regulations, and Concord Construction

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

2. The applicant shall verify that sanitary sewer utilization for the property shall not increase as a result of the project. If sanitary sewer utilization will increase, the applicant shall be ineligible to receive a building permit for the proposed renovation and expansion of the building until such time as aforementioned sewer improvements associated with Capital Improvement Projects #91 and #275 are operational, or sufficient capacity is determined to exist within the municipal sanitary sewer system as determined by the City Engineer (whichever occurs first).
3. Per Section 7.08(7) *Building Permits and Certificates of Occupancy*, no building permit shall be issued where site plan approval is required until the site plan has been approved by the Planning Board, and the pre-construction conditions of approval have been satisfactorily addressed as determined by the Clerk of the Planning Board. No certificate of occupancy shall be issued until all public and private improvements have been completed, and all conditions of a site plan approval established by the Planning Board have been satisfactorily addressed as determined by the Clerk of the Planning Board.
4. Per Section 7.08(8) *Change of Use*, no change of use approved by the Planning Board shall be allowed to commence operation on a property or within a building without being in full compliance with the approved site plan, architectural design review approval, and any applicable conditional use permits.
5. Per Section 27.07(8) *Maintenance* the applicant or their successors shall be responsible for the regular maintenance of all plantings and other landscape features. Plant materials shall be maintained alive, healthy, and free from pests and disease. Tree stakes and guys shall be removed after the first growing season.
6. Per Section 27.11 *Site Stabilization Guarantee* a site stabilization guarantee shall be provided to ensure the site is properly stabilized. The guarantee shall be in a form of a cash deposit or a letter of credit from a New Hampshire bank. The City Engineer may call said financial guarantee, and stabilize a disturbed site if, upon notice, the applicant has not stabilized or restored the site. A separate Site Stabilization Guarantee shall be required for phase 1 and phase 2, required to be submitted prior to start of construction for the respective phases.
7. Per Section 36.02 *Conditions* the applicant has the duty to comply with the approved site plan and any reasonable conditions set forth by the Planning Board for design, dedication, improvement, and restrictive use of the land.
8. Per 36.15 *Compliance with Regulations* no site construction, or change of use of land, shall occur in violation of the Site Plan Regulations and the Zoning Ordinance. No building permits may be issued for any building, structure, site improvement, or change of use prior to site plan approval and the satisfactory completion of any pre-construction conditions of Planning Board approval. The Clerk shall not approve any certificate of occupancy, nor shall any use of a building or site commence, unless the proposed improvements, and the proposed use of land or buildings, is found to comply with the approved site plan and the conditions of Planning Board approval.
9. Per 36.24 *Inspections* the Community Development Department shall be responsible for inspecting the site plan improvements for conformity with the approved plans and conditions of Planning Board approval. The City may assess the application for all or a portion of the cost, including overhead, of the necessary inspections. No certificate of occupancy shall be issued until the development has been completed according to the approved plans.



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10. Per Section 36.25 *As-Built Plans* the applicant's engineer or surveyor shall submit to the City Engineer a detailed as-built survey for all site plans showing the location of buildings, structures, utilities, parking and loading areas, driveways and access, as well as for any public improvement required by the City Engineer. The as-built survey shall also be submitted in digital format and media conforming to the Engineering Division's as-built checklist. An as-built drawing will be required for each phase of the project.
11. Per Section 36.27 *Release of Financial Guarantees* a release of any financial guarantee assurance shall not be undertaken until the Clerk of the Planning Board and the City Engineer have ascertained that all site related improvements, or required public improvements, have been constructed in conformance with the approved plans and specifications.
12. 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 Clerk's approval prior placement.
13. Phase 1 and Phase 2 of the approved plan shall be treated as independent projects, each meeting the construction requirements required by the City Engineer and Clerk of the Board, consistent with City Regulations. Including, but not limited to separate permitting, preconstruction meetings, inspection deposits, and Financial guarantees. Per Section 11.10 *Phasing Major Site Plans*, the requirements for phase 2 may be deferred until such phase is proposed for construction.
14. Per Section 11.10(2) *Time Frame* phase 1 shall be completed shall be completed 2 years from the date of final approval. Phase 2 shall be completed 4 years from final approval.
15. Prior to the issuance of any permits for phase 2 and Per Section 36.26 *Public Improvement Guarantees*, a financial guarantee shall be provided for all off-site improvements proposed for phase 2 prior to the issuance of any permits or start of any construction activities. The financial guarantee shall be provided and the procedures for these assurances shall be those set forth for public improvements in Section 30, Financial Guarantees of the City of Concord Subdivision Regulations. Prior to the establishment of the financial guarantee, the applicant shall first prepare a cost estimate for said work, to be reviewed and approved by the City Engineer.

All in favor. The motion passed unanimously.

- 9G. Nobis Group, on behalf of SARP Realty, LLC, requests approvals for minor site plan review and certain waivers from the Site Plan Regulations for a 2,598-square-foot addition to the south side of the existing Red Blazer restaurant building at 72 Manchester St in the Highway Commercial (CH) District. (2024-059) (PL-SPM-2024-0018)

On a motion made by Member Rosenberger, seconded by Member Savage, 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 noted that staff is recommending that the Planning Board continue the application to the May 21, 2025, Planning Board meeting. There are site design concerns particular to parking and site flow that should be resolved prior to the Planning Board acting on the application. Mr. Bass stated Manchester St in fiscal year 2027 is scheduled to be reconstructed and the Site Plan Regulations also

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allow for the Planning Board to condition approval on the applicant providing a deed of easement for right-of-way related to projects in the Master Plan or CIP.

Chris Nadeau (18 Chennell Dr, Concord) and Ari Pollock (214 N Main St, Concord) are present to represent this application. Mr. Nadeau stated it is a small addition in the back of the house of the restaurant. It will be three stories about 2,600 square feet. There will be no new seating for the restaurant. The first floor will be bakery storage, second floor is a refrigerator unit, and third floor will be office space. It is to improve the efficiency of the restaurant. Mr. Nadeau is asking for the Planning Board to provide conditional approval tonight. Mr. Nadeau noted they are fine with the conditions staff is recommending and suggestions they made to improve the site. There has been some work done on the adjacent parcel to the south at 5 Garvins Falls Rd, owned by the same owner as 72 Manchester St, where they did construct a driveway and gravel parking. It is their position it should be treated as a separate application.

Mr. Pollock stated the minor site plan application at 72 Manchester St is for a 900-square-foot addition on the back of the restaurant over the three floors. It will be about 2,600 square feet of gross floor area. Mr. Pollock received the staff report that is included in the packet. Mr. Pollock noted this is a minor site plan application. They applied to the Zoning Board of Adjustment for a variance because they are adding square footage to the building and not adding parking demand. Mr. Pollock stated they received the variance and they can use the same parking count that exists today. Mr. Pollock stated the staff report recommends the Planning Board table this application and take a two-month time out. Mr. Pollock noted the reason is the applicant is being asked to donate\dedicate the right of way for the widening of Manchester St. Mr. Pollock stated the widening has been in the City's capital improvement plan since the 1990's. Mr. Pollock noted Staff is requiring 12-foot easement on Manchester St for a 900 square feet footprint expansion on the back of the building. Mr. Pollock noted Staff points out the that there was a prior site plan approval from 2002 and it included an easement requirement which was never conveyed. Mr. Pollock stated the 2002 approved site plan had a significant expansion. The Planning approval came with a condition to convey a six-foot easement along Manchester St. The City is now asking for a 12-foot easement. Mr. Pollock stated it will push critical parking to the back of the site. They would have to reconfigure parking for six more feet and a project that has been on the design table for 30 years. Mr. Pollock stated his client agrees to the six-foot dedication easement. Mr. Pollock stated they should not be asked for more. It would amount to a taking. They would cancel the project then provide a taking without compensation. Mr. Pollock is asking the Planning Board to not take a two-month time out and grant conditional approval with the conditions that are laid out in the Staff report but with modification of condition number three. Where it talks about a 12 foot right of way along Manchester St and make that a 6 foot right of way.

Chair Woodfin stated the addition is a small back of the house addition. However, it is significant enough to require site plan review. Chair Woodfin stated the City is looking out for their best interests and if they say they need 12 feet, they likely need the 12 feet. Chair Woodfin stated they will need to do some work to get the Board comfortable moving forward with staff saying they need more time. Chair Woodfin stated parking is tight.

Mr. Pollock stated the regulation opens the question and certainly puts forward what Chair Woodfin is explaining to be the case, which is when you file an application you open this door. Mr. Pollock noted the regulation is very clear that it is "may" and not "shall". Mr. Pollock stated it is their opinion

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that what is being requested does not have any relationship to the addition. Mr. Pollock noted it is up to the Board to exercise their discretion. However, it has nothing to do with the width of Manchester St and how many vehicles are coming and going from this property or the street. Mr. Pollock stated their argument is simply, one thing does not have anything to do with the other.

Chair Woodfin asked if there is room for negotiation on the 6, 10 or 12 feet.

Mr. Pollock stated when they received the memo it was not phrased as come talk to us. Mr. Pollock noted staff requested instead a 12-foot dedication and a two-month timeout.

Member Santacruce stated he has a slightly different interpretation of the regulation, and read the regulation out loud. Member Santacruce noted he does not know if the Board has the authority under the language in the regulation to say they can require what is less than what is shown on the CIP. Member Santacruce stated his interpretation is that they either require the full area or nothing.

Mr. Pollock stated six feet is their offer.

Member Santacruce stated if the CIP shows 12 feet is needed, then he does not know if “we” as the Board have the ability to come back to say “yes, six feet is enough.”

Mr. Pollock stated he thinks the regulation allows the Board to decide whatever they want. Mr. Pollock stated the Board could require them to do nothing. Mr. Pollock noted they are still willing to offer the six feet, which may or may not make the City happy. The rest of the conversation could go the typical route of a condemnation action.

Member Santacruce stated they have a difference of opinion as to whether or not the Board can change what is required as shown on a CIP plan. Member Santacruce stated on the original site plan there was a loading zone on the back and it is now moved.

Mr. Nadeau stated they have looked at that and are confident they can put a loading zone to meet the requirements.

Member Santacruce stated they indicated that the Zoning Board allowed a variance to keep parking as it is on the site. There are six ADA spaces that were never permitted by the Planning Board. Member Santacruce stated those spaces do not meet current regulations.

Mr. Nadeau stated they do not disagree with that. Mr. Nadeau noted there are constraints with the site and the original approved site plan had the four spaces on the eastern site. The owners received complaints from customers with mobility issues. The owners felt like they had to provide something for their customers with mobility issues.

Member Santacruce asked if there is anything that can be done to improve the parking situation.

Mr. Pollock stated there is a lot that can be done. In front of the building face and Manchester St is a reversal of the traffic and will flow to the west. They will have the exit and entry on the hatched lane on the driver side of the vehicle, which would be a significant mobility and access improvement over

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what is there today. Mr. Pollock stated they made the change based on staff comments. Mr. Pollock pointed out a recommended condition of approval addresses this, if they can get there.

Member Santacruce stated those spaces need to be brought to current code.

Mr. Pollock stated they are not asking for relief on that condition. They feel they can work with staff to meet the intent of the regulations. If they cannot, then they will need to work on something else. Mr. Pollock stated it is a retrofit of an existing site.

Chair Woodfin asked about the ADA parking requirement.

Member Santacruce stated you are supposed to have a 2% slope into the area and they should be the closest parking spaces to the entrance.

Member Rosenberger asked about the right-of-way and the taking. Member Rosenberger stated they have agreed to the six feet. The City will come and they will have to deal eventually no matter what the Planning Board does.

Mr. Pollock stated assuming that happens the City would be in the position to decide can they live with six feet or do we need more. Mr. Pollock stated if they decided they need more the City would go to the land owner, the same as any other land owner on the corridor who does not come to the Planning Board. Mr. Pollock noted in this case the land owner would have a difficult time agreeing to that because of the consequences it would have on the parking lot. Mr. Pollock noted that is the potential conversation of an eminent domain action where the City says they have good reason to take this area and the land owner will not give it willingly and there is a process for that.

Member Rosenberger asked if she is understanding it correctly there is a process and it impacts parking and there is a cost to that so City you need to pay us whatever?

Mr. Pollock stated that is exactly right.

Member Rosenberger noted what they are talking about here is for the Planning Board to approve this with the City getting the 12 feet with no compensation.

Mr. Pollock stated that is correct, they are asking us to give away the 12 feet with nothing.

Member Rosenberger asked staff if Bank Chevrolet or Grappone gave the 12 feet.

Mr. Bass can't recall specifically, but the staff report references times the Planning Board exercised this requirement.

Mr. Pollock stated not all stretches of road are the same.

Mr. Bass stated this application was initially applied for in August 2024, received a staff report, and has been continued to this date since. The applicant first provided a revised submission in February, with little correspondence in between. Staff is willing to meet with the applicant should this be continued to talk about what and if could be done to come to an understanding before the applicant

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comes back to the Planning Board. Mr. Bass stated part of the issue is that the right-of-way expansion for CIP 36 is for a full five-lane build out on Manchester St. Mr. Bass stated part of CIP 36 is the utility relocations not only for the three lanes in FY 2027 but for the five lanes, which includes a three-phase overhead utility line that feeds Pembroke. Throughout the years City Council has gone back and looked at this plan and made modifications to limit the impact to the abutters. Mr. Bass stated they are making the utility company place their poles for the three-lane road way, which will need to be relocated when it is built to the full five lanes. Ms. Bass stated as part of CIP 36 that underground telecommunications are being installed in preparation for the full buildout. Mr. Bass stated staff is willing to meet with the applicant to explain these things and find the best path forward.

Member Santacruz asked if there could be a utility easement.

Mr. Bass stated they have explored some of these compromises and would like to explore them further. A major issue with easements would be the three-phase overhead, which should be, and may need to be located within a public right-of-way. It would also be more restrictive for the private utilities, and require private easements for each utility and each land owner along the corridor.

Mr. Pollock accepts what has been explained and does not challenge any of it. Mr. Pollock stated the issue that does not make any sense to him is how that discussion relates to what they have proposed in the site plan application. If there is a conversation that needs to happen with the City for a few more feet for the road or easement. Mr. Pollock asked can the parking be protected. Mr. Pollock stated in his view it does not have anything to do with what they are asking for approval for, which is to expand on the backside of the building. Mr. Pollock noted in the regulation says “may” and if they meant to happen every time an applicant opens the door, then it would have been easier to say “shall.”

Mr. Bass stated in 2002 there was a substantial addition and the right-of-way was never granted to the City. Additional improvements have also been made since that time. Mr. Bass noted parking is calculated by square feet of the building for this use, which is proposed to be expanded in a certain amount which meets the threshold requirement for site plan review from the Planning Board. Mr. Bass noted in the staff recommendation part of continuing until May allows time for staff to work with the applicant to revise plans to submit and come back in May with a solid application that will have a lot less questions. Mr. Bass stated there are still other issues unresolved not associated with right-of-way. The six parking spaces in front from curb to curb show 24 feet and they need at least 29 feet. The loading spaces are not defined or meeting regulation, which may impact site circulation or other site features in order to make them compliant. Finally, there is a condition remaining where a guest may be forced to drive the wrong way against traffic, or back up 80 feet. Staff would feel more comfortable having these changes made prior to the Board acting on the application.

Chair Woodfin asked if the line there now is where the loading zone is located.

Mr. Pollock stated yes.

Chair Woodfin stated the truck that is on the map is almost to the white fence. It is backed in straight across the road and takes the entire width of the parking spot.

Mr. Nadeau stated that was part of the original approval from 2002 with the loading as it is shown now. Mr. Nadeau stated the addition is not near the loading zone. Mr. Nadeau stated they overcounted

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the parking spaces and they have three additional spaces than what they are allowed with the zoning variance. They can convert three of the parking spaces into the loading zone.

Mr. Bass noted it appears there is a driveway access to the adjacent property to the south which needs to be shown on the plan as it could have adverse impacts on the parking count. Once these site circulation issues are satisfied, there is a chance the plan looks different than what is before the Board now. All of the factors discussed are why they are recommending to continue until May so the applicant and staff can work through that and have a submission for the deadline of April 16, 2025, for the May meeting.

Chair Woodfin stated he is not crazy about telling staff to figure it out and deal with the issues. Chair Woodfin noted he would be more comfortable getting the issues resolved and come back to Planning Board.

Member Rosenberger asked why until May.

Ms. Skinner stated to allow staff sufficient time to review the plans and revise the report prior to the April meeting, it would have had to have been submitted today at 4 p.m. However, Ms. Skinner noted that is not a rule, just staff preference for review time.

Chair Woodfin asked if there is any confidence on the easement, setback, right-of-way reconfiguration from City's perspective.

Mr. Kohalmi stated after many years they now have a final design. Everyone has accepted it. Everyone is ready to move forward. The state is okay with the design. The City likes it. They need 12 feet for the permanent solution.

Chair Woodfin asked for a legal perspective.

Ms. Skinner stated the City Solicitor was consulted.

Member Rosenberger asked if the City is willing to pay for the six feet.

Ms. Skinner stated if the right-of-way is obtained through the condemnation process then the City pays. Ms. Skinner stated it is not the question of the 12 feet; rather, it is if this particular application has a nexus and proportionality for the 12 feet. Ms. Skinner stated the City Solicitor is saying yes and the applicant is saying no.

Chair Woodfin closed the public hearing at 9:21 p.m.

Chair Woodfin stated he is not comfortable moving forward without a better staff recommendation and maybe some information from the City Solicitor. Chair Woodfin stated unfortunately it will take until May.

Councilor Todd stated he is having a hard time seeing the nexus between project and the improvements. Councilor Todd noted each property will need to be looked at on an individual basis.

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Councilor Todd stated there were comments made from staff about the other concerns as well. Councilor Todd stated for that he can go either way.

Member Rosenberger asked if the other details that need to be worked out are specifically related to addition on the back or related to what is wrong with the property.

Mr. Bass stated some of them are directly related to the improvements required for this proposal. There are others that are from improvements made to the property without any authorization from the Planning Board.

Member Rosenberger stated she tends to defer to staff but she will say this is a commercial property with a successful business and they want the bump out on the back. Member Rosenberger noted she does not see the nexus between the bump out and everything else.

Chair Woodfin stated it is almost fruit of the tree. They add the bump out and it takes out the natural circulation around the back of the building. There is a problem with the accessible parking. Chair Woodfin stated you do not get to fix these issues unless they are coming before Planning Board with a project.

Chair Woodfin stated the Board needs to make decisions about the right-of-way for the right reason.

Member Savage asked about the traffic pattern in front where the six accessible spots are and if they are in violation if the Board asks them to move the spots so there is circulation all the way around.

Member Santacruce stated you need a fire lane. Member Santacruce noted the City is willing to waive the requirement for the sidewalk and in lieu fee. There is a cost value there that the applicant would not have to pay for 550 feet of frontage. Member Santacruce stated there is compensation that does not require a payment to the applicant.

Member Santacruce noted there is a CIP that says they need 12 feet. Member Santacruce would like to see them come back to Planning Board after working with staff to see if there is a reasonable path forward. They are also site issues with valid safety concerns.

Member Santacruce made a motion to move to move this application to the May Planning Board meeting. The motion died for lack of a second.

**Discussion**

Member Rosenberger asked if they can continue to April instead of May.

Ms. Skinner noted if the applicant was able to get information to staff by next Friday they can review for the April Planning Board. Ms. Skinner stated to be consistent for all continued applications, they like to have a deadline to allow staff time to review. The 12foot right-of-way is a completely different issue.

Chair Woodfin asked what happens if the Board does not require the dedication.

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Ms. Skinner stated they would be just like anyone else that is not applying for a minor site plan application. The City will approach them and they will go through the condemnation process.

Member Santacruce asked if the applicant can get the information in by next Friday. Member Santacruce asked if the City Solicitor could determine if six feet of right-of-way is fine now because they should have done that with the 2002 approval and take the remaining six feet through the condemnation process.

Ms. Skinner stated they can ask the City Solicitor for that interpretation.

Councilor Todd noted he is unsure of how they will resolve all of this in a week. Councilor Todd stated it seems unrealistic to him. Councilor Todd noted going back to what was mentioned earlier if the 12 feet requires a redesign of this project there is additional expense involved. Councilor Todd stated if it says 12 feet in the CIP, then the Board is stuck.

Member Santacruce stated they could not do the project at all now, get the taking, and then start the project.

Mr. Bass has language for the motion that might be more flexible. The motion is to recommend the Planning Board continue the public hearing of this application to a date certain of April 16, 2025, to afford the applicant time to prepare a revised site plan and response narrative including and showing and requiring a right of way dedication and site circulation for pedestrian and vehicle safety for the Board to review prior to voting on the application. Unless otherwise agreed to in writing by the City Planner the revised site plan and response narrative shall be submitted no later than March 31, 2025, at 4 p.m. to allow for time for staff to review and revise the staff report for the April 16, 2025, Planning Board meeting.

Member Santacruce stated all the applicant would need to do is change the date and address the ADA parking.

Member Rosenberger stated she wanted the right-of-way omitted because it would require them to do a whole new plan.

Member Santacruce stated the Board made Mazda and Grappone and others do it they are in the same boat as them. Member Santacruce noted they came into the Planning Board with an application for a site plan. There is nothing in the regulations that if it is over a square footage and if under square footage you do that.

Member Rosenberger stated the difference is in the scope and size of the project. Member Rosenberger stated Banks and Grappone were major projects.

Member Savage agreed with Member Rosenberger.

Member Santacruce stated Subaru is coming in and they will be giving the 12 feet.

Ms. Skinner stated the Subaru addition is almost 16,000 square feet.



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Member Savage stated the Subaru building is set back and they are not a restaurant hospitality business. Member Savage noted the extension on the back of the Red Blazer building is to have their operations work more smoothly. When the time comes they will have to deal with the 12-foot right-of-way.

Chair Woodfin stated he does not know what ground they are on to approve a project when the City Solicitor said we need 12 feet. Chair Woodfin stated he is not comfortable at all saying go ahead and do it and ignore the request from the CIP side.

Councilor Todd stated that is his big problem with this and the additional comments from staff.

Chair Woodfin noted if all of the issues for public safety for traversing the site are figured out he does not have a problem. It is the easement piece that is the hang up. You cannot approve that piece of this without that tonight, or you could just reject it all together.

Member Rosenberger stated they can approve it with the conditions that they work with the staff on all of the safety stuff. They cannot say anything about the right-of-way. Member Rosenberger stated the applicant has said publicly that they were wrong and will give the six feet. Member Rosenberger stated they are doing what they should have done a long time ago. Then the other six feet can be dealt with separately, making up for not following through with the 2002 condition of approval.

#### Discussion

Ms. Skinner stated the original six feet of right-of-way is a condition of approval on a previous site plan approval. Ms. Skinner stated that condition is already there. Ms. Skinner stated the City has not acted to go forward and claim it the six feet, and the applicant is in violation of the 2002 site plan approval. Ms. Skinner stated it is a simple matter that if the applicant does not go forward with the six feet, then staff will send a letter they are in violation of the 2002 condition of approval.

Chair Woodfin asked if by adding this new plan and new approval does the Planning Board vacate anything that was previously done.

Ms. Skinner answered no.

Councilor Todd asked if staff is comfortable with being able to work with the applicant.

Mr. Bass stated he still believes the alterations to the site required to satisfy some of the recommended conditions would be more than administrative in nature. It could lead to revised parking configurations and access layout. Mr. Bass noted you would need to see it to see if there are any unintended consequences to make those changes.

Ms. Skinner stated there are two different options here, as has been done in many other cases which is not ideal but it moves the project forward. Ms. Skinner stated once they have conditional approval there is authority in the Site Plan Regulations for the City Planner to do administrative approval. If the City Planner thinks that it is more than an administrative approval, then it will come back to Planning Board.

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Chair Woodfin re-opened the public hearing 9:48 p.m. and invited the applicant back to the table.

Mr. Pollock wanted to clarify what they asked for and what he thinks are doable and typical. Mr. Pollock stated there are some waivers that were requested that would need to be resolved prior to a motion to grant minor site plan approval. Mr. Pollock noted then that site plan approval could be conditioned upon the conditions that are in the memo. Mr. Pollock noted all of which deal with site circulation, safety, ADA, and loading issues. Mr. Pollock stated they recognize they need work. Mr. Pollock stated they would support the idea of removing proposed condition number 3 talking about the right-of-way dedication. It is their offer to dedicate the six feet that arose from the 2002 site plan approval. Mr. Pollock noted the rest of these conditions are all typical and appropriate. Mr. Pollock stated the only one that was a non-starter was the right-of-way dedication. Mr. Pollock wanted the Board to know if they cannot agree with staff on the layout and configuration they will come back to Planning Board.

Ms. Skinner stated they have to come back for a major change because she will not sign off on a major change through administrative approval.

Member Santacruce asked if he is hearing this right the motion will be they would grant site plan approval with removing number 3 in the conditions in reference to the right-of-way. Member Santacruce noted the applicant has stated they will do the six feet no matter what. Member Santacruce noted it puts more pressure on staff to review and feel comfortable.

Councilor Todd stated taking number 3 out seems to be the way to go, noting that Ms. Skinner has the administrative authority to bring it back to Planning Board.

Chair Woodfin closed the public hearing at 9:53 p.m. Chair Woodfin asked for staff comment.

Mr. Bass noted for the Board's discussion, whereas it sounds as though they will not be requiring the applicant to provide the right-of-way necessary for CIP 36, they may want to review the recommended waiver to waive the requirement to construct sidewalks along the frontage and to also not require them to pay a fee in lieu of constructing the required sidewalk.

Member Santacruce asked when the CIP starts.

Chair Woodfin stated in FY 2027.

Member Santacruce stated there is no sidewalk there that connects to the next property. M Semberantacruce stated if they waive the requirement of constructing a sidewalk can they table the discussion of in-lieu fee of the sidewalk and make part of the negotiation for the additional right of way.

Mr. Bass answered no.

Member Santacruce asked if they have to waive it or ask for the fee.

Ms. Skinner stated the Board has to waive it or ask for the fee.

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Chair Woodfin stated if you do an in-lieu fee and wait three years it becomes part of the CIP. Chair Woodfin stated he is comfortable with that and asked Member Rosenberger if she is comfortable with that.

Member Rosenberger answered no.

Chair Woodfin stated the Planning Board requires people to put sidewalks on their property.

Member Santacruce stated they are suggesting to do the sidewalk in lieu fee now.

Member Rosenberger asked why are they doing the sidewalk in lieu fee.

Member Santacruce stated they are required to do it as a part of the site plan.

Chair Woodfin stated a site plan requires them to do a sidewalk.

Member Rosenberger asked just for adding this little thing on the back requires a sidewalk.

Chair Woodfin noted either a minor site plan or major site plan, no matter how big or small, it is a site plan and subject to the Site Plan Regulations.

Mr. Bass stated the most sensible thing would be either to require the applicant to pay the fee in lieu, or waive the requirement for sidewalk construction as it would be removed and relocated as part of CIP 36.

Chair Woodfin asked if at the end of the project is when they will have to do the in lieu.

Mr. Bass stated it is a conditional of final approval and they would have to submit the fee.

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.

On a motion made by Member Santacruce, seconded by Member Savage, the Board also voted to **grant the waiver request** from Section 15.03(23)(e) *Tabulations* of the Site Plan Regulations, using the criteria of RSA 674:44(III)(e)(2) and Section 36.08 of the Site Plan Regulations, to not provide existing and proposed use required parking tabulations on the existing conditions plan where it is normally required.

All in favor. The motion passed unanimously.

On a motion made by Member Santacruce, seconded by Member Savage, the Board also voted to **grant the waiver request** from Section 16.02(12)(b) *Grading and Drainage Plan* of the Site Plan Regulations using the criteria of RSA 674:44 III(e)(2) and Section 36.08 of the Site Plan Regulations, to not provide a hydraulic analysis and drainage study for a ten (10) and twenty-five (25) year storm where it is normally required.

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All in favor. The motion passed unanimously.

On a motion made by Member Santacruce, seconded by Member Savage, the Board also voted to **grant the waiver request** from Section 16.02(13) *Erosion Control* of the Site Plan Regulations using the criteria of RSA 674:44 III(e)(2) and Section 36.08 of the Site Plan Regulations, to not provide a separate erosion control plan where one would normally be required.

All in favor. The motion passed unanimously.

On a motion made by Member Condodemetraky, seconded by Councilor Todd, the Board also voted to **require the applicant**, per Section 21.02 *Sidewalks Required*, to set aside equivalent funds to be placed in a City escrow account instead of constructing the required sidewalk along the frontage of Garvins Falls Rd and Manchester Street. Prior to final approval of the site plan, a cost estimate shall be prepared and submitted to the City Engineer and Clerk of the Board for approval. Upon approval of the estimate, all funds associated with the payment in lieu of construction shall be provided to the City prior to final approval.

All in favor. The motion passed unanimously.

On a motion made by Member Savage, seconded by Member Santacruce, the Board finally voted to **grant minor site plan approval** for the construction of a 2,598-square-foot addition to the south side of the existing Red Blazer restaurant building, along with associated site improvements, at 72 Manchester St in the Highway Commercial (CH) District, subject to the following precedent and subsequent conditions:

- (a) **Precedent Conditions** – to be fulfilled within one year and prior to signature of the certificate of approval by the Planning Board Chair and Clerk, unless otherwise specified:
1. For compliance with the Site Plan Regulations, revise the plan set as follows:
    - a. Per Section 15.03(8) *Parking, Loading and Access* and Section 15.04(11) *Parking, Loading and Access*, the existing conditions plan and site plan shall show and label the additional drive access at the southeastern corner of the parking lot, interconnecting with 5 Garvins Falls Rd. The site plan and landscaping plan shall also be revised to show and label revisions to the site, including but not limited to parking, landscaping, buffers, and pavement markings, for compliance with the Site Plan Regulations and Zoning Ordinance as a result of this additional drive access.
    - b. Per Section 15.03(8) *Parking, Loading and Access* and Section 15.04(11) *Parking, Loading and Access*, the dimensions and a label of the proposed loading area shall be shown on the site plan, along with any screening required by the regulations.
    - c. Per Section 15.04(28)(l), parking tabulations for the number of required and proposed loading spaces shall be included on the site plan.
    - d. Per Section 15.04(28)(l), the discrepancy between the number of spaces tabulated on the site plan as part of the zoning analysis, summing the tabulated parking spaces per parking bay as shown on the site plan, and summing the individually number of parking spaces on the site plan shall be corrected.
    - e. Per Section 15.03(17) *Solid Waste and Outside Storage*, Section 15.04(24) *Solid Waste Facilities*, and Section 15.04(25) *Outside Storage*, the existing conditions and site plan shall show and clearly label the type, location, dimensions, setbacks, and type of screening for the solid waste facilities and outside storage.

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- f. Per Section 18.09 *Parking Lot Markings and Signage*, a directional arrow, “Do Not Enter”, or some other similar and appropriate road pavement marking symbol shall be added to the exit of the one-way drive in front of the building.
  - g. Per Section 18.06 *Handicapped Accessible Spaces* and Section 28-7-7(c) *Handicapped Accessible Spaces* of the Zoning Ordinance, an access way of five feet in width immediately adjacent to accessible parking spaces, which cannot overlap with the 15-foot access aisle per 2010 ADA Standards, shall be provided. The applicant shall update and redesign the site plan to provide for the required accessible spaces in a location and configuration that satisfy the regulations of local, state, and federal regulations. The location of any relocated accessible parking spaces shall avoid loss of parking as a result of the City’s FY2025 Capital Improvement Program (CIP) Project #36 – “Manchester Street/Route 3 South”.
  - h. Per Section 18.07 *Parking Lot Aisles*, Table 18-1 *Minimum Parking Lot Aisle Widths*, and Section 18.02 *Parking Lot Design Policy*, the exit of the 15-foot one-way access aisle between the building and Manchester St shall be designed to discourage vehicles from entering the wrong way against the traffic flow by reducing the width of the exit opening and altering the configuration with the use of hardscape features, including curbing and landscaping as required by the Zoning Ordinance and Site Plan Regulations to provide safe pedestrian and vehicle movement.
  - i. Per Section 18.02 *Parking Lot Design Policy*, the reconfigured parking to the south of the building to accommodate the proposed addition introduces an unsafe condition where a 24-foot wide, two-way traffic parking lot aisle leads directly to the egress of a 22-foot wide, one-way parking lot access aisle resulting in vehicles potentially either having to back up approximately 80 feet or travel the wrong direction. Reconfiguration of this area shall take place to provide for safe pedestrian and vehicle movement that harmonizes with the overall plan for the site and shall include signage, pavement symbol markings, and hardscape configurations compliant with the Site Plan Regulations, Zoning Ordinance, and Concord Construction Standards and Details.
  - j. Per Section 20.02 *Loading Requirements*, the off-street loading areas shall be provided meeting the location, dimensions, and any other requirements of Article 28-7, *Access Circulation and Parking* of the City of Concord Zoning Ordinance, and Section 20 *Loading, and Solid Waste Facility Standards* of the Site Plan Regulations.
  - k. Per Section 20.06 *Solid Waste Facility Screening*, a solid, opaque fence shall be added around the dumpsters and storage containers, also conforming with Article 28-7-14 *Off-Street Loading Area for Refuse Containers* of the Zoning Ordinance.
  - l. Per Section 20.07 *Design of Solid Waste Disposal Areas*, a dumpster pad shall be provided for any dumpster or storage container not currently sitting on a dumpster pad. The dumpster pad shall conform with the City of Concord Construction Standards and Details as well as Article 28-7-14 *Off-Street Loading Area for Refuse Containers* of the Zoning Ordinance. If current containers are to be removed to achieve compliance, it shall be noted accordingly on the site plan.
2. Revise the plan set to show full compliance with the Concord Municipal Code, Site Plan Regulations, and Concord Construction Standards and Details, including but not limited to, the following comments from the Engineering Review:
- a. Per Section 22.01 *General Requirements*, the applicant shall provide a catch basin structure in the northwest corner of the parking lot with a connection to the existing catch basin on Garvins Falls Rd to provide a permanent system to direct runoff from the site

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into the municipal stormwater system. The proposed rip rap swale shall be removed. Said improvements shall be designed and constructed in accordance with the Site Plan Regulations and Concord Construction Standards and Details. As part of the design process, the applicant shall provide drainage calculations to support said design in accordance with the Site Plan Regulations and Concord Construction Standards and Details.

- b. Per Section 18.09 *Parking Lot Markings and Signage*, one-way signage shall be added to the “Do Not Enter” signs to reinforce circulation.
  - c. Per Section 21.03 *Connection to Public Sidewalks*, and per Section 206.2.1 Site Arrival Points of the 2010 ADA Standards, at least one accessible route shall be provided within the site from accessible parking spaces and accessible passenger loading zones; public streets and sidewalks; and public transportation stops to the accessible building or facility entrance they serve.
  - d. Per Section 12.02(3) *North Arrow and Bar Scale*, a north arrow shall be added to the site Overview Plan and Site Plan.
- 3. The site plan shall list all approved variances, waivers, and conditional use permits, with the section numbers and description, and date of approval.
  - 4. Per Section 11.01(7) and Section 13.01(6) of the Site Plan Regulations, copies of permit applications to state and federal agencies, where applicable, shall be submitted to the Planning Division. For clarification, list the required state and federal permits for the project on the site plan. If none, add a note to the site plan stating that the project does not require any state or federal permits.
  - 5. The plans submitted for final approval shall contain the signature and seal of the appropriate licensed professional as outlined in Section 12.03(1) through (6), as applicable.
  - 6. Per Section 13.02(1) and (10) of the Site Plan Regulations, the documents shall be submitted to the Planning Division for review and approval prior to issuance of a certificate of approval. Once approved by the Clerk, City Engineer, and City Solicitor as to form and content, properly executed easement documents and agreements shall be submitted to the Planning Division for recording prior to the issuance of a building permit. The applicant is responsible for the recording fees, per Section 13.02(7).
  - 7. As required by Section 12.08 and Section 13.02(11) of the Site Plan Regulations, prior to the issuance of a certificate of approval, digital information from the site plan 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. Layers (see Section 12.08(a) through (i) of the Site Plan Regulations) shall be submitted referencing New Hampshire State Plane Grid Coordinates and shall be based on National American Vertical Datum 1988 (NAVD 88).
  - 8. 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.
  - 9. In accordance with Section 36.15 of the Site Plan Regulations, no building permits may be issued for any building, structure, or site improvement, or change of use prior to site plan approval and the satisfactory completion of the pre-construction conditions of Planning Board approval.
- (b) **Subsequent Conditions** – to be fulfilled as specified:

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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. In accordance with Section 4.02 of the Site Plan Regulations, no building permit shall be issued for the purposes of constructing a new or renovated building or structure, or for the purpose of making exterior alterations to an existing building or structure, or for the purpose of changing the use of an existing use of land, building, or structure, unless the certificate of approval has first been issued by the Planning Board.
3. Erosion control measures shall be installed and maintained in accordance with Section 27.09 of the Site Plan Regulations.
4. In accordance with Section 27.11 of the Site Plan Regulations, a site stabilization guarantee shall be provided to ensure that sites are properly stabilized. The guarantee shall be in the form of a cash deposit or a letter of credit from a New Hampshire bank. The City Engineer may call said financial guarantee, and stabilize a disturbed site if, upon notice, the applicant has not stabilized or restored the site.
5. Per Section 33.08 of the Site Plan Regulations, no certificate of occupancy or use permit may be issued prior to a determination by the Clerk that the proposed use is consistent with the Board's approval.
6. Per Section 36.15 of the Site Plan Regulations, the certificate of occupancy shall not be approved, nor shall any use of the building or site commence, unless the proposed improvements, and the proposed use of land or buildings, is found by the Clerk to comply with the approved site plan and the conditions of Planning Board approval.
7. Per Section 36.19 of the Site Plan Regulations, it shall be the duty of the Clerk to enforce the regulations and to bring any violations or lack of compliance herewith, to the attention of the City Solicitor and Code Administrator.
8. Per Section 36.24 of the Site Plan Regulations, no certificate of occupancy or other use permit shall be issued until the development has been completed according to the approved plans.
9. Per Section 36.25 and Section 12.09 of the Site Plan Regulations, and prior to the issuance of a certificate of occupancy, the applicant's engineer or surveyor shall submit to the City Engineer a detailed "as-built" survey showing the location of buildings, structures, utilities, parking areas, driveways and access, as well as for any public improvement constructed indicating location, dimensions, materials, and other information required by the City Engineer. The as-built survey shall also be submitted in digital format and media conforming to the Engineering Division's as-built checklist.
10. Per Section 27.07(8) Maintenance of the Site Plan Regulations, the applicant will be responsible for replacing any missing or damage landscaping shown on this approved landscaping plan, using the plant type and size from the landscaping plan included with the approved site plan titled, "Proposed Site Plan Red Blazer Restaurant & Pub, Concord, NH," dated October 4, 2002, prepared by T.R. Selling Engineering, P.C, unless otherwise specified.

All in favor. The motion passed unanimously.

- 9H. Nobis Group, on behalf of Bangor Savings Bank, requests approvals for major site plan review, architectural design review, conditional use permit application for driveway separation, and certain waivers from the Site Plan Regulations including a determination of completeness and public hearing

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in one step, for the new construction of a 3,672-square-foot bank at 111 Loudon Rd, in the General Commercial (GC) District. (2024-091)

Member Savage recused herself from this agenda item due to conflict of interest or potential conflict of interest.

On a motion made by Councilor Todd, seconded by Member Condodemetraky, the Board voted to **grant the waiver from Section 6.03(2)(c) and Section 11.05** of the Site Plan Regulations using the criteria of RSA 674:44(III)(e) and Section 36.08 of the Site Plan Regulations to hold the public hearing the same night as the determination of completeness.

All in favor. The motion passed unanimously.

On a motion made by Member Condodemetraky, seconded by Member Rosenberger, 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.

Ms. Skinner provided a staff update, stating the applicant has worked to address all completeness issues previously identified within the application. Anything that is left is a condition of approval. The applicant chatted with Ms. Skinner after the staff report had already been published regarding the first two recommendations from the Architectural Design Review Committee. There are issues with those for safety reasons for site, emergency access, and exiting the building. Ms. Skinner stated the applicant is requesting the Board to strike item a and item b as conditions of architectural design review approval. One has to do with planters at the entrance and the other adding additional landscaping along the driveway. Ms. Skinner stated it impedes safe egress, fire access, and site visibility.

John Ralphs (67 Davis Rd, Dracut, MA) and Quayny Porter-Brown (4 Crescent St Unit 2, Concord, NH) are present to represent this application. They are proposing a 3600-square-foot Bangor Savings Bank at 111 Loudon Rd. Mr. Ralphs noted from the site plan the site is narrow. There is one driveway access. The circulation is counter clockwise around the building and one way. Drainage is collected by catch basins in the rear and infiltrating into a subsurface gallery. They also included a bioretention area on the southwest side of the site. Utilities come in from the main entrance and go to the west side of the building. They are meeting the requirements for parking and ADA requirements. They have a 6-inch sewer service. They have a fire truck turning plan. They have addressed the comment about the fire truck turning radius and there is enough room for access. They are asking the Planning Board not to approve the first two Architectural Design Review Committee recommended conditions.

Member Santacruce stated he visited the site, sharing that there are tree stumps between their site and McDonald's, as well as quite a grade difference. Member Santacruce wondered about stump removal without entering the abutter's property.

Mr. Ralphs stated during construction that is something they will have to work out with the abutters. If there is a tree on their property they will not touch it. Mr. Ralphs will move the fence as needed to prevent damage to trees.

Member Santacruce wondered about softening the first radius of the entrance.



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Mr. Ralphs noted they made a change to have one wider access instead of two.

Member Santacruce noted you come in off the street and as they start to turn in that grade is right there on the inside corner and asked if can flatten it out to make it wider.

Mr. Ralphs stated they looked at that and want to keep the offset of the radius.

Member Santacruce suggested to have it more to the right to make sure the fire truck has easy unimpeded access.

Mr. Ralphs stated they can make a minor change to that radius.

Chair Woodfin noted there is a lot of pavement for the snow to be plowed in the back parking spots, and not a lot of snow storage.

Mr. Ralphs stated additional snow storage will be trucked out. Mr. Ralphs stated the snow storage area is a tributary to the stormwater system.

Councilor Todd stated looking at the landscaping plan there are several items that are non-native and suggested the applicant lean toward the native species rather than non-native.

Ms. Porter-Brown said that is possible.

Councilor Todd stated the natives are heartier and better value in the long term.

Chair Woodfin asked if there is any member of the public that wishes to speak on this agenda item and with no response, closed the public hearing at 10:20 p.m.

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.

On a motion made by Member Santacruce, seconded by Member Condodemetraky, the Board voted to **grant architectural design review approval** for the 3,672-square-foot drive-through bank and proposed signage, subject to the following conditions:

- a. The clapboard siding shall be gray instead of white to provide contrasting colors per Section 5.3(3) *Materials and Colors* of the Architectural Design Guidelines; and
- b. The rear door shall be painted a dark color, so as to not highlight its presence in accordance with Section 5.3(3) *Materials and Colors* of the Architectural Design Guidelines.

All in favor. The motion passed unanimously.

On a motion made by Member Rosenberger, seconded by Councilor Todd, the Board voted to **grant the waiver requests below** from the listed section of the Site Plan Regulations, based on the criteria from RSA 674:44(III)(e)(2) and Section 36.08 of the Site Plan Regulations:

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- a. Section 15.03(23)(b) and (e) *Tabulations*, to not provide the “proposed” information in the tabulations on the existing conditions plan;
- b. Section 15.04(6) *Topography*, to not provide the topography on the site plan sheet since it is provided on other applicable sheets in the plan set;
- c. Section 15.04(13) *Municipal Sewer*, to not provide a profile for the storm drain system;
- d. Section 15.04(27) *Fire Suppression*, to not show any existing or proposed fire alarm service and fire suppression system on the plans since there are no existing services or systems and the building will include smoke detectors and a fire alarm system rather than a fire suppression system as required by fire code;
- e. Section 16.02(18) *Demolition Plan* to not specify the demolition sequence since the general contractor determines that sequence and has not yet been hired;
- f. Section 16.02(19) *Traffic Control Plan*, to not submit the traffic control plan as part of the initial application **with the condition** that the traffic control plan shall be submitted prior to scheduling the pre-construction meeting;
- g. Section 16.02(20) *Offsite Improvements*, to not submit an offsite improvement plan with the initial application **with the condition** that the offsite improvement plan prepared in accordance with City standards for any repair work, improvements, resurfacing, patching, overlays, milling, etc. that must be performed on the site’s Loudon Rd street frontage and/or Loudon Rd sidewalk frontage shall be submitted prior to signing of the final plan set by the Clerk; and
- h. Section 18.17 *Tree Plantings*, to not plant trees at the 1:1,000 ratio, and instead plant at the 1:2,000 ratio allowed by the Zoning Ordinance.

All in favor. The motion passed unanimously.

On a motion made by Member Rosenberger, seconded by Councilor Todd, the Board voted to **grant the conditional use permit** from Section 28-7-8(c)(2) *Separation of Driveways in Nonresidential Districts* of the Zoning Ordinance for a driveway located closer than 200 feet from other existing driveways on the same or any adjacent lot, based on the criteria being met.

All in favor. The motion passed unanimously.

On a motion made by Member Santacruce, seconded by Councilor Todd, the Board finally voted to **grant minor site plan approval** for the construction of a new 3,627-square-foot drive-through bank at 111 Loudon Rd, and proposed signage, subject to the following precedent and subsequent conditions:

- a. Precedent Conditions – Per Section 7.08(9) *Expiration of Approval*, approved site plans shall meet all precedent conditions and obtain the signature of the Chair and Clerk of the Planning Board within one year of the date of the Planning Board meeting where conditional final approval was granted; otherwise said plans shall be null and void.

Precedent conditions are as follows:

- 1. Unless a specific variance, waiver, or conditional use permit is granted stating otherwise, revise the plan set to fully comply with the Site Plan Regulations, Zoning Ordinance, and Concord Construction Standards and Details, including but not limited to the following:
  - a. Per Section 12.03(1), the signature and seal of the licensed land surveyor who prepared the existing conditions plan shall be added to the existing conditions plan.

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- b. Per Section 12.06(4) *Prior Subdivisions or Surveys*, revise note 3 under “Plan References” on Sheet C-2 to add the words “plan references” right after “north arrow.”
- c. Per Section 15.04(9) *Streets and Right-of-Way*, the following shall take place:
  - i. Add a note to Sheet C-2 stating the area of the parcel before the highway right-of-way easement and after the highway right-of-way easement.
  - ii. Distinguish more clearly on Sheet C-2 and all other sheets in the plan set between the existing right-of-way to be abandoned and the proposed right-of-way to be adopted by making the new right-of-way line a bolder line type than the to-be-abandoned right-of-way line.
- d. Per Section 15.04(22) *Setbacks and Buffers*, the actual building setback yard lines (30 feet front, 25 feet sides, 30 feet rear) shall be added to Sheet C-2, along with labels identifying each line, as well as showing and labeling the distance between the new property line/right-of-way easement line and the building in addition to the distance that is already shown and labeled from the existing property line/right-of-way easement line and building.
- e. Per Section 15.04(27) *Fire Suppression*, plans shall be revised with one of two options: 1) curbing shall be replaced with painted pavement markings wherever the truck goes over curbing; or 2) if curbing remains, then turning radii and lane widths shall be revised on all sheets, including Sheets C-5 and C-5.1, to show compliance with the fire code and to show that Concord’s tower 1 truck, not the bucket that overhangs the front of the truck, can navigate safely through the site without the truck tires going over any curbing. Note that any required curbing must remain or a waiver must be granted for it to be replaced with painted pavement markings.
- f. Per Section 16.02(16) *Lighting Plan*, the color of the light poles shall be stated on the lighting plan sheet, along with the part number for the light poles, by adding it to the schedule.
- g. Section 16.02(22) *Construction Details* requires that construction details shall be provided which conform to the City of Concord Construction Standards and Details. All required details are provided for purposes of a determination of completeness, but minor corrections are needed for purposes of construction as conditions of approval, as follows:
  - i. The detail for the single dumpster pad is shown in two different locations – once on Sheet C-6.1 and again on Sheet LA104. The single dumpster pad detail needs to be removed from either Sheet C-6.1 or Sheet LA104 so that it’s only shown in one place in the plan set. Additionally, Sheet LA104 shows the required detail for the dumpster plan that is not shown on Sheet C-6.1. If the single dumpster pad detail is removed from Sheet LA104, then the dumpster plan detail needs to be added to Sheet C-6.1 next to the single dumpster pad detail. In summation, either Sheet C-6.1 needs to have the single dumpster pad detail and the dumpster plan detail or Sheet LA104 needs to have the single dumpster pad detail and the dumpster plan detail. Both need to be shown, but only on one sheet.
  - ii. Remove from Sheet LA103 the following three details: 1) detectable warning panel detail; 2) sidewalk ramp type 1; and 3) sidewalk ramp type 6, example 5 & type 6 sections. Sidewalk ramp type 1 detail is already shown on Sheet C-6 and does not need to be shown again. The concrete sidewalk with curb section detail and the bituminous sidewalk with curb section detail are shown on Sheet C-6.2. The detectable warning panel detail is not shown in the detail sheets and needs to be added to Sheet C-6.4.

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- iii. On the detail sheets, provide the detail for the bicycle rack southeast of the building on the detail sheets. Also, ensure that Detail M-12 Bicycle Parking is included in the detail sheets.
- iv. Review and update all typical design details to ensure there are no duplicates, that no erroneous / superfluous details are provided for work that is not taking place at the site, that applicable details are provided for all infrastructure and site work that is taking place at the property, and that all typical design details are in accordance with the City's Construction Standards and Details.
- v. On Sheet C-6.2, the Concrete Pad Detail, change "welded" to "woven." Under Note 1, add "with maximum 3" slump," pursuant to Section 3(2)(D)(3) of the Construction Standards and Details
- vi. On Sheet C-6.2, the Concrete Sidewalk with Curb Section Detail shall be revised to depict 6 inches of crushed gravel base. Sidewalk thickness is 4 inches of Class A concrete with woven (not welded) wire fabric. Curb ramp and driveway thickness is 6 inches of Class AA concrete with woven (not welded) wire fabric. Control joints shall be every 5 feet. An approved sealant shall be applied per City of Concord Construction Standards and Details. Add to the detail that reinforcing shall be 6"x6" W2.9xW2.9 woven wire fabric, and concrete shall be 4000 psi with a maximum of 3 inches of slump, pursuant to Section 3(2)(D)(2) of the Construction Standards and Details.
- h. As required by Section 13.02(1) *Right-of-Way Easement* and Section 17.02 *Self-Imposed Restrictions*, the appropriate documents shall be submitted to the Planning Division for review and approval prior to the signatures on the final plan set, for the depicted conveyance of the 895 square feet of area in the Loudon Rd right-of-way. Appropriate documents include a plan suitable for recording at the Merrimack County Registry of Deeds, as well as an easement deed. Once approved by the Clerk of the Planning Board and the City Engineer, followed by the City Solicitor as to form and content, the properly executed documents shall be submitted for recording prior to signatures on the final plan set. A draft deed of easement is included with this staff report, with the plan title in the deed being left blank. The draft deed shall be completed and submitted for review, along with the required easement plan suitable for recording.
- i. As required by Section 13.02(5) *Financial Guarantee for Public Improvements*, where applicable, a financial guarantee for all public improvements in the full amount approved by the City Engineer, and in a form acceptable to the City Solicitor, shall be submitted prior to the issuance of a certificate of approval. All construction cost estimates for any public improvements shall be submitted and approved by the City Engineer prior to submission of a financial guarantee. Estimates for public improvements were not submitted with the application materials, and shall be submitted as a condition of approval.
- j. Copies of all required state and federal permits must be submitted to the Planning Division prior to the issuance of a certificate of approval, per Section 13.02(8) *State and Federal Permits*. Sheet C-2 notes that no federal permits are required, and lists the state permits that are required. Staff notes that a copy of the "Registration and Notification Form for Stormwater Infiltration to Groundwater (5H1)" was included with the submittal. Copies of additional permits (including EPA General Construction Permit and/or NHDES for Stormwater Infiltration to Groundwater, as applicable) shall be submitted to the

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Planning Division prior to the signatures of the Planning Board Chair and Clerk on the final plan set.

- k. For full compliance with Section 18 *Parking Lot Design Standards*, Section 19 *Access and Driveway Standards*, Section 22 *Storm Water Management*, Section 27.09 *Erosion Control*, the Zoning Ordinance, and Concord Construction Standards and Details, the following revisions to Sheet C-2, and other sheets as applicable, shall take place:
  - i. While sight triangles were included on Sheet C-2, they are located in the wrong area. The design point needs to be at the driver's location pulling out of the entrance onto Loudon Rd. Sheet C-2 shall be revised accordingly and the sight triangles shall also be added to Sheet LA101 to ensure no obstruction from proposed landscaping.
  - ii. While concrete ramps with detectable warning panels are called out in the Loudon Rd right-of-way as previously requested, after further review, only asphalt sidewalk without detectable warning panels is required for commercial driveways with buildings equal to or less than 20,000 square feet in area, pursuant to Detail D-8 from the Concord Construction Standards and Details. Accordingly, Detail D-8 shall be placed on a detail sheet and the sidewalk and ramps in the right-of-way shall be revised to be asphalt without detectable warning panels to comply with Detail D-8.
  - iii. On all applicable sheets, show the edge of pavement line along the curb cut adjacent to the bioretention pond, and provide a sign next to the curb cut stating snow must not block the curb cut, for drainage purposes.
  - iv. On Sheet C-3, a blow-up detail of the sidewalk area on the southeast corner of the building is provided. In this detail, show: the extents of the flush curb in this area; On the bottom of the accessible ramp in the inset, revise the elevation from 341.85 to 341.90 for a 2% slope for compliance with Section 3(3)(M)(1) of the Concord Construction Standards and Details; and on the accessible ramp north of the bioretention pond, a grade difference of 0.65 feet is higher than the 0.6 feet needed for a 7-inch curb. On the same ramp, an elevation of 342.05 feet shall be changed to 342.2 feet to comply with the required 2% slope along the sidewalk towards the drive, in accordance with Section 3(3)(M)(1) of the Concord Construction Standards and Details.
  - v. On Sheet C-3, show the proposed right-of-way line along Loudon Rd.
  - vi. On Sheet C-3, show a detail for the pea-stone diaphragm located in the curb cut leading to the bioretention pond.
- l. Per Section 18.05 *Design of Compact Parking Spaces*, show, call out, and label the dimensions of the one compact parking space to be at least 15 feet in length and 8 feet in width.
- m. Per Section 18.08 *Stacking Spaces*, the stacking space arrangement on Sheet C-2 shall be shifted so that, not only is there no obstruction to the proposed crosswalk and the dimensional requirements are being met, but the window of the first vehicle also aligns with the ordering window.
- n. Per Section 18.13 *Interior Parking Lot Landscaping*, landscape islands shall be a minimum of 9 feet in width, and per Section 18.15 *Other Landscaped Areas*, landscape areas outside the parking lot, and not associated with either the required perimeter landscaping or required residential district buffer, shall be a minimum of 4 feet wide, and a minimum of 6 feet wide if trees are to be planted in the landscape area. Show, call out, and label the widths of the landscape islands and other landscaped areas on Sheet C-2 to meet the requirements of these sections.

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- o. Section 20.06 *Solid Waste Facility Screening* and Section 20.07 *Solid Waste Disposal Areas* provide the screening and design requirements for the solid waste enclosure. Sheet C-6.1 shows a detail for a single dumpster pad, with no detail for the dumpster plan. Sheet LA104 shows the same detail for a single dumpster pad, as well as a detail for the dumpster plan. The single dumpster pad detail only needs to be shown once, as does the detail for the dumpster plan. Revise the plans to show both the single dumpster pad detail and the dumpster plan detail on the detail sheets in the Sheet C-6 series and remove from Sheet LA104, or show both the single dumpster pad detail and the dumpster plan detail on Sheet LA104 and remove the single dumpster pad detail from Sheet C-6.1.
- p. Per Section 21.02 *Sidewalks Required*, the asphalt sidewalk along the site's Loudon Rd frontage shall be overlaid with asphalt after construction to City standards and shall be included in the offsite construction plan being submitted prior to construction.
- q. To ensure compliance with Section 21.04 *Accessibility*, add a note to Sheet C-2 stating the following: "Sidewalks shall be constructed to be accessible including curb ramps along streets at driveways and at other locations on the site where traffic is expected. Curb ramps shall be provided on the site in order to comply with the Architectural Barrier Free Design Code for the State of New Hampshire, and the ADA Standards for Accessible Design as most recently adopted."
- r. For compliance with Section 22 *Storm Water Management*, show the culvert infiltration unit has proper cover. Also, calculations are not shown to check the capacity of the underground storage system or the retention pond for the 100-year storm. While the 10-year storm summaries are included, the summaries for the existing and proposed 2-, 25-, and 100-year storms shall also be provided.
- s. In keeping with the requirements of Section 23 *Water Supply* and Section 24 *Sanitary Sewage Disposal*, revise Sheet C-4.1 as follows:
  - i. Label the water profile;
  - ii. Label the sewer profile;
  - iii. Raise the RIM of SMH-1 to existing grade in the profile view;
  - iv. On the water profile, show the proposed electrical line near the building; and
  - v. On the sewer profile, show the proposed electrical line near the building.
- t. In keeping with the requirements of Section 23 *Water Supply*, if a new water service is installed the location of the curb stop shall be at the back of the proposed easement. Ensure that this curb stop that is shown on Sheet C-4 is also shown on the water plan and profile on Sheet C-4.1.
- u. Per Section 26.02 *Mechanical Equipment*, roof top and ground mounted mechanical equipment shall be provided with full screening from both abutting properties and public rights-of-way. The submitted materials do not show any roof top or ground mounted mechanical equipment, but staff is unclear if that is because none is being proposed or if such equipment was just omitted from the plan set. For clarification and compliance with the section, add a note to Sheet C-4 stating that no roof top or ground mounted mechanical equipment is proposed. Alternatively, if such equipment is proposed, show and label it on Sheet C-4 and provide the required screening details.
- v. Section 27.02 *Zoning Compliance* and Section 27 *Landscaping and Environmental Considerations* of the Site Plan Regulations, require landscape buffers, parking lot landscaping, and perimeter buffers. Sheet LA101 shall be revised to meet all requirements of Section 28-4-2 of the Zoning Ordinance, including but not limited to, the

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identified buffer option number with a detailed statement describing how the buffer option is being met, along with a detailed depiction on Sheet LA101.

- w. The sign legend needs to be removed from Sheet LA101. It is not required to be shown on the landscape plan, and the signs and sign legend are accurately shown on Sheet C-2, making it redundant to be on Sheet LA101. Additionally, the information on Sheet LA101 is inconsistent with the sign information on Sheet C2, so eliminating the sign information on Sheet LA101 will solve both the inconsistency and redundancy issue.
- x. Section 27.07(1) *Tree Plantings* and Section 27.07 *Required Landscaping Improvements* requires that evergreen trees shall be a minimum height of six feet at the time of planting. Sheet LA102 shows blue diamond spruce evergreen tree is scheduled to be planted with a planting size of 5-6 feet in height. The requirement is a minimum of 6 feet at the time of planting, not 5-6 feet. Sheet LA102 shall be revised to show a 6-foot height at the time of planting for the blue diamond spruce evergreen tree.
- y. Section 27.07(2) *Landscape Bumpouts and Islands* and Section 27.07 *Required Landscaping Improvements* requires curbing around landscape bumpouts and islands within parking lots. Sheet LA101 refers to the curbing being shown on the site plan, which is Sheet C-2 of the plan set. However, it does not appear that the required curbing is labeled and called out on Sheet C-2. For compliance with this requirement, the required curbing around landscape bumpouts and islands shall be clearly labeled and called out on Sheet C-2.
- z. Section 28 *Fire Protection* requires that all development shall make adequate provision for fire apparatus to access buildings and structures to allow for effective emergency rescue and fire protection. The turning radius shown on Sheets C-5 and C-5.1 in the 15-foot-wide exit lane shows an encroachment onto the curbed areas, with a decrease in lane width from 20 feet to 18 feet to 15 feet. Concord's tower 1 truck is 46.75 feet long. The applicant's narrative states that the truck can pass through the site, but the overhead swing of the ladder extension goes over the curb in some locations.
  - i. Plans shall be revised with one of two options: 1) curbing shall be replaced with painting wherever the truck goes over curbing; or 2) if curbing remains, then turning radii and lane widths shall be revised on all sheets including Sheets C-5 and C-5.1 to show compliance with the fire code and to show that Concord's tower 1 truck, not the bucket that overhangs the front of the truck, can navigate safely through the site without the truck tires going over any curbing. Note that any required curbing must remain or a waiver must be granted for it to be replaced with painting.
  - ii. Sheets C-5 and C-5.1 shall clearly show and label the Concord Tower 1 truck.
  - iii. Sheets C-5 and C-5.1 shall clearly show and label the dimensions of the Concord Tower 1 truck at 46.75 feet long.
- aa. Section 36.14(1) states that an application shall be legible and properly prepared. For proper preparation, correct the spelling of the word "no" to "not" in note 23 on Sheet C-4 to state "natural gas will not be utilized for the proposed building."
- bb. Adjust the radius of the east side of the driveway entrance to better accommodate the fire truck turning movement as it turns into the driveway in the proximity of the front entrance door.
- cc. Native plants are preferred; therefore, landscaping plans shall be updated to show all plantings as native plants wherever possible.
  - 2. Sheet C-2 shall list all approved variances, waivers, and conditional use permits with the section numbers and description, and date of approval.

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3. Per Section 4.02, no building permit shall be issued for the purposes of constructing a new building or structure unless a certificate of approval has first been issued by the Planning Board as required by the Site Plan Regulations.
  4. Per Section 11.09(6) *Building Permits and Certificates of Occupancy*, no building permit shall be issued where site plan approval is required until the site plan has been approved by the Planning Board and the pre-construction conditions of approval have been satisfactorily addressed as determined by the Clerk of the Planning Board.
  5. Upon notification from the Planning Division that the plan set complies with Planning Board conditions, the Zoning Ordinance, Site Plan Regulations, and Concord Construction Standards and Details, the applicant shall deliver to the Planning Division two full-size plan sets and one 11x17 plan set for endorsement by the Planning Board Chair and Clerk. Both the cover sheet and the site plan sheet shall contain the signature block. The plan sets shall contain the signature and seal of the appropriate licensed professionals as outlined in the Site Plan Regulations.
- a. **Subsequent Conditions** – to be fulfilled as specified:
1. This approval notwithstanding, the applicant is responsible for full knowledge of, and compliance with, the municipal code, Site Plan Regulations, and Concord Construction Standards and Details, unless a variance, waiver, or conditional use permit is granted. This includes but is not limited to, applying for an excavation permit, utility connection permits, a driveway permit, a building permit, and sign permits.
  2. Deviations from the Site Plan Regulations are only authorized with a waiver approval from the Planning Board. Deviations from the Zoning Ordinance are only authorized with a variance/special exception approval from the Zoning Board of Adjustment or a conditional use permit approval from the Planning Board as applicable.
  3. Per the Concord Construction Standards and Details, all work performed in the City shall, as a minimum, conform to the requirements of the latest edition of the manual and the standards contained therein. The more stringent criteria shall apply in the case of conflicts. Deviations from the standards are only authorized with a waiver approval from the Planning Board.
  4. Per Section 11.09(6) *Building Permits and Certificates of Occupancy*, no certificate of occupancy shall be issued until all site and building improvements have been completed to the satisfaction of the Clerk of the Planning Board according to the approved plans and conditions of Planning Board approval.
  5. Per Section 12.09 *As-built Drawings*, prior to the issuance of a certificate of occupancy digital as-built drawings shall be provided conforming to the Engineering Division's as-built checklist.
  6. Per Section 26.07 *Maintenance*, the applicant, successors, and assigns, shall be required to maintain all required buffers while the approved development, site, building, and uses in the operation including those changes of use allowed, or approved, to occur on the site where a buffer is required under the terms of the Site Plan Regulations and Zoning Ordinance.
  7. Per Section 27.07(8) *Maintenance*, the applicant or their successors shall be responsible for the regular maintenance of all plantings and other landscape features. Plant materials shall be maintained alive, healthy, and free from pests and disease. Tree stakes and guys shall be removed after the first growing season.
  8. Per Section 27.07(10) *Undesirable Growth and Debris*, existing invasive species shall be removed from the developed area. All trash, construction material, and debris shall be



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- removed from the site. Dead and dying trees which present a potential hazard to existing and proposed structures shall be removed.
9. Per Section 27.09 *Erosion Control*, erosion control measures shall be installed and maintained to prevent sediment from leaving the site, entering the City or State storm drainage system, intermittent or perennial streams, wetlands, ponds, and other surface waters. All disturbed areas shall be revegetated and all sediment shall be retained on the site. Disturbed areas shall be restored pursuant to the City of Concord Construction Standards and Details, the State of New Hampshire Department of Environmental Protection regulations, and the US Environmental Protection Agency's National Pollution Discharge Elimination System requirements.
  10. Per Section 27.09(3) *Site Restoration*, grading shall be completed in accordance with the approved site plan. All disturbed land shall be recovered with loam with a minimum depth of six inches. The loam shall be fertile, natural soil, typical of the locality, free from large stones, roots, sticks, clay, peat, weeds and sod, and obtained from a naturally well drained area, nor contain toxic materials to plants. The loam shall not contain particles over two inches in diameter. When possible, topsoil from the development shall be redistributed so as to provide the required cover. All disturbed areas shall be seeded in accordance with the City of Concord Construction Standards and Details.
  11. Per Section 27.09(4) *Monitoring and Maintenance*, sedimentation and erosion control measures shall be installed prior to the start of construction, and shall be monitored and maintained during construction, and removed after final site stabilization in accordance with City, State, and Federal requirements.
  12. Per Section 27.09(5) *Final Stabilization*, a site shall be deemed to be stabilized when it is in a condition in which the soils on the site will not erode under the conditions of a 10-year storm. Temporary sediment and erosion control devices shall not be removed until permanent stabilization is established for the entire site or phase of the development. All temporary erosion and sediment control measures shall be removed after the completion of construction.
  13. Per Section 27.11 *Site Stabilization Guarantee*, a site stabilization guarantee shall be provided to ensure the site is properly stabilized. The guarantee shall be in a form of a cash deposit or a letter of credit from a New Hampshire bank. The City Engineer may call said financial guarantee, and stabilize a disturbed site if, upon notice, the applicant has not stabilized or restored the site.
  14. Per Section 33.08 *Inspection of Improvements*, the Clerk or authorized designee shall inspect the exterior appearances of the site to determine if modifications to the exterior of a building, site, and signage are in conformity with the architectural design review approval granted by the Planning Board. No certificate of occupancy may be issued prior to a determination by the Clerk that the proposed use is consistent with the Board's approval. The Clerk may approve minor design modifications to approved plans provided that the design is consistent with the Board's approval, and does not adversely impact the appearance of the site, building, or sign.
  15. Per Section 36.02 *Conditions*, the applicant has the duty to comply with the approved site plan and any reasonable conditions set forth by the Planning Board for design, dedication, improvement, and restrictive use of the land.
  16. Per 36.15 *Compliance with Regulations*, no site construction, or change of use of land, shall occur in violation of the Site Plan Regulations and the Zoning Ordinance. No building permits may be issued for any building, structure, site improvement, or change of use prior to site plan approval and the satisfactory completion of any pre-construction conditions of

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- Planning Board approval. The Clerk shall not approve any certificate of occupancy, nor shall any use of a building or site commence, unless the proposed improvements, and the proposed use of land or buildings, is found to comply with the approved site plan and the conditions of Planning Board approval.
17. Per Section 36.17 *Minor and Major Amendments*, the Clerk may approve minor amendment to a site plan previously approved by the Planning Board, if the amendments are not substantive in nature and are fully in compliance with the standards, and are consistent with any condition imposed by the Board. Other changes shall be considered by the Planning Board at the next regular meeting as a further consideration item with appropriate abutter notice. A major change to a previously approved plan shall require a new public hearing before the Board as required for a new application.
  18. Per 36.24 *Inspections*, the Community Development Department shall be responsible for inspecting the site plan improvements for conformity with the approved plans and conditions of Planning Board approval. The City may assess the application for all or a portion of the cost, including overhead, of the necessary inspections. No certificate of occupancy shall be issued until the development has been completed according to the approved plans.
  19. Per Section 36.25 *As-Built Plans*, the applicant's engineer or surveyor shall submit to the City Engineer a detailed as-built survey for all site plans showing the location of buildings, structures, utilities, parking and loading areas, driveways and access, as well as for any public improvement required by the City Engineer. The as-built survey shall also be submitted in digital format and media conforming to the Engineering Division's as-built checklist.
  20. Per Section 36.26 *Public Improvement Guarantees*, where a municipal utility or other public improvement is to be constructed, a financial guarantee shall be provided and the procedures for these assurances shall be those set forth for public improvements in Section 30 *Financial Guarantees* of the Subdivision Regulations.
  21. Per Section 36.27 *Release of Financial Guarantees*, a release of any financial guarantee assurance shall not be undertaken until the Clerk of the Planning Board and the City Engineer have ascertained that all site related improvements, or required public improvements, have been constructed in conformance with the approved plans and specifications.

All in favor. The motion passed unanimously.

**Other Business**

Any other business which may legally come before the Board.

**Adjournment**

Councilor Todd moved, seconded by Member Condodemetraky, to adjourn the meeting at 10:26 p.m. All in favor. The motion passed unanimously.

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

TRUE RECORD ATTEST:

*Krista Tremblay*

Krista Tremblay

Administrative Technician III