

City of Concord Planning Board
September 17, 2025
Minutes

The regular monthly meeting of the Concord Planning Board was held on September 17, 2025, at 7:00 p.m., in City Council Chambers at 37 Green St, Concord.

Attendees: Dina Condodemetraký, David Fox, Amanda Savage, Eaton Tarbell, Councilor Brent Todd, and Chair Richard Woodfin

Absent: Mayor Byron Champlin, Alternate Chiara Dolcino, Matthew Hicks, Alternate Frank Kenison, Teresa Rosenberger (Ex-Officio for City Manager), and Jeff Santacruce

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

1. Call to Order

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

2. Roll Call

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

3. Approval of Meeting Minutes

On a motion made by Member Savage, seconded by Member Condodemetraký, the Planning Board voted to approve the August 20, 2025, Planning Board meeting minutes, as written. The motion passed unanimously.

4. Agenda Overview

Member Savage moved, seconded by Member Condodemetraký, to continue agenda items 6A, 9C, and 9D to a date certain of October 15, 2025, at the request of the applicant. All in favor. The motion passed unanimously.

5. Architectural Design Review by Consent

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

5A. Dagle Electrical Construction Corp, Claire Wilkens, and Michael Cronin, on behalf of 7-7.5 Depot St LLC and James on Depot LLC, request architectural design review approval for an exterior building renovation, at 5 Depot Street, located in the Central Business Performance (CBP) District. (PL-ADR-2025-0116) (2025-097)

The Planning Board approved the application as submitted with the following conditions: that rooftop guardrail baluster slats shall be vertical and placed 4 inches on center to increase child safety; that any new construction on the rooftop shall be a dark colored, non-reflective finish and not constructed with wood materials; that windows shall be installed on the same plane as existing, leaving a return back to the building's elevation; that if any repointing of the brick is conducted, the original color and profile shall be matched; a suggestion that the existing sash configuration should be matched; and, an

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understanding that the original wood storefront is being matched, not necessarily with material, but in detail and proportion.

- 5B. ReVision Energy, on behalf of BCM Properties LLC, requests architectural design review approval for installation of solar roof panels, at 3 Maple Street, located in the Civic Performance (CVP) District. (2025-100) (PL-ADR-2025-0118)

The Planning Board approved the application as submitted.

- 5C. Advantage Signs, on behalf of Associated Enterprises Inc and Social Club Creamery, requests architectural design review approval for a new 11-square-foot non-illuminated vinyl window sign (SP-0617-2025) and an existing non-permitted 8-square-foot non-illuminated building wall sign (SP-0619-2025) at 138 North Main Street in the Central Business Performance (CBP) District. (2025-102)(PL-ADR-2025-0121)

The Planning Board approved the application as submitted.

- 5D. Turn One Signs Graphics, on behalf of Brixmore Capitol SC LLC and Burlington, requests architectural design review approval for a 230-square-foot internally illuminated building wall sign (SP-0626-2025) to replace an existing building wall sign, a new 47-square-foot non-illuminated building wall sign (SP-0627-2025), a 60-square-foot internally illuminated building wall sign (SP-0628-2025) to replace an existing building wall sign, and a 33-square-foot internally illuminated building wall sign (SP-0629-2025) to replace an existing building wall sign, at 80 Storrs Street in the Opportunity Corridor Performance (OCP) District.

The Planning Board approved the application as submitted with the understanding that on the east elevation, only the channel letters are to be illuminated and not the white background.

- 5E. New England Life Care, on behalf of TDL Investments LLC, requests architectural design review approval for a new 14.3-square-foot internally illuminated wall sign (SP-0630-2025) and a 21.25-square-foot replacement internally illuminated panel (SP-0631-2025) in an existing freestanding sign at 374 Loudon Road in the Gateway Performance (GWP) District. (2025-098) (PL-ADR-2025-0117)

The Planning Board approved the application as submitted with the following conditions: the amount of text on the building wall sign shall be reduced, so that all lettering can be read from the parking lot and roadway, for example the “Collaborating to transform the patient care continuum” script is too small and could be removed, allowing the rest of the sign font to be increased in accordance with Section 5.4(B) *Materials* of the Architectural Design Guidelines; the wall sign and pylon panel sign shall have an opaque background placed behind the white backgrounds per Section 5.4(C) *Illumination* of the Architectural Design Guidelines; and, on the tenant panel sign, a blue border, matching the blue behind “infusion suite” shall be placed on the top and bottom of the sign to tie the sign together per Section 5.4(D) *Coordination* of the Architectural Design Guidelines.

- 5F. Jigme Ghising, Remi’s Block LLC, and New Everest Momo & Curry, request architectural design review approval for a new 3.2-square foot non-illuminated projecting sign (SP-0632-2025) at 156 North Main Street in the Central Business Performance (CBP) District. (2025-101) (PL-ADR-2025-0120)

The Planning Board approved the application as submitted with the optional suggestion that the amount of text on the projecting sign is reduced, so that all other lettering can be made more readable. For example, the “Nepali and Indian Cuisine” script is too small and could be removed, allowing the mountain logo to be shifted down and the rest of the sign font to be increased.

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6. Determination of Completeness Items by Consent

- 6A. TFMoran and Unitil Energy Systems, Inc. request approval for a major site plan application, architectural design review, a conditional use permit for essential public utilities and appurtenances, and certain waivers from the Site Plan Regulations for the construction of a new substation, at Tax Map 494Z Lot 44, addressed as 1-7 McGuire Street, in the Industrial (IN) District. (2025-105) (PL-SPR-2025-0047) continued to October 15, 2025, by applicant

Member Savage moved, seconded by Member Condodemetraky, to continue agenda item 6A to a date certain of October 15, 2025, at the request of the applicant. All in favor. The motion passed unanimously.

- 6B. Gallagher, Callahan & Gartrell, PC and Cafua Realty Trust CXXXIX LLC request approval for a major site plan application, architectural design review, and certain waivers from the Site Plan Regulations, including a waiver to allow the determination of completeness and public hearing in the same meeting, for construction of a new 11,150-square-foot urgent care clinic, at Tax Map 583Z Lot 30, addressed as 161 North State Street., in the Urban Commercial (CU) District. (2025-095)(PL-SPR-2025-0046)

On a motion made by Member Savage, seconded by Member Condodemetraky, the Board voted to determine the application complete, not a development of regional impact, per RSA 36:55, and set the public hearing for October 15, 2025. All in favor. The motion passed unanimously.

7. Extensions by Consent

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

Public Hearings

8. Architectural Design Review Applications

- 8A. City of Concord requests architectural design review feedback in accordance with RSA 674:54 for a 206-square-foot internally illuminated freestanding sign at 19 Loudon Road in the Institutional (IS) District.

Mr. Bass provided a staff update, stating that the public hearing is being held for compliance with RSA 674:54, and the sign went before Architectural Design Review Committee who provided some feedback. Mr. Bass stated it is his understanding the City will adhere, as much as feasible, to any recommendations or comments received.

Member Savage asked if they will adhere to their own regulations for signs.

Mr. Bass stated this is his understanding. Mr. Bass noted they are looking for any feedback from the Board.

Chair Woodfin stated it is pretty straightforward and asked the Board if there are any additional comments. Chair Woodfin noted there are no additional comments.

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

- 9A. Kasada LLC, NES Group, Service Credit Union, and Bohler Engineering MA, LLC, request approval for a minor site plan application, architectural design review, and certain waivers from the Site Plan Regulations for construction of a new 2,466-square-foot credit union, at Tax Map 611Z Lot 38, addressed as 285 Loudon Road, in the Gateway Performance (GWP) District. (2025-099)(PL-SPM-2025-0025, PL-ADR-2025-0119)

Member Tarbell has a conflict and recused himself because he represents the credit union as a lawyer.

Ms. Skinner provided a staff update. This is a straightforward project. This project has already been with previous approval for a retail business. A building permit application was submitted, but it expired without being issued. Ms. Skinner stated the LLC has purchased the condominium land unit and they want to move forward with a credit union. It is a minor site plan and architectural design review application. It meets all of the requirements with the conditions of approval that are in the staff report. Staff does not have any concerns.

Keith Curran (3 Executive Park Dr Floor 2, Bedford) and Nathan Henry (New Boston, NH) are representing the project. Mr. Curran stated the site has existing pavement and utility stubs. There is no existing structure. The proposal is for a credit union with two drive-thru lanes and a bypass lane, with required parking. They will utilize the existing access points. They show the ADA parking space. They are sharing a dumpster with Raising Cain's.

Chair Woodfin asked about pedestrian access for the dumpster.

Mr. Curran noted it was in the staff report that they will put a sidewalk for access from the building to dumpster.

Chair Woodfin asked about the parking to the left of the dumpster.

Mr. Curran stated there are three parking spots left of the dumpster and the rest are out front.

Member Savage asked about the snow storage.

Mr. Curran noted they missed that.

Ms. Skinner stated it is one of the conditions of approval.

Mr. Curran stated the plan is to utilize existing drainage systems. All of the drainage goes to the east by Aldi and they are connecting to that. They are setting the drainage in the same spot. The site utility plan shows sewer and a stub. The roof drains will tie into the existing drainage. The water will be in the back.

Chair Woodfin asked about the landscape plan.

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Mr. Curran noted the darker circles are the proposed trees and there are some lighter ones that are existing. They are showing a bunch of trees and shrubs. They will be adding two more trees in response to the recommended condition from the Architectural Design Review Committee.

Ms. Skinner added in addition to that, it is referenced in the staff report items they need to address to meet the residential buffer requirement that will also enhance the landscaping.

Chair Woodfin asked if they submitted a lighting plan.

Ms. Skinner said they submitted a lighting plan and meet all of the requirements.

Chair Woodfin asked about signage.

Ms. Skinner stated signage will come in later.

Chair Woodfin asked if across the street there is a proposed development.

Ms. Skinner responded yes, 33 Old Loudon.

Member Savage asked if it is multi-family.

Ms. Skinner answered it is.

Chair Woodfin asked if the sidewalks are on this side. Chair Woodfin thinks the sidewalk is across the street.

Mr. Bass stated sidewalk would be in the public right-of-way.

Mr. Curran will go back and look at the stone wall.

Ms. Skinner stated she would encourage Mr. Curran to look at the easements to see where that is.

Mr. Curran submitted a few memos for drainage and trip generation.

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

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

On a motion made by Member Savage, seconded by Member Condodemetrak, 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) and Section 36.08 of the Site Plan Regulations:

- a. Section 16.03(1) *Preparation*, to defer the signing and sealing of the architectural elevations by the licensed New Hampshire architect to the final site plan approval;

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- b. Section 16.03(11) *Signs*, to not provide location, size, and placement of affixed and freestanding signage as part of the site plan application but defer to the sign permit application process; and
- c. Section 18.17 *Tree Plantings*, to allow one tree being planted for each 2,000 square feet of proposed parking area.

All in favor. The motion passed unanimously.

On a motion made by Member Savage, seconded by Member Condodemetraky, the Board voted to **grant architectural design review approval** of the proposed 2,466-square-foot credit union, as submitted and subject to the following conditions:

- a. Increase the number of trees to be planted on the lot as much as possible and specifically add at least two additional shade trees in the seeded lawn strip along the northern side of the site while still abiding by the required 10-foot separation from underground utilities;
- b. Paint any service doors not used for public access a dark color to complement the adjacent siding.

All in favor. The motion passed unanimously.

On a motion made by Member Savage, seconded by Member Fox, the Board voted to **grant minor site plan approval** for the construction of a 2,466-square-foot credit union at 285 Loudon Rd, as submitted, and subject to the following:

- a. Precedent Conditions – Per Section 7.08(9) *Expiration of Approval*, approved site plans shall meet all precedent conditions and obtain the signature of the Chair and Clerk of the Planning Board within one year of the date of the Planning Board meeting where conditional final approval was granted; otherwise said plans shall be null and void.
 - 1. Unless a specific variance, waiver, or conditional use permit is granted stating otherwise, revise the plan sheet/set to fully comply with the Site Plan Regulations, Zoning Ordinance, and Construction Standards and Details, including but not limited to the following:
 - a. Add traffic flow demarcation to show traffic flow direction for the main drive aisle on sheet C301. (Section 18.09)
 - b. Revise sheet L101 to show, label, and note the required number of evergreen (at least 3) and deciduous (at least 5) trees and evergreen (at least 50) and deciduous (at least 33) shrubs within the 3,333-square-foot residential district buffer, at the required size at time of planting (12 feet tall deciduous, 8 feet tall evergreen trees, 4 feet tall all shrubs) with shrubs no more than 5 feet apart in staggered rows. (Section 18.11)
 - c. To ensure continued compliance with this section during installation of landscaping, add a note to the general notes on sheet L101 stating that non-organic mulch, stone, or landscaped fabric is not allowed in the perimeter landscaping area or the 15-foot-wide buffer area. (Section 18.16)
 - d. Sheet L101 shows a requirement of five trees in the chart. However, the plan view only shows three trees being planted around the parking area. Provided the waiver is approved, an additional two trees shall be planted in the perimeter parking landscaped area. If there are existing trees in the perimeter

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parking area that are being used to meet the five-tree requirement, then they need to be identified with their species. Existing trees preserved on the site may count on a one for one basis when located within 20 feet of the parking lot, access aisle, or driveway. (Section 18.17)

- e. Add a note to all three of sheets C301, C303, and C402 stating that the parking lot shall be constructed in accordance with the Zoning Ordinance and Construction Standards and Details and that a waiver from the Planning Board is required for any deviations. (Section 18.20)
- f. Show the required snow storage area on sheet C301. If the project is utilizing a snow storage area from Raising Cane's or Aldi, any such arrangement shall be specified on sheet C301. (Section 18.21)
- g. Add a note to all three of sheets C301, C303, and C402 stating that the slopes of parking spaces shall not exceed 5% in any direction. (Section 18.22)
- h. Add a note to both sheets C301 and C402 stating that all new sidewalks shall comply with the Construction Standards and Details, including specifically noting that all new sidewalks shall comply with Section 3.02.D and Section 3.03.M, N, and O, of the Construction Standards and Details; shall be a minimum of five feet in width, exclusive of curbing; shall have a maximum transverse slope of 2%, sloping towards the street, driveway, or parking area; and that an accessible route shall be provided from the building entrance to a public sidewalk that meets federal standards for an accessible route to the public way. (Section 21.05)
- i. Provide confirmation that Kasada, LLC no longer has ownership of the site or correct the ownership information on all plan sheets, including C101, C202, C301, C302, C303, C402, C502, and C801.

Sheet C-101

- j. Include in the plan set the listed lighting notes and details sheet or remove it from the sheet index.
- k. In the title block at the top of the sheet, the property is listed as Map #611Z, Lot #38, Unit #3; however, the City's assessing data lists the parcel as Map #611Z, Lot #38. This needs to be correct in the title block on the right side of all the sheets.
- l. Confirm ownership. Under the location plan, the property owner is listed as GMX-RP-Concord, LLC. According to the City's assessing data, the owner is Kasada, LLC.
- m. In the sheet index, the lighting plan is listed as sheet L-202, but the actual sheet is labeled as L-201. In the sheet index, the lighting notes and details is listed as sheet L-203; however, the actual sheet is labeled as L-202.
- n. In the sheet index, the boundary, topographic, and utility survey (by others) is listed as two sheets, but three sheets have been added to the end of the plan set.

Sheet C-102

- o. Include the erosion control line types and hatches on the legend. Ensure all line types and hatches shown in the plan view are located on the legend.

Sheet C-202

- p. Show the entire existing curbed island along the drive entrance on the south side of the site to clarify the drive into the site.

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- q. Within the plan view, the boundary line data has two bearings – one with (SP) and one with (D). Add a note describing the meaning of these abbreviations.

Sheet C-302

- r. Provide details in the detail sheets for: transformer pad, prop. Concrete pad, prop. 6' vinyl fence, and the prop. stamped concrete pad.
- s. Label the asphalt radius line that crosses from unit 2 into unit 3 on the northeast portion of the site. Clearly depict how the drive aisle between the site and Raising Cane's will look.
- t. Show pedestrian access to the trash enclosure.
- u. Include the site address within the footprint of the building.

Sheet C-402

- v. Spot grades show 0.5' from the top of curb to the flowline. Change the curb from 6 inches to 5 inches sloped granite curb, per Section 3(2)(C) of the Construction Standards and Details.

Sheet C-502

- w. Label the existing fire hydrant in the Old Loudon Road right-of-way.
- x. Show how the proposed transformer will connect to existing power supply. Add a note stating whether or not there will be additional buried conduit. If there is additional, clearly depict and label it.
- y. Uncross the crossed water and storm lines connecting to the building.
- z. Revise the 6-inch sewer line slope from 0.5% to a minimum of 1.0%, per Section 4(3)(B)(14)(b) of the Construction Standards and Details.
- aa. The existing outlet for SAN-10 is labeled as 8 inches, where the pipe is actually 6 inches.
- bb. Confirm with the fire marshal requirements for fire suppression and provides notes on the utility plan regarding such requirements, including depicting and labeling any system elements that are required.
- cc. The existing water main shall be updated to show how it was installed for Raising Cane's at 287 Loudon Road. This as-built information may be obtained from the Raising Cane's contractor.
- dd. Extend the existing water main from 287 Loudon Road towards the proposed building and cap it. Show the 2-inch water service with a shut-off valve coming off the extended main.

Sheet C-601

- ee. In the proposed drainage profile at Station 0+53, revise "wye" to "tee wye" and provide Detail SS-1 for it. At Station 0+65, the profile shows "Approx. Location of Electric & Telecom Conduit"; however, this crossing is not shown on plan view and needs to be.
- ff. There are two "Proposed Drainage Profile(1)s." Revise one of them to be a profile for storm line A-11.
- gg. In the proposed sewer profile, add PVC to the pipe material type. (Section 4(2)(C)(1))
- hh. Show the existing water line from the Raising Cane's project.
- ii. Minimum slope for 6-inch sewer pipe is 1% per Section 4(03)(B)(14) of the Construction Standards and Details and shall be revised accordingly.
- jj. Show and label the material of the 2-inch water service (copper).

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Sheet C-803

- kk. Show the erosion control line types and hatches on a legend.
- ll. For compliance with Sections 27.09(2), (3), and (5), add a note stating that disturbed areas remaining idle for more than 21 days shall be stabilized, including soil stockpiles; all disturbed land shall be covered with loam a minimum depth of 6 inches; and the site shall be stabilized under the conditions of a 10-year storm.

Sheet C-901

- mm. On the stop bar detail, revise the stop bar width from 12 inches to 18 inches, pursuant to the Concord stop bar detail on this sheet.
- nn. On the Concord sloped granite curb detail, revise the distance to the sawcut line from 18 inches to 24 inches, pursuant to Detail C-2.
- oo. Remove the monolithic curb and sidewalk detail. (Section 3(2)(C))

Sheet C-902

- pp. Place Detail SD-12 on this sheet showing a storm cleanout.
- qq. Add a note to sheet C301 stating the following: “The applicant is responsible for all coordination with the utility companies to ensure that nonmunicipal utilities are installed in accordance with the plans approved the Planning Board pursuant to the Site Plan Regulations. All utility facilities shall be located underground through the proposed development with existing utility facilities located above ground being removed and placed underground except where existing on public streets and rights-of-way. All service connections shall be constructed to the standards contained in the Construction Standards and Details and established by the private utility company.” (Section 25)
- rr. Revise the plan view, plant schedule, and chart to show and note how the buffer option 3 is being met for the residential district buffer. (Section 26.01)
- ss. Notes regarding rooftop and ground-mounted mechanical equipment shall be added to sheet C502 stating that no rooftop or ground-mounted mechanical equipment is proposed. Alternatively, if rooftop or ground-mounted mechanical equipment is proposed, such equipment must be shown on sheet C502 or sheet C301, along with the required screening method shown and labeled with dimensions. (Section 26.02)
- tt. Revise sheets L101 and L102 as follows:
 - Revise note 5 of the general landscape notes on sheet L101 by deleting “MUNICIPAL ENGINEER” and adding “CITY PLANNING DIVISION THROUGH THE ADMINISTRATIVE APPROVAL PROCESS”
 - Remove the tree planting detail, the shrub planting detail, and the groundcover planting detail, and replace with details L-1, L-4, and L-5, respectively, from the Construction Standards and Details. Also add details L-2 and L-9. If evergreen trees are added to the planting plan, add detail L-4. Ensure that none of the notes on L101 or L102 conflict with any of the requirements in the details or Section 8 of the Construction Standards and Details.
 - Add a note 7 to the general landscape notes on sheet L101 that states: “No trees shall be planted within 10 feet of existing or proposed underground utility lines.”

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- Deciduous trees, other than buffer deciduous trees, must have a caliper no less than 2 ½ inches at the time of planting. Evergreen trees, other than buffer evergreen trees, must have minimum height of six feet at the time of planting. Review the plant schedule for all deciduous and evergreen trees to be planted outside of the residential district buffer to ensure the minimum sizes at the time of planting are accurately portrayed.
 - Requires that no more than 25% of the trees to be planted shall be of the same species. The plant schedule on sheet L101 provides for the planting of five October glory red maple trees, which is not compliant with this requirement and needs to be revised accordingly. Also, when adding any tree plantings that may be necessary to meet buffer and tree planting requirements, ensure that there are no more than 25% of the same species.
 - Prohibits invasive species as listed by the State of New Hampshire and encourages native species. While none of the proposed plantings are invasive species, the only three native species out of the 10 species types being planted are the *ilex glabra* ‘compact’, *ilex verticillate* ‘winter red’, and *rhododendron maximum* ‘roseum’. Revise plans so that non-native plant species are substituted for native plant species
 - Review all the notes on sheets L101, 102, 801, and 803 to ensure none conflict with each other, all are applicable to this project, and that all comply with both Section 27.09 of the Site Plan Regulations and Section 8 of the Construction Standards and Details, including details E-1, E-2, and E-3, as applicable, and revise sheets L101, 102, 801, and 803 accordingly.
 - uu. Revise plan sheets to change the light pole detail to be the detail from the Construction Standards and Details and add the color of the light poles.
 - vv. The drive-thru canopy ratio shall be reduced to 4 from the current 4.37 to meet the 4:1 illumination ratio requirement. Revise applicable sheets accordingly.
 - ww. All foot-candles greater than 0.2 beyond property boundaries shall be reduced to 0.2 foot-candles or less. Revise applicable sheets accordingly.
 - xx. Show or note how the project complies with the State of New Hampshire’s adopted fire codes.
 - yy. Update the landscaping plan to increase the number of trees planted on the lot and specifically add at least two more shade trees to the seeded lawn strip along the northern portion of the site while still abiding by the requirement for 10 feet of separation from underground utilities.
 - zz. Revise the architectural elevations to depict the chosen dark paint color for the service doors to complement the adjacent siding.
2. List all approved variances and waivers with the section numbers, description, and date of approval on sheet C301.
3. Upon notification from the Planning Division that the plan set complies with Planning Board conditions, the Zoning Ordinance, Site Plan Regulations, and Construction Standards and Details, the applicant shall deliver to the Planning Division two full-size plan sets, including civil, landscaping, and lighting plans and architectural elevations, for endorsement by the Planning Board Chair and Clerk.
- b. Subsequent Conditions – to be fulfilled as specified:

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1. The applicant is responsible for compliance with the City's municipal code, Site Plan Regulations, and Construction Standards and Details, unless a variance, waiver, or conditional use permit is granted.
2. Copies of all required state and federal permits shall be submitted to the Planning Division prior to the issuance of building permits or commencement of demolition or construction. (Sections 13.01(6), 13.02(8), 23.08, and 24.09)
3. No building permit shall be issued 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 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. (Section 11.09(6))
4. The applicant, successors, and assigns 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. (Section 27.07(8))
5. Existing invasive species shall be removed. All trash, construction material, and debris shall be removed. Dead and dying trees which present a potential hazard to existing and proposed structures shall be removed. (Section 27.07(10))
6. The site shall be graded and cleared in accordance with the Construction Standards and Details and Section 27.08 of the Site Plan Regulations.
7. Erosion control measures shall be installed and maintained in accordance with Section 27.09 of the Site Plan Regulations, the State of New Hampshire Department of Environmental Services, and the Construction Standards and Details. 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 as required by Section 27.09(4) *Monitoring and Maintenance*.
8. Temporary sediment and erosion control devices shall not be removed until permanent stabilization is established for the entire site. All temporary erosion and sediment control measures shall be removed after the completion of construction. (Section 27.09(5))
9. A site stabilization guarantee shall be provided to ensure that sites are properly stabilized. 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. (Section 27.11)
10. The Clerk shall inspect the exterior appearance of sites to determine if 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 site is consistent with the Board's approval. (Section 33.08)
11. If there is a conflict between regulations, rules, statutes, provisions or law, or the approved plan set, whichever provisions are the more restrictive or impose higher standards shall control, unless a specific waiver from the provision has been granted by the Planning Board. (Sections 36.04 and 36.05)
12. 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 shall be issued prior to satisfactory completion of pre-construction conditions of Planning Board approval. The Clerk shall not approve any certificate of occupancy unless the site is found to comply

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- with the approved site plan and the conditions of Planning Board approval. (Sections 36.15 and 36.24)
13. Temporary certificates of occupancy are only issued under certain circumstances and only for the items outlined in Section 36.18, only in winter conditions to defer certain weather-dependent items to spring.
 14. 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. (Section 36.19)
 15. Prior to the issuance of a certificate of occupancy, digital as-built drawings shall be provided conforming to the Engineering Services Division's as-built checklist. (Sections 12.09, 13.02(11), and 36.25)
 16. Where a public facility, public utility, or public improvement is to be constructed, a financial guarantee shall be provided. (Sections 13.02(5) and 36.26)

All in favor. The motion passed unanimously.

- 9B. Scott Alley and Fieldstone Land Consultants, PLLC request approval for an amendment to a recorded subdivision plat to allow an individual driveway at 119 Sewalls Falls Road, rather than a shared driveway with 117 Sewalls Falls Road, and a waiver from Section 19.05(11) of the Subdivision Regulations for 119 Sewalls Falls Road, located in the Single-Family Residential (RS) District. (2024-022) (PL-AMEND-2025-0018)

Ms. Skinner provided a staff update noting that this project is a 16-lot subdivision. The plat has been recorded. It was originally approved in 2022 with a revision in 2024. Ms. Skinner noted both Abbott Rd and Sewalls Falls Rd are collectors. The regulations do not allow individual driveway access from collectors for houses. Ms. Skinner noted it was approved both times with shared driveways so there would not be 16 curb cuts on collectors.

Chair Woodfin remembers it well.

Ms. Skinner noted that is also why the applicant is requesting a waiver. The section that he is requesting is the one that requires the shared driveway.

Mike Ploof (206 Elm St, Milford) and Scott Alley (75 S Main St, Concord) are present to represent this application.

Mr. Ploof read out loud the 2024-022 Amendment Application Materials that is an attachment on the agenda.

Mr. Alley noted he agrees to the last page of the staff report which lists four items. He has no problem with those conditions. Mr. Alley noted they will be a financial burden to him but understands the conditions. He is fully on board with the conditions if it will allow for this driveway access. Mr. Alley asked the feeling of the Board.

Chair Woodfin stated the Board does not answer questions. The Board is here to hear what is the hardship, why does this need to happen, what the issues are, and what staff is telling the Board. Chair Woodfin noted the Board listens to the recommendations of staff, to deny the waiver request, because they are the ones that do this as professionals and the Board is the one that sits in judgment.

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Mr. Alley stated that is unfortunate for him to hear.

Chair Woodfin noted the Board has gone against staff, though, and the hardship issue is the issue in this case. Chair Woodfin stated he heard the loop drive is better, heard curb appeal is better, and does not see the draw down of having a driveway if it is done right. Chair Woodfin noted it does not distract from a historical barn. Chair Woodfin stated the applicant needs to convince the Board there are regulations in place that say you cannot put in the extra driveway and Mr. Alley needs to tell the Board why they should.

Mr. Alley stated it is not an extra driveway it is just moving it.

Chair Woodfin stated it is a second curb cut.

Ms. Skinner informed Mr. Alley by having a shared driveway with 117 and 119 there is only one driveway and one curb cut. Ms. Skinner noted if Mr. Alley moves his driveway to be individual that is an additional curb cut. Rather than having one there will be two, and that is an extra curb cut.

Mr. Alley asked even though there is no curb are they still calling it a curb cut.

Chair Woodfin noted that is traditionally the way it is referred is a curb cut.

Mr. Alley noted that is one of his rebuttals that it did not require a curb cut because there is no curb. Mr. Alley noted he is moving his single driveway from one end to the other.

Chair Woodfin noted if that was the case he would not be before the Board and the additional extra curb cut is the issue. Chair Woodfin noted Mr. Alley is welcome to move it but you will have to get rid of the other one.

Mr. Alley wants to limit 100 plus feet of asphalt and cut across the whole front of the property and make it 20 feet that goes perpendicular to the street. Mr. Alley stated it will allow him to have vast green space for garden or privacy. Mr. Alley noted regarding safety concerns he has retired from a safety related job. Mr. Alley stated he would not propose something that the felt it would risk the neighborhood or the community. Mr. Alley is hoping to make the barn a LEED certified residence.

Member Savage noted they are looking at a circular driveway without knowing what will go in the middle of the circle. Member Savage stated Mr. Alley said it would be aesthetically more pleasing than the width of the double and asked what are you putting in the middle.

Mr. Alley stated the circular driveway is a dream of his and he is willing to alter that if it means he needs to. Mr. Alley wanted to focus on the 20 feet. Mr. Alley noted for the dream circular driveway it has the benefits of being able to turn around whether it is a large or small vehicle. Mr. Alley stated he has many trailers and a motor home. Mr. Alley noted on the turnouts on these little driveways will not cut it. Mr. Alley noted for the middle his plan it to have some kind of water feature with vegetation and flowers. Mr. Alley noted the shared driveway apron if he were to put a driveway in all the plans he has seen is referring to a garage and there is no garage there. The barn door that is there will be the future front door and Mr. Alley needs direct access. Mr. Alley stated the second major hardship,

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which has been mentioned, there is a shared driveway and you go around here. Mr. Alley stated he physically cannot fit around that side of the barn. Mr. Alley stated the second amendment that was done in 2024 which was to readjust the side lines, he has not read it, he is guessing that is what it was for it allowed more space. Mr. Alley noted can he put a single car here yes. He cannot fit his pick-up truck with any of his trailers. Mr. Alley noted he has small and large trailers. Mr. Alley stated forget about his motor home. Mr. Alley noted this preexisting drive which was to be dismantled along with the barn. Mr. Alley noted this still exists and this is where he has some cars parked further not allowing for any access on this side of the barn. Mr. Alley stated for him to have a shared driveway with 117 which the shared driveways back in 2022 were approved with homes that were designed to have the garages on the driveway side. Mr. Alley noted they were assuming the barn was going to be going away. Mr. Alley stated the garage is on the back and the only way he can get to it is from the north end and that has plenty of straight and wide access for him to maneuver properly and to live on the property well. Mr. Alley noted if this circular driveway is something that someone is disagreeing with because it is too large. Mr. Alley stated this is a work in progress and thought this proposal and this amendment was just to get his 20-foot apron done so he can take his time to design the remainder of the driveway. Mr. Alley noted because he has been forced to work with this driveway amendment and waiver a long time before he was planning on it. Mr. Alley stated a shared driveway it not just adequate and acceptable for him to be able to use the property. As it is now he has a public sidewalk that he also did not know was going to happen when he bought the property and now has lost 10 to 15 feet of property he thought he had. Mr. Alley noted now that also has been completed he wants to clarify for everybody because it has been in writing that the aprons have already been installed. Mr. Alley stated he has no apron on his property and there is 20 feet of apron on 117. There is zero apron on 119 or curb cut. Mr. Alley stated he cannot get on his property currently legally without driving over a sidewalk which is not able to be driven over. Mr. Alley noted he has to either drive on this property that does not belong to him or this property that does not belong to him. Mr. Alley stated at some time the developer is going to tell him he cannot do that. Mr. Alley noted he has not had any interaction with the developer.

Chair Woodfin noted they are moving off topic. Chair Woodfin noted he bought the property and understands the issues he is trying to address. Chair Woodfin stated the Board is here to talk about a second curb cut not how you can get your motor home around the building. Chair Woodfin stated Mr. Alley bought it knowing what was there and knowing the plans are set.

Mr. Alley stated he did buy it not knowing the plans are set and did not know what the plans were. Mr. Alley stated he was not provided any information and did not know there was a sidewalk that was going there when he bought it. Mr. Alley noted regarding the second curb cut, which he will continue to call his first and only cut, because he does not have a cut on his property. Mr. Alley noted in Massachusetts where he is from they make it a point that you do not want to put driveways back to front or in front and behind each other because it causes a lot of accidents Mr. Alley has responded to many of them and some are minor and some are major. Mr. Alley noted having the driveway over here is more central between this driveway and this driveway. Mr. Alley stated he knows for a fact his neighbors have no qualms with him moving his driveway. Mr. Alley has done the leg work to discover that there are no engineering changes that need to be done for this 20-foot section. Mr. Alley noted they are only talking about a little bit of gravel put on 20 feet between the street and sidewalk. Mr. Alley noted there is nothing in the plan or paperwork about how 117's driveway is going to be fixed. Mr. Alley did not realize that is something he has to worry about but apparently it is and he is willing to resolve that. Mr. Alley noted currently it already has a 20-foot apron and to fit guidelines

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just to be five feet more over to the south. Mr. Alley stated you are talking about adding five more feet of gravel.

Member Tarbell asked for clarification on where the garages are located on the west side of the property and asked if those garages will stay and will you use those garages.

Mr. Alley stated absolutely, those will be the longest thing.

Member Tarbell asked Mr. Alley how do you plan on accessing them because what he believes you would have a paved circle on the easterly side would you go over grass or gravel.

Mr. Alley stated the short answer yes. Mr. Alley passed around the garage doors and barn to show location of storage for motor home, trailers, equipment and the front door. Mr. Alley noted there will be gravel surface or cobblestones for the tires that will go up and around the trees.

Member Tarbell stated if you come off the driveway off of the curb cut off of Abbott would you be able to access the garage areas.

Mr. Alley stated that is not his property.

Member Tarbell responded right, there is a driveway that you have access to.

Mr. Alley stated he does not, he does not have any rights to any driveway.

Ms. Skinner noted there was prior to this being platted there a house that was associated with the barn and the access was from Abbott with an address of 145 Abbott. When that was all platted both the barn and the house were supposed to be demolished. Ms. Skinner noted the plat was recorded with just the house being demolished not the barn and that is why they then had to come back in for a re-subdivision to adjust the lines because the barn was over the lot line. As part of that adjustment all of the shared driveways along Sewalls Falls Rd and the easements for those had to be adjusted. The access for each lot is through recorded easements.

Member Tarbell stated an easement is a legal right of access.

Ms. Skinner stated they have an easement from Sewalls Falls Rd not from Abbott. Ms. Skinner noted 117 Sewalls Falls Rd and 119 Sewalls Falls Rd have a shared access easement and so a portion of the easement is on both lots.

Mr. Alley stated he would have to buy two lots for him to have access to that driveway. Mr. Alley noted part of this driveway is a part of this lot here and that driveway is part of this lot here. Mr. Alley stated another hardship is there are utilities to the barn but there are two stubs for water and sewer. Mr. Alley noted he is still determining and does not know how long it will be to determine what the barn will look like inside and out. Mr. Alley stated which means it could take him that long to figure out the water and sewer access and how and where it will connect to the barn. Regardless of where it is going to go it would inevitably require him to tear out and rebuild his driveway if he is forced to do a shared driveway, which is another reason why the driveway is proposed to be over here. He can take his time and figure out where he wants his water and sewer to come into the building. Mr. Alley

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stated that is a very important decision. Mr. Alley does not want to undo anything and do it right the first time. Mr. Alley noted the main point he wants to share to the Board is back in 2022 the barn was not supposed to be there; the garages were supposed to be right next to the driveways and that is not what we have here and all he is asking for is to make his property live able to the fullest extent that it can be. Mr. Alley asked if everyone has seen the drawings.

Chair Woodfin responded yes and asked if they can be kept as part of the record.

Mr. Alley responded absolutely.

Member Condodemetraky asked if all of the utilities are going to be underground.

Mr. Alley responded yes, everything is all underground.

Member Condodemetraky asked if there will be any obstruction around the circular driveway for the larger vehicles.

Mr. Alley stated there is no perceived future problem with the driveway going where he is asking it to go. Mr. Alley noted he is trying to do as much of the work himself and involve his family in this project.

Member Condodemetraky asked if emergency vehicles can access the circular driveway or would they be expected to stay on Sewalls Falls Rd.

Mr. Alley noted this theorized circle with the radii that are engineered for emergency vehicles and when he says emergency vehicles he does not mean fire trucks he means ambulances of any size and rescue trucks.

Chair Woodfin asked if there are any questions from the Board, any member of the audience or staff.

Ms. Skinner stated Mr. Alley alluded to the fact that the apron for the shared driveway at 117 Sewalls Falls Rd and 119 Sewalls Falls Rd is not installed according to the approved 2024 plan. Ms. Skinner was at the site today for a final walk through with engineering and that is correct. The contractor installed two of the driveway aprons in the place where they were going to be for the 2022 approved plan. Ms. Skinner stated the easements are going to have to be adjusted. Most of the easements will be on 117 Sewalls Falls Rd for 119 Sewalls Falls Rd. Ms. Skinner noted almost the entire thing is on 117 Sewalls Falls Rd.

Mr. Alley stated 100% of it is on 117 Sewalls Falls Rd and he has the measurements to prove it.

Member Savage asked if there could be any problems with this amendment to their property.

Mr. Kohalmi responded no, there is no sight distance issue or anything like that.

Member Savage stated there was a reference that there would be some sort of a pathway to get back there and does not see the pathway.

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Mr. Alley stated it isn't because he did not give that information to Fieldstone because he thought he was only getting an amendment for a 20-foot curb cut. Mr. Alley did not realize he was going to have to plan out his whole future of his car locations and driving paths. Mr. Alley noted when he was developing a location he came up with this favored circle format and he has his own personal drawing to show it will go along the right side. Mr. Alley noted you will not even know it is there because it will be with those pavers that have grass growing up in them or cobble so there are no ruts in the ground. Mr. Alley noted him moving the driveway is not affecting any of the flood, shoreland or Penacook watershed.

Member Fox noted maybe he is not seeing the whole picture is the shared driveway coming into two properties is there any way to tie that to the circular concept so that you are exiting on a shared driveway.

Mr. Alley stated that is a valid question and he has drawings trying to figure out and none of the drawings were acceptable to him. Mr. Alley noted some of the reasons were excessive payment or hard surface for whatever the driveway will be made out of unnecessarily. Mr. Alley noted if he drives on it on the right he is literally driving on to his driveway on the other side of the sidewalk. Mr. Ploof stated it would be an extreme amount of impervious surface.

Member Fox stated he gets that part of it but is that doable. Member Fox noted he is not seeing the big picture because he does not have a picture of what the concept might look like.

Mr. Alley stated technically is it doable yes but it is causing him to have undue expense later when he has to tear it out again to put the water and sewer in.

Member Fox asked the circular thing or the right.

Mr. Alley stated any access from the proposed joint lot line where the shared driveway entry point is preventing him from having green open livable space. It is preventing from having to dig it out for water and sewer.

Member Fox asked if the cart is ahead of horse here. Might you put the water and sewer in before you have to tear out.

Mr. Alley stated currently he has no legal access to his property right now. Mr. Alley stated he needs to put in a driveway in now. He is being forced to put a driveway on the horse before the cart.

Chair Woodfin stated he has have legal access with an easement.

Mr. Alley stated he does not because the apron currently is on 117 Sewalls Falls Rd.

Ms. Skinner stated there is an easement on both properties and regardless of the location of the apron the easement encumbers both properties. Ms. Skinner noted Mr. Alley does have legal access by virtue of that recorded easement.

Member Fox asked if the easement is in the deed.

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Chair Woodfin responded yes, it is in the plat.

Mr. Alley asked how deep is that easement.

Chair Woodfin stated he is asking questions that his developer needs to answer. Chair Woodfin noted the Board is not here to answer the questions. Chair Woodfin stated the Board is here to answer the question can you move the driveway and add a second curb cut.

Mr. Alley stated he understands what they are saying.

Chair Woodfin noted he is repeating themselves over and over. Chair Woodfin stated there is access to the property now and can drive home and go over it.

Mr. Alley disagrees that is actually true because physically he cannot without bottoming out his vehicle because of the sidewalk. Mr. Alley believes the easement is only to his side of the public sidewalk which is where the apron would go to and if that is the case that is entirely on the other persons property.

Ms. Skinner stated the easement is partially on his property and partially on the other property.

Mr. Ploof pointed out the easement location.

Mr. Alley stated the way the property is sloped right now he cannot drive even on the easement part of the property. Even if that is true, at this point, the way the sidewalk had to be built up to retain the sidewalk has a slope that he has to drive 20 to 30 feet into the neighbor's property before he gets into his property and that is clearly past the easement.

Ms. Skinner stated all of the lots have the easement, all of the lots have the apron, what none of the lots have, including yours, is an installed driveway. Ms. Skinner noted you cannot install the driveway without the driveway permit. There have been no driveway permits issued for any lot. once the driveway permit is issued then you install the driveway within the easement. Ms. Skinner noted none of the lots can drive in technically because they do not have a driveway.

Mr. Alley stated they do not have owners either.

Ms. Skinner stated they do have owners all of the lots are owned.

Mr. Alley asked if they are owned by the non-developer.

Ms. Skinner owned by Country Estates LLC.

Mr. Alley noted the developer owns the property surrounding me. Mr. Alley stated it could be two years before he has a neighbor with a structure on it. Mr. Alley noted he is being held up to do certain things unwillingly and also holding up decisions like water and sewer. Mr. Alley is trying to live in a space that was not supposed to be there and now trying to make it livable at the rate of speed that he goes at. Mr. Alley stated he is being held accountable to what was approved for the whole development for a previous structure that preexisted and, in his opinion, he feels he should be his own

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little microcosm separate of the development. Mr. Alley knows there are legal things that have to do with all this and that it cannot be that.

Chair Woodfin stated he has bigger issues than what they are talking about here.

Mr. Alley noted this is the biggest issue access to his own property.

Chair Woodfin stated again, it is there.

Mr. Alley stated it is not usable there and it shouldn't be there.

Councilor Todd is teeing off Member Fox's comment earlier. Councilor Todd does not think there is anything preventing the property owner from putting in a temporary driveway that is not a completely finished with asphalt. Councilor Todd noted connecting in as suggested to his circular driveway and it could be completed if he wanted it to. But you could have a temporary driveway with access to that circular driveway and you would not have to finish it to get the water and sewer done. Then with the completion of that work you can put a permeant surface in for the driveway with asphalt or whatever you want.

Mr. Alley stated that is an unappealing option, but it is an option.

Member Condodemetraky asked Mr. Alley if he is currently living in the property now.

Mr. Alley stated it is not currently livable. It is a work in progress.

Member Condodemetraky asked the purpose of the plan purposed for the building is a residence.

Mr. Alley responded yes.

Chair Woodfin stated we need to wrap this up.

Mr. Alley noted they have covered almost everything here. Mr. Alley stated if this can be approved with Mr. Alley acknowledging and doing everything that is asked of him on the last page of the staff letter. Mr. Alley is fully on board with doing so and will move forward as soon as possible to do what he thinks is right for this property.

Chair Woodfin asked the Board if there are other questions and with none, closed the public hearing and thanked the applicant his testimony. Chair Woodfin asked if there is any follow up from staff.

Mr. Walsh stated he is looking at plan from 2024 that was approved by the Board that specifically contemplated the shared driveway to show how conceptually it can be done on the property and that can be configured in a way that can provide him access to the rear of the property if he wanted to. Mr. Walsh also noted the utilities have already been stubbed to the property at the right of way line. Mr. Walsh noted looking at the 2024 plan it clearly demonstrated how a functional driveway could work to access the property.

Chair Woodfin asked front and back.

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Mr. Walsh answered just to the front but there is a way that the driveway could be swung around the building to the north side of the building to gain access to the rear of the property.

Chair Woodfin asked so the right side of the lot as you go around the right side.

Mr. Walsh responded yes, it would be the right side.

Chair Woodfin stated he is conscious of the fact that they are talking about a waiver that goes against the common collector road piece and they have addressed that numerous times in the past.

Councilor Todd recognizes and appreciates the fact that the property owner is preserving the barn. Councilor Todd wanted it noted for the record that it is an excellent plan for reuse of this property. Councilor Todd stated it seems to him that first of all and agrees with his colleagues. It is challenging to be able to make a decision on the proposal without having final plans. Councilor Todd noted the staff references that as well. Councilor Todd thinks there is a lot of flexibility with this property and as Mr. Walsh stated the plan has accommodated that. Councilor Todd is inclined to continue along the route that was set here and not deviate from that. Councilor Todd thinks he has other options to be able to put in temporary driveways or whatever he needs to do to get the rest of the work done. Councilor Todd noted it will be a huge project but that is why he bought the property.

Member Tarbell stated he is torn because there is an existing barn and it is in a fixed location. He cannot move the barn to allow for access and he does have a unique situation. To have a weird winding driveway next to the barn is to prevent access it is strange. At the same time, he does appreciate the efforts to reduce curb cuts.

Chair Woodfin stated it is unique and to Councilor Todd's point the Board does not have a fully baked plan in front of them with everything sketched out with the buffers, the right of way issues and the elevations.

Member Tarbell asked is the plan submitted with the circle what the plan is or is it just the curb cut.

Chair Woodfin stated just the curb cut they are talking about. Chair Woodfin noted they can do a gravel driveway for now until they figure out what they will do. Chair Woodfin noted they can come back with a fully baked plan that say you can do this. Chair Woodfin stated he does not want to punt this down the road and wait to say if you build this out why are you doing the curb cut now. Chair Woodfin stated they already have an easement to the property to build a temporary driveway. Chair Woodfin noted figure out what you have inside and put a complete plan set together. Then come back to say I can do this but I need a second curb cut and here are the reasons why. Chair Woodfin noted that is more of a tract he would recommend to the applicant. Opposed to doing this later and coming back later to say I should have done it this way or that way.

Member Tarbell asked if this would not be a final decision.

Chair Woodfin stated the Board can do it either way. They can make a final decision and either approve or deny the waiver request to allow for the second curb cut instead of the shared curb cut. Chair Woodfin noted there seems to be some confusion on do I have access or don't I have access. Chair Woodfin stated those are all immaterial in the Board's piece. Chair Woodfin stated there is an

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easement and he does have access to the property. Whether he psychically has access to it or not that needs to be resolved with the cities engineering department with the berm that is there or the developer.

Member Tarbell asked if there is a path to leave the door open for a later application.

Chair Woodfin stated you can deny now. Let them stay with the easement that is there with the understanding when you come back with a fully baked development plan for the property.

Ms. Skinner stated yes you can deny it and they can apply again.

Member Fox stated he wants to give this gentleman with the barn made every opportunity that he can have. Member Fox noted he is confused because there is nothing to look at.

Member Condodemetraký asked if a curb cut can be reversed.

Chair Woodfin responded no.

Ms. Skinner stated the easement can be adjusted like it says in the staff report. The easement would have to be extinguished.

Chair Woodfin noted you would not need an easement if you were not going over someone property.

Member Condodemetraký asked if he uses the existing easement now and then that can go away if coming in the other way.

Chair Woodfin thinks logical path to get us there is to deny the request with the understanding that you need to build out what is there, figure out what you will do, and come back with the plans to this Board to build this property out and request the additional curb cut.

Member Tarbell likes the idea to allow the development to continue.

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

On a motion made by Chair Woodfin, seconded by Member Fox, the Board voted to **deny the waiver request below** from the listed section of the Subdivision Regulations, because evidence was not provided showing that the criteria of RSA 674:36(II)(n) and Section 35.08 of the Subdivision Regulations have been met:

- a. Section 19.05(11) *Access for Single Family or Duplex Lots*, to allow individual direct access for lots addressed as 117 and 119 Sewalls Falls Road from a collector street (Sewalls Falls Road), rather than a shared driveway.

The Board makes the following findings:

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1. Recognizing that Sewalls Falls Road is a collector, the Board finds that granting the waiver is contrary to access management policies and regulations for collector streets discussed in the staff report and would be detrimental to public safety, level of service, and injurious to other property, and undermine the purposes for which shared access was required in accordance with the 2022 and 2024 Planning Board approvals for the subject subdivision.
2. The subdivision already has one individual access on Sewalls Falls Road. Approval of this waiver request would give three individual accesses on Sewalls Falls Road, along with the three shared accesses, for a total of six driveway accesses in the space of a little over 1,000 feet on a collector street.
3. Granting the waiver, by default, will result in a non-shared driveway at 117 Sewalls Falls Road in addition to the subject property at 119 Sewalls Falls Road. This is inconsistent with the City's access management policies and regulations for collector streets. Additionally, the applicant provided no details for how a driveway would be designed and constructed, or how existing easement rights for the shared driveway would be resolved.
4. A driveway apron for a shared driveway has already been installed at 117/119 Sewalls Falls Road which, presumably would have to be removed and replaced, presenting an unnecessary expense to the owner of 117 Sewalls Falls Road.
5. No evidence was presented as to why the shape or topographical conditions of 119 Sewalls Falls Road present a particular and unnecessary hardship from utilizing the already-installed shared driveway. The shape and topographic conditions of 119 Sewalls Falls Road are almost identical to those of 117 Sewalls Falls Rd.

All in favor. The motion passed unanimously.

On a motion made by Chair Woodfin, seconded by Member Fox, the Board voted 6 (Fox, Savage, Tarbell, Todd and Woodfin) in favor to 1 (Condodemetraky) opposed, to **deny the major subdivision amendment request** for 119 Sewalls Falls Road to have its own individual driveway along the northerly lot line, thereby keeping the recorded shared access easement between 117 and 119 Sewalls Falls Rd for a shared driveway.

All in favor. The motion passed unanimously.

- 9C. Richard Northpoint Engineering, LLC, Skuffy's LLC, and Enterprise Mobility request approval for a minor site plan application and certain waivers from the Site Plan Regulations for the addition of a 760-square-foot two-bay garage and associated paving, at Tax Map 781Z Lot 31, addressed as 28 Manchester Street, in the Gateway Performance (GWP) District. (2025-104) (PL-SPM-2025-0026)

Member Savage moved, seconded by Member Condodemetraky, to continue agenda item 9C to a date certain of October 15, 2025, at the request of the applicant. All in favor. The motion passed unanimously.

- 9D. TFMoran and ROI Irrevocable Trust request approval for an amendment to a major site plan to increase the square footage of the gas station from 5,775 to 6,873 square feet, increase the carwash from 2,730 to 3,409 square feet, and delay the construction of the convenience store's drive-through

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window to a future date, at Tax Map 781Z Lot 29, addressed as 30 and 32 Manchester Street, in the Gateway Performance (GWP) District. (2024-024) (PL-AMEND-2025-0019)

Member Savage moved, seconded by Member Condodemetraky, to continue agenda item 9D to a date certain of October 15, 2025, at the request of the applicant. All in favor. The motion passed unanimously.

10. Other Business

- 10A. Provide a recommendation to City Council for an ordinance amending the Code of Ordinances, Title IV, Zoning Codes; Chapter 28, Zoning Ordinance, Glossary, to align with Senate Bill 283 (2025) by amending the definition of floor area ratio.

Member Tarbell arrived back to the Board after recusing himself from agenda item 9A.

Ms. Skinner stated the city solicitor adjusted the definition of floor to area ratio to align with Senate Bill 283.

Chair Woodfin stated there is a recommendation for the Board to push up to City Council the ordinance amendment for the change to floor area ratio definition to align with Senate Bill 283 (2025), and asked for comments. With no comments, Chair Woodfin stated again that the recommendation from the Planning Board is for City Council to proceed with approval of the ordinance amendment.

- 10B. Recommendation to City Council for the ordinance amending the Code of Ordinances, Title IV, Zoning Code; Chapter 28, Zoning Ordinance, by amending Article 28-2, Zoning Districts and Allowable Uses, Section 28-2-4(k), Table of Accessory Uses; Article 28-5, Supplemental Standards, Section 28-5-9 Child Day Care Facilities; and the Glossary.

Ms. Skinner stated this is a change to our ordinance to align with the 2024 legislation which is reflected in RSA 672-1 and RSA 674-16. The legislation required that family day care facilities can be permitted by right as accessory to any principal residential use. The current zoning ordinance does not reflect that and this updates that. It updates all of the definitions so they all align with the state statute.

Chair Woodfin asked if the Board has any questions, comments, or concerns, and with none made a recommendation to push to City Council as written. Chair Woodfin stated the Board recognizes the ordinance change and recommends the changes be pushed to City Council.

Any other business which may legally come before the Board.

Councilor Todd asked Matt Walsh for an update about the master plan process and where we are at with that.

Mr. Walsh stated there has been two drafts of the RFP for the master plan. They are in the process of refining that now. They are having internal discussions with Engineering on how to handle certain parts of the plan. For example, it might be prudent for the City to engage one if it's on-call engineers to do the transportation of the master plan rather than having it farmed out to the consulting team that

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will be doing it. Mr. Walsh stated his goal is to get the RFP on the street within the next 60 days and then move that forward. They would like to start the process shortly after the holidays with the consulting firm. In the meantime, they are working on zoning amendments and there will be a zoning amendment for all parking standards at the October meeting to review. Then hopefully make a recommendation to City Council on that ordinance to move along. That is one of the more problematic of the areas of the ordinance that causes applicants frustration and staff frustration to be bounced between the Zoning Board and the Planning Board. Mr. Walsh thinks they have that solved and the Planning Board will be seeing that in October.

Councilor Todd asked in the RFP he knows there is a separate ongoing effort that City Council has approved in terms of soliciting public input. Councilor Todd asked will there be a component of that involved and required as part whoever the consultant will be chosen.

Mr. Walsh stated the Mayor put forward a proposal that the council set for public hearing in October. The funds have not been appropriated yet but they will be if the council wants to do that. Mr. Walsh stated that will dovetail with the master plan process. Mr. Walsh noted his understanding is to try to get the creative juices of the community flowing relative to vision and not to dissimilar to what Concord 2020 did many years ago but on a smaller scale. Mr. Walsh stated the RFP that will do out will have a discussion about public participation and how that may occur. Mr. Walsh stated to dovetail with that there are numerous boards and commissions here in the city that needs to be in the process as well. For example, there will be a conservation and open space chapter and the Conservation Commission will be interested in that. There will be a historic resources chapter and the Heritage Commission will be interested in that. The Transportation Policy Advisory Committee will be interested in the transportation chapter. The Economic Development and Advisory Committee will be interested in the economic development chapter. Therefore, they are envisioning that the RFP will be structured as such that the master plan is the Planning Boards process but subject to further conversation with the Planning Board that they can have in October before things go out on the street. Mr. Walsh noted talking about how the Planning Board envisions working with the other committees at the city to make sure that everybody has a seat at the table. Those committees which are subject matter experts have a strong role to play in the process. So, we can make sure our master plan is complete and comprehensive as it should be. Is reflective of what the community is thinking it needs for the next 15 to 20 years.

Adjournment

Member Fox moved, seconded by Member Condodemetraky, to adjourn the meeting at 8:35 p.m. All in favor. The motion passed unanimously.

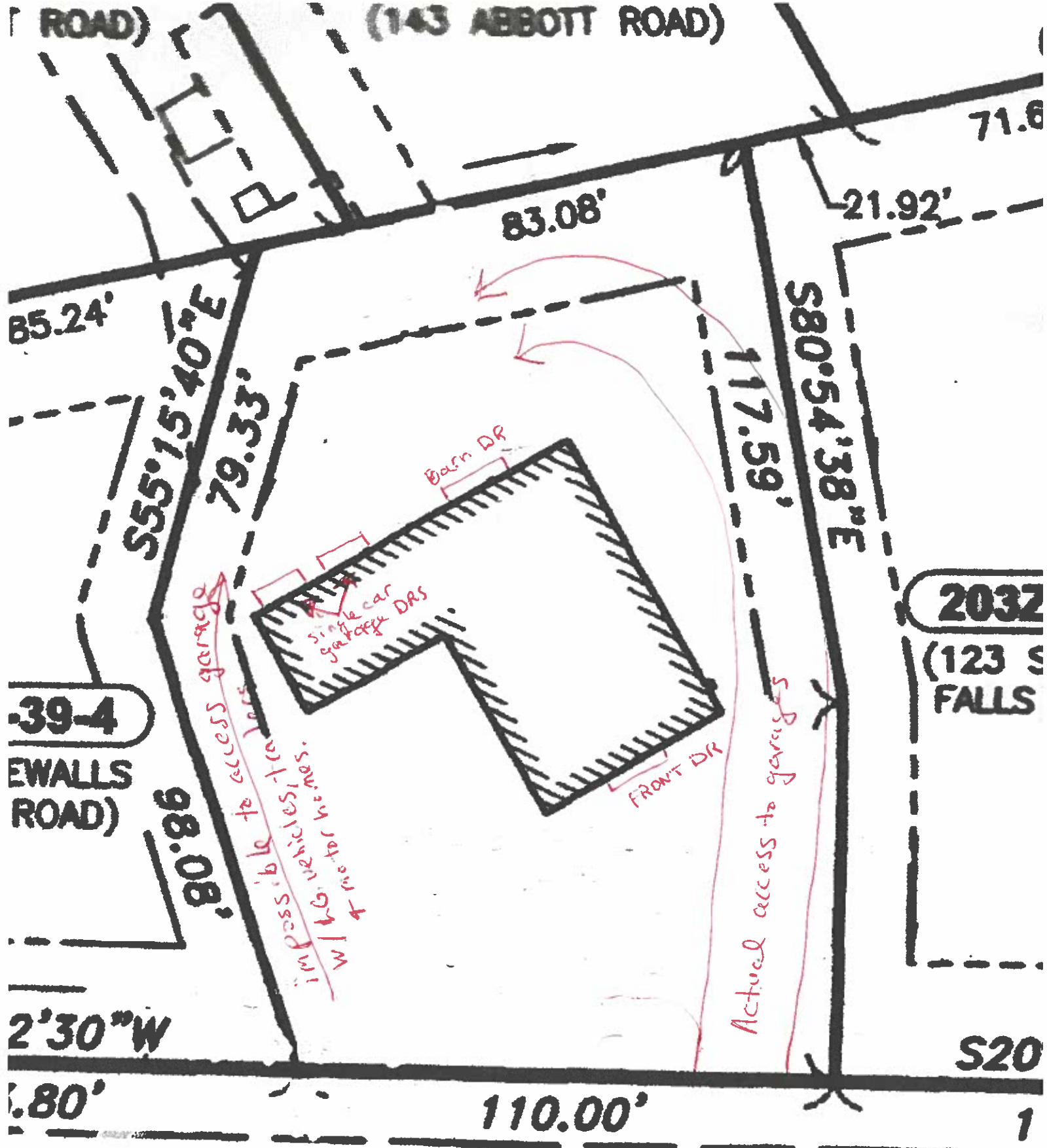
The next regular meeting is Wednesday, October 15, 2025, at 7:00 p.m.

TRUE RECORD ATTEST:

Krista Tremblay

Krista Tremblay

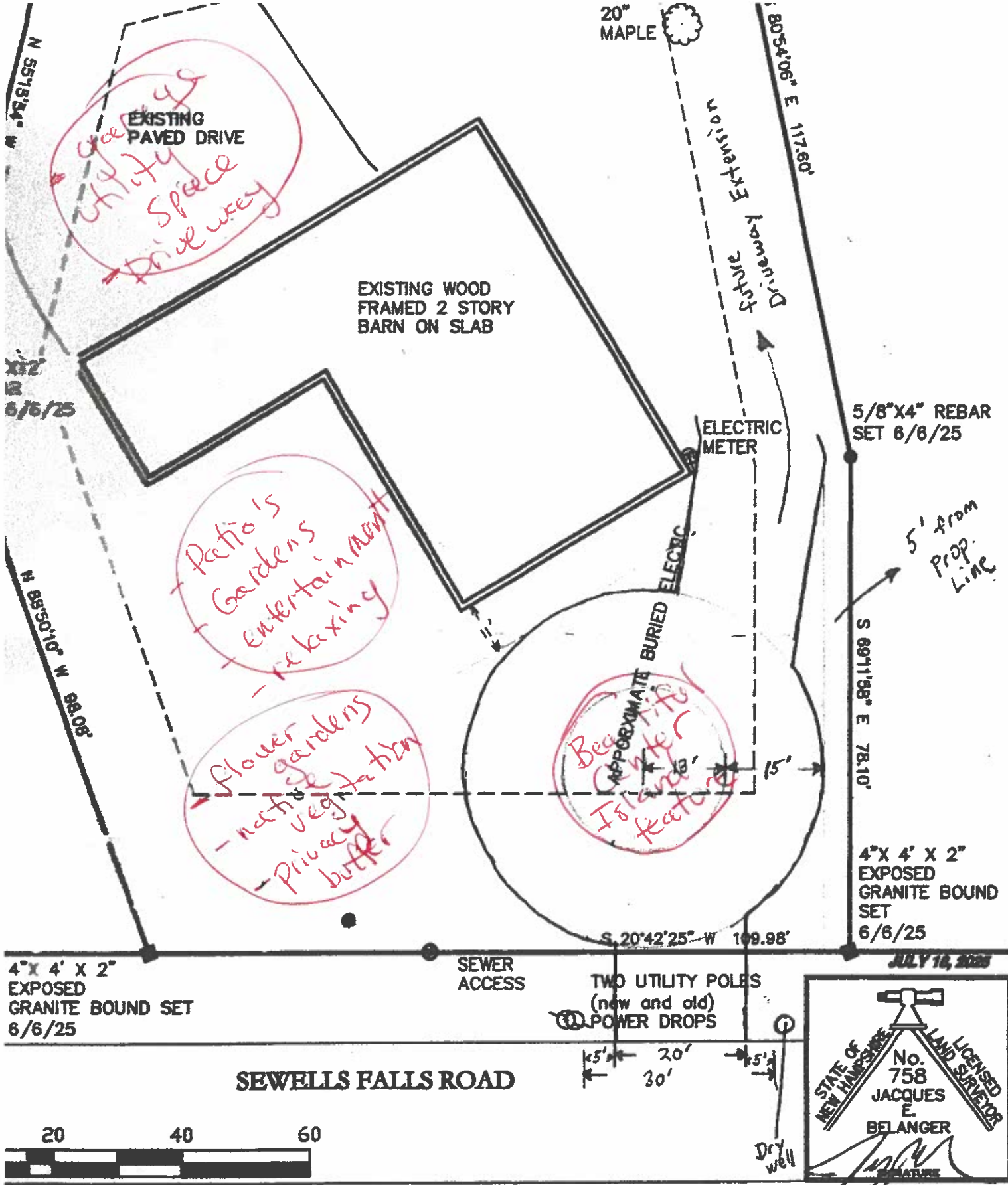
Administrative Technician III



39-4
SEWALLS
ROAD)

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FALLS

SEWALLS FALLS



TAX MAP LOT 203Z-39
19 SEWELLS FALLS ROAD
CONCORD NH

THE INTENT OF THIS PLAN IS TO DOCUMENT THE MONUMENTS SET ON THIS PARTICULAR LOT. CONTROL UTILIZED WAS PROVIDED BY FILEDSTONE LAND CONSULTANTS, PLLC

SEE PLAN "LOT LINE ADJUSTMENT PLAN, MAP 203Z LOTS 39, 39-1, 39-2, 39-3 & 39-4" AND LAND OF MILLION DOLLAR VIEW, LLC. PREPARED FOR AND LAND OF COUNTRY ESTATES OF CONCORD, LLC, PREPARED BY FIELDSTONE LAND CONSULTANTS, PLLC, DATED MARCH 19, 2024, RECORDED IN THE MCRD AS PLAN #202400010202

STATE OF NEW HAMPSHIRE
No. 758
JACQUES E. BELANGER
LICENSED LAND SURVEYOR
JULY 18, 2025