

City of Concord Planning Board
October 15, 2025
Minutes

The regular monthly meeting of the Concord Planning Board was held on October 15, 2025, at 7:00 p.m., in City Council Chambers at 37 Green St, Concord.

Attendees: Dina Condodemetraky, David Fox, Matthew Hicks, Teresa Rosenberger (Ex-Officio for City Manager), Amanda Savage, Eaton Tarbell, Jeff Santacruce, Councilor Brent Todd, and Chair Richard Woodfin

Absent: Mayor Byron Champlin, Alternate Chiara Dolcino, and Alternate Frank Kenison

Staff: Tim Thompson – (Assistant Director of Community Development / Acting 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 Acting Clerk of the Planning Board, Tim Thompson, did the roll call, noting that a quorum is present.

3. Approval of Meeting Minutes

On a motion made by Member Condodemetraky, seconded by Member Fox, the Planning Board voted 6-0-3 to approve the September 17, 2025, Planning Board meeting minutes, as written. Members Santacruce, Hicks and Rosenberger abstained due to not being present at the meeting.

4. Agenda Overview

On a motion made by Member Hicks, seconded by Member Savage, the Planning Board voted 9-0-0 to continue agenda items 6A and 9A to a date certain of November 19, 2025, at the request of the applicant.

5. Architectural Design Review by Consent

On a motion made by Member Hicks, seconded by Member Fox, the Board voted 9-0-0 to approve agenda items 5A-5E as submitted, subject to the recommendations of the Architectural Design Review Committee.

- 5A. Advantage Signs, on behalf of Eagle Square Associates, Lee Marden, and Land Vest, requests architectural design review approval to replace an existing building wall sign with a new 26.75-square-foot non-illuminated building wall sign (SP-0638-2025) at 3 Eagle Square in the Central Business Performance (CBP) District. (2025-111/PL-ADR-2025-0127)

The Planning Board approved the application as submitted.

- 5B. Advantage Signs, on behalf of Ledyard Financial Group Inc, requests architectural design review approval to reface an existing freestanding sign with a new 24.83-square-foot internally illuminated freestanding sign (SP-0639-2025) with added pole covering, and to replace two existing building wall signs with a new 11.5-square-foot non-illuminated building wall sign (SP-0640-2025) and a new

City of Concord Planning Board
October 15, 2025
Minutes

30.33 square-foot externally illuminated building wall sign (SP-0641-2025) at 74 South Main Street in the Urban Commercial (UC) District. (2025-112/PL-ADR-2025-0128)

The Planning Board approved the application as submitted.

- 5C. Sousa Signs, on behalf of Thomas Cusano and the Stove Barn, requests architectural design review approval to replace two existing building wall signs with a new 50.2-square-foot internally illuminated building wall sign (SP-0646-2025) and a new 24-square-foot internally illuminated building wall sign (SP-0647-2025) at 249 Loudon Road in the Gateway Performance (GWP) District. (2025-113/PL-ADR-2025-0129)

The Planning Board approved the application as submitted.

- 5D. Ethos Signs Co, on behalf Automotive Supply Assoc Inc, requests architectural design review approval for alterations to a 128-square-foot non-illuminated freestanding sign (SP-0401-2024) such that the alterations render the sign as different from the architectural design review approval granted on December 18, 2024, by the Planning Board, at 263 South Main Street in the Urban Transitional (UT) and Opportunity Corridor Performance (OCP) Districts. (2024-076/PL-ADR-2024-0048)

The Planning Board approved the application as submitted with the following conditions In accordance with Section 5.4(D) *Coordination* of the Architectural Design Guidelines: the overall size of all the tenant panel lettering font shall be made to be uniform and be 2.5-inches in height; the property address “263” shall be enlarged to be double the proposed size; a suggestion that the “Sanel” and “Business Park” could be revamped for greater visual balance; and a suggestion to try to increase the black border at the bottom of the sign.

- 5E. Heather Dudko, sign permit consultant, and American Sign Inc, on behalf of Interchange Development, LLC, and Marshalls, request architectural design review approval for two new internally illuminated building wall signs of 186.5-square-feet (SP-0642-2025) and 129.6-square-feet (SP-0643-2025), a new 2.5-square-foot internally illuminated hanging projecting sign (SP-0644-2025), and a new 5.12-square-foot internally illuminated tenant panel sign (SP-0645-2025) to be placed in an existing freestanding sign at 14 Merchants Way in the Gateway Performance (GWP) District. (2025-110/PL-ADR-2025-0126)

The Planning Board approved the application as submitted with the condition that the hanging sign shall be removed to match the character of the adjacent buildings within the development in accordance with Section 5.4(D) *Coordination* of the Architectural Design Guidelines; a suggestion that the size of the signs could be reduced in size to match the signage of adjacent buildings; and, an understanding that the signs will be centered within the panels shown for the front and side elevations.

6. Determination of Completeness Items by Consent

- 6A. TFMoran 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, a conditional use permit for a bluff buffer disturbance, 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 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 November 19, 2025 by applicant.

**City of Concord Planning Board
October 15, 2025
Minutes**

Continued to a date certain of November 19, 2025, at the request of the applicant as noted in item 4 above.

- 6B. Nobis Group, on behalf of St. Paul's School, requests approval for a major site plan application, architectural design review, and conditional use permit for disturbance to wetland buffers, and certain waivers from the Site Plan Regulations for the construction of a 17,600-square-foot building addition, relocated squash courts, and other site improvements, at Tax Map 724Z Lot 1/10/A, addressed as 80 Dunbarton Road and Tax Map 811Z Lot 1/A, addressed as 117 Dunbarton Road, in the Institutional (IS) and Open Space Residential (RO) District. (2025-114) (PL-SPM-2025-0026) (PL-CUP-2025-0099)

On a motion made by Member Hicks, seconded by Member Condodemetraky, the Board voted 9-0-0 to determine the application complete, not a development of regional impact, per RSA 36:55, and set the public hearing for November 19, 2025.

7. Extensions by Consent

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

Public Hearings

8. Architectural Design Review Applications

None.

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

- 9A. Smarmolemi Earth LLC requests approval for a minor subdivision application and certain waivers from the Subdivision Regulations for a three-lot subdivision, at Tax Map 11Z Lot 52, addressed as 138 Snow Pond Road, in the Open Space Residential (RO) District. (2025-092) (PL-MIS-2025-0043) The application was continued from August 20, 2025, to October 15, 2025, at the request of the applicant. The application was again continued from October 15, 2025, to November 19, 2025, at the request of the applicant.

Continued to a date certain of November 19, 2025, at the request of the applicant as noted in item 4 above.

- 9B. Brady Sullivan Properties, Stickney Avenue LLC, and First Sign & Corporate Image request approval for architectural design review and a conditional use permit, pursuant to Section 28-6-7(i), for a 72.93-square-foot internally illuminated building wall sign (SP-0634-2025) to be placed above the sills of the first level of windows above the first story on the same wall, or placed more than 25 feet above grade, on the building addressed as 11 Stickney Avenue, in the Opportunity Corridor Performance (OCP) District. (2025-108 / 2025-109) (PL-CUP-2025-109) (PL-ADR-2025-0125)

City of Concord Planning Board
October 15, 2025
Minutes

On a motion made by Member Hicks, seconded by Councilor Todd, the Board voted 9-0-0 to determine the application complete, not a development of regional impact, per RSA 36:55, and open the public hearing.

Chair Woodfin asked for a staff update.

Mr. Thompson stated this application is for both Architectural Design Review and a conditional use permit (CUP) for the signage associated with the residential re-development project currently under construction at 11 Stickney Ave. The CUP is necessary due to the proposed location of the wall sign above the sill of the second story windows. The Architectural Design Review Committee reviewed and recommended approval of the application at their September 30 meeting as submitted. City Staff is recommending conditional approval of both Architectural Design Review and CUP per the recommendations in the staff memo.

Scott Aubertin (107 Hollis St, Manchester) was present to represent the applicant. Mr. Aubertin noted they did choose to not put up a free-standing sign and have one on the building. They made the sign visible from Stickney Ave and Interstate 93.

Chair Woodfin stated he thinks they would have had issues if put up on the roof line and where it is it looks fantastic. He asked for technical information on the sign and if there will be an opaque background.

Mr. Aubertin stated the only thing behind it is the two vertical pillars and the individual letters are mounted to that.

Chair Woodfin asked if the sign would be illuminated.

Mr. Aubertin stated it is internally illuminated using LED's.

Member Savage asked about the windows behind the proposed sign and sought clarification if illumination would impact any of the residential units.

Mr. Aubertin stated that no units are behind that window near the sign, but rather it is in a common area and there is no light in the back of the signage.

After receiving no public testimony, Chair Woodfin 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 Hicks, seconded by Member Fox, the Board voted 9-0-0 to **grant architectural design review approval**, for a 72.93-square-foot internally illuminated building wall sign at 11 Stickney Ave as submitted.

On a motion made by Member Hicks, seconded by Member Condodemetraky, the Board voted 9-0-0 to **grant conditional use permit approval** to allow a sign above the first level of windows at Tax

City of Concord Planning Board
October 15, 2025
Minutes

Map Lot 6442Z 12, addressed as 11 Stickney Ave, based on the evidence provided showing that the criteria of Section 28-9-4(b) have been, or will be met, with the following precedent and subsequent conditions:

- a. **Precedent Conditions** – to be fulfilled within two years and prior to signature of the conditional use permit plat by the Chair and Clerk of the Planning Board, unless otherwise specified.
 1. Revise the conditional use permit plat as follows:
 - a. Provide the Planning Board Approval Block on the 1-sheet, signage plan.
 2. Upon notification from the Planning Division that the project complies with the precedent conditions, Zoning Ordinance, and Site Plan Regulations, deliver to the Planning Division for signature one full-size or 11x17 conditional use permit plan set.
- b. **Subsequent Conditions**
 1. The applicant is responsible for compliance with the municipal code, Site Plan Regulations, and Construction Standards and Details, including obtaining necessary variances, waivers, and conditional use permits.

9C. 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, 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)

Chair Woodfin asked for staff update.

Mr. Thompson stated this application for major site plan and Architectural Design Review was determined complete at the September 17 Planning Board meeting, and calls for the redevelopment of the former Santander Bank site at 161 North State St. The applicant proposes to demolish the existing structure, construct a new 11,150 square foot urgent care medical facility, in addition to reconfiguring the site's parking & landscaping layout, with several waiver requests. The staff report for this item has been updated and revised since the September Planning Board meeting, accounting for the discussions held between the City administration and the applicant's legal counsel. As part of those discussions, the City and applicant have agreed to a precedent condition of approval relative to the potential future, long-term improvements to the intersection of Penacook Street, Bouton Street, North State Street, and Horseshoe Pond Lane (please refer to proposed precedent condition #4 in the staff memo). The City and applicant have mutually agreed that this note on the plan will serve as a sufficient means to preserve the ability for intersection improvements to be made when necessary at some undetermined date in the future. City Staff is recommending conditional approval of both Architectural Design Review and the major site plan per the recommendations in the staff memo.

Ari Pollack (214 N Main St, Concord), John Skevington (100 McGregor Street Manchester), Avery Steed (2002 Richard Jones Road Suite B200, Nashville, Tennessee) and Patrick Bradley (201 Boston Post Rd W, Ste 205. Marlborough, Massachusetts) were present to represent this applicant. Mr. Pollack summarized the project, which proposes a complete redevelopment of the site that they can construct a medical facility offering urgent and emergency services which is an allowed use in the urban commercial district. He stated the applicant did obtain a variance from the Zoning Board of Adjustment in July to allow a portion of the off-street parking to be located towards North State Street as this is a corner lot. The applicant has requested waivers from various site plan regulations related to the conditions and all but one has been supported by staff but the applicant is comfortable providing

City of Concord Planning Board
October 15, 2025
Minutes

that required information if the project is able to move forward. Additionally, the project did appear in front of the Architectural Design Review Committee on September 2, which recommends the Planning Board grant approval. There were some comments for a request for additional plantings and all are addressed by the staff report with the conditions of approval. There is a request from staff to enlarge an existing bus stop easement that is located along North State Street. The applicant has reviewed the proposed easement and is willing to provide it if the project is able to move forward.

Chair Woodfin and members Santacruce and Tarbell discussed traffic patterns, emergency response turning templates, consistency of the proposed plans for access to the property and the presence of the median on North State with Mr. Pollack.

Mr. Pollack noted if information is missing from the packet they would be happy to show it as a condition for staff to review. He also noted the fire department did review the site plan submission and their request was to flare the driveway entrances of the North State Street driveway so they would not run up on the curb with larger equipment.

Member Santacruce asked about the patient drop off area on the west side of the building, and concerns about traffic conflicts and safety.

Mr. Pollack stated there is adequate space for multiple vehicles and hopefully they will be safe about how they drop off and leave that area. It is a temporary place for unloading and they cannot stay for an extended period of time.

Chair Woodfin asked about lighting, snow storage, and dumpster pad.

Mr. Pollack noted the lighting plan and the locations for the dumpster and generators on site.

Mr. Thompson noted the snow storage is at the intersection of North State and Penacook.

Member Santacruce noted he does not see any work on reinstalling curb or any treatment of steps for the property corner at the intersection.

Mr. Pollack that area is restored and they are showing a sidewalk coming through there and it will be a part of the landscape plan.

Chair Woodfin suggested the sidewalk repairs and restoration can be made conditions of approval.

Member Santacruce asked about medical waste and if there is a dumpster treatment.

Mr. Skevington stated there is separate accommodations inside the facility for medical waste.

Chair Woodfin asked for any additional staff comments.

Mr. Bass noted where the staircase comes into the sidewalk they can touch on making sure that is clear in the plan. The street view of the plan noted it looks like the sidewalk along Penacook Street has back curb. Mr. Bass stated they would want to make it clear if the back curb is not already on the plan and if

City of Concord Planning Board
October 15, 2025
Minutes

it is intended to remain. If it is going to be removed and that may require a restoration of the sidewalk. That needs to be clear in the plan that is approved.

Mr. Pollack stated there is no issue what is there is damaged. It would need to be restored.

Member Condodemetraky asked if there is any affiliation with Concord Hospital or if it is a separate entity.

Mr. Pollack responded it is a separate medical entity.

Member Fox asked about the lights by the dumpster pad and asked for consideration to be given to the residential home that abuts the property.

Mr. Pollack stated they provided a lighting plan, they are compliant and they are all downcast fixtures. That information was included in the packet.

Chair Woodfin, Mr. Santacruce and Councilor Todd discussed landscaping and screening of the neighboring residential uses.

Mr. Pollack stated the applicant will revise plans as necessary to address the concerns.

Chair Woodfin asked about the easement in the prior staff memo from September. He noted there was concern from people about the easement verbiage and it has been changed.

Mr. Pollack stated the language was stricken from the report is now replaced with verbiage that does not include any specific project. Mr. Pollack noted the public can be satisfied to know that content was removed by agreement and what exists now is a warning for those that come in the future that the intersection may need major future improvements.

After receiving no public testimony, Chair Woodfin 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 Santacruce, seconded by Member Savage, the Board voted 9-0-0 to **grant the waiver requests below** from the listed sections of the Site Plan Regulations, based on evidence provided showing that the criteria of RSA 674:44(III)(e) and Section 36.08 of the Site Plan Regulations are met:

- a. Section 15.03(16) *Existing Conditions Plan Signs*, to not show the size of existing ground signs on the existing conditions plan;
- b. Section 15.03(19) *Existing Conditions Plan Setbacks and Buffers*, to not show the setbacks and buffer yards on the existing conditions plan;
- c. Section 15.03(22) *Existing Conditions Plan Abutting Properties*, to not show the property addresses of abutting properties on the existing conditions plan;
- d. Section 15.03(23)(d), (e), and (f) *Existing Conditions Plan Tabulations*, to not show the tabulations required by these subsections on the existing conditions plan;

City of Concord Planning Board
October 15, 2025
Minutes

- e. Section 15.04(6) *Proposed Site Plan Topography*, to not show the topography on the site plan;
- f. Section 15.04(21) *Proposed Site Plan Signs*, to not show the location and size of existing and proposed ground signs on the site plan;
- g. Section 16.02(14) *Site Plan Requirements Utility Plan*, to not provide all information listed as required in this section and only provide the information presented on the utility plan submitted for the public hearing on September 17, 2025;
- h. Section 16.03(9) *Colored Rendering*, to not provide a colored rendering of proposed landscaping at the time of planting and five years after planting;
- i. Section 16.03(11) *Signs*, to not provide the location, size, and placement of affixed and freestanding signage as part of the site plan application; and
- j. Section 18.17 *Tree Plantings*, to allow one tree being planted for each 2,000 square feet of proposed parking area.

On a motion made by Member Santacruce, seconded by Member Savage, the Board voted 9-0-0 to **deny the waiver request (a) below** from the listed section of the Site Plan Regulations because evidence was not provided showing that the criteria of RSA 674:44(III)(e) and Section 36.08 of the Site Plan Regulations were met. Specifically, the granting of the waiver would be detrimental to the public safety since without profiles, design and installation of public sewer and water may be negatively impacted; no evidence was presented that the request is based on circumstances unique to the property that are not applicable to other property; and no evidence was presented of a particular and unnecessary hardship specific to the particular physical surroundings, shape, or topographical conditions of the specific property.

- a. Section 16.02(14)(b) *Site Plan Requirements Utility Plan*, to not provide profiles of all municipal utilities.

On a motion made by Member Santacruce, seconded by Member Savage, the Board voted 9-0-0 to **grant architectural design review approval** for the construction of an 11,150-square-foot urgent care clinic at 161 N. State St, as submitted, and with the following condition:

- a. Additional landscape trees shall be placed along Penacook Street and the northeast corner of the site, with a more prominent tree, such as a maple, being planted at the northeast corner of site, unless the additional plantings are not possible due to constraints from sight vision areas or utilities.

On a motion made by Member Santacruce, seconded by Member Savage, the Board voted 9-0-0 to **grant major site plan approval** for the construction of an 11,150-square-foot urgent care clinic at 161 N. State St, 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. Sheet L1.0 states that the buffer option is option number 1 and mostly depicts how option number 1 is being met along the westerly boundary and the

City of Concord Planning Board
October 15, 2025
Minutes

westerly portion of the southerly boundary buffer. However, there is a requirement for 100 evergreen shrubs in this 6,695-square-foot buffer area. While the plant schedule lists 40 yew and 64 arborvitae, the shrubs actually depicted as being planted in this 6,695-square-foot buffer area are 22 yew and 45 arborvitae. Additional yew and arborvitae need to be added to the plantings in the 6,695-square-foot buffer to total at least 100 evergreen shrubs on sheet L1.0, and the plant schedule on sheet L1.1 for the buffer shrubs needs to be updated to match what is shown as being planted on sheet L1.0. Also, the labeling on sheet L1.0 for the plantings around the generator enclosure lists 14 NW, 18 CA2, and 15 TH, while the actual plantings shown count as 18 NW, 23 CA2, and 19 TH. Accordingly, the 14 NW label needs to be changed to 18 NW, the 18 CA2 label needs to be changed to 23 CA2, and the 15 TH label needs to be changed to 19 TH. Finally, all shrubs planted in the buffer area must be at least four feet in height at the time of planting. Revise the plant schedule for the buffer shrubs to add “four feet” in the size column. Revise the size of the gallon containers listed to ensure that the buffer shrubs will be four feet in height at the time of planting and will grow to at least six feet tall and four feet wide within five years of planting. (Section 18.11)

For the 2,158-square-foot perimeter buffer along the easterly portion of the southerly boundary, no vegetation is depicted on sheet L1.1 and there is only a note stating that the buffer requirement is met with existing tree canopy and understory vegetation. No information is provided regarding the number, type, height, and location of the existing trees and shrubs. When the buffer contains existing vegetation, where the existing vegetation fails to meet the standards, new landscape material needs to supplement the existing vegetation in order to comply with the number, size, and distribution requirements. Where the number of existing trees of qualified size exceeds the minimum number required, then the number of required shrubs shall be reduced by a factor of two shrubs for each additional qualified tree. Without knowing the size, placement, and type (deciduous or evergreen) of existing trees, and the placement and type (deciduous and evergreen) of existing shrubs, it is not possible to determine if/where additional plant material is required. Accordingly, the location, height, and type of existing trees and the location, height, width, and type of existing shrubs in the easterly portion of the southerly 2,158-square-foot perimeter buffer shall be shown and labeled on sheet L1.0, along with proposed plantings if the existing vegetation does not meet the buffer option requirements, and respective updates to the plant schedule on sheet L1.1, for compliance with Section 28-4-2 of the Zoning Ordinance as required by this section. Note that with 2,158 square feet of buffer area, there needs to be at least five trees (no more than 60% can be deciduous and no less than 40% can be evergreen), and at least 54 shrubs (no more than 40% can be deciduous and no less than 60% can be evergreen). Since the vegetation is existing, it is assumed that the trees are at least 30 feet tall, and the shrubs are at least six feet tall and four feet wide to create a

City of Concord Planning Board
October 15, 2025
Minutes

dense visual screen, all of which are needed to meet the ordinance requirements. (Section 18)

- b. A note shall be added to sheet L1.1 stating how the perimeter landscaping is achieving compliance with the perimeter landscaping requirement, and the plan view shall illustrate and label the selection option. (Section 18.12)
- c. Revise sheet L1.0 to provide information that will show compliance with the 5% interior parking area requirement and Section 18.13.
- d. Sheet L1.0 does not list the required calculations of one tree being planted for each 1,000 square feet of proposed parking area including spaces, internal landscape islands, access aisles, driveways, fire lanes, and other vehicular circulation areas, nor does it depict the required tree plantings in the parking area to meet the requirement. A waiver is requested to reduce this number to one tree being planted for each 2,000 square feet of parking area including spaces, internal landscape islands, access aisle, driveway, fire lanes, and other vehicular circulation areas. Trees required shall be planted within the internal parking lot islands or around the perimeter of the parking area within 20 feet of the parking lot. 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 sheet C1.0 and sheet C2.0 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, and shall have a maximum transverse slope of 2%, sloping towards the street, driveway, or parking area. Add a note stating 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. Revise note 6 on sheet C1.0 to state that all sidewalks shall be at least five feet wide exclusive of curbing. (Section 21.05)
- f. A note shall be added to sheet C3.0 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)
- g. Sheet L1.0 shall show, illustrate, and label how the required buffer option is being met for the easterly portion of the southerly boundary residential district buffer. (Section 26.01)
- h. A note shall be placed on the site plan stating that all rooftop and ground-mounted mechanical equipment shall be fully screened from view from abutting properties and public rights-of-way. (Section 26.02)

City of Concord Planning Board
October 15, 2025
Minutes

- i. Delete note 5 of plan notes on sheet L1.1. It is inaccurate and conflicts with plan note 7.
- j. Show and label on Sheet L1.0 the required protective barrier during construction around the existing vegetation that is to remain. (Section 27.05)
- k. On sheet L1.0, show and label the sight distance triangles on both sides of both driveways, and the intersection, and ensure no plantings are taking place that interfere with required sight vision areas. Also ensure that the plant and tree species proposed for planting along sidewalks comply with this section, and add a plan note stating that no plant material shall project over sidewalks below a height of eight feet. (Section 27.06(3))
- l. Revise note 6 of plan notes on sheet L1.1 to state: *“No trees shall be planted within 10 feet of existing or proposed underground utility lines.”* Show and label all existing and proposed underground utility lines on sheet L1.1 for confirmation that no trees are being planted within 10 feet of either. (Section 27.06(5))
- m. In the plant schedule, revise the planting size of the kwanzan cherry to 2 ½ inches, remove the height of 8 feet, remove the heights of 12 feet for the maple and honey locust, add the height of 12 feet to all deciduous buffer trees, and remove the caliper size of all deciduous buffer trees. (Section 27.07(1))
- n. Review the landscape plan to ensure that all landscape bumpouts and islands within the parking lot have at least one deciduous shade tree and are protected with curbing as sheet L1.0 currently shows an island on the west boundary that does not contain a deciduous shade tree, nor does it meet the required dimension of nine feet in width. (Section 27.07(2))
- o. When adding any tree plantings that may be necessary to meet buffer and parking lot landscaping requirements, and the additional planting requirements for architectural design review approval, ensure that there are no more than 25% of the same species. (Section 27.07(4))
- p. Review the landscaping planting plan to ensure no invasive species are being planted, and substitute as any tree, shrub, ground cover, and grass plantings as possible with native northern New England plant species. (Section 27.07(5))
- q. Provide the light pole detail from the Construction Standards and Details and add to the detail the color of the light poles. (Section 29.04)
- r. Reduce the illumination under both canopies to less than 20 foot-candles, and ensure that the 4:1 uniformity ratio between average and minimum illumination is being met under both canopies. (Section 29.06)
- s. Reduce the foot-candles at all property lines to no more than 0.2 foot-candles both in the plan view and the table on the lighting plan. (Section 29.08)
- t. Revise the plan set for compliance with the Site Plan Regulations and Construction Standards and Details as noted in the attached letter from VHB to AnneMarie Skinner, dated September 3, 2025. (Section 32.07)
- u. Revise the plan set for compliance with the Site Plan Regulations and Construction Standards and Details as noted in the attached memos to AnneMarie Skinner from Paul Gildersleeve and Pete Kohalmi, dated September 2, 2025, and August 1, 2025.

City of Concord Planning Board
October 15, 2025
Minutes

- v. Revise the plan set to show and label a clean-out at the right-of-way for the proposed six-inch sanitary sewer connection.
- 2. Provide a video of the existing sewer lateral to the Engineering Services Division to review to confirm that the pipe is in good enough condition for the proposed connection. The existing sewer lateral shall be replaced or repaired if the Engineering Services Division's review deems such replacement or repair necessary to accommodate the proposed connection.
- 3. List all approved variances and waivers with the section numbers, description, and date of approval on sheet C1.0.
- 4. A note shall be added to sheet C1.0 "site layout plan" (and other plan sheets as applicable) stating the following: *"There shall be no permanent structures intended for occupancy either proposed or constructed within the 15' building setback located along the Penacook Street frontage of the site in anticipation of potential future improvements to the Penacook Street / Bouton Street / North State Street / Horseshoe Pond Lane intersection."*
- 5. The Applicant providing the City with a right-of-way easement to expand the size of the 3' X 10' right-of-way area for the bus stop on North State Street to 5' X 12'. The plans shall be revised accordingly. The easement deed and associated easement plat shall be recorded at the Merrimack Registry of Deeds.
- 6. Turning plans shall be provided to demonstrate ambulance and fire truck navigation through the site if entering through the Penacook Street entrance, and making all legal turning movements in and out of the site.
- 7. The existing building has a stairwell abutting the North State St sidewalk. The civil plan set shall show the removal and restoration of this area, including restoration required within the public right-of-way. Applicable sheets shall be updated, and any necessary details shall be added to the plan set.
- 8. The existing sidewalk along North State Street and Penacook Street have back curb. The applicant shall demonstrate if this existing back curb will be removed, or reset, and the abutting sidewalk shall be shown to be completely restored accordingly. Applicable sheets shall be updated, and any necessary details shall be added to the plan set.
- 9. 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:
 - 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

City of Concord Planning Board
October 15, 2025
Minutes

- 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 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 allowed for the items outlined in Section 36.18, and 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 for such. (Sections 13.02(5) and 36.26)

City of Concord Planning Board
October 15, 2025
Minutes

- 9D. 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) (continued from September 17, 2025, at the request of applicant)

On a motion made by Member Savage, seconded by Member Santacruce, the Board voted 9-0-0 to determine the application complete, not a development of regional impact, per RSA 36:55, and set the public hearing.

Mr. Thompson stated this minor site plan application calls for building renovations at the Enterprise Rent-A-Car facility on Manchester Street. The proposed improvements consist of the demolition of the existing garage/wash bay at the facility, and replacing it with a new 1,003 square-foot two-bay garage along with new associated site and drainage improvements, along with several waiver requests. In June, the ZBA variances to permit the expansion of a non-conforming use, setback, and frontage variances to permit this application to proceed with the Planning Board. The Board will need to discuss whether or not the sidewalk along the site's Manchester Street frontage is in substandard condition and if the applicant will be required to improve the existing sidewalk as part of the site plan approval. Staff recommends that the Board require, as an additional precedent condition that the applicant replace the segment of broken vertical granite curbing on the site's Manchester Street frontage, as referenced in the staff report, and remove and replace the immediate adjacent sidewalk to restore the sidewalk to a functioning and safe condition. Staff is recommending conditional approval of the minor site plan per the recommendations in the staff memo.

Ian McGregor (119 Storrs St, Concord) and Becky Marsinkavich (28 Manchester St, Concord) were present to represent the applicant. Mr. McGregor summarized the project, stated the 0.93-acre property is located in the Gateway Performance District, consists of the Enterprise Rent-a-Car service center and storage for the vehicles. The existing structure was approved in 2003. The site currently consists of an office building and an attached one car garage. There are 24 parking spaces and one handicap spot. The site contains storm water management and landscaping that were included in the 2003 site plan. The proposed project is listed as a 754 square foot addition. The project is a removal of the existing garage and an addition or replacement of a 1,003 square foot two car garage. The net difference is 760 square feet of impervious area. Mr. McGregor continued describing stormwater management improvements, to infiltrate all of the new impervious area as well as treat all of the existing impervious areas. The proposed garage is rotated 90 degrees and the gable end is altered by 90 degrees. There are two bay doors as opposed to one. They did receive architectural design review committee approval. They have also received three variances for zoning board of adjustment for setback, expansion of non-conforming use and reduction in total frontage.

Ms. Marsinkavich gave an overview of typical operations, which are limited to only washing one vehicle inside the building. They will bring a vehicle inside the building to vacuum and wash the outside of the vehicle. The proposed project would provide an area for them where they can clean multiple vehicles at the same time, be undercover and have a better work environment. It will also help with the customers to be able to turn around the vehicles quicker so they do not have to wait as long.

City of Concord Planning Board
October 15, 2025
Minutes

Mr. McGregor stated there is anticipated increase in traffic. This is for convenience and safety for the employee. Mr. McGregor stated there is one staff comment they wish to discuss further, the waiver for the connection to the public sidewalk. The nature of the business is the rental and movement of vehicles. Associated with that is not only people walking on site but also circulation of vehicles in the parking area. Mr. McGregor stated encouraging pedestrian to come from the public sidewalk to the parking area is not something that should be encouraged. There are site constraints with utilities and the sign posts. There is a between six percent grade to a ten percent grade in the parking area and sidewalk below. It would pose an issue for ADA compliance.

Ms. Marsinkavich stated their concern is for customer safety. Ms. Marsinkavich noted there is little pedestrian traffic and to invite customers to walk across active drive lanes is not a situation they want to put them in.

Chair Woodfin and members of the Board discussed the question of making a sidewalk connection to Manchester Street noting various concerns and questions about the existing conditions of the area and future development.

Member Condodemetraky asked if the proposed two bay garage will be through and through so cars can go both ways.

Ms. Marsinkavich responded correct.

Member Condodemetraky asked about the concern for the sidewalk location.

Ms. Marsinkavich responded because of how they drive around.

Member Condodemetraky asked about between the tree and the cloud to use as a cross walk.

Mr. McGregor noted there will be painted lines to show pedestrian access.

Mr. Walsh stated that today Manchester Street is not walkable. As part of the capital improvement program in Fiscal Year 2028 there is money to rebuild Manchester Street and widening it from Garvin's Falls Road to Airport Road. There will be a three-lane section with sidewalks on both sides of the road as well as bike paths. It will be more convenient to walk down the hill from a car dealership or autobody shop to the Enterprise site. The Manchester Street improvements are almost here and as the Board thinks about what to do with the connection of this particular operation and sidewalk just to keep in mind there is a sidewalk network coming that should facilitate pedestrian movement on Manchester Street.

Members Hicks and Rosenberger asked about current conditions and the state's ten-year highway plan status.

Mr. Walsh stated the Manchester Street improvements are proposed in the current ten-year plan and proposed in the coming plan that will be adopted this summer. He noted there are funds that already have been approved for design and other aspects of the project.

City of Concord Planning Board
October 15, 2025
Minutes

Chair Woodfin reminded the Board of the additional development forthcoming as part of the ROI Properties development. That development would impact traversing around the space and moving up and down Manchester Street.

Member Santacruce noted this is an existing sidewalk which they have a regulation. If they are requiring for future development that is up the street to connect they should be consistent.

Mr. Walsh stated St Mary's Bank has a sidewalk connection and that is next door to this property.

Councilor Todd thinks it makes sense to him that they are planning for the future. If the Manchester Street project was 10 or 20 years out maybe he would be a little more on the fence about it. But considering they want to have a cohesive plan and they want to have our establishments along Manchester Street accommodate the rest of the road work that the city is going to be providing in terms of additional infrastructure for non-motorized vehicle traffic. It makes sense to include the sidewalk and he will support that.

Mr. Bass reminded the Board to make a determination on requiring the applicant to repair sidewalks that are under designed and under constructed. Staff identified that there is a segment of broken curb along the property frontage on Manchester Street.

Mr. Bass stated it is the Boards purview and in section 9.2 of the staff memo recommends that the Board discuss and take action. The Board can either require that the curbing be repaired as a precedent condition or choose not to require the applicant to make repair.

Mr. Bass stated this minor site plan is not subject to architectural design review, however, they are in a performance district. Their building permit will require it and the applicant submitted their ADR application. They went to ADR on September 30, 2025 and were recommended to approve as submitted. That was not included in the staff report and Mr. Bass would like to include that as part of the motions tonight.

After receiving no public testimony, Chair Woodfin closed the public hearing.

Mr. Bass noted staff did have a recommended condition that the site plan shall specify if a floor drain will be provided. As part of the motion the Board can clarify that the site plan shall specify that a floor drain will be provided.

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.

Chair Woodfin read this into the record as an option to require **as an additional precedent condition and per Section 21.02 Sidewalks Required**, to replace the segment of broken vertical granite curbing on the site's Manchester Street frontage, as referenced in the picture in item 3.8 of this report, and remove and replace the immediate adjacent sidewalk to restore the sidewalk to a functioning and safe condition. This design and details of this work shall be provided in the plan set, including applicable construction details, all in accordance with the Construction Standards and Details.

**City of Concord Planning Board
October 15, 2025
Minutes**

The consensus of the Board was not to include this as a requirement for the applicant.

On a motion made by Member Santacruce, seconded by Member Fox, the Board voted 9-0-0 to **grant the waiver requests below** from the listed sections of the Site Plan Regulations, based on the evidence provided showing that the criteria of RSA 674:44(III)(e) and Section 36.08 Waivers of the Site Plan Regulations are met:

- a. Section 18.10 *Driveway Widths*, to permit the continued use of an existing 36-foot-wide driveway, where 28 feet is the maximum width allowed;
- b. Section 19.05 *Interconnected Parking Lots*, to not provide an interconnection between parking areas with adjacent parcels; and
- c. Sections 16.02(15) and 27.03, to not require a separate landscape plan prepared, signed, and sealed by a New Hampshire Licensed landscape architect. Any required landscaping shall be shown on the site plan and conform to the Site Plan Regulations and Construction Standards and Details.
- d. Section 18.19 *Curbing and Guardrails*, to allow for the in-kind replacement of asphalt curbing where replacing with granite curbing would normally be required. The accompanying asphalt curb detail shall be added to the plan set, and details for vertical granite curbing shall be removed if no use of vertical granite curbing is proposed

On a motion made by Chair Woodfin, seconded by Member Santacruce, the Board voted 6-3-0 to **deny the waiver requests below** from the listed sections of the Site Plan Regulations, because the request does not meet the criteria of RSA 674:44(III)(e) or Section 36.08 *Waivers* of the Site Plan Regulations, or the waiver request is not applicable to the application.

- a. Section 15.04(26) *Lighting Plan*;
- b. Section 15.04(2) *Abutting Property*;
- c. Section 15.04(13) *Municipal Sewer*;
- d. Section 15.04(14) *Drainage and Erosion Control*;
- e. Section 15.04(17) *Municipal Water Supply*; and
- f. Section 16.03(3) *Bar Scale*
- g. Section 21.03 *Connection to Public Sidewalks*, to not require a non-residential development to make a sidewalk connection from the public sidewalk to the building on the site.

Members Tarbell, Hicks and Rosenberger voted in opposition.

On a motion made by Member Santacruce, seconded by Councilor Todd, the Board voted 9-0-0 to **grant architectural design review approval** for the addition of a 1,003-square-foot two-bay garage, at Tax Map Lot 781Z 31, addressed as 28 Manchester St, in the Gateway Performance (GWP) District as submitted.

On a motion made by Member Santacruce, seconded by Chair Woodfin, the Board voted 9-0-0 to **grant minor site plan approval** for the removal of an existing attached garage and adjacent pavement, and construction of a new 1,003-square-foot two-bay garage along with new associated site and drainage improvements at 28 Manchester Street, as submitted, 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

City of Concord Planning Board
October 15, 2025
Minutes

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 the Open Space Residential (RO) District, High Density Residential (RH) District, and Gateway Performance (GWP) District in the area depicted on the location plan provided on the cover sheet, with boundary designation lines. (Section 12.04(9))
 - b. Per Sections 15.03(2), 12.06(1), and 15.03(22), the tax assessor's map-block-lot number, deed citation, owner name, owner address, and property address shall be provided on the existing conditions plan for 29 Manchester Street.
 - c. The sanitary sewer service records for 28 Manchester St shall be reviewed by the applicant and accurately depicted on the existing conditions plan, consistent with City records, unless otherwise determined otherwise during the applicant's review. (Section 15.03(10))
 - d. The property addresses for 32, 28, 16, 15, and 25 Manchester Street shall be added to the existing conditions plan. (Section 15.03(22))
 - e. The property lines of the parcel to be developed shall include bearings and dimensions. (Section 15.04(1))
 - f. Note 3 on sheet shall be revised to the correct 781Z Lot 31. (Section 15.04(3))
 - g. The proposed use shall be added to the notes on the site plan. (Section 15.04(14))
 - h. The existing driveways and curb cuts shall be dimensioned and the number of parking spaces shall be identified by parking bay on sheet 3. (Section 15.04(11))
 - i. Note 22 on sheet 3 shall also include a statement as to whether or not the property is located in the City's Flood Hazard (FH) Overlay District. (Section 15.04(20))
 - j. The dimension setbacks for the refuse container shall be provided and the type of screening shall be noted on sheet 3. Additionally, a construction detail shall be provided with the plan set which clearly demonstrates and meets the screening requirements for the solid waste trash enclosure. (Section 15.04(24))
 - k. Revise note 5 on sheet 3 to show how the existing and proposed tabulations summed to be 78% and 80.5% respectively, and to show consistency with the 60% noted as being provided. Revise for accuracy. (Section 15.04(28)(e))
 - l. Include in note 6 on sheet 3 the number of required accessible spaces. (Section 15.04(28)(l))
 - m. Include in note 6 on sheet 3 the number of parking spaces being provided on site and a separate tabulation for the number of accessible spaces being provided on site. (Section 15.04(28)(m))
 - n. Provide on sheet 3 a tabulation for the number of required trees, and number of trees being provided. (Section 15.04(28)(o))
 - o. Additional contours and spot elevations shall be added to the grading plan to more clearly demonstrate the intended grading at the following locations: spot elevations at the four corners of the relocated dumpster pad and contours showing grading away from said pad; additional contours and spot elevations showing proper grading away from the building in the new drainage swale;

City of Concord Planning Board
October 15, 2025
Minutes

additional contours or spot elevations showing intending grading at the southeast corner of proposed garage; and, additional contours which show the existing remaining drainage swale along the eastern side of the site, as well as new grading contours showing how this swale will be carried around the expanded garage and driveway. (Section 16.02(12)(a))

- p. Sheet 4 shall be relabeled as “Grading, Drainage, & Utilities Plan”. Additionally, unless if upon review the applicant has additional information to the contrary, the location of the sanitary sewer service and fixtures provided on sheet 4 shall be revised based on the City’s record of sanitary service records. (Section 16.02(14)(a))
- q. A note shall be added to the sheet 3 stating that all work shall adhere to the Construction Standards and Details, as most recently adopted. (Section 17.01(2))
- r. The number of required accessible spaces shall be provided on the site plan, and any signage and/or markings to be placed shall conform to MUTCD standards for marking and signage, and the Construction Standards and Details. Confirm that existing and proposed accessible spaces meet the requirements of the Federal ADA regulations, Section 18.06 of the Site Plan Regulations, and Construction Detail M-4 *Parking Space Layout*. (Section 18.09)
- s. Replace any removed trees until the required number of trees have been provided and ensure said trees remain located around the perimeter of the parking area. All tree plantings shall conform with Section 27 of the Site Plan Regulations, the City of Concord Construction Standards and Details, and applicable City of Concord Construction Details shall be added to the plan set. (Section 18.17)
- t. Provide snow storage areas on sheet 3, or note on sheet 3 how snow storage will be managed. (Section 18.21)
- u. Landscape areas shall be provided to screen 16 Manchester Street and 30-32 Manchester Street from view of the refuse container and refuse container loading area. (Section 20.01)
- v. Provide a truck turning template for the waste collection vehicle to demonstrate that access to the solid waste enclosure will not be inhibited by parking spaces or other site improvements in accordance with Section 20.01 Solid Waste Facility standards.
- w. Specify on the site plan and the removals plan if the existing enclosure is to be retained, and if so, a note shall be added detailing how compliance with Section 20.06 is being achieved. If the applicant plans to install a new enclosure fence and gate, the site plan shall provide a callout stating as such and an enclosure and gate detail shall be added to the plan set meeting the requirements of Section 20.06.
- x. Provide a pad for the refuse container, consistent with the Construction Standards and Details and Site Plan Regulations. The installation of the required pad shall be noted on the site plan, and a detail provided in the plan set, conforming to the requirements of Construction Detail M-8 *Single Dumpster Pad* or M-9 *Multiple Dumpster Pad*. (Section 20.07)
- y. The site plan shall specify that a floor drain will be provided within the garage structure to collect run off so as to not have it discharge and drain to the outside. (Section 24.04)

City of Concord Planning Board
October 15, 2025
Minutes

- z. The presence of invasive plant species within impacted project areas shall be verified by a qualified individual. If invasive plant species are determined to be present, it shall be noted within the plan set, including the necessary remediation or removal plan. Said remediation shall be consistent with the regulations and best management practices of the New Hampshire Department of Agriculture, Markets & Food. (Section 27.07(10))
- aa. The sequential numbering on sheet 3 is inaccurate, going from note 9 to note 11, and shall be revised accordingly.
- bb. Note 9 on sheet 3 shall be revised to state the correct date and purpose of granted variances.
- cc. Note 5 on sheet 3 contains multiple errors and shall be revised accordingly: incorrectly states the property is located within the “‘OCP’ Opportunity Corridor Performance District Zone” when it is actually located within the Gateway Performance (GWP) District, and it states there is a 15-foot rear setback provided that cannot be located. Such a setback would be nonconforming with zoning setbacks if it does exist, and needs to be reviewed and revised accordingly.
- 2. Revise the plan set for compliance with the Site Plan Regulations and Construction Standards and Details as noted in the attached memos to Alec Bass from Paul Gildersleeve and Pete Kohalmi, dated September 04, 2025 and September 30, 2025.
- 3. Revise the plan set for compliance with the fire code in accordance with the following from the Fire Department:
 - a. Per Section 19.2.1.4 *Rubbish Within Dumpsters* of the fire code, the proposed dumpster shall be relocated to be a minimum of 10 feet from the adjacent structure, unless otherwise permitted by Section 19.2.1.4.
- 4. List all approved variances and waivers with the section numbers, descriptions, and date of approval on the cover sheet or site plan sheet.
- 5. Additional spot grades shall be provided on the grading plan to demonstrate proper drainage from the gap in curbing to the east of the proposed garage structure toward the proposed drainage facilities.
- 6. 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:
 - 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))

City of Concord Planning Board
October 15, 2025
Minutes

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 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)

City of Concord Planning Board
October 15, 2025
Minutes

- 9E. Ryan Taber and Eastern Development request approval for an amendment to a major subdivision application and recorded subdivision plat to grant certain waivers from the Subdivision Regulations to allow bituminous cape cod berm in place of vertical granite curbing throughout the common private drive; to not require street trees along the full length of the common private drive and instead limit new plantings to the cul-de-sac area and allow existing trees along the approach to credit toward compliance; to allow a common private drive length of over 1,000 feet; and, to allow a common private drive with 3 inches of hot bituminous pavement instead of the required 4 inches, at Tax Map 11Z Lot 25/1, addressed as 15 Hot Hole Pond Road in the Open Space Residential (RO) District. (2023-140) (PL-AMEND-2025-0020)

Chair Woodfin asked for a staff update.

Mr. Thompson stated the applicant is requesting an amendment to the previously approved subdivision application (signed by the Chair and Clerk on June 2, 2025). The applicant specifically is requesting 4 waivers from the Board, some of which were at one point previously requested during the initial review process with the Planning Board. With the exception of the pavement thickness waiver, waivers were ultimately not necessary as part of the original project, as the applicant revised the plans at the time to comply with regulatory requirements and eliminate the needs for the waivers. The pavement thickness waiver request was denied by the Planning Board at the May 15, 2024 public hearing. Please refer to the staff memo for a summary of the project history and the actions taken regarding these waivers in 2024. As it relates to this request to amend the subdivision approval, staff has consulted with the City Solicitor and conformed that the waiver for pavement thickness cannot be statutorily considered by the Planning Board, per the requirements of RSA 677:15, which requires an aggrieved party to file suit in Superior Court within 30 days of a decision by the Board if they feel the decision was unlawful or unreasonable. An applicant cannot request the same waiver for the same project after that appeal period expires. As such, the applicant is statutorily ineligible for a waiver for the pavement thickness and no further action necessary by the Board on that portion of the request. Staff recommends denial of the other three requested waivers for failure to meet the requirements of RSA 674:36 and Section 35.08 of the Subdivision Regs, and lastly, assuming the board does not grant the requested waivers, the Board should then deny the requested amendment for not complying with the City's regulatory requirements.

Ryan Taber (PO BOX 2671, Concord) was present to discuss his application. Mr. Taber stated street trees a waiver request was never requested prior. Mr. Taber noted it was discussed at a planning review meeting with staff who mandated he implement street trees. Mr. Taber stated there was never a formal waiver request. Mr. Taber asked the Board to ask questions on cape cod berm verses granite curbing.

Chair Woodfin stated the Board is not here to ask questions they are here to listen to why he wants relief.

Mr. Taber stated cape cod berm is the same thing as granite curbing. Mr. Taber noted it is aesthetically different.

Chair Woodfin stated it is not the same thing. It is a berm of asphalt.

City of Concord Planning Board
October 15, 2025
Minutes

Mr. Taber and members of the Board discussed the use of cape cod berms and granite curbing in private development projects versus General Services paving projects, durability of asphalt and granite, winter maintenance and impacts of snowplowing operations, and the regulatory requirements applicable to the application. Mr. Taber continued to insist that asphalt curb would be acceptable in his proposed development.

Member Tarbell asked about the summary from Mr. Thompson from 2003 approval. Mr. Thompson responded Mr. Taber's 2023 project was conditionally approved by the Board in 2024, and was signed by the Planning Board in June of 2025. No appeal was made within the statutory timeframe (30 days from the decision) regarding any aspects of the Board's approval.

Mr. Taber stated these were discussed with staff who mandated granite curbing and they said cape cod berm is not allowed.

Mr. Thompson stated the approved plans indicate granite curbing.

Member Tarbell asked Mr. Taber if he appealed to the superior court.

Mr. Taber stated there was no amendment at the time because the actual approval was based on granite curbing. Mr. Taber noted he was told in a planning review meeting, in writings and emails that granite curb is required and cape cod berm is not allowed. Mr. Taber noted this is a private road in a private development and the city has not right to enter or maintenance.

Member Tarbell stated his concern is the Boards legal authority to do anything and if the cite of the statue is that you shall appeal. He questioned if the Board has the ability to even hear this if the appeal was not made.

Mr. Thompson stated for the pavement thickness no. Mr. Thompson noted our city solicitor has recommended to the Board because the Board has previously denied that waiver. It did not appeal under 677:15 that he is in illegible because this is not a materially different application to request that waiver a second time. The other three requests did not have waiver requests that were acted on by the Board during the initial process. Those are eligible to be considered by the Planning Board for an amendment.

Chair Woodfin stated the Board is here to hear why you need the waivers. Chair Woodfin noted Mr. Taber told the Board about berms.

Mr. Taber noted he submitted the document to staff which has all of the waiver criteria and that it is met for each item.

Mr. Bass noted the applicant's submission is in the supplemental materials portion of the members' packets.

Mr. Taber stated again his assertion that cape cod berm it works and does not make any different from granite curbing. Mr. Taber opined that if the plow hits it granite curbing can shift. He stated that he felt that cape cod berm will not chip, is easy to replace, easy to maintain and more cost effective. Mr. Taber stated undue hardship is based on cost and the uniqueness of the site.

City of Concord Planning Board
October 15, 2025
Minutes

Chair Woodfin asked about street trees.

Mr. Taber noted there is existing vegetation. The cul-de-sac will need street trees because the whole area is being cleared. The entire right side going up the road as you are driving up the proposed lane has existing vegetation within the ten-foot buffer. The first 400 feet of the left side going up has existing vegetation. All of that is to remain. Between the corner of the lot from units one to three there is a power line easement with PSNH and the cul-de-sac.

Chair Woodfin asked about the 1000-foot length of driveway.

Mr. Taber asked what is wrong with the length of the driveway. Mr. Taber asked if the Board knows how many roads there are in Concord with cul-de-sacs over 1000 feet.

Chair Woodfin noted it is in the waiver request under Section 20.03 length of driveway, common drive, private drive to allow a residential dead end common private drive to exceed the limit of the length of 1000 feet. Chair Woodfin asked Mr. Taber if he is not asking for relief on that.

Mr. Taber stated he is asking for relief on that. He noted he is asking to change from 1000 feet to 1150 feet from edge of pavement on Hot Hole Pond Road to the end of the cul-de-sac. He noted it does not change any of the engineering of the road except the curbing requirement because it goes from eight units to nine units. He expressed that all of the storm water remains the same and nothing changes but you get one more unit to use the land as intended.

The Board and Mr., Taber discussed and debated the merits of the waiver request as it related to construction cost increases, the length of the permitting process, the private nature of the roadway, maintenance by a homeowner's association, the potential for the City to be asked to take over a private road in the future, and Mr. Taber's opinion regarding the uniqueness of the lot.

Member Savage asked about the street trees waiver, looking at the plans in the supplemental showing the existing tree line located on or over the property line.

Mr. Taber stated the slope is on the property line. There is a one and a quarter to one slope with drainage to the road. Mr. Taber is not trying to take credit for anyone else's trees. The property line is tight. The access is only 50 feet in there. The whole engineering is tight.

Member Savage expressed concern that if the waiver were granted, a large portion of the existing trees would not be under Mr. Taber's control and would be on abutting property.

Mr. Walsh and Mr. Taber discussed the plan submitted with this request, noting that it was not different from the plan the Board signed in June, and that the requests asked for were not reflected in the submitted plan.

Mr. Walsh asked if his request is to extend the cul-de-sac that was previously approved from 1000 to 1150 feet.

Mr. Taber stated he believes it is around 1149 feet to ask for a ninth driveway.

City of Concord Planning Board
October 15, 2025
Minutes

Mr. Walsh noted when you got the project approved in 2023 it was for an eight unit detached condominium.

Mr. Taber stated originally it was nine units proposed. The reason why it went to eight was because the fire department would not sign off on 1150 feet verses 1000 feet.

Chair Woodfin noted the approved plan is eight units.

Mr. Taber responded yes, it was not always eight it was nine. Mr. Taber stated he was forced into eight.

Chair Woodfin reiterated that eight units is what is currently approved.

Mr. Walsh asked Mr. Taber if his intention is to lengthen the road 1149 feet in order to get a ninth unit.

Mr. Taber responded yes.

Mr. Walsh noted Mr. Taber would need to come back in to re-subdivide. You would have to update your previously approved sign condominium subdivision plan.

Mr. Taber responded yes, if the Board requires it.

Mr. Walsh noted you did not submit a plan with your request to show what the ninth unit would be or what the road extension would be. Mr. Walsh further pointed out to Mr. Taber that he is asking the Board to approve an extension of a roadway to show an additional unit which was not previously approved without showing the Board what that will be.

Mr. Taber stated the Board knows what it is. There are no changes to the clearing on the site. The only thing that changes is the cul-de-sac goes from five units to six.

Mr. Walsh stated what he is trying to say is it is customary for the Board to look at a plan when you are requesting something like this. The Board does not have it. So, therefore it will be challenging for the Board to make a decision without having a plan to show what his intention is.

Mr. Bass noted there is no completeness component in regards to an amendment request. We take what was submitted by the applicant and Mr. Taber is providing information during this public hearing that staff did not have or review in conjunction with the current request.

Mr. Walsh asked Mr. Taber if the design has already been prepared why have you not submitted a re-subdivision plan if it was previously designed in 2023. Mr. Walsh noted the engineering cost would be minimal and asked why he choose to go in this direction instead of doing a re-subdivision to try to get to the ninth unit.

Mr. Taber stated there is no non-existent engineering costs. Mr. Taber does not even know where that comes from do you think things are free. Engineering is not free it is very expensive. Secondly, he

City of Concord Planning Board
October 15, 2025
Minutes

does not have approval on it and going in the waiver to say maybe we grant this conditionally based on review of the nine-unit plan.

Mr. Walsh understood previously there was a nine-unit plan that was prepared that was given to the city but later redesigned to be eight units.

Mr. Taber stated based on city feedback and the fire department.

Mr. Walsh stated therefore the plan with nine units exists and could be resubmitted for a re-subdivision.

Mr. Thompson stated as an amendment or re-subdivision.

Mr. Walsh noted the challenge is you are asking the Board to consider something without a plan in front of them. You are trying to get a ninth unit that requires a re-subdivision. You are telling us there is a plan that already shows that was given to the city and you later redesigned because of comments from the fire department for the overall length of the cul-de-sac. The plan exists and you could have come back and submitted a re-subdivision application.

Mr. Taber noted they have the ability to bring it up.

Chair Woodfin noted it does not work that way. Chair Woodfin stated you need to go through a submission process. If you want to put a ninth unit in you need to start the process. You need to come back with new plan sets. The Board is not going to go back to plans that were not approved. Chair Woodfin noted you have an approved plan for eight units. All we know is you want a waiver to extend your road beyond 1000 feet and we do not know why without an updated plan indicating your intention.

Councilor Todd noted from last month's meeting where they had a presentation and the Board came to the same conclusion. They would have liked to have seen a complete plan and he did not have one. The Board listened to his concerns. However, in the end because that individual did not submit a complete plan the Board was not able to move forward with his requests either. Councilor Todd stated what they are trying to get at is there is a consistency of process so it is fair to everybody.

Mr. Taber understands and appreciates that for the nine units verses eight units with the road length. However, the granite curbing and the street trees he does not know if the Board needs a plan for that. Mr. Taber noted the plan will not show instead of granite curbing but cape cod berm.

Mr. Kohalmi stated the Engineering Division's stance that granite curb is much more durable than cape cod berm. That is the standard request in site plans and subdivision plans, as is the pavement thickness requirement, three inches would be the bare minimum and if you want the road to last then you use more pavement and granite curb. Mr. Kohalmi stated once the developer is done with this project the residents of the project are going to be left with the maintenance responsibility for the roadway.

After receiving no public testimony, Chair Woodfin closed the public hearing.

City of Concord Planning Board
October 15, 2025
Minutes

Mr. Walsh stated the Board can make a decision about the curbing and the street tree issue. The length issue the Board does not have enough information especially if there is an intention for a resubdivision.

Mr. Thompson stated he disagrees that there are appropriate materials submitted to make those decisions to amend a plan because they do not have a plan that is being amended that was submitted. There is a written waiver request to a non-existent plan.

Mr. Bass staff recommendation and thoughts is in the staff report. With the curbing staff thought it was worth mentioning the applicant previously received a waiver to allow a road with a 10% slope grade where normally eight is allowed. Once a drive exceeds 6% the engineering and Planning Board can require curbing. The Planning Board required that and it was approved with sloped granite curbing on a road with 10% where normally 8% is required. Staff is of the opinion that granite curbing is a more durable product than the asphalt berm. Mr. Bass noted when it comes to the street tree request the applicant is required to provide a certain amount of street trees because the regulations do state that certain trees if they are within a certain proximity and there are other criteria can count toward that. Mr. Bass stated it is a little unclear without a plan exactly what the applicant is stating if there are trees that meet this criteria it is shown on the plan against the tree count. That has not been provided.

The Board and staff discussed the basis for the waivers, the lack of an updated design plan reflecting the waiver requests and design intent, and the applicability of the regulatory requirements to the developer's requests.

Councilor Todd stated that information would need to be provided for the Board to make a determination on that at this point. If someone was to actually submit actual cost estimates that could be verified and then present that information in a formal way that could be a part of the record.

Chair Woodfin stated they can make a decision on the waiver but the hardship piece does not include cost as an element to say it is a hardship for this reason.

Mr. Thompson offered an alternative to making any final decisions. If the Board is comfortable with tabling this to a date uncertain which will require a renotification of the abutters and resubmission with complete information including plans the Board can consider the application for amending the project with a more complete application.

The Board continued discussing the merits of making a decision tonight versus postponing so that additional information could be provided.

Member Tarbell asked why did Mr. Taber not appeal to superior court which lapsed 30 days after the approval and his impression that the Board is lacking jurisdiction to rule on these issues for a failure to appeal the original approval.

Chair Woodfin stated postponing a decision would allow the Board to seek legal advice from the City Solicitor.

City of Concord Planning Board
October 15, 2025
Minutes

Mr. Walsh stated that if there are questions about the legality of the application you can continue to a date certain with a request to get a legal opinion from the city solicitor and have a non-meeting with the City Solicitor per RSA 91-A.

Mr. Kohalmi and Mr. Bass noted from going from the eight to the ninth unit does trigger into different portions of the subdivision and construction standards. Mr. Bass noted with any resubmission it will require a comprehensive review of the plan with the subdivision regulations.

Chair Woodfin is inclined to continue the meeting to have the City Solicitor's office and staff figure out what needs to be done, have a non-meeting with Counsel prior to going any further and would they be ready to go for November with a new plan set and updated information. Staff can work with the applicant to figure out what the best timing will be and is the Board ok with that.

Mr. Thompson stated November would be challenging for a full comprehensive staff review. He noted the Board can continue because this is not subject to the 65-day clock under RSA 676:4 because it is already an approved plan. Mr. Thompson stated they can continue to a date certain at what ever length of time you choose or you can table to a date uncertain and require renotification.

Mr. Bass noted when you continue to a date uncertain the applicant will be required to notify staff and he will have to pay the abutter notification fees and provide the resubmission of materials at that time.

Mr. Taber asked if they can continue so the abutters do not need to be notified.

Mr. Bass stated if Mr. Taber continues to a date certain then you remain in the public hearing schedule.

Chair Woodfin asked Mr. Taber if he is fine with the December 19th date.

Mr. Taber suggested January.

Chair Woodfin and Mr. Thompson appreciated the offer for a January continuance.

On a motion made by Member Condodemetraky, seconded by Member Santacruce, the Board voted 9-0-0 to continue the application to a date certain of January 21, 2026 with the understanding the applicant will provide resubmission materials by December 17, 2025 for that public hearing.

10. Other Business

10A. Any other business which may legally come before the Board.

Mr. Walsh stated they are getting close wrapping up for the RFP for the master plan update. Mr. Walsh asked if the Board wants to see it before it goes out for proposal.

The Board requested the draft RFP be discussed at the November meeting.

Mr. Walsh will add it to the November meeting and the Board will get it in advance to look at it.

Mr. Walsh updated the Board on the various zoning amendments that were in process, with the hope

**City of Concord Planning Board
October 15, 2025
Minutes**

of having parking amendments ready for November as well.

Adjournment

On a motion made by Member Fox, seconded by Member Condodemetrakys, the Board voted 9-0-0 to adjourn the meeting at 9:41p.m.

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

TRUE RECORD ATTEST:

Krista Tremblay

Krista Tremblay

Administrative Technician III