

**City of Concord Joint Work Session with Planning Board
and Architectural Design Review Committee
September 18, 2024
Minutes**

City of Concord Joint Work Session with City Planning Board and Architectural Design Review Committee was held on September 18, 2024, at 6:00 p.m., in City Council Chambers at 37 Green St, Concord.

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

(Architectural Design Review Committee) Claude Gentilhomme, Co-Chair Elizabeth Durfee-Hengen, Douglas Proctor, and Merle Thorpe

Absent: (Planning Board) Mayor Byron Champlin, Alternate Chiara Dolcino, and Alternate Frank Kenison

(Architectural Design Review Committee) Co-Chair Jay Doherty and Ron King

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

1. Call to Order

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

2. Roll Call

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

3. Joint Work Session with Architectural Design Review Committee

- (a) Discussion on Elizabeth Durfee-Hengen's letter to City Council regarding the adopted ordinance amending the Code of Ordinances, Title IV, Zoning Code; Chapter 28, Zoning Ordinance concerning Conditional Use Permits for obstruction of the State House Dome, as well as maximum height limits within the Central Business and Opportunity Corridor Performance Districts.

Co-Chair Hengen stated that, although she initially wrote the letter to City Council on behalf of herself, all the members of the Architectural Design Review Committee endorsed the letter at a special meeting held in August 2024. Co-Chair Hengen noted there are four primary points that come out in the letter, and stated those as: 1) terms that would benefit from definition such as the development program, vitality, and vibrancy; 2) it would be very useful and appropriate to ensure there are references to the Main Street Guidelines adopted by the Planning Board in 2018 and intended to guide alterations that occur within this same district; 3) boundaries were found to be confusing as to whether or not State St was or was not included and the suggestion that the district be carried farther to the south where there are some unutilized lots that could benefit from this tool; and, 4) the final point is that there should be references inserted to historic buildings affirming that the history and cultural significance of downtown is important to the community and to align this zoning amendment with other documents.

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Chair Woodfin asked if the intent is to identify buildings that are historic or provide a more generic description such as North to South Main St. In other words what is the thought on the identification process of historic buildings.

Co-Chair Hengen stated the identification work has already been done. Downtown is on the National Register and has been for 20 odd years. There are buildings that contribute and buildings that do not contribute, so that is laid out for purposes of this zoning amendment.

Councilor Todd expressed concern over sending the document to City Council without the Planning Board having reviewed it again.

Chair Woodfin said the intent of tonight's discussion is to come back with adjustments to the ordinance that can be hashed out in this discussion.

Councilor Todd stated that he thinks Co-Chair Hengen's letter addresses everything that came up as an issue in the City Council discussion and would like to make sure all are comfortable as a group with the adopted conditional use permit ordinance and provided a reading of portions of the Historic Resources section of the Master Plan.

Chair Woodfin noted the ordinance provides guidelines that the Board can utilize and he is not sure how much more detailed the ordinance needs to be for the Board to render a decision on a conditional use permit application. He further noted that the intent is to have some gray area to bring up in discussion to give the Planning Board the ability to discuss and bat it around.

Councilor Todd agreed, noting that it's finding that balance of enough gray area but not so much that you could be subject to a potential lawsuit later on.

Chair Woodfin stated that he has heard from several people being concerned with the ordinance amendment that it would encourage people to demolish buildings in order to build larger buildings.

Councilor Todd agreed that it's new territory with this new conditional use permit. There is existing conditional use permit provision for the Opportunity Corridor without the definitions that were requested to be included, but he doesn't believe there have been any applications using that existing conditional use permit.

Mr. Walsh stated there is a conditional use permit process to allow buildings in a section in the Opportunity Corridor Performance District located between Hills Ave and Loudon Rd on the west side of 93 to go from 40 feet to 80 feet in height. That conditional use permit process was adopted in 2001 and has never been used. Mr. Walsh noted some of the language in the new conditional use permit ordinance relative to building height in the Central Business Performance District going from 80 feet to 90 feet was parroted from the existing language that is already in place. For example, in Ms. Hengen's letter in section two it talks about language about the building should only obstruct the view of the state house dome should be to the minimum extent necessary. That language is existing language that was copied from the language elsewhere in the zoning code.

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Ms. Condodemetraky arrived at 6:18 p.m.

Mr. Walsh talked further about the existing ordinance language that was repeated in the new language. Mr. Walsh explained that the development program is what the developer is looking to do, the proposed uses, proposed square footage, those sorts of things, noting that its common vernacular in real estate to say the development program is how many buildings, how big, the use of the buildings, etc. The second section regarding historic contribution is not a new concept copied from the existing conditional use permit for the Opportunity Corridor Performance District. Mr. Walsh noted that all the City's regulations stand on their own whether specifically referenced or not. Just because the ordinance does not specifically state Main Street 2018 doesn't mean it's not applicable.

Mr. Santacruce noted the difference between regulations and guidelines and that the guidelines need to be pulled into the ordinance.

Mr. Walsh stated if that's what the Board wants to do that's fine.

Ms. Rosenberger questioned the lack of definitions and did not know what development program was as described by Mr. Walsh. She noted she always thought the City had a development plan or program, and further noted that it's an ambiguous term to her and the definitions are important.

Mr. Santacruce agreed that development program needs a definition.

Mr. Walsh moved to the "visual image of city skyline" portion of Co-Chair Hengen's letter, noting that staff felt it is important but up to the Board to prioritize.

Co-Chair Hengen said that as long as the Main Street Design Guide is inserted, that takes care of the visual image portion.

Mr. Walsh stated the staff felt vitality and vibrancy are self-evident and provide some room to the Board for judgment calls. RSA 79E references vitality and vibrancy which is a statute relative to tax incentives to redevelop certain areas of the City, which include downtown, noting the RSA does not define those terms.

Chair Woodfin agreed that he would like vagueness on those terms.

Mr. Walsh then mentioned the next item in the letter regarding surrounding vernacular.

Mr. Santacruce stated that insertion of the Main Street Design Guide covers that one.

Mr. Walsh then moved to a discussion of the 15 feet of frontage requirement and explained staff's rationale for this requirement, noting that staff didn't want tall buildings on State St abutting 2 ½ story neighborhoods. The requirement impacts a total of two properties – the Capitol Center for the Arts and the Eagles Club.

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Mr. Walsh said the last point in the letter involved demolition and explained why he didn't include "historic" in the language of the ordinance. He noted that he was trying to create a pathway for the Phenix Hall project and the discussion surrounding the demolition of the E&P building, reminding the group that the Heritage Commission already deemed the building as not historic. He was trying to steer clear of those concerns and included criteria for the applicant to demonstrate a really good reason as to why a building is being torn down.

Chair Woodfin expressed that he wants the ability to look at the E&P building as an option to redevelop or figure out a best use and move forward but give the Planning Board the ability to hear out the applicant and make a decision based on that.

Mr. Walsh stated he was afraid confusion over historic could hold up a worthy project from going forward if it's a hard and fast requirement.

Ms. Skinner stated if anything is added for historic then they absolutely need to define what is meant by historic.

Co-Chair Hengen said the definition is provided in 79E, and stated that she feels the loophole is if something is sufficiently deteriorated that the inability to rehab something for a reasonable cost in a reasonable way is the out that would give a developer the ability to redevelop the site but not inadvertently putting at risk the historic buildings.

Chair Woodfin asked about the Heritage Commission and the opportunity for them to relook at their piece of this and hold a hearing on these projects.

Ms. Skinner stated that the state statute provides lots of authority for Heritage Commission but it us up to the local municipality to grant the different authorities to the Heritage Commission and that would be a question for City Council and how much they want to change.

Chair Woodfin wondered if there is a step missing in the review piece.

Co-Chair Hengen noted it would be in an advisory capacity to the Board.

Ms. Rosenberger explained her involvement in the draft of 79E and also reviewed Co-Chair Hengen's letter. Ms. Rosenberger stated that it seems to her that as a City embracing culture, heritage, buildings, etc. it feels like we are going backwards if the ordinance is left as is, noting that it says to her there is not much that we would have to deny. She wondered about historic in the amendment and that it's making a very different policy decision by leaving it out.

Mr. Santacruce agreed with Ms. Rosenberger and likes the language proposed in Co-Chair Hengen's letter. He noted that we have the Architectural Design Review Committee give input and why not have the Heritage Commission give the Board advisory input in this instance. Mr. Santacruce noted he would like to make it specific in the language in this ordinance to solicit advice from the Heritage Commission in this amendment.

Chair Woodfin asked the group for a recommendation to give to staff.

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Mr. Santacruce stated he likes Co-Chair Hengen's language with the addition that in this ordinance the application specifically go to the Heritage Commission to weigh in under this ordinance in an advisory capacity.

Mr. Walsh expressed his concern over ceding their authority and the 65-day clock to approve an application and foresees as a challenge.

Chair Woodfin suggested bringing back that particular item for discussion at the October meeting.

Ms. Rosenberger stated she likes the language in Co-Chair Hengen's letter, not referencing the Heritage Commission, and go with Hengen's language and not the Heritage Commission.

Ms. Savage wondered about the Central Business Performance District including Penacook Village and excluding properties in Penacook Village and why that wasn't included.

Mr. Walsh said the ordinance defines a certain section of the Central Business Performance District that lies between streets that doesn't include Penacook Village. He added language about historic being solely within the purview of the Board with no reference to the National Register, no reference to anything. Planning Board should be the decider and have the latitude to determine if the property is historically significant or not.

Ms. Rosenberger wondered about the requirement for 10 housing units and feels it's limiting.

Mr. Walsh noted the Master Plan requires housing and felt this was an appropriate place to add this requirement, that if you want something special you need to add something to the project.

Mr. Walsh noted the final paragraph in Co-Chair Hengen's letter as existing language copied and pasted from the existing ordinance.

Chair Woodfin emphasized adding the Main Street Design Guide and sending to both committees for comment.

Mr. Walsh mentioned stepback requirement that was copied and pasted from the existing language and wondered about refining the language in that there are properties with dual frontage.

Staff will make proposed adjustments to the ordinance using Co-Chair Hengen's letter and bring back to the Planning Board for a public hearing on October 16, 2024.

(b) Discussion on the role of the Architectural Design Review Committee

Co-Chair Hengen stated the purpose of Architectural Design Review Committee is to assist the Planning Board on matters of design review to maintain high quality standard of design and appearance. Co-Chair Hengen noted the members of the committee have over 150 accumulated years of professional experience in design and architecture. There have been a few projects of late that comments were sent to the Planning Board and the Planning Board has been grappling with what the

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intent was of the Architectural Design Review Committee.

Chair Woodfin stated it is an important piece to get feedback from the Architectural Design Review Committee. Chair Woodfin noted they want to be developer friendly and a City that embraces change when it is necessary. There are times when the Architectural Design Review Committee recommendations are ignored and not given any credit.

Mr. Santacruce asked if because of time the documents that were sent to the Architectural Design Review Committee get sent to Planning Board and given the lack of time consider coming back next month to continue this discussion.

Chair Woodfin will work with staff to get a date and time for the Planning Board and Architectural Design Review Committee to have another work session to continue this conversation.

Adjournment

Mr. Fox moved, seconded by Vice-Chair Pierce, to adjourn the meeting at 6:57 p.m. All in favor. The motion passed unanimously.

TRUE RECORD ATTEST:

Krista Tremblay

Krista Tremblay
Administrative Specialist II