

RICHARD D. BARTLETT & ASSOCIATES, LLC

LICENSED LAND SURVEYORS

EST. 1973

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Mark C. Sargent, LLS - Manager
Daniel J. Mullen, LLS

October 13, 2025
City of Concord
41 Green Street
Concord, NH 03301

Attn: Planning Board

Re: Lot line adjustment and resubdivision Map 583Z, Lots 63, 63-1, 64 and Map 651Z, Lot 68
Lands of 2Granite Place, LLC and State of New Hampshire

Project Narrative

2Granite Place, LLC is the record owner of property identified as Map 651Z, Lot 68, which consists of 106.72 acres of undeveloped land off Penacook Street, and properties identified as Map 538Z Lot 64 which consists of 41.27 acres off Rumford Street upon which sits the north building wing and associated amenities of former Lincoln Financial Insurance Co. campus known as 2 Granite Place, and Map 583Z, Lot 63-1 which consists of 27.84 acres fronting on Rumford and Penacook Street.

The State of New Hampshire is the record owner of property identified as Map 583Z, Lot 63 which consists of 6.41 acres upon which is the south building wing and associated amenities of the former Lincoln Financial Insurance Co. campus known as 1 Granite Place.

Whereas, the State of New Hampshire desires to acquire the land, buildings, primary access way, parking areas, etc., known as 2 Granite Place, the parties are proposing a lot line adjustment to accomplish the task with the intent to merge the lot with 1 Granite Place. An access easement over the secondary access will be conveyed to the State of New Hampshire.

Through a series of other lot line adjustments, 2Granite Place, LLC intends to convey 11.61 acres of Lot 64, to the State of New Hampshire and the remaining portions of Lot 64 consisting of a total of 29.66 acres will be annexed to Lot 63-1. as well as 95.59 acres of undeveloped land of Map 651Z, Lot 68 creating a new lot area for Lot 63-1 of 153.09 Acres which is intended to be donated to the City of Concord. Whereas, the undeveloped land has extensive recreational trails in and around the old stone quarries and it is the intent that a conservation easement and/or restrictive covenants will placed upon 134.89 acres Lot 63-1 to preserve public access to the trail system with the condition that the remaining lands unencumbered by the easement be developed and placed back on the City tax rolls.

The remaining portion of Map 651Z Lot 68 will be subdivided into one new residential lot of 0.26 acres fronting on Penacook Street (will require State Subdivision approval), and the residual land consisting of 10.51 acres will be a residential lot fronting on Little Pond Road.

The 10.51 acre lot has non-conforming frontage of 50.00', thus a request for a variance has been applied for. (A copy of the variance request is attached). In addition, a Conditional Use Permit was applied for and approved at the May 21, 2025 planning board meeting for placement of a proposed driveway closer than the required separation between driveways.

As a result of this application, there will be no net change in the number of lots. Lot 64 will no longer exist and its frontage will be transferred to the State of NH. Lot 63 will continue to front on Rumford and Penacook Street and obtain additional non-contiguous frontage for access to the recreational trails on Penacook Street, One small residential lot will front on Penacook Street, and the remainder of Lot 68 will continue to front on Little Pond Road.

Site Pictures



Existing frontage at Little Pond Road
10.5 Ac. Lot

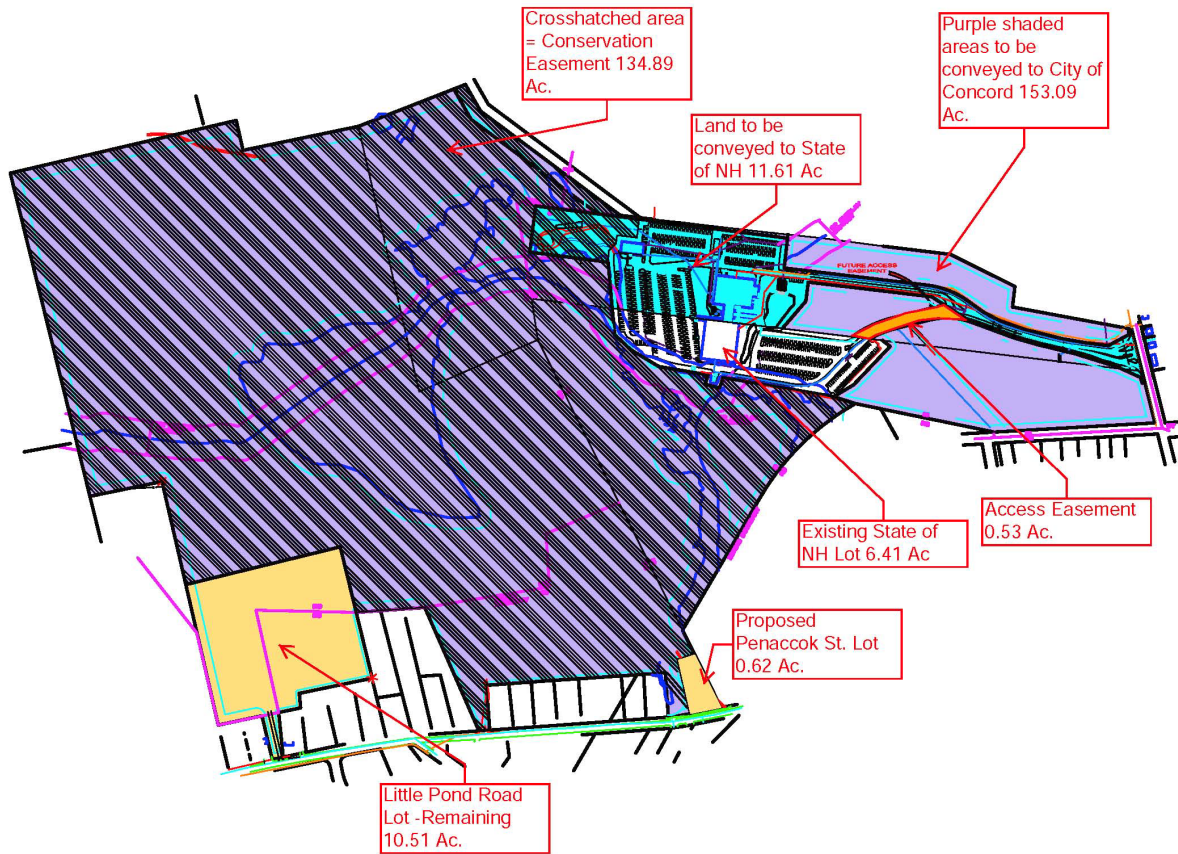


Location of proposed Penacook St. Lot



1 & 2 Granite Place

Overview



Respectively submitted,

Daniel J. Mullen

RICHARD D. BARTLETT & ASSOCIATES, LLC

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Mark C. Sargent, LLS - Manager
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October 13, 2025
City of Concord
41 Green Street
Concord, NH 03301
Attn: Planning Board

Re: Waiver request

Project: Lot line adjustment and resubdivision Map 583Z, Lots 63, 63-1, 64 and Map 651Z, Lot 68 - Lands of 2Granite Place, LLC and State of New Hampshire

Dear Chairman Woodfin and members of the Planning Board,

Our firm has prepared the plan set for the above noted project.

We are hereby requesting waivers to several Subdivision Regulations which we believe would be irrelevant, and/or provide little or no informational benefit to the Planning Board and the general public. Granting the waivers would not change the character of the neighborhood, nor diminish surrounding property values and would not be contrary to the spirit of the ordinances.

Specifically, we are requesting waivers for the following Subdivision Sections:

- 12.03(5) & 15.01(3) Wetlands
- 12.07 Wetland Delineation
- 12.08(3) & 15.03(4) Topography
- 12.08(7) Solid Waste & Outside Storage
- 12.08(10) Municipal Utilities
- 12.08(11) Non-Municipal Utilities
- 15.03(11) Municipal Sewer
- 12.08(12) & 15.03(12) Wells and Septic
- 12.08(16) Signs
- 12.08(18) Lighting
- 12.08 (20) Vegetation
- 12.08(23) (b)(c) Tabulations

General justification: A complete survey of the site was not conducted and tabulation of useable and buildable area, lot coverage and other requirements cannot be calculated. In addition, to perform a complete on the ground survey with topography and other details to satisfy the requirements would be an undue burden on the applicants and not provide any relevant data, with exception to the residential lots which depict necessary items.

Justifications

1. The granting of the waivers will not be detrimental to the public safety, health, welfare or injurious to other property.

Omitting the above listed items will have no impact to surrounding properties, whereas, there will be no material site changes to the bulk of the property that is the subject of this application. Applicable items for lots proposed on Little Pond Road and Penacook Street are depicted on the plat.

2. The conditions upon which the request for a waiver is based are unique to the property for which the waiver is sought and are not applicable generally to other property.

Portions of the property that are the subject of the waivers are either already improved with no proposed site changes or is vast raw land intended for conservation which has not been surveyed as it will provide no relevant data for the purposes of this plat.

3. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, an unnecessary hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations are carried out.

The bulk of the property contains wetlands, steep slopes and is greater than 100 acres. Remaining portions are already improved with exception to the proposed lots that have on the ground topography and site details where needed.

4. Specific circumstances relative to the subdivision or conditions of the land in such subdivision indicate that the waiver will properly carry out, or not be contrary to, the spirit and intent of these regulations.

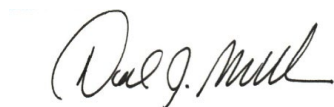
For the waivers being requested, the information required would not provide any relevant or useful information in order to allow the applicants to enjoy reasonable use of the properties and would not be contrary to the intent and spirit of the ordinance.

5. The waivers will not in any manner vary the provisions of the Zoning Ordinance, Master Plan Reports or Official Map.

The proposed waivers will not in any manner vary the provisions of the Zoning Ordinance, Master Plan or Official Map. The proposed lot and remaining lot on Little Pond Road and Penacook Street will meet or exceed the requirements.

Thank you for your consideration

Sincerely,

A handwritten signature in black ink, appearing to read "Daniel J. Mullen". The signature is fluid and cursive, with the first name "Daniel" and last name "Mullen" clearly distinguishable.

Daniel J. Mullen, LLS

NARRATIVE IN SUPPORT OF VARIANCE APPLICATION OF 2GRANITE PLACE, LLC

2Granite Place, LLC (owned by Steve Duprey) owns the property identified as Map 651Z, Lot 68, which consists of approximately 107 acres off Penacook Street (the “Property”). Most of the Property is located in the Open Space Residential District (RO), and a smaller portion is located in the Single-Family Residential District (RS). The Property is undeveloped, and has an extensive recreational trail network in and around the old stone quarries. It is adjacent to the former Lincoln Financial Center campus located at 1 Granite Place.

Mr. Duprey seeks to subdivide the Property to create two (2) house lots along the Little Pond Road/Penacook Street frontage, comprised of approximately 10.5 acres and 0.5 acres, as shown on the enclosed plan. Once those house lots are carved out, approximately 96 acres of undeveloped land remains. Mr. Duprey would merge that acreage with his other land surrounding the former Lincoln Financial Center, to create an approximately 155-acre lot. He would then place a conservation easement or other restrictive covenants to preserve the public recreational access to the trail system on roughly 137 acres of that land, and would donate the entire 155 acres to the City of Concord, with the condition that the land unencumbered by the conservation/recreational use easement be developed and put back on the City’s tax roll.

The primary purposes of the project are to (1) create a house lot for Mr. Duprey’s personal residence; (2) preserve a massive recreational area for the City; and (3) give the City control over the future development of the prime real estate at the corner of Rumford and Penacook Streets.

The proposed 10.5-acre house lot has only 50’ of frontage on Little Pond Road. Otherwise, the proposal complies with all zoning requirements. Accordingly, Mr. Duprey seeks the following variance:

1. A variance from Article 28-4-1(c) to permit the creation of a lot with approximately 50’ of frontage, where 100’ is otherwise required.

DISCUSSION

1. The variance will not be contrary to the public interest.

A variance is contrary to the public interest if “it unduly and in a marked degree conflicts with an ordinance such that it violates the ordinance’s basic zoning objectives.” Farrar v. City of Keene, 158 N.H. 684, 691 (2009) (internal quotations omitted). In determining whether a variance would violate basic zoning objectives, the board should examine whether the variance would alter the essential character of the locality, or whether the granting of the variance would threaten public health, safety or welfare. Id.

Here, the variance will not alter the essential character of the locality. The other house lots in the area are relatively small, and close together. The 50’ of frontage for the proposed house lot will provide a means of access to a much larger 10.5 acre lot to the rear. So, although

the frontage is reduced, the lot width where the future home will be built is actually much greater. In other words, the variance will not result in a new home being built right on top of its neighbors. The new home will be set back a considerable distance from the street, and will be well screened from abutting properties.

Nor would the variance threaten public safety, health or welfare. With 50' of frontage, there is more than enough area to construct a driveway to provide ample access to the Property, so there is no risk of inaccessibility by emergency vehicles.

2. The spirit of the ordinance is observed.

The New Hampshire Supreme Court has determined that this criteria overlaps with the public interest requirement. See Chester Rod & Gun Club v. Town of Chester, 152 NH 577, 580 (2005). The spirit of the ordinance seeks to ensure that there will be certain minimum frontage to provide safe and adequate access to the property, and to prevent overcrowding of the streetscape. In this case, the 50' of frontage does provide safe and adequate access to the Property, and allowing a new home on an oversized 10.5 acre lot will not negatively impact the streetscape.

3. Substantial justice is done.

Substantial justice is done where granting a variance will not cause harm to the general public that outweighs the benefit to the applicant. See Malachy Glen Associates v. Town of Chichester, 155 N.H. 102, 109 (2007). That is the case here. The proposed 50' of frontage will not harm the public in any way. With the proposed lot being 10.5 acres, there will be ample separation and buffering from abutting properties. Granting the variance allows Mr. Duprey to donate approximately 155 acres to the City of Concord, which will provide tremendous public benefit. The variance will also benefit Mr. Duprey because it will allow him to retain approximately 10.5 acres on which to build his personal residence. Without the variance, he would be unable to create the two house lots and donate such a large area to the City.

4. The value of surrounding properties is not diminished.

The variance will not impact surrounding property values. The oversized nature of the lot prevents any risk of overcrowding, and will provide much more separation from the new home than what already exists among the relatively small house lots along the street.

5. Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship because, owing to special conditions of the property that distinguish it from other properties in the area:

- a. *No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property.*

The Property is unique with respect to its size. Today, the entire Property consists of roughly 107 acres. It is the largest privately owned parcel in the vicinity by a considerable

margin. Its configuration is also unique in that it has three (3) separate (non-contiguous) frontages along Little Pond Road and Penacook Street, totaling approximately 237'. If these frontages were contiguous, the Property would have ample frontage to create the two house lots. But, because they are not contiguous, they cannot be added together to satisfy the frontage requirement. See Zoning Ordinance §28-4-1(c).

The general public purposes of the minimum frontage requirement are to provide for adequate separation between homes, to prevent overcrowding of the streetscape, and to ensure safe access. Here, there is no substantial relationship between those purposes, and strict application of the frontage requirement to the Property. The size and configuration of the proposed house lot will provide adequate separation from adjacent homes. The fact that the proposed home will be situated to the rear of the property, far away from the street, ensures that the streetscape will not be overcrowded. And, the 50' of frontage provides ample width for a driveway to provide safe access for emergency vehicles. Accordingly, strict application of the 100' frontage requirement serves the general public purposes of the ordinance no better than granting the variance would.

b. The proposed use is reasonable.

The proposed use is a single-family home situated on a 10.5 acre lot. Single family homes are permitted by right in the RO and RS Zoning Districts, and the proposed lot size greatly exceeds the minimum requirements in both districts (2 acres and 12,500sf, respectively). Accordingly, the proposed use is reasonable.

Further, a property of this size could potentially be developed for dozens if not hundreds of residential units. The current proposal recognizes and respects the recreational and open space value it provides to surrounding neighbors and residents of the City.

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The regular monthly meeting of the Concord Planning Board was held on May 21, 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), Jeff Santacruce, Amanda Savage, and Councilor Brent Todd

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

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

1. Call to Order

Vice-Chair Hicks called the meeting to order at 7:00 p.m.

2. Roll Call

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

3. Approval of Meeting Minutes

On a motion made by Member Fox, seconded by Councilor Todd, the Planning Board voted to approve the April 16, 2025, Planning Board meeting minutes, as written. The motion passed unanimously.

4. Agenda Overview

Member Savage moved, seconded by Member Santacruce, to continue agenda items 6A, 9C, and 9H to a date certain of June 18, 2025, at the request of the respective applicants. All in favor. The motion passed unanimously.

5. Architectural Design Review by Consent

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

5A. Advantage Signs, and Christ the King Parish, on behalf of Roman Catholic Bishop of Manchester, requests an architectural design review for a new 54-square-foot non-illuminated building wall sign (SP-0476-2025) and a new 5.4-square-foot non-illuminated building wall sign (SP-0477-2025) at 67 S State St in the Urban Transitional (UT) District. (2025-039) (PL-ADR-2025-0084)

The Planning Board voted to approve the application as submitted.

5B. Sousa Signs, on behalf of St. Mary's Bank, requests an architectural design review for a new 16.8-square-foot internally illuminated building wall sign (SP-0513-2025), a new 53.1-square-foot internally illuminated building wall sign (SP-0498-2025), and a new 5.3-square-foot internally

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illuminated building wall sign (SP-0499-2025), at 16 Manchester St in the Gateway Performance (GWP) District. (2025-032) (PL-ADR-2025-0080)

This agenda item was pulled from consent by Vice-Chair Hicks to have a separate vote of the Board

Member Savage recused herself from this agenda item due to conflict of interest because her firm built the building.

On a motion made by Councilor Todd, seconded by Member Santacruce, the Board voted unanimously to approve agenda item 5B as submitted. All in favor. The motion passed unanimously.

Member Savage re-entered the meeting.

- 5C. Signarama of Concord, on behalf of Humble Hands and New Hampshire Troopers Association Inc, requests an architectural design review for two new 2.5-square-foot, non-illuminated building wall signs (SP-0505-2025 and SP-0506-2025), at 109 North State St in the Civic Performance (CVP) District. (2025-038) (PL-ADR-2025-0083)

The Planning Board voted to approve the application as submitted.

- 5D. Harvey Signs, on behalf of Kasada, LLC and Raising Canes, requests an architectural design review for 3 new 32-square-foot internally illuminated building wall signs (SP-0523-2025, SP-0524-2025 and SP-0525-2025) and a new 27-square-foot internally illuminated tenant panel sign (SP-0534-2025) on an existing pylon at 287 Loudon Rd in the Gateway Performance (GWP) District (2025-40) (PL-ADR-2025-0085).

The Planning Board voted to approve the application as submitted.

- 5E. Sousa Signs, on behalf of Arts Alley, LLC, and The Friendly Toast, requests an architectural design review for a new 52.96-square-foot internally illuminated canopy mounted wall sign (SP-0538-2025), and two new 0.95-square-foot non-illuminated window door signs (SP-0539-2025 and SP-0540-2025) at 20 South Main St in the Central Business Performance (CBP) District. (2025-43) (PL-ADR-2025-0087)

The Planning Board approved the application as submitted with the condition that the vertical brace of the sign be painted to match the anodized aluminum of the sign cabinet.

- 5F. Spectrum Signs and Warrenstreet Architects on, on behalf of Interchange Development, LLC, and Concord Hospital, requests an architectural design review for a new 4.25-square foot internally illuminated tenant panel sign (SP-0541-2025) in an existing pylon sign at 1 Interchange Dr in the Gateway Performance (GWP) District. (2025-048) (PL-ADR-2025-0088).

The Planning Board voted to approve the application as submitted.

6. Determination of Completeness Items by Consent

- 6A. Keach-Nordstrom Associates, Inc., on behalf of Parmenter Place, requests approval for major site plan, architectural design review, and certain waivers from the Site Plan Regulations, to add eight additional townhouse units to the existing development, at Tax Map Lot 392Z 22, addressed as 15

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Parmenter Rd, in the Neighborhood Residential (RN) District. (2025-046) (PL-SPR-2025-0044) The applicant continued the application to a date certain of June 18, 2025.

Member Savage moved, seconded by Member Santacruce, to continue agenda item 6A to a date certain of June 18, 2025, at the request of the applicant. All in favor. The motion passed unanimously.

7. Extensions by Consent

None.

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

Public Hearings

8. Architectural Design Review Applications

8A. Ian Advantage Signs, on behalf of LCHN and Dartmouth Health, requests an architectural design review for a new 5.16-square-foot non-illuminated building wall sign (SP-0511-2025), a 26.49-square-foot non-illuminated building wall sign (SP-0510-2025), and a new 26.72-square-foot non-illuminated freestanding sign (SP-0509-2025) at 280 Pleasant St in the Institutional (IS) District. (2025-035) (PL-ADR-2025-0081

Mr. Bass provided a staff update, stating that the application went to Architectural Design Review Committee and they provided a recommendation. The applicant provided a revised sketch in response to the recommendation, which was included in the agenda packet. The revision does not completely meet the recommendation that Architectural Design Review Committee provided, and the applicant is present to discuss the proposal.

Nick Jarvis (289 New Rd, Salisbury) stated the recommendation was to add an ampersand and to add illumination to the sign.

Member Condodemetraky arrived at 7:06 p.m.

Mr. Jarvis spoke with Dartmouth and their feelings were that they do not need illumination because it is off the main street. It is a business park and would add cost to the sign.

Vice-Chair Hicks asked if he does not want the ampersand.

Mr. Jarvis stated they do not want the ampersand centered. Rather, they want it on the top line.

Member Savage noted she was the one that brought up the suggestion of the illumination or the reflective letters.

Mr. Jarvis stated they will do the reflective letters.

Member Savage stated she is okay with reflective letters.

Vice-Chair Hicks asked about the ampersand.

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Member Savage stated she is indifferent about the ampersand.

Vice-Chair Hicks asked the applicant for his preference.

Mr. Jarvis noted he wants it the way it is shown on the screen.

Mr. Bass asked if the Board is looking to approve the application as submitted and revised on May 13, 2025.

Vice-Chair Hicks asked if there is any member of the public that wishes to speak on this agenda item and with no response closed public the hearing.

Councilor Todd asked about the position of Architecture Design Review Commission.

Member Savage stated as long as there was reflective paint or lettering she was okay with it.

On a motion made by Councilor Todd, seconded by Member Fox, the Board approved the application with reflective lettering and as revised on May 13, 2025. All in favor. The motion passed unanimously.

8B. Portsmouth Sign Company, on behalf of Double Tree by Hilton and Capital Hotel Company VII, LLC, requests an architectural design review for a 116.3-square-foot internally illuminated building wall sign (SP-0483-2025) to replace an existing building wall sign, a 115-square-foot internally illuminated building wall sign (SP-0484-2025) to replace an existing building wall sign, a 114.3-square-foot internally illuminated building wall sign (SP-0485-2025) to replace an existing building wall sign, a 48-square-foot internally illuminated pylon sign (SP-0486-2025) to replace an existing pylon sign, and a new 22.33-square-foot non-illuminated building wall sign (SP-0487-2025) at 172 North Main St in the Urban Commercial (CU) District. (2025-036) (PL-ADR-2025-0082)

Mr. Bass provided a staff update, stating that this was an Architectural Design Review Application that they recommended for approval as submitted, but with the condition that the pylon sign post be tinted a dark blue or black color. The applicant has asked for a public hearing to discuss the recommended condition because the corporate branding requires a white post.

Ryan Fischer (19 Nimble Hill Rd), of Portsmouth Sign Company, was present to represent the application. Mr. Fischer stated he spoke with the owner after the meeting and because of the corporate branding for pylon signs, the preference is to stick with the white. They noted the existing sign was white as well.

Vice-Chair Hicks asked if there is any member of the audience that would like to speak on this agenda item and with no response closed the public hearing.

Vice-Chair Hicks asked the rationale for Architecture Design Review Committee having the pylon dark blue or black.

Mr. Bass stated his recollection is cohesiveness in matching the rest of the signage on the site.

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Member Savage asked the applicant if nationwide if that is what their signs look like.

Member Rosenberger arrived at 7:15 p.m.

Mr. Fischer responded yes.

Vice-Chair Hicks asked if any member of the Board feels strongly in recommending a black or a blue post.

Member Condodemetrakya stated she prefers the blue.

Vice-Chair Hicks asked Member Condodemetrakya if she is okay with the white.

Member Condodemetrakya stated she is okay with the white.

On a motion made by Member Fox, seconded by Member Condodemetrakya, the Board approved the application as submitted. All in favor. The motion passed unanimously.

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

- 9A. Ian MacKinnon and Jones & Beach Engineers, Inc., on behalf of Aaron LeClerc and Cara Scala, request approvals for a minor site plan application, a conditional use permit application for disturbance to a wetland buffer to construct a driveway, and certain waivers from the Site Plan Regulations, to construct a detached workshop building for a home-based business and an associated detached single-family dwelling, at Tax Map Lot 411Z 49, unaddressed Shaker Rd, in the Medium Density Residential (RM) District. (2024-074)

Mr. Bass stated this application has been continued several times. The applicant is requesting two conditional use permits. Staff is recommending approval of the applications, including the requested waivers except one of the waivers. Post-development flows are going to be increased over pre-development flows and there are known drainage issues out there. The applicant has done their due diligence in analyzing the site to make it work. Because of the home occupation and the size of the building involved for the home occupation, they fell into the minor site plan threshold which is why they are before the Planning Board.

On a motion made by Member Fox, seconded by Councilor Todd, the Board voted to determine the application complete, not a development of regional impact, per New Hampshire RSA 36:55, and open the public hearing. All in favor. The motion passed unanimously.

Ian MacKinnon (85 Portsmouth Ave, Unit 85, Stratham) and Aaron LeClerc (29 Hot Hole Pond Rd, Concord) are present to represent this application. Mr. MacKinnon stated they received a zoning variance in 2024 to allow two principal uses on the property, one of which being a manufacturing workshop, the size of which triggered site plan review. This is an existing parcel with no address. They will be given an address of 50 Shaker Rd. The existing conditions are unique in that the entire frontage of the property has wetland that diagonally moves toward Shaker Rd. There is a culvert at the corner of this property that crosses Shaker Rd towards Mountain Rd. The proposal is for a single-family home with an attached garage and a detached workshop with concrete access areas. The

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property will be served by a well and septic, and a 24-foot-wide driveway from Shaker Rd. They found the least impactful route through the wetland and placed the driveway there. Mr. MacKinnon noted they did go before the Conservation Commission and they gave their recommendation for approval for the impact to the buffers. They worked with staff to pull the driveway out of the wetland and improve the condition of the stormwater analysis. The applicant worked with the owner of 68 Shaker Rd who agreed to a small lot line adjustment. This way they can avoid any impact to the wetland itself. The property will be served by two proposed stormwater ponds. Everything tends to fall to the west and they have done everything they can to capture 100% of the impervious on the property into the ponds. Mr. MacKinnon stated they are proposing a new utility pole on the east side of Shaker Rd and from there will be underground utilities.

Vice-Chair Hicks stated this is a wet area and asked about the pre and post as far as the change.

Mr. MacKinnon noted the stormwater analysis is unique. The study area was about 10 acres from the midpoint of the property. There is a mix of A soil and D soil. A soil is susceptible to changes in land cover and that affects peak flow run off. Mr. MacKinnon stated the ponds are capturing and infiltrating nearly all of the stormwater up to a 25- or 50-year storm. The removal of any trees within this lot the second you alter that land there is nothing you can do to meet the pre-development flow. The reason they cannot meet the pre-development flow is that the remaining area of the water shed which is covering the existing wetland, if any trees are taken the time of concentration is reduced. That water shed alone separate from the areas that are developed does not meet it already.

Vice-Chair Hicks asked if it is creating a problem.

Mr. MacKinnon stated they do not feel they are creating a problem in the developed area. The existing water shed is inherently going to make it so they cannot meet the pre-existing threshold.

Vice-Chair Hicks asked if there is any member of the public that wishes to speak on this application.

Mr. LeClerc stated they did everything to meet the requirements.

Vice-Chair Hicks stated knowing this road and this site asked if the workshop can see it from the road.

Mr. LeClerc does not want anyone to see it.

Mr. MacKinnon stated the driveway change increases the likelihood that no one sees him.

Member Condodemetraky asked if it's a commercial use.

Mr. LeClerc stated yes, and he is the only employee.

Mr. MacKinnon stated the conditional use permit is for parking requirements and noted that the site can support the parking were it to be needed.

Vice-Chair Hicks closed the public hearing.

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Vice-Chair Hicks stated the findings of fact, which 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.

Vice-Chair Hicks asked about the waiver staff does not support.

Mr. Bass stated there is flooding that occurs downstream on Mountain Rd and has been going on for years. Staff feels they are increasing the contribution to that. Mr. Bass noted if this applicant constructed a single-family home they would not have to meet any of the site plan regulations and would not have to retain any of this water. Mr. Bass stated the applicant has made every possible effort to make this work as best as possible.

Member Santacruce asked if the culvert under the road is sized properly.

Mr. Kohalmi said they do not know. Mr. Kohalmi stated someone fiddled around with that culvert and decreased its capacity. It is old and in bad shape. Mr. Kohalmi noted the culvert has been cleared out and does not feel the problem is completely solved. Mr. Kohalmi stated on the downstream side of the culvert there is a pipe that really should be an open channel. The pipe was put in without the City's knowledge and that is probably the issue – an old pipe that does not have enough capacity downstream from a pipe that goes under the road.

Member Santacruce asked if the channel was still there and the downstream pipe whether it was an abutter or how it happened if that was not there. There is a chance there would not be any flooding downstream. Member Santacruce noted what they are doing on this site is not necessarily cause and effect. Member Santacruce stated if this was a single-family residence with a paved driveway 16 feet wide, the Board would have no say. Member Santacruce noted the applicant has made best efforts to get to the 25-year condition and once the area starts to grow back in with trees and shrubs it is possible over time it will somewhat rectify itself to get back to that pre-existing slope condition. Member Santacruce stated he would be in favor of granting the waiver.

Vice-Chair Hicks stated he agrees with Member Santacruce. Vice-Chair Hicks does not feel right to punish this applicant for what someone did in the neighborhood and it should be on the City to fix that problem.

Vice-Chair Hicks stated the findings of fact include the information provided in 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 Rosenberger, the Board voted to **grant the waiver requests below** from the listed sections of the Site Plan Regulations, based on the criteria from New Hampshire RSA 674:44(III)(e) and Section 36.08 of the Site Plan Regulations:

- a. Section 15.04(15) *Landscape Plan*, to not provide a landscape plan, or landscaping approved by a NH licensed landscape architect;
- b. Section 23.02 *Municipal Water System*, to not extend the municipal water system nor provide municipal water service to the project parcel which is located within fifteen hundred feet of an existing municipal water main;

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- c. Section 24.02 *Municipal Sewer System*, to not extend the municipal sanitary sewer system, nor provide municipal sanitary sewer service to the project parcel which is located within fifteen hundred feet of an existing municipal sanitary sewer main;
- d. Section 15.04(13) *Municipal Sewer*, to not provide the location, size and invert elevations of existing and proposed sanitary sewers;
- e. Section 15.04(17) *Municipal Water Supply*, to not provide the location and size of any existing and proposed water mains and service connections.
- f. Section 21.02 *Sidewalks Required*, to not require sidewalks adjacent to the site along projects on city streets within the Urban Growth Boundary;
- g. Section 21.03 *Connection to Public Sidewalks*, to not require sidewalk connections to be made from a public street or sidewalk to non-residential building(s) on site;
- h. Section 23.07 *Non-municipal Water Supply*, to not require each dwelling unit or each principal non-residential use be provided with its own individual well for potable water supply;
- i. Section 24.08 *Non-municipal Sanitary Sewage Disposal*, to not require each dwelling unit or each principal non-residential use not served by the municipal sanitary sewer system be provided with its own individual waste disposal system;
- j. Section 25.02(1) *Underground Utilities*, to not require all utility facilities to be located underground throughout the proposed development and allow for the power and telecom within the Shaker Rd public right-of-way to be installed overhead; and
- k. Section 22.07(2) *Storm Water Recharge*, to not require a minimum separation of 4feet to be maintained between the bottom of infiltration systems and the groundwater.
- l. Section 22.07(3) *Storm Water Design Standards for Site Plans with Significant Impact Storm Off-Site Flows*, to allow off-site flows to exceed pre-development conditions for both the peak and the volume.

All in favor. The motion passed unanimously.

On a motion made by Member Santacruce, seconded by Member Savage, the Board voted to **grant the conditional use permit** in accordance with Section 28-4-3(d) *Conditional Use Permits Required for Certain Disturbance of Wetland Buffers* of the Zoning Ordinance, to allow for a permanent impact to 4,550 square feet of wetland buffer to allow for driveway and utility access to the buildable portion of the lot at Tax Map Lot 411Z 49, because all of the criteria of Section 28-4-3(d)(1) through (5) and Section 28-9-4(b)(4)(a) through (g) have been met.

All in favor. The motion passed unanimously.

On a motion made by Member Condodemetraky, seconded by Member Santacruce, the Board voted to **grant the conditional use permit** for Section 28-7-11(b) *Construction of Fewer Parking Spaces* of the Zoning Ordinance, to allow for the deferral of the required five required parking spaces associated with the manufacturing business at Tax Map Lot 411Z 49 until such a time when the spaces may be required, because all of the criteria of Section 28-9-4(b)(4)(a) through (g) have been met.

All in favor. The motion passed unanimously.

On a motion made by Member Santacruce, seconded by Member Condodemetraky, the Board voted to **grant minor site plan approval** for the construction of a detached workshop building for a home-

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based business with an accompanying single-family dwelling, and associated site improvements at Tax Map Lot 411Z 49 on Shaker Road, subject to the following precedent and subsequent conditions:

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

1. Revise the plan set to show full compliance with the Concord Municipal Code, Site Plan Regulations, and Concord Construction Standards and Details, including but not limited to, the following:
 - a. Per Section 13.01(6) *State and Federal Permits* and Section 24.09 *State and Federal Permits*, a copy of the Septic Design permit, and any other required state or federal permits shall be submitted prior to final approval;
 - b. Per Section 18.22 *Grades*, Sheet C3.1 *Grading and Drainage Plan* shall be revised as follows: show the location of the proposed future 5 parking spaces; grading, compliant with this section shall be provided, and conducted as part of the construction of the workshop; and, spot elevations shall be provided demonstrating compliance and constructability of the parking spaces;
 - c. Per Section 19.01 *Compliance with Zoning Regulations*, the driveway culvert material along Shaker Road shall be SDR-35 PVC, Reinforced Concrete Pipe (RCP), or Ductile Iron (DI) for compliance with City Detail D-9 *Rural Residential Drive*. Sheets C3.1 *Grading and Drainage* and P1 *Driveway Plan & Profile* shall be revised accordingly; and
 - d. Per Section 27.09 *Erosion Control*, the applicant shall revise the proposed seed mixture (proposed seed mixture “C” of the Seeding Guide on Sheet E1) to either meet, or exceed the requirements of Section 7.02.A.2 Seed of the City of Concord Construction Standards and Detail.
2. Revise the plan set to show full compliance with the Concord Municipal Code, Site Plan Regulations, and Concord Construction Standards and Details, including, but not limited to the following Engineering Services Division items:
 - a. Per Section 16.02(12) *Grading and Drainage Plan*, additional capacity analysis shall be provided for the following stormwater pipes: the 13-foot, 8-inch high-density polyethylene (HDPE) pipe from infiltration pond 1; the two 15-foot, 6-inch HDPE outlet pipes from infiltration pond 2; the 35-foot, 12-inch HDPE driveway culvert in the public right-of-way; and, the existing 18-inch reinforced concrete pipe (RCP) culvert crossing under Shaker Rd.
 - b. Per Section 22.07(2) *Stormwater Recharge*, test pits in both infiltration ponds 1 and 2 shall be included to determine compliance with this section of the Site Plan Regulations.
 - c. Per 22.07(2) *Stormwater Recharge*, calculations showing how the 3 in/hr. infiltration rate for infiltration ponds 1 and 2 was calculated using Ksat rates from test pits and shall be included in the drainage analysis to determine compliance with this section.

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- d. Per Section 16.02(12) *Grading and Drainage Plan*, the length and slope of the existing 18-inch RCP stormwater pipe shall be provided on sheets C2.1 and C3.1.
- e. Per Section 16.02(12) *Grading and Drainage Plan*, the HydroCAD and plan sheets do not provide consistent outlet pipe size and materials and shall be revised accordingly. The HydroCAD used as part of the stormwater analysis used 6-inch and 8-inch CPP outlet pipes with headwalls in the infiltration pond; however, Sheet C3.1 shows the outlet pipes as HDPE and Sheet D1, Infiltration Pond Detail, shows these pipes outletting without a headwall.
- f. Per Section 16.02(12) *Grading and Drainage Plan*, the SHWT depths shall be revised to match and show how the depth to bedrock was calculated. The NHDES Infiltration Practice Criteria for Pond 1 shows a depth-to-seasonal high-water table (SHWT) and to bedrock of 4 feet; however, the test pits on Sheet C3.1 show an estimated SHWT of 30 inches to 36 inches (2.5 feet to 3 feet) and do not show a depth to bedrock. Additionally, a volume of 2,865 cubic feet is shown on Sheet C3.1, but on the Table Stage-Area Storage for Pond 1, 2,776 cubic feet is shown. These values shall be revised to be compliant with Section 16.02(12) *Grading and Drainage Plan*, Section 22 *Stormwater Management*, and Concord Construction Standards and Details.
- g. Per Section 16.02(12) *Grading and Drainage Plan*, calculations showing how the depth to SHWT and bedrock for Pond 2 shall be provided. The NHDES Infiltration Practice Criteria for Pond 2 shows a depth to SHWT of 1.25 feet and a separation from bedrock of 1.3 feet.
- h. Although the title of the report is “Drainage Analysis/Erosion Control Plan”, no erosion control plan is found. For accuracy and to prevent confusion, title shall be revised if no erosion control plan will be included.
- i. Per Section 24.08 *Non-Municipal Sanitary Sewage Disposal*, a “septic drain field” label shall be added to the 4k area provided.
- j. Per Section 22.02 *Construction Standards*, Note 8 on sheet C3-1 shall be revised to state “All drainage pipe located outside of the public right-of-way shall be non-perforated ADS N-12 or approved equal.”
- k. Per Section 22.02 *Construction Standards*, the culvert material in the public right-of-way shall be revised from HDPE to RCP, PVC, or DI accordingly, pursuant to Section 6(2)(b)(3)(a) and Detail D-9 of the Concord Construction Standards and Details. Additionally, the slope on the callout on sheet C3-1 shall be corrected from 0.10 to 0.01
- l. Per Section 15.04(16) *Septic Systems*, a legend shall be included on sheet P-1 identifying all provided hatchings, including for the septic system.
- m. Per Section 19.01 *Compliance with Zoning Regulations*, the woven wire fabric shown in the concrete pad detail on sheet D-1 shall be revised to have “6”x”6 W2.9xW2.9” pursuant to Section (3)(2)(D)(3) of the Concord Construction Standards and Details.
- n. Per Section 19.01 *Compliance with Zoning Regulations*, the Cape Cod Berm shown on the plan and provided details (Sheets C2.1 and D1) shall

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be removed and replaced with either sloped or vertical granite curb pursuant to Section 3(2)(C) and Details C-1 or C-2 of the Concord Construction Standards and Details,

- o. Per Section 22.02 *Construction Standards*, the drainage trench detail on sheet D-1 shall be replaced with, or made to meet or exceed the requirements provided in details SD-1 *Storm Drain Trench* and R-15 *Trench Restoration* of the Concord Construction Standards and Details.
 - p. Per Section 27.09(2) *Disturbed Areas*, temporary erosion control Note (6) on sheet E1 shall be revised to state all areas shall be stabilized within 21 days of initial disturbance. Ensure all the information required by Section 27.09 *Erosion Control* is included in this notes section.
 - q. Per Section 27.09 *Erosion Control*, the stabilized construction entrance detail on sheet E1 shall be revised to require mountable berm where grade exceeds 2% pursuant to Concord Construction Detail E-1. Additionally, note 6 shall be revised to remove the sentence beginning with “If piping is impractical...” to match Concord Construction Detail E-1.
3. Either the cover sheet or the site plan sheet shall list all approved variances, waivers, and conditional use permits with the section numbers and description, and date of approval. Any item for which a variance, waiver, or conditional use permit has not been specifically requested and specifically granted shall be shown on the plan set as fully complying with the applicable requirement, standard, detail, or regulation.
4. Upon notification from the Planning Division that the plan set complies with Planning Board conditions, the Zoning Ordinance, Site Plan Regulations, and Concord Construction Standards and Details, the applicant shall deliver to the Planning Division two full-size plan sets for endorsement by the Planning Board Chair and Clerk. The plan sets shall contain the signature and seal of the appropriate licensed professionals as outlined in the Site Plan Regulations.
5. Prior to final approval, the accompanying minor subdivision application (PL-MIS-2025-0035) for the lot line adjustment between Tax Map Lot 411Z 49 and 68 Shaker Road shall receive final Planning Board approval and shall be recorded with the Merrimack County Registry of Deeds, along with revised property deeds memorializing the permanent property line adjustment.

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

- 1. This approval notwithstanding, the applicant is responsible for full knowledge of, and compliance with, the Concord Municipal code, Site Plan Regulations, and Concord Construction Standards and Details for the project, unless a variance, waiver, or conditional use permit is specifically requested and granted.
- 2. Per Section 7.08(7) *Building Permits and Certificates of Occupancy*, no building permit shall be issued where site plan approval is required until the site plan has been approved by the Planning Board, and the pre-construction conditions of approval have been satisfactorily addressed as determined by the Clerk of the Planning Board. No certificate of occupancy shall be issued until all public and private improvements have been completed, and all conditions of a site plan approval established by the Planning Board have been satisfactorily addressed as determined by the Clerk of the Planning Board.

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3. Per Section 7.08(8) *Change of Use*, no change of use approved by the Planning Board shall be allowed to commence operation on a property or within a building without being in full compliance with the approved site plan, architectural design review approval, and any applicable conditional use permits.
4. Per Section 27.07(8) *Maintenance* the applicant or their successors shall be responsible for the regular maintenance of all plantings and other landscape features. Plant materials shall be maintained alive, healthy, and free from pests and disease. Tree stakes and guys shall be removed after the first growing season.
5. Per Section 27.11 *Site Stabilization Guarantee* a site stabilization guarantee shall be provided to ensure the site is properly stabilized. The guarantee shall be in a form of a cash deposit or a letter of credit from a New Hampshire bank. The City Engineer may call said financial guarantee, and stabilize a disturbed site if, upon notice, the applicant has not stabilized or restored the site.
6. Per Section 36.02 *Conditions* the applicant has the duty to comply with the approved site plan and any reasonable conditions set forth by the Planning Board for design, dedication, improvement, and restrictive use of the land.
7. Per 36.15 *Compliance with Regulations* no site construction, or change of use of land, shall occur in violation of the Site Plan Regulations and the Zoning Ordinance. No building permits may be issued for any building, structure, site improvement, or change of use prior to site plan approval and the satisfactory completion of any pre-construction conditions of Planning Board approval. The Clerk shall not approve any certificate of occupancy, nor shall any use of a building or site commence, unless the proposed improvements, and the proposed use of land or buildings, is found to comply with the approved site plan and the conditions of Planning Board approval.
8. Per 36.24 *Inspections* the Community Development Department shall be responsible for inspecting the site plan improvements for conformity with the approved plans and conditions of Planning Board approval. The City may assess the application for all or a portion of the cost, including overhead, of the necessary inspections. No certificate of occupancy shall be issued until the development has been completed according to the approved plans.
9. Per Section 36.25 *As-Built Plans* the applicant's engineer or surveyor shall submit to the City Engineer a detailed as-built survey for all site plans showing the location of buildings, structures, utilities, parking and loading areas, driveways and access, as well as for any public improvement required by the City Engineer. The as-built survey shall also be submitted in digital format and media conforming to the Engineering Division's as-built checklist.

All in favor. The motion passed unanimously.

- 9B. Ian MacKinnon and Jones & Beach Engineers, Inc., on behalf of Aaron LeClerc, Cara Scala, and Wilson Ralph W. and Jeanne M. A. Trust, request approvals for a minor subdivision application and certain waivers from the Subdivision Regulations, for a lot line adjustment between Tax Map Lot 28Z 43 (68 Shaker Rd) and Tax Map Lot 411Z 49 (unaddressed Shaker Rd) in the Medium Density Residential (RM) District. (2025-017) (PL-MIS-2025-0035)

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On a motion made by Member Santacruce, seconded by Member Savage, the Board voted to determine the application complete, not a development of regional impact, per New Hampshire RSA 36:55, and open the public hearing. All in favor. The motion passed unanimously.

Ian MacKinnon (85 Portsmouth Ave, Unit 85, Stratham) and Aaron LeClerc (29 Hot Hole Pond Rd, Concord) are present to represent this application.

Vice-Chair Hicks asked if the lot line adjustment is so they can build the driveway.

Mr. LeClerc answered correct.

Mr. Bass stated it's also to avoid the wetlands.

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

Vice-Chair Hicks stated the findings of fact include the information provided in 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 Councilor Todd, seconded by Member Santacruce, the Board voted to **grant the waiver requests below** from the listed sections of the Subdivision Regulations, using the criteria of New Hampshire RSA 674:36(II)(n)(2) and Section 35.08 of the Subdivision Regulations:

- a. Section 12.04 *Location Plan*, to not provide a location plan on the lot line adjustment plan, as one has been provided with a concurrent minor site plan application (PL-SPM-2024-0021);
- b. Section 12.08(1) *Property Lines*, to allow for only a partial boundary survey of property lines to be provided where all property lines are normally required;
- c. Section 12.08(23)(d), to not require useable land area calculations;
- d. Section 15.03(2) *Dimensions*, to not require the dimensions and bearings of all existing property lines;
- e. Section 15.03(3) *Tabulations*, to not require lot area, and area of contiguous buildable land calculations for the 68 Shaker Rd parcel (Tax Map Lot 28Z 43);
- f. Section 15.03(11) *Municipal Sewer*, to not require the location, size, rim, and invert elevations of existing and proposed sanitary and storm sewers; and
- g. Section 15.03(13) *Municipal Water Supply*, to not require the location and size of all existing and proposed water mains, including hydrants, gates, valves, and blowoffs.

All in favor. The motion passed unanimously.

On a motion made by Member Santacruce, seconded by Member Savage, the Board voted to **grant minor subdivision approval** for the lot line adjustment between 68 Shaker Rd (Tax Map Lot 28Z 43) and unaddressed Shaker Rd (Tax Map Lot 411Z 49) in the Medium Density Residential (RM) District, as submitted, subject to the following precedent and subsequent conditions:

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- (a) **Precedent Conditions** – to be fulfilled within one year and prior to signature of the final plat by the Planning Board Chair and Clerk, unless otherwise specified:
1. The plat shall list all approved variances, waivers, and conditional use permits with the section numbers and description, and date of approval. Any item for which a variance, waiver, or conditional use permit has not been specifically requested and specifically granted shall be shown on the plan set as fully complying with the applicable requirement, standard, detail, or regulation.
 2. Prior to the recording of the plat and as required by Section 12.09 *Electronic Submission* of the Subdivision Regulations, digital information from the plat shall be provided to the City Engineer for incorporation into the City of Concord Geographic Information (GIS) and tax maps. The digital information shall be submitted in a format and media conforming to standards promulgated by the City Engineer. The layers listed in Section 12.09(1) through (8) shall be submitted referencing New Hampshire State Plane Grid Coordinates and shall be based on National American Vertical Datum 1988 (NAVD 88).
 3. Upon notification from the Planning Division that the final plat complies with Planning Board conditions, the Zoning Ordinance, and Subdivision Regulations, the applicant shall deliver to the Planning Division one mylar and one full-size plan set for endorsement by the Planning Board Chair and Clerk and subsequent recording of the mylar at the Merrimack County Registry of Deeds. Per Section 15.02(1) *Licensed Land Surveyor*, the final plat drawings shall contain the signature and stamp of the New Hampshire licensed land surveyor who prepared the plat.
 4. Per Section 13.02(13) *Recording Fees*, the applicant is responsible for submittal of required recording fees.
 5. Per Section 15.02(12) *Registry Requirements*, the applicant is responsible for ensuring that the plat to be recorded complies with the current standards of the Merrimack County Registry of Deeds.
- (b) **Subsequent Conditions** – to be fulfilled as specified:
1. This approval notwithstanding, the applicant is responsible for full knowledge of, and compliance with, the municipal code, Subdivision Regulations, and Concord Construction Standards and Details for the project, unless a variance, waiver, or conditional use permit is granted.
 2. Per Section 4.02, no land shall be subdivided or portions of a lot transferred within the corporate limits of the City, until a subdivision plat for said land has been prepared in accordance with the regulations, approved by the Board, endorsed by the Chair and Clerk of the Planning Board, and filed at the Merrimack County Registry of Deeds.
 3. Per Section 4.03 of the Subdivision Regulations, no building permit or certificate of occupancy shall be issued for any parcel or plat of land which was created by subdivision after the effective date of, and which is not in conformity with, the provisions of the Subdivision Regulations.
 4. Per Section 9.08(10) *Building Permits and Certificates of Occupancy*, in accordance with Section 31.12 *Issuance of Building Permits*, no building permit or certificate of occupancy shall be issued within a subdivision until the plat has been approved, the conditions of plat approval have been satisfactorily addressed, and the plat recorded in the Merrimack County Registry of Deeds.

All in favor. The motion passed unanimously.

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- 9C. Jeffrey Kelly, on behalf of Mor Real Estate Holdings, LLC, and Allison Street Holdings, LLC, requests approvals for a minor site plan application and certain waivers from the Site Plan Regulations, to convert an office to an apartment in an existing building containing two existing apartments, at Tax Map Lot 644Z 54, addressed as 63 School St, in the Civic Performance (CVP) District. (2025-026) (PL-SPM-2025-0022) The application was continued from April 16, 2025, to May 21, 2025, at the request of the applicant. The application was continued from May 21, 2025, to June 18, 2025.

Member Savage moved, seconded by Member Santacruce, to continue agenda item 9C to a date certain of June 18, 2025, at the request of the applicant. All in favor. The motion passed unanimously.

- 9D. Kearsarge Solar, LLC, on behalf of the City of Concord, requests approvals for a minor site plan application, a conditional use permit application to allow a solar collection system, and certain waivers from the Site Plan Regulations, for the installation of a solar photovoltaic system, at Tax Map Lot 751Z 21, off of Old Turnpike Rd, in the Industrial (IN) District. (2025-034) (PL-SPR-2025-0042, PL-CUP-2025-0086) The application was continued from April 16, 2025, to May 21, 2025, at the request of the applicant.

Member Santacruce recused himself from this agenda item as his firm is engaged in preparing the plans.

Ms. Skinner stated last month they had to continue as there were a few incomplete items missing to determine the application complete. Those have been rectified and addressed with the revised plan set and with the waivers staff considers the application complete.

On a motion made by Councilor Todd, seconded by Member Savage, the Board voted to determine the application complete, not a development of regional impact, per New Hampshire RSA 36:55, and open the public hearing. All in favor. The motion passed unanimously.

Beth Fenstermacher (41 Green St, Concord) stated this project started with the City 10 years ago and they selected Kearsarge Energy to put this under-utilized parcel of land to use to create clean energy. Ms. Fenstermacher stated there are a lot of waivers and a lot of that is because the City has placed a hardship for the leased area within the large property. Everything they are doing has to be within the leased area so they did not look at everything on the whole entire property because there is a transfer station there as well. It is a capped landfill so there are a lot of restrictions from DES closure plan. Ms. Fenstermacher stated the City will receive financial benefit through lease payments, group metering agreements, and pilot.

Rob Bakowski (150 Dow St Tower 4 Suite 350, Manchester) stated the project is proposed to be five megawatts, and it is on the capped portion of the landfill. The project development area is about 21.4 acres of a 52.9-acre parcel. Access will be southwest of the transfer station. There will be no impact to the transfer station. There will be separate access. Deliveries will all be made to the south on the parcel. They are not permitted to put foundations through the caps, so they will use precast concrete blocks and there are two blocks per table. They will go out and level the area with gravel or crushed stone. Then place the block on top and build everything up from there. Only low ground pressure equipment is allowed on the land since it is a landfill. They need to show DES that the proposed

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project will not compromise the integrity of the cap. The electricity will run through meter boxes and inverters that will convert the DC electricity generated by the solar panels to AC. Then from there to a transformer that will bump up the voltage to match what is in the transmission lines. The connection will be made through the utility poles along the access road and then to a pole on Old Turnpike Rd. The electricity will feed back into the grid. They have submitted and received AoT approval. It is under review with DES and has received some feedback. They have performed stormwater analysis and geotechnical analysis. They are limited to things they can and cannot do because this is a closed landfill. The analysis on the stormwater side shows the existing stormwater infrastructure, which is a basin to the southwest that can accommodate the stormwater generated from the site. Mr. Bakowski stated their analysis is conservative. Some may say a closed landfill is already impervious. Even though they are putting concrete foundations on the cap, they are not increasing the amount of run off.

Councilor Todd asked for the applicant to remind the public when this is installed and what is expected for output of power.

Mr. Bakowski stated it is five megawatts.

Councilor Todd asked what is the best estimate for timing once complete the permitting process and what is the earliest date they can see it in operation.

Mr. Bakowski stated the plan is to start this summer and the duration of construction would be about six months.

Member Condodemetraky asked about the power being kicked back into the grid and asked if it will be sold to the public.

Ms. Fenstermacher stated the agreement that they have is that the City would purchase the power. Ms. Fenstermacher noted it is all financial agreements because it is all going back to the grid. The meter is not feeding anything. Ms. Fenstermacher stated they are a part of a group that will receive any surplus will come back to the City with financial payments, Concord School District and another party that has to be a municipal or public entity within the Unitil area. Ms. Fenstermacher stated the City has a 100% renewable policy that was adopted by City Council in 2019 so by 2030 City operations will be renewable energy for the City as a whole.

Vice-Chair Hicks asked if there is any member of the public that would wish to speak on this application.

Stephen Henninger (39 Woodcrest Dr, Concord) stated this is an excellent idea and supports it.

Vice-Chair Hicks asked if there is anyone else from the public that wishes to speak on this application and with no response closed the public hearing.

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

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On a motion made by Councilor Todd, seconded by Member Savage, the Board voted 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 of the Site Plan Regulations are met:

- a. Sections 12, 13, 15, 16.02, 17, 18, 19, 20, 21, 22.07(3), 22.08(3), 25, 26, 27, and 29, to not show all information required by the section and to instead only show the information provided on the plan set submitted for the public hearing on May 21, 2025.

All in favor. The motion passed unanimously.

On a motion made by Member Savage, seconded by Member Condodemetrakys, the Board voted to **grant the conditional use permit** pursuant to Section 28-2-4(j)(K)(14) *Solar Collection Systems* and Section 28-9-4(b) *Conditional Use Permits* to allow a solar collection system, based on the evidence provided showing that all criteria of approval from Section 28-9-4(b)(4) *Hearing and Decision* of the Zoning Ordinance are met.

All in favor. The motion passed unanimously.

On a motion made by Member Savage, seconded by Member Rosenberger, the Board finally voted to **grant minor site plan approval** for the installation of a solar collection system at Tax Map Lot 751Z 21, 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 set to fully comply with the Site Plan Regulations, Zoning Ordinance, and Concord Construction Standards and Details, including but not limited to the following:
 - a. Section 26.06 *Solar Collection Systems* requires that a statement detailing potential significant glare onto abutting structures and roadways estimating the interaction of sun to panel angle, time of year, and visibility locations shall be provided. If the Board determines mitigation is required, reasonable mitigation to minimize impacts shall include angle of panels, anti-reflective panel coating, or additional screening. Mitigation through anti-reflective coatings shall have an index of refraction equal to or less than 1.30. Anti-reflective panel coating shall be required for all installations within the Concord Airport flight path, or as required by FAA requirements. Equipment shall be sited to minimize noise impacts with due consideration to the surrounding land uses and zone. Sheet C101 shall be revised to provide notes and statements addressing this required information.
 - b. Revise the following:
 - i. Sheet C101 – Adjust all of the map and lot numbers shown on the plan, within the plan view and in various notes. For instance, revise Tax Map 754 Block Z Lot 21 to Tax Map 754Z Lot 21.

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- ii. Sheet C501 – Callouts for the following details cannot be found on the site plan: temporary erosion control blank, typical above ground cable tray, and temporary stockpile. Provide callouts at the locations of these details on Sheet C101. If the project is not utilizing the details, then remove them from Sheet C501.
 - iii. Sheet C502 – On the ballast-mounted solar PV array detail, label existing grade.
 - iv. Sheet C502 – Provide a detail for the laydown area that is shown on Sheet C101.
 - v. Sheet C502 – Provide a detail for the utility crossing required under the access road.
 - vi. Stormwater Management Report and Stormwater Management Plan – Address the stormwater management requirements for solar collection systems as required by Section 22.19 *Stormwater Management for Solar Collection Systems*, unless a waiver has been approved otherwise.
2. Either the cover sheet or the site plan sheet shall list all approved variances, waivers, and conditional use permits with the section numbers and description, and date of approval.
3. Upon notification from the Planning Division that the plan set complies with Planning Board conditions, the Zoning Ordinance, Site Plan Regulations, and Concord Construction Standards and Details, the applicant shall deliver to the Planning Division two full-size plan sets for endorsement by the Planning Board Chair and Clerk of the Planning Board. The plan sets shall contain the signature and seal of the appropriate licensed professionals as outlined in the Site Plan Regulations, unless waived.
- b. **Subsequent Conditions** – to be fulfilled as specified:
 1. This approval notwithstanding, the applicant is responsible for full knowledge of, and compliance with, the municipal code, Site Plan Regulations, and Concord Construction Standards and Details, unless a variance, waiver, or conditional use permit is granted.
 2. Deviations from the Site Plan Regulations are only authorized with a waiver approval from the Planning Board. Deviations from the Zoning Ordinance are only authorized with a variance/special exception approval from the Zoning Board of Adjustment or a conditional use permit approval from the Planning Board as applicable.
 3. Per the Concord Construction Standards and Details, all work performed in the City shall, as a minimum, conform to the requirements of the latest edition of the manual and the standards contained therein. The more stringent criteria shall apply in the case of conflicts. Deviations from the standards are only authorized with a waiver approval from the Planning Board.
 4. Per Section 27.11 *Site Stabilization Guarantee*, a site stabilization guarantee shall be provided to ensure the site is properly stabilized. The guarantee shall be in a form of a cash deposit, surety bond, or a letter of credit from a New Hampshire bank. The City Engineer may call said financial guarantee, and stabilize a disturbed site if, upon notice, the applicant has not stabilized or restored the site.
 5. Per Section 33.08 *Inspection of Improvements*, the Clerk or authorized designee shall inspect the exterior appearances of the site to determine if modifications to the exterior of

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a building, site, and signage are in conformity with the architectural design review approval granted by the Planning Board. No certificate of occupancy may be issued prior to a determination by the Clerk that the proposed use is consistent with the Board's approval. The Clerk may approve minor design modifications to approved plans provided that the design is consistent with the Board's approval, and does not adversely impact the appearance of the site, building, or sign.

6. Per Section 36.02 *Conditions*, the applicant has the duty to comply with the approved site plan and any reasonable conditions set forth by the Planning Board for design, dedication, improvement, and restrictive use of the land.
7. Per 36.15 *Compliance with Regulations*, no site construction, or change of use of land, shall occur in violation of the Site Plan Regulations and the Zoning Ordinance. No building permits may be issued for any building, structure, site improvement, or change of use prior to site plan approval and the satisfactory completion of any pre-construction conditions of Planning Board approval. The Clerk shall not approve any certificate of occupancy, nor shall any use of a building or site commence, unless the proposed improvements, and the proposed use of land or buildings, is found to comply with the approved site plan and the conditions of Planning Board approval.
8. Per Section 36.17 *Minor and Major Amendments*, the Clerk may approve minor amendment to a site plan previously approved by the Planning Board, if the amendments are not substantive in nature and are fully in compliance with the standards, and are consistent with any condition imposed by the Board. Other changes shall be considered by the Planning Board at the next regular meeting as a further consideration item with appropriate abutter notice. A major change to a previously approved plan shall require a new public hearing before the Board as required for a new application.
9. Per 36.24 *Inspections*, the Community Development Department shall be responsible for inspecting the site plan improvements for conformity with the approved plans and conditions of Planning Board approval. The City may assess the application for all or a portion of the cost, including overhead, of the necessary inspections. No certificate of occupancy shall be issued until the development has been completed according to the approved plans.
10. Per Section 36.25 *As-Built Plans*, the applicant's engineer or surveyor shall submit to the City Engineer a detailed as-built survey for all site plans showing the location of buildings, structures, utilities, parking and loading areas, driveways and access, as well as for any public improvement required by the City Engineer. The as-built survey shall also be submitted in digital format and media conforming to the Engineering Division's as-built checklist.
11. Per Section 36.26 *Public Improvement Guarantees*, where a municipal utility or other public improvement is to be constructed, a financial guarantee shall be provided and the procedures for these assurances shall be those set forth for public improvements in Section 30 *Financial Guarantees* of the Subdivision Regulations.
12. Per Section 36.27 *Release of Financial Guarantees*, a release of any financial guarantee assurance shall not be undertaken until the Clerk of the Planning Board and the City Engineer have ascertained that all site related improvements, or required public improvements, have been constructed in conformance with the approved plans and specifications.

All in favor. The motion passed unanimously.

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Member Santacruce came back into the room.

- 9E. Hebert & Dolder, PLLC, on behalf of York Properties, LLC, requests approval of a conditional use permit application per Section 28-4-3(d) Conditional Use Permits Required for Certain Disturbance of Wetland Buffer to disturb wetland buffer for the construction of a driveway, at Tax Map Lot 15P 35/1, addressed as 120 Elm St, Penacook, in the Neighborhood Residential (RN) District. (2025-037) (PL-CUP-2025-0087)

Mr. Bass stated this application is a conditional use permit for the applicant to disturb the wetland buffer to construct a driveway that is serving a development in the Town of Boscawen. Staff is recommending conditional approval of the conditional use permit. They are also recommending the Planning Board determine the application complete and a regional impact.

On a motion made by Councilor Todd, seconded by Member Fox, the Board voted to determine the application complete, a development of regional impact, per RSA 36:55, and open the public hearing.

All in favor. The motion passed unanimously.

Maria Dolder (214 South St Suite 2B, Bow) stated she is the attorney for the project. They are only here for a conditional use permit. Ms. Dolder noted this is an odd situation. The property is an undeveloped parcel at 120 Elm St. It is owned by York Properties LLC. This was a part of a two-lot subdivision that was obtained from Apple Hill Properties back in 2013. The majority of this property and all of the buildable area is in the Town of Boscawen. However, the access is located in the City of Concord. The portion of the property in Concord is in the RN District, and this will be residential. When the parcel was originally subdivided in 2013, they had created a shared driveway that would serve the two lots created in the subdivision. They recorded an easement for that to have a driveway to serve both of the lots. Ms. Dolder stated when her clients went to the City for the driveway permit to develop their property they were informed at the time of the original subdivision that developer asked for the wrong waiver and the conditional use permit had expired. Ms. Dolder stated the waiver they requested allowed access to two dwelling units. Ms. Dolder stated before the developer sold lot one he created a duplex on that lot in Boscawen. The driveway already serves two dwelling units. This particular lot is deemed to be landlocked even though they have an easement to use the driveway. In order to meet the regulations for the City of Concord they would have to expand it or need significant waivers. Ms. Dolder stated her clients do not own that lot. Ms. Dolder stated there is frontage in the City of Concord. Ms. Dolder noted her client went to DES to get approval to have the driveway on their own lot. It will be wide enough and be designed to City standards to support the use of three duplexes on the Boscawen portion of the property. Ms. Dolder stated it is indicated in the staff report that they have been to both Boscawen and the City of Concord Conservation Commissions. Ms. Dolder noted both commissions support the request. Ms. Dolder noted they have DES approval. Ms. Dolder stated they need the conditional use permit to impact the buffer, and they are actually going through the wetland. Ms. Dolder stated the entire frontage of the driveway contains a wetland. There is no way to access the property without having some crossing of wetland. They engineered it so there will be minimal impact to the wetland. They are here for the impact to the buffer.

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Jeff Bord (2 Glendale, Concord) stated there are some conditions that are being met and revisions that need to be made. Mr. Bord has no issue with any of the comments that came from staff.

Member Condodemetraky asked about the proposed driveway that does not have access to come out. Ms. Dolder stated the driveway comes out to Elm St, Concord. Ms. Dolder stated they own that portion that is in the City of Concord. When they subdivided the lot, the previous owner had built a driveway. The driveway next to them only has access through an easement.

Mr. Bass stated one of the recommended conditions of approval is to show the utility locations for municipal and nonmunicipal utilities. Mr. Bass stated the applicant has not requested any waivers. For nonmunicipal utilities the City of Concord site plan regulations would require them to be underground.

Ms. Dolder stated the intent is to go underground.

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

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

Member Santacruce asked about changing detail D9 to D11 of the standards. Member Santacruce wanted to clarify D11 of the standards shows a sidewalk panel and asked if that will require a waiver.

Mr. Bass stated in his opinion it would not as a typical detail. The more the driveway meets the three to eight dwelling unit driveway for width and thickness. The driveway that is there today is intended for single-family home.

Vice-Chair Hicks opened the hearing again for comment from Ms. Dolder.

Ms. Dolder stated in terms of that comment staff did make note to show D11 or something similar. The plan is to show something similar without the sidewalks.

Mr. Bass stated something that meets or exceeds the standards.

Ms. Dolder answered yes, that meets the standards but not that particular drawing because they are not going to put a sidewalk.

Vice-Chair Hicks stated the findings of fact include the information provided in 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 Councilor Todd, seconded by Member Santacruce, the Board voted to **grant conditional use permit approval** for disturbances to the wetland buffer for the construction of a common residential driveway and utilities, in accordance with Section 28-4-3(d) *Conditional Use Permits Required for Certain Disturbance of Wetland Buffers*, at Tax Map Lot 15P 35/1, addressed as

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120 Elm St, Penacook, because the criteria from Section 28-4-3(d)(1) through (5) and Section 28-9-4(b)(4)(a) through (g) have been met, and subject to the following precedent and subsequent conditions:

- (a) **Precedent Conditions** – to be fulfilled within one year and prior to signature of the final plans by the Planning Board Chair and Clerk, unless otherwise specified:
1. For compliance with the Site Plan Regulations, revise the plans as follows:
 - a. Per Section 12.03(2), the two site plans submitted with the application (The 1-sheet site plan titled “Driveway Crossing Plan” dated March 5, 2025, prepared by Beaver Brook Planning and Design, LLC and the 2-sheet site plan titled “120 Elm St Boscawen & Concord New Hampshire” dated March 3, 2025, prepared by RJB Engineering, LLC) shall be combined into a single plan set, a matching title shall be provided for all three sheets, and the silt fence detail shall be removed from either the “Driveway Crossing Plan” or the “Driveway Details” plan sheet.
 - b. Per Section 12.06 (1) *Certificate of Ownership*, a note shall be added on the plan which clearly references the owner of parcels Tax Map Lot 15P 35/1 and the Boscawen parcel Map 83 Lot 63-2 and the book and page on file with the Merrimack County Registry of Deeds.
 - c. Per Section 14.02(5)(d), the plans shall provide a preliminary proposal for how Concord and Boscawen municipal sanitary sewer and water will service the site through the impacted wetland buffer. If no connections to the Concord and Boscawen municipal systems are planned, a note shall be added to the plan stating that the development is to be serviced by private septic and well.
 - d. Per Section 14.02(5)(e), the plans shall show the approximate layout of non-municipal utilities proposed through the impacted wetland buffer. If no connections to the non-municipal utilities are proposed through the wetland buffer a note shall be added to the site plan stating as much. Any non-municipal utilities proposed through the Concord parcel shall be required to be placed along the driveway as to not increase impacts to wetland buffers and shall be placed underground in accordance with Section 25.02(1) *Underground Utilities* of the Site Plan Regulations.
 - e. Add the Planning Board approval block on the 1-sheet site plan titled “Driveway Crossing Plan” dated March 5, 2025, prepared by Beaver Brook Planning and Design, LLC, or cover sheet if one is added. Staff can provide a template as a .pdf, .dwg, or .jpg if requested.



2. For compliance with the Site Plan Regulations, revise the plan as follows:
 - a. Per Section 22.16 *Wetland Crossings*, flow calculations used to determine the sizing of the driveway culvert shall be provided.

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- b. Per Section 19.01 *Compliance with Zoning Regulations*, and at least within the limits of the City of Concord, Driveway Detail D-9 *Rural Residential Drive* on the site plan shall be removed and replaced with City detail D-11 *Private Common Drive Three to Eight Dwelling Units*, or a detail provided which meets or exceeds all the requirements of City Detail D-11.
 3. The plans submitted for final approval shall contain the signature and seal of the appropriate licensed professional responsible for preparing the plans as outlined in Section 12.03(1) through (6), as applicable.
 4. Upon notification from the Planning Division that the final plan set complies with Planning Board conditions, Zoning Ordinance requirements, and the Site Plan Regulations, the applicant shall deliver to the Planning Division two full-size plan sets for endorsement by the Planning Board Chair and Clerk of the Planning Board.
- (b) **Subsequent Conditions** – to be fulfilled as specified:
1. This approval notwithstanding, the applicant is responsible for full knowledge of, and compliance with, the municipal code, Site Plan Regulations, and Concord Construction Standards and Details for the project, unless a variance, waiver, or conditional use permit is granted.
 2. Erosion control measures shall be installed and maintained in accordance with Section 27.09 of the Site Plan Regulations.
 3. Per Section 36.19 of the Site Plan Regulations, it shall be the duty of the Clerk to enforce the regulations and to bring any violations or lack of compliance herewith, to the attention of the City Solicitor and Code Administrator.
 4. In accordance with Section 36.28 of the Site Plan Regulations, wetland buffers shall be clearly and permanently marked before, during, and after construction. Permanent markers used shall either be the marker discs available for purchase from the Planning Department, or match the marker discs available from the Planning Department and be subject to the Clerk's approval prior to placement.
 5. In accordance with Article 28-9-4(b)(7) *Expiration of a Conditional Use Permit*, if the use or construction so authorized by granting a conditional use permit has not commenced within a two-year period from the date of the decision of the Planning Board, then the conditional use permit shall be deemed to have expired and the Planning Board's decision shall be considered null and void.
 6. Driveways shall adhere to Section 9: Site Work 01. Requirements A. Driveways of the Concord Construction Standards and Details.
 7. The applicant shall comply with Section 5-1-8 *Permit for Driveways* of the Zoning Ordinance: "All applications for a permit to repair, widen, reconstruct, or construct a driveway on residential or commercial property, to ensure conformance with the City of Concord's zoning laws pertaining to driveway locations, shall include the fee listed in Schedule I of Chapter 1 per permit application."

All in favor. The motion passed unanimously.

- 9F. Richard D. Bartlett & Associates, Inc., on behalf of 2 Granite Place, LLC, requests approval for a conditional use permit application per Section 28-7-11(f) Driveway Separation Alternatives to permit a reduction in the minimum requirement of 40 feet of separation between driveways in residential districts, to 30.1 feet for the construction of one new residential driveway, at Tax Map Lot 651Z 68,

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unaddressed Penacook St, in the Single Family Residential (RS) District and Open Space Residential (RO) District. (2025-042) (PL-CUP-2025-0088)

Member Fox made an announcement that he is a noticed abutter with no opinion.

On a motion made by Councilor Todd, seconded by Member Fox, the Board voted to determine the application complete, not a development of regional impact, per New Hampshire RSA 36:55, and open the public hearing. All in favor. The motion passed unanimously.

Mark Sargent (214 N State St, Concord) is present to represent 2 Granite Place LLC owned by Mr. Duprey. Mr. Sargent stated the site has frontage on both Little Pond Rd and Penacook St. The area of the property is about 106 acres. There is a small sliver of frontage on Little Pond Rd about 50 feet wide that they would like to use as an access point for a home. There is an existing adjacent driveway to the west that was placed on the westerly property line. They have pushed over the proposed driveway as much as they can and rather than getting the required 40 feet, they are at 30.1 feet.

Vice-Chair Hicks asked if staff has anything more to add.

Ms. Skinner stated she would add that staff looked at this carefully. There are two other places on the property with frontage and this is the best of the worst.

Member Rosenberger asked how many houses are going in there.

Mr. Sargent answered one.

Vice-Chair Hicks stated this is a conditional use permit only for driveway.

Member Santacruce asked in the supplemental materials it states there is adequate sight distance and asked if Mr. Sargent has gone out to measure the sight distance.

Mr. Sargent stated he did not measure it. However, he has done this for quite a while and can eyeball it and it exceeds 400 feet in both directions.

Member Santacruce stated he was out there, pulled in there and when a car came over from the west was almost clipped. Member Santacruce so sure he would agree with the 400. Member Santacruce will trust staff's judgement.

Vice-Chair Hicks asked if there is any member of the audience that would like to speak on this application.

Roy Schweiker (12 Chapel St, Concord) stated he is not an abutter. However, he drives out there somewhat frequently. Mr. Schweiker does not see a problem with this if it is one home. Mr. Schweiker noted what if the Board gives them access for this driveway then it could be the access for a new 100-acre development. Mr. Schweiker asked if the Board can put something in the approval for a driveway for a single-family house and not a development.

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Ms. Skinner stated it is not a conditional use permit for a driveway. It is a conditional use permit for the allowed separation distance of a driveway. The driveway is allowed. If it met the 40-foot-wide separation distance, they would just apply for the driveway permit. Ms. Skinner noted that one house is permitted by right. Anything other than one is not permitted without adherence to other rules, site plan regulations, and subdivision regulations, and all of those regulations would entail access. Anything more than a certain number of dwellings would require secondary access per the fire code. There are width requirements, grade requirements, and surfacing requirements for any type of access other than a driveway for one house. If the property owner was thinking of doing anything more than one house, there are at least two other applications that would need to be submitted. Both would involve public hearings, abutters would be notified, and that would be the time to comment to provide conditions on the development. Right now, there is no development before the Planning Board. All that is before this Board is a conditional use permit for the separation of the driveway.

Vice-Chair Hicks emphasized this is for the distance between driveways and questions need to be limited to that topic.

Maureen Anderson (126 Penacook St, Concord) stated she is an abutter to the property. Ms. Anderson is here to speak on the driveway. Ms. Anderson stated to allow the driveway separation allows the driveway to be built. Ms. Anderson noted she has heard there will be 16 houses back there. Ms. Anderson stated other applicants had buildings on plans and this one does not. Ms. Anderson does not want a giant development behind her house. Ms. Anderson would like to have some of the land preserved.

Jessica Stokes (26 Little Pond Rd, Concord) stated her parents are abutters to the property. Ms. Stokes asked that they put conditions on the width of the driveway to limit it to one lane.

Member Santacruce stated the driveway is showing as 14 feet wide. It is not the 28 you typically see. Normal roadway lane is 12 feet. It is not designed for two lanes.

Stacy Perkins (18 Little Pond Rd, Concord) stated she is the closest to the driveway. Ms. Perkins asked for explanation of the 30 feet as it was her understanding you need 40 feet for a driveway.

Vice-Chair Hicks answered that is correct.

Ms. Perkins asked about the measurement for the 30 feet and where does the measurement begin. Ms. Perkins stated her driveway can touch this driveway if they wanted to do so. Ms. Perkins asked if it is 30 feet from where her driveway ends.

Ms. Skinner stated it is measured from near edge to near edge. They are showing 30 feet from near edge of the proposed driveway to near edge of the existing adjacent driveway.

Ms. Perkins asked if that is from her edge to 14 Little Pond's edge.

Ms. Skinner stated from the edge of each driveway.

Member Santacruce stated it is the straight portion of the driveway.

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Ms. Perkins stated there is a significant grade difference and slope difference. Ms. Perkins noted where the trees have been removed the driveway follows the line. There is a garage close to the line and there is concern for erosion.

Member Santacruz stated he went there and the driveway they are using now is wider than what the driveway will be.

Mr. Kohalmi does not recall seeing a profile for this project.

Member Santacruz stated in the diagram they have it at 2%.

Mr. Kohalmi stated 2% give or take.

Ms. Perkins stated there is a water issue there during the winter months. There is a spring that goes under the road and then goes down the hill. The City built up the curbs by the driveways so the water would run down and stay in the street. Ms. Perkins noticed since this was cleared that the water to the stream that is underground cuts through the road. Her neighbor has water sitting at 14 Little Pond Rd.

Edward Harrison (132 Penacook St, Concord) is an abutter. As it relates to a statement made about the access being the best of the worst, granting access to a property like this and asking a variance for the access if the Board considers limiting other access points. Mr. Harrison stated the total impact of the access should be considered when granting even one access.

Ms. Skinner stated the ordinance already limits access. You are only allowed one driveway per lot. You can only have a second one if there is a certain amount of frontage.

Mr. Harrison asked if the other access can be made into a driveway.

Ms. Skinner stated they would need another conditional use permit for another access if they do not have enough frontage.

Vice-Chair Hicks asked if there is any other member of the audience that would like to speak on this application, and with none, asked Mr. Sargent to come back to testify.

Member Santacruz asked Mr. Sargent about grading because there is a significant amount taken out of the western side of the slope from the driveway for logging.

Mr. Sargent stated he cannot answer that. Mr. Sargent stated the intent is to keep with the grading as shown on the submitted plan. They pushed the driveway down to the flatter spot. Mr. Sargent was not aware they cut into the bank. Mr. Sargent stated they are here for a single-family driveway. Mr. Sargent stated he is not aware of any future development. The applicant wants to build a single-family home.

Vice-Chair Hicks asked Mr. Sargent to explain why they chose this access for the driveway.

Mr. Sargent stated the southwest corner is where he wants to build the house. There are wetlands on part of the property.

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Member Fox asked staff to address comments if there were three access points and they choose the least of the worse. Member Fox stated there is a City culvert and the water runs down. Member Fox wants to know what happens to the other two access points.

Ms. Skinner stated you are only allowed one access per lot based on the frontage.

Member Fox asked about the frontage and if it's a combination of the different points of frontage.

Ms. Skinner stated it is a combination of the frontage.

Member Rosenberger asked about the site to the farthest east.

Mr. Sargent stated as you go up the hill and around the corner there is a bunch of houses.

Member Fox stated the lower access would create the same driveway separation issues.

Ms. Skinner stated they do have enough frontage for another driveway.

Vice-Chair Hicks asked if they could have a driveway to the east and go around to the western side.

Ms. Skinner answered yes.

Member Santacruce noted they are trying to do the best on this location within 30 feet instead of 40 feet.

Member Savage noted addressing some of the public comments made earlier about the grading and logging, and is the Board allowed to add conditions to restore.

Vice-Chair Hicks closed the public hearing.

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

Member Savage asked about conditions in granting of the conditional use permit to restore the grading that has been taking away because of the logging.

Ms. Skinner answered yes.

Vice-Chair Hicks noted if you look at the easternmost option it is a really long driveway with more impervious surface and disturbance of wetland.

Member Santacruce stated it might be a concern for the fire department.

Ms. Skinner stated if it is over 1,000 feet long they cannot do it.

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Member Rosenberger asked which of these options is best for the other land owners.

Ms. Skinner stated the easternmost.

Member Rosenberger asked if it is normal to grant something like this without knowing what is being developed.

Ms. Skinner answered yes.

Member Rosenberger asked if the applicant can do a second driveway.

Ms. Skinner answered yes, the property meets the ordinance for enough frontage for a second driveway.

Councilor Todd noted for the people with concerns there is no way the acceptance of this driveway as proposed can lead to further development without further action taken by an applicant.

Ms. Skinner stated they would need a completely separate driveway.

Member Santacruce asked for a precedent condition that the grading on the western side be restored as close as possible to the existing grade shown on the plan and with soil treatment for soil on the westernmost side to minimize future issues. Member Santacruce asked Mr. Kohalmi about the issue of the asphalt curb that goes by the driveway and a lip or something to make sure the water continues to follow the asphalt berm.

Mr. Kohalmi stated he thinks that is in the standard detail they use.

Member Santacruce asked if they will still have to get a driveway permit.

Mr. Kohalmi answered yes and someone will inspect it.

Member Fox asked for a follow up on Member Santacruce's comment that 18 Little Pond Rd will get some attention for the bank planting or something. If you go up there now the houses are right there and asked why one side.

Member Santacruce stated that is the steeper side. The left side is over cut.

Member Savage noted they are saying to restore to what is shown on the submitted plan.

Vice-Chair Hicks stated the findings of fact include the information provided in 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 to **grant the conditional use permit** for a driveway to be located 30 feet from the adjacent driveway, rather than the 40 feet required, in accordance with Section 28-7-11(f) *Driveway Separation Alternatives*, at Tax Map Lot 651Z 68, unaddressed Penacook St, because the criteria from Section 28-7-11(f)

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Driveway Separation Alternatives and Section 28-9-4(b)(4)(a) through (g) have been met, and subject to the following precedent and subsequent conditions:

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

1. For compliance with the Site Plan Regulations, revise the plans as follows:
 - a. Add the Planning Board approval block to sheet 1 of 1, titled, “RESIDENTIAL DRIVEWAY PREPARED FOR 2 GRANITE PLACE, LLC.”



2. The plans submitted for final approval shall contain the signature and seal of the appropriate licensed professional responsible for preparing the plans as outlined in Section 12.03(1) through (6), as applicable.
3. Upon notification from the Planning Division that the final plan set complies with Planning Board conditions, Zoning Ordinance requirements, and the Site Plan Regulations, the applicant shall deliver to the Planning Division two full-size plan sets for endorsement by the Planning Board Chair and Clerk of the Planning Board.
4. Grading on the westernmost side shall be restored, to the greatest extent possible, to what is shown on the plan submitted for the public hearing on May 21, 2025, and erosion control stabilization and mitigation shall be provided.

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

1. This approval notwithstanding, the applicant is responsible for full knowledge of, and compliance with, the municipal code, Site Plan Regulations, and Concord Construction Standards and Details, as applicable, unless a variance, waiver, or conditional use permit is granted.
2. Per Section 36.19 of the Site Plan Regulations, it shall be the duty of the Clerk to enforce the regulations and to bring any violations or lack of compliance herewith, to the attention of the City Solicitor and Code Administrator.
3. In accordance with Section 28-9-4(b)(7) *Expiration of a Conditional Use Permit* of the Zoning Ordinance, if the use or construction so authorized by granting a conditional use permit has not commenced within a two-year period from the date of the decision of the Planning Board, then the conditional use permit shall be deemed to have expired and the Planning Board’s decision shall be considered null and void.
4. Driveways shall adhere to Section 9: Site Work 01. Requirements A. Driveways of the Concord Construction Standards and Details.
5. The applicant shall comply with Section 5-1-8 *Permit for Driveways* of the Zoning Ordinance: “All applications for a permit to repair, widen, reconstruct, or construct a driveway on residential or commercial property, to ensure conformance with the City of Concord’s zoning laws pertaining to driveway locations, shall include the fee listed in Schedule I of Chapter 1 per permit application.”

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With 5 in favor (Condodemetraky, Todd, Santacruce, Savage, and Hicks) and 1 abstention (Fox), the motion passed.

- 9G. Richard D. Bartlett & Associates, Inc., on behalf of Elizabeth E. Terrell, requests approval for a three-lot subdivision and certain waivers from the Subdivision Regulations, at Tax Map Lot 28Z 35, unaddressed Shaker Rd, in the Medium Density Residential (RM) District. (2025-044) (PL-MIS-2025-0038)

Ms. Skinner stated this is a straight forward three-lot subdivision dividing off two small lots at the front along Shaker Rd and the remainder will be the large parcel that will remain. Ms. Skinner noted the applicant has decided to do a shared driveway instead of two individual driveways. Ms. Skinner stated she added some conditions to address the shared driveway.

Mark Sargent (214 N State St, Concord) stated this is a three-lot subdivision just above the Shaker Rd School. The property has a total of 52 acres and substantial frontage on Shaker Rd. The proposal before the Board is to create two additional lots. Each lot will have 1.58 acres and 200 feet of frontage. The buildable area on lot 35-1 is 68,854 square feet and lot 35-2 is 65,810 square feet. Mr. Sargent noted these exceed the minimum requirements. Mr. Sargent noted they did receive DES subdivision approval. Mr. Sargent stated they have requested a number of waivers related to the mapping of the remaining parcel.

Member Santacruce asked why the certified wetland specialist does not want to stamp this plan.

Mr. Sargent stated he thinks there was a mistake and did not ask for that. Mr. Sargent does plan on having a wetland scientist stamp the plan.

Vice-Chair Hicks asked if there is any member of the public that wishes to speak on this application, and with no response, closed the public hearing.

Vice-Chair Hicks stated the findings of fact include the information provided in 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 Councilor Todd, the Board vote to **grant the waiver requests below** from the listed sections of the Subdivision Regulations, based on the evidence provided showing that the criteria of RSA 674:36(II)(n)(2) and Section 35.08 of the Subdivision Regulations are met:

- a. Section 12.03(5) *Wetland*, to not provide a wetland delineation for the large remnant lot;
- b. Section 12.07 *Wetland Delineations*, to not provide a wetland delineation for the large remnant lot;
- c. Section 12.08 *Existing Conditions*, to not provide any information required by this section other than what is shown in the subdivision plat submitted for the hearing on May 21, 2025;
- d. Section 12.09 *Electronic Submissions*, to not provide digital information prior to plat recording;

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- e. Section 15.02(8) *Addresses*, to not provide existing and proposed addresses as part of the completeness determination and defer providing this information to final approval;
- f. Section 15.03(3) *Tabulations*, to not provide the contiguous buildable land area for the large remnant lot;
- g. Section 15.03(4) *Topography*, to not provide topography information for the large remnant lot; and
- h. Section 15.03(5) *Monumentation*, to not show the type and location of existing and required monuments (bounds) at the corners of the large remnant lot.

All in favor. The motion passed unanimously.

On a motion made by Member Santacruce, seconded by Councilor Todd, the Board voted to **grant minor subdivision approval** for the three-lot subdivision of Tax Map Lot 28Z 35, unaddressed Shaker Road, subject to the following precedent and subsequent conditions:

- (a) **Precedent Conditions** – to be fulfilled within one year and prior to signature of the final plat by the Planning Board Chair and Clerk, unless otherwise specified:
 - 1. For compliance with the Subdivision Regulations, revise the subdivision plat as follows:
 - a. Per Section 15.03(12) *Septic System*, where municipal sewer service is not available, soil data and test results sufficient for submittal of an application for subdivision approval to New Hampshire Department of Environmental Services (NHDES), including a plan showing the location of test pits, the soil profiles, ground water elevation, and seasonal high-water table elevation at each test pit shall be shown on the subdivision plat. The required 4,000-square-foot septic drain field area required by NHDES shall also be shown on the subdivision plat.
 - b. Per Section 15.03(14) *Wells*, where the municipal water system is not available, the location of all existing and proposed wells and required wellhead protection radii on the site and abutting properties shall be shown on the subdivision plat. In addition to showing the proposed locations for the wells and wellhead protection radii for the two proposed 1.58-acre lots, the existing well and wellhead protection radii on the abutting property to the north shall also be shown and labeled on the subdivision plat.
 - c. In the Location Map, label the abutting parcel known as 28Z 76, owned by the City of Concord, at 28 Edward Drive.
 - d. New Lot 35-1 will have an address of 132 Shaker Rd. This address needs to be added to the subdivision plat.
 - e. New Lot 35-2 will have the address of 128 Shaker Rd. This address needs to be added to the subdivision plat.
 - f. Within the plan view, the easterly line of the new Lot 35-2 needs to be 200.90 feet.
 - g. The location and dimensions of the shared driveway shall be shown and labeled, along with the required easement.
 - 2. Per Section 13.01(6) *State and Federal Permits* and Section 13.02(10) *State and Federal Permits*, a copy of any application made to a state or federal agency required for the approval of this subdivision, including those required for the development of the individual lots, shall be provided. Note 9 on the subdivision plat states that no federal permits are required and that New Hampshire Department of Environmental Services

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(NHDES) subdivision approval is required for the proposed lots. However, no application has been made to date. At such time that applications are made to NHDES for any of the lots, a copy of the application shall be submitted to the Planning Division.

3. Per Section 13.02(9) *Agreement to Convey a Private Easement*, an agreement to convey a private easement for the shared driveway shall be provided. The format of the agreement to convey the shared driveway easement shall be approved by the City Solicitor and Clerk of the Planning Board, and shall be recorded with the subdivision plat.
4. Per Section 13.02(13) *Recording Fees*, the applicant is responsible for the recording fees required by the Merrimack County Registry of Deeds, or the State of New Hampshire, for all plans and documents to be recorded.
5. Per Section 15.02(12) *Registry Requirements*, the applicant is responsible for ensuring that the plat to be recorded complies with the current standards of the Merrimack County Registry of Deeds.
6. Per Section 19.04 *Monuments*, a New Hampshire licensed land surveyor shall place permanent reference monuments in the subdivision, as required in the Subdivision Regulations and as approved by the City Engineer. All monuments shall be inspected by the City of Concord. All such monuments shall be set flush with the proposed grade and planted in such a manner that they will not be removed by frost. All monuments shall be properly set prior to the time of the release of the performance guarantee per the Subdivision Regulations. However, recognizing the unique characteristics of this application, a performance guarantee will not be required; therefore, all monuments shall be set in accordance with Section 19.04(1) *Street Right-of-Way Monuments*, Section 19.04(2) *Lot Monuments*, and Section 19.04(3) *Boundaries and Blazing of Conservation Easements*, as applicable, prior to final approval.
7. Upon notification from the Planning Division that the subdivision plat complies with Planning Board precedent conditions, the Zoning Ordinance, and Subdivision Regulations, the applicant shall deliver to the Planning Division one mylar for signature by the Planning Board Chair and Clerk of the Planning Board. The subdivision plat shall contain the signature and seal of the appropriate licensed professionals as outlined in Section 12.03 and Section 15.02(1) of the Subdivision Regulations.

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

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

All in favor. The motion passed unanimously.

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- 9H. Wilcox & Barton, Inc., on behalf of Braydin R. and Kelsey E. Clouthier, requests approval for a minor subdivision, a conditional use permit for Section 28-4-3(d) Conditional Use Permits Required for Certain Disturbance of Wetland Buffer to disturb wetland buffer, and certain waivers from the Subdivision Regulations, to divide the site into two lots, at Tax Map Lot 42Z 28, unaddressed Curtisville Rd, in the Open Space Residential (RO) District. (2025-047) (PL-MIS-2025-0039, PL-CUP-2025-0089)

Member Savage moved, seconded by Member Santacruce, to continue agenda item 9H to a date certain of June 18, 2025, at the request of the applicant. All in favor. The motion passed unanimously.

- 9I. Nobis Group, on behalf of Cornerstone Realty Holdings, Inc., requests approval for a minor site plan application and certain waivers from the Site Plan Regulations, for the addition of impervious surface and landscaping, at Tax Map Lot 751Z 24, addressed as 119 Old Turnpike Rd, in the Industrial (IN) District. (2025-045) (PL-SPM-2025-0024)

Ms. Skinner stated this is an after-the-fact application in that the impervious surface was already added. The property owner did not know the Conex storage containers are an impervious surface because they are structures and that they needed site plan approval before adding them. The staff report reflects all the items that need to be done to be compliant.

On a motion made by Councilor Todd, seconded by Member Condodemetraky, the Board voted to determine the application complete, not a development of regional impact, per New Hampshire RSA 36:55, and open the public hearing. All in favor. The motion passed unanimously.

Chris Nadeau (18 Chenell Dr, Concord) is present to represent the applicant. Mr. Nadeau stated Cornerstone bought this property back in 2022. In 2023 they cleaned up the site. Mr. Nadeau noted they paved the site. The City has a 60-inch culvert that runs along the back side of the property. They did disturb vegetation. They did the paving without the benefit of a survey and they paved over the property line. They got too close to the property line with the containers. Three of the containers are located in the City sewer easement. They will relocate the three containers to the back part of the site. A few manhole covers were paved over by mistake and that will be fixed. The paving that is on City property will be cut back and will have the five-foot separation. They need to re-establish a 15-foot buffer with a resident.

Member Santacruce noted the three boxes being relocated are now in a drainage easement.

Mr. Nadeau stated they can move the containers.

Member Santacruce asked Engineering if they have any issues with trees being planted around that culvert in the drainage easement.

Ms. Skinner stated they are required.

Mr. Kohalmi stated they would prefer for it to be away from the drain pipe.

Member Santacruce stated between the easement and where the Conex containers are going.

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Mr. Kohalmi stated to the south.

Mr. Nadeau stated they can do something different like a fence or a mound with shrubs.

Member Santacruce noted they will plant trees on the slope and are they creating a problem.

Ms. Skinner stated it is directly in relation to a neighbor that wants the buffer.

Member Santacruce asked is there going to be a drainage maintenance issue that will be impacted by having the tree in the buffer.

Member Savage asked if there is an opposition to the fence.

Mr. Nadeau stated a fence would not satisfy the ordinance.

Ms. Skinner stated there are five options and they all involve vegetation.

Member Santacruce does not want to create a long-term maintenance concern for the City.

Ms. Skinner asked where would it need to be planted to not be in conflict with the drainage.

Mr. Nadeau stated the City GIS has the pipe going through the 15-foot buffer.

Member Santacruce asked if can move it directly behind the Conex containers and still be in the buffer.

Ms. Skinner stated it is a 15-foot-wide buffer and within the 15-foot width there needs to be a mixture of evergreen and deciduous trees.

Member Santacruce asked if the buffer has to be adjacent to the property line.

Ms. Skinner answered yes.

Mr. Kohalmi asked if they can do shrubs with shallow roots.

Vice-Chair Hicks asked if this is something that can be worked out later if it was put in as a condition.

Member Savage would prefer it be more defined because it is based on interpretation.

Ms. Skinner stated it is required right now and they can put the plantings on the southernmost line of the 15-foot-wide buffer.

Member Santacruce stated that will make it worse and would want the plantings closer to the property line.

Ms. Skinner asked if they want it right on the property line.

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Member Santacruce states if the ordinance states they have to be 15 feet from where the property line comes out. It would have to be as close to the property line as possible. Member Santacruce suggested to have four trees installed instead of the five shown.

Mr. Nadeau stated the ordinance calls for one tree per 400 square feet and that does work out to be four trees.

Ms. Skinner stated correct.

Mr. Kohalmi stated they can meet him out there to plant the trees and shrubs in the best location that will not interfere with the pipe.

Vice-Chair Hicks asked if there is any member of the public that wishes to speak on this application, and with no response, closed the public hearing.

Vice-Chair Hicks stated the findings of fact include the information provided in 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 Fox, the Board voted 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, to not show all information required by the section and to instead only show the information provided on the plan set submitted for the public hearing on May 21, 2025:

- a. Section 12.02(1)(b), to not show the address of the applicant on the existing conditions plan;
- b. Section 12.03(3), to not provide a signature and seal of a New Hampshire licensed landscape architect on a landscape plan;
- c. Section 12.04 *Location Plan*, to not provide a location plan on the site plan;
- d. Section 12.06(3), (4), and (5), to not provide plan references on the site plan;
- e. Section 12.08 *Electronic Submission*, to not provide a digital site plan prior to final approval;
- f. Section 12.09 *As-Built Drawings*, to not provide as-built drawings prior to issuance of a certificate of occupancy;
- g. Section 15.01(1), (3), (4), (5), and (7), to not provide all items from Sections 12 and 15 as per the requested waivers;
- h. Section 15.03 *Existing Condition Plan*, to only provide the items shown on the submitted existing conditions plan;
- i. Section 15.04(10), (11), (13), (14), (21), (24), (25), and (26), (27), and (28), to only provide the items shown on the submitted site plan;
- j. Section 16.02(12), (13), and (22), to not provide these items required for a major site plan; and
- k. Sections 18, 19, 22, 27.03, and 27.07, to not provide these items required for a major site plan.

All in favor. The motion passed unanimously.

On a motion made by Member Santacruce, seconded by Member Fox, the Board voted to **grant minor site plan approval** for the placement of 20 storage containers at 119 Old Turnpike Rd, as submitted, and subject to the following:

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- 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 to fully comply with the Site Plan Regulations, Zoning Ordinance, and Concord Construction Standards and Details, including but not limited to the following:
 - a. The site plan shall be revised to revise the 15-foot-wide landscape buffer to state which of the required five buffer options from Section 28-4-2(d) *Buffer Landscape and Improvement Standards* of the Zoning Ordinance is being utilized **and** to clearly illustrate and note how the stated option is being met, including only planting 4 trees to be field-located with City staff to avoid conflict with the drainage pipe and installation of a solid opaque fence. Adjust the site plan to show the 3 relocated Conex outside of the drainage easement and sewer easement.
 - b. Revise the abutter information for Tax Map Lot 751Z 21 to accurately note the lot as being owned by the City of Concord and not leased to Casella.
 2. Revise Sheet C-1.0 as follows:
 - a. Show the address of the site buildings.
 - b. Show the storm drain line connection of catch basin 2582. If the location is within the City's sewer easement, provide documentation for its approval by the City.
 - c. Show a detail for inlet protection.
 - d. Add Detail SD-5 from Concord Construction Standards and Details for adjusting frames to grade.
 3. The plan sheet shall list all approved variances, waivers, and conditional use permits with the section numbers and description, and date of approval.
 4. Upon notification from the Planning Division that the plan set complies with Planning Board conditions, the Zoning Ordinance, Site Plan Regulations, and Concord Construction Standards and Details, the applicant shall deliver to the Planning Division two full-size plan sets for endorsement by the Planning Board Chair and Clerk of the Planning Board.
- b. **Subsequent Conditions** – to be fulfilled as specified:
 1. This approval notwithstanding, the applicant is responsible for full knowledge of, and compliance with, the municipal code, Site Plan Regulations, and Concord Construction Standards and Details, unless a variance, waiver, or conditional use permit is granted.
 2. Deviations from the Site Plan Regulations are only authorized with a waiver approval from the Planning Board. Deviations from the Zoning Ordinance are only authorized with a variance/special exception approval from the Zoning Board of Adjustment or a conditional use permit approval from the Planning Board as applicable.
 3. Per the Concord Construction Standards and Details, all work performed in the City shall, as a minimum, conform to the requirements of the latest edition of the manual and the standards contained therein. The more stringent criteria shall apply in the

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case of conflicts. Deviations from the standards are only authorized with a waiver approval from the Planning Board.

4. Per Section 36.02 *Conditions*, the applicant has the duty to comply with the approved site plan and any reasonable conditions set forth by the Planning Board for design, dedication, improvement, and restrictive use of the land.
5. Per 36.15 *Compliance with Regulations*, no site construction, or change of use of land, shall occur in violation of the Site Plan Regulations and the Zoning Ordinance. No building permits may be issued for any building, structure, site improvement, or change of use prior to site plan approval and the satisfactory completion of any pre-construction conditions of Planning Board approval. The Clerk shall not approve any certificate of occupancy, nor shall any use of a building or site commence, unless the proposed improvements, and the proposed use of land or buildings, is found to comply with the approved site plan and the conditions of Planning Board approval.
6. Per Section 36.17 *Minor and Major Amendments*, the Clerk may approve minor amendment to a site plan previously approved by the Planning Board, if the amendments are not substantive in nature and are fully in compliance with the standards, and are consistent with any condition imposed by the Board. Other changes shall be considered by the Planning Board at the next regular meeting as a further consideration item with appropriate abutter notice. A major change to a previously approved plan shall require a new public hearing before the Board as required for a new application.

All in favor. The motion passed unanimously.

- 9J. TFMoran, Inc., on behalf of Interchange Development, LLC, requests approval of an amendment to an approved site plan at Tax Map Lot 06P 5/1, addressed as 1 Interchange Dr, in the Gateway Performance (GWP) District. (2023-105) (PL-AMEND-2025-0014)

David Rauseo (152 Morril Rd, Canterbury) and Jason Hill (48 Constitution Dr, Bedford) are present to represent this application. Mr. Rauseo stated they have seen this before in July of 2023. Marshalls has asked to increase the size of the proposed building and to add two loading docks on the rear of the building. The orientation of the entrances, doors, and adjacent tenant spaces are all the same. They are increasing the size slightly by a little less than 2,000 square feet. They are adding the second loading dock on the southern end of the building.

Member Santacruce asked to pull up the site plan to point out on the eastern side the original approval of the site plan had a sidewalk coming across the building and connecting all the way across to Interchange Dr. Member Santacruce stated they have now removed it so there is no connection.

Mr. Rauseo asked Mr. Hill if they can have a walking connection.

Mr. Hill stated it is at the top of the ramp and to put in an ADA route he does not see a problem with the grading. They did not put it in because that was more of a service area. They can put in a crosswalk there.

Mr. Rauseo noted there will not be a lot of truck traffic. Mr. Rauseo does not think it is impossible to make that happen.

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Member Santacruce there is nothing on the west and will have to walk through the parking lot.

Mr. Hill will check profile and make an ADA route.

Mr. Rauseo asked on recommendations from Architectural Design Review Committee there is a screening requirement for roof top equipment. Mr. Rauseo would ask the screening that is required read like Section 26.02 of the Site Plan Regulations.

Ms. Skinner stated she is fine with that.

Member Santacruce asked the width of the driveway.

Ms. Skinner stated they previously received a waiver from the Planning Board for the driveway width. It is not within the Planning Board's purview to grant the waiver, and it should have been a variance. Ms. Skinner noted they can take it back to what was approved or if they want to move forward with the excessive width they need to get a variance through the Zoning Board of Adjustment.

Mr. Hill stated they looked at it and can restore about 10 feet to equal a 32-foot curb cut. Mr. Hill stated they agree to the sidewalk.

Member Santacruce asked for the applicant to pull up the plan with the truck turns. Member Santacruce stated his concern is they extend that back out to the width and the trucks are driving across the ramp.

Mr. Hill stated they know they can hit the gap and not overdrive the curb with a vehicle. Mr. Hill will provide that information to Ms. Skinner.

Ms. Bass stated as far as staff comments, the loading spaces need to be 14 feet wide.

Vice-Chair Hicks asked if there is any member of the public that wishes to speak on this application, and with no response, closed the public hearing.

Vice-Chair Hicks stated the findings of fact include the information provided in 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 Councilor Todd, seconded by Member Condodemetraky, the Board voted to **grant architectural design review amendment approval** as submitted, with the following conditions: the rooftop mechanical equipment shall be sufficiently screened in accordance with Section 26.02 *Mechanical Equipment* of the Site Plan Regulations; the glazing may be wrapped around the northeast corner onto the east elevation; a mixture of evergreen and deciduous shrubs shall be planted in the landscaped islands in addition to the noted trees; the concrete base of parking light poles shall be lower than the mature height of surrounding landscaping where appropriate and beyond 4 feet from the edge of pavement; and, landscape screening shall be provided along the south of the building to fill the gap between the transformer and building.

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All in favor. The motion passed unanimously.

On a motion made by Councilor Todd, seconded by Member Fox, the Board also voted to **grant major site plan amendment approval** for the modified building footprint at 5-9 Interchange Drive, resulting in a total of a 5,053-square-foot retail space, a 3,091-square-foot medical office space, and a 23,496-square-foot big box/retail space; revised building elevations; an additional loading dock; and, site modifications such as utilities, storm drain, and landscaping, subject to the following precedent and subsequent conditions:

- (a) **Precedent Conditions** – to be fulfilled within one year and prior to signature of the certificate of approval by the Planning Board Chair and Clerk, unless otherwise specified:
1. For compliance with the Site Plan Regulations, revise the plans as follows:
 - a. Per Section 15.04(11) *Parking, Loading and Access*, the applicant shall provide the number of parking spaces per bay and revise the total number of proposed parking spaces tabulated.
 - b. Per Section 16.02(21) *Other Improvements* the 7-foot-wide concrete sidewalk label, now located in unit 600, is obscured due to the hatching and shall be relocated so the text and leader are clearly visible and identify the sidewalk.
 - c. Per Section 18.19 *Curbing and Guardrails*, the applicant shall clearly show on the site plan and grading plan, with clear spot elevations, how the vertical granite curb wrapping around the landscape island at the tip down near the southwest corner of the building terminates.
 - d. Per Section 22.02 *Construction Standards* the conflict with DMH 2-4A and the vertical granite curbing shall be resolved so that both facilities can be installed per City of Concord Construction Standards and Site Plan Regulations.
 - e. Per Section 15.04 (11) *Parking, Loading and Access* the amended site plan does not show the dimensions for the proposed two loading spaces and shall be added. If the loading spaces do not conform with Section 28-7-13(c) *Design Standards for Loading Spaces* of the Zoning Ordinance, including the required width of 14 feet and area of 1,000 square feet, then the applicant shall revise the plans accordingly, or receive a variance from Section 28-7-13(c) *Design Standards for Loading* of the Zoning Ordinance, and subsequent approval from the Planning Board for a change which would requires a waiver from the Site Plan Regulations in accordance with Section 36.17 *Minor and Major Amendments*.
 - f. The driveway for 9 Interchange Drive shall be revised to revert back to a maximum width of 31.9feet, as previously approved, or the applicant shall receive a variance from Section 28-7-8(f) *Driveway Widths* of the Zoning Ordinance from the Zoning Board of Adjustment, and subsequent approval from the Planning Board for a change which requires a waiver from the Site Plan Regulations in accordance with Section 36.17 *Minor and Major Amendments*.
 - g. The red revision clouds used to show changes to the previously approved plan shall be removed prior to final approval of the amended major site plan.
 - h. The Planning Board approval block shall be added on the cover sheet and site plan of the plan set.
 - i. Upon receiving notice of final architectural design review approval, the associated architectural plans shall be included in the full plan set prior to final approval and signature by the Chair of the Planning Board.

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2. For compliance with the Site Plan Regulations, revise the plans as follows:
 - a. Pursuant to Section 16.02(12)(a), the dashed lines from DMH 2345A shall be labeled with pipe size and material.
 - b. Pursuant to Section 15.04(6) *Topography*, the ‘295’ contour label at the dumpster pad shall be adjusted so that it is legible.
 - c. Pursuant to Section 16.02(12)(a), the grading and drainage plan shall include a label for the storm lines representing the “Storm Profiles 5-7,” as shown on Sheet C-13.
 - d. Pursuant to Section 16.02(22) *Construction Details*, a construction detail for trench drain A1 shall be included in the details sheets and referenced on Sheet C-8 Grading and Drainage Plan.
 - e. Pursuant to Section 16.02(12)(a), the callout for CB-2-12 shall be adjusted so that it is legible.
 - f. Pursuant to Section 16.02(12)(a), a profile for the Trench Drain A1 shall be added to sheets C-13 or C-14.
 - g. Pursuant to Section 16.02(12)(a), the overlapping text contained in Storm Profile 15 shall be adjusted so that all the text is clearly legible.
 - h. Pursuant to Section 16.02(12)(a), “Storm Profile 15” shall be labeled on the plan view to match the profile view.
 - i. Pursuant to Section 16.02(12)(a), the overlapping text contained in Storm Profile 16 shall be adjusted so that all the text is clearly legible.
 - j. Pursuant to Section 16.02(14), the overlapping text and linework on the utility plan shall be adjusted so that all information is clearly legible. If that is not achievable, the applicant shall provide an expanded detail of the clouded area so that the linework and text may be read.
 - k. Pursuant to Section 23.04(1) *Construction Standards*, water service lines shall maintain a minimum 5-foot separation distance from all other underground utilities in accordance with Section 5.03.D.14.a. Specifically around the area of DMH 2345A.
 - l. Pursuant to Section 16.02(14)(a), an invert out elevation shall be provided for SMH-2.
 - m. Pursuant to Section 16.02(14), on sheet C-15, the label for SCO A2 shall be adjusted so that the drainage under the label is clearly visible.
 - n. Pursuant to Section 16.02(14)(a) Sewer Service 2, and affiliated structures shall be labeled on the plan view provided on the profile plan sheet.
 - o. Pursuant to Section 23.04 *Design Standards for Service Connections*, the size of the water line feeding the fire hydrant from the extension off the existing 8” stub shall be 8-inches and not 6-inches in accordance with Section 5.03.C.5 of the City of Concord Construction Standards.
 - p. Pursuant to Section 24.03 *Design Standards for Municipal Sanitary Sewers*, the bend at SCO A1, located between SMH 2 and the building, shall consist of two bends, each no greater than 45°, and a minimum of two feet of exposed pipe is required between the bends. The cleanout shall be placed just upstream from the change of in direction.
 - q. Pursuant to Section 16.02(14)(a) and (b), SCO A2 is shown on Sheet C-15 but not on the profile on sheet C-18. SCO A2 and all other structures shown on the plan shall also be shown on the profiles.

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- r. Pursuant to Section 16.02(14)(b), overlapping text on the Sewer 2 Profile shall be adjusted so that all text is clearly legible. Specifically, at the invert elevations for SMH-2. The existing invert out shall for SMH-2 shall also be provided.
 - s. Pursuant to Section 16.02(14)(a) and (b), the structures in the Sewer 1 profile cannot be found on the plan. These structures shall be provided in the plan view, or removed from the profile if they are not proposed.
 - t. Pursuant to Section 24.03 *Design Standards for Municipal Sanitary Sewers*, the slope of 11.1% on Sewer 4 profile shall be reduce to a maximum slope of 10% in accordance with City of Concord Construction Detail SS-1.
 - u. Pursuant to Section 16.02(14)(b), the profile for Sewer 2 shall be provided for the entire length of the service, from SMH-2 all the way to the building. The current profile does not appear to show the service at the building.
 - v. Pursuant to Section 16.02(14)(b), the '1.5' text shown shall clearly indicate what it is representing through the use of leaders or clarifying notations.
- 3. The amended site plan approval shall be noted and fully described on the cover sheet or site plan sheet, including date granted.
 - 4. The plan sheets submitted for final approval shall contain the signature and seal of the appropriate licensed professional as outlined in Section 12.03(1) through (6), as applicable.
 - 5. Per Section 12.08 of the Site Plan Regulations, prior to the issuance of a certificate of approval, digital information from the site plan shall be provided to the City Engineer for incorporation into the City of Concord Geographic Information System (GIS) and tax maps. The digital information shall be submitted in a format and media conforming to standards promulgated by the City Engineer. The following layers shall be submitted referencing New Hampshire State Plane Grid Coordinates and shall be based on National American Vertical Datum 1988 (NAVD 88): (a) through (i).
 - 6. Upon notification from the Planning Division that the final plan set complies with Planning Board conditions, Zoning Ordinance requirements, and the Site Plan Regulations, the applicant shall deliver to the Planning Division two complete plan sets (two full-size) for endorsement by the Planning Board Chair and Clerk.
 - 7. In accordance with Section 36.15 of the Site Plan Regulations, no building permits may be issued for any building, structure, or site improvement, or change of use prior to site plan approval and the satisfactory completion of the pre-construction conditions of Planning Board approval.
 - 8. The accessible pedestrian connection previously located at the southeast corner of the building shall be placed back on the plan and installed accordingly to create a connection from Interchange Drive to the eastern side of 5-9 Interchange Drive.
- (b) **Subsequent Conditions** – to be fulfilled as specified:
- 1. The application is subject to all previous subsequent conditions of approval.
 - 2. This approval notwithstanding, the applicant is responsible for full knowledge of, and compliance with, the municipal code, Site Plan Regulations, and Concord Construction Standards and Details for the project, unless a variance, waiver, or conditional use permit is granted.
 - 3. In accordance with Section 4.02 of the Site Plan Regulations, no building permit shall be issued for the purposes of constructing a new or renovated building or structure, or for the purpose of making exterior alterations to an existing building or structure, or for the

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- purpose of changing the use of an existing use of land, building, or structure, unless the certificate of approval has first been issued by the Planning Board.
4. Erosion control measures shall be installed and maintained in accordance with Section 27.09 of the Site Plan Regulations.
 5. In accordance with Section 27.11 of the Site Plan Regulations, a site stabilization guarantee shall be provided to ensure that sites are properly stabilized. The guarantee shall be in the form of a cash deposit or a letter of credit from a New Hampshire bank. The City Engineer may call said financial guarantee, and stabilize a disturbed site if, upon notice, the applicant has not stabilized or restored the site.
 6. Per Section 33.08 of the Site Plan Regulations, no certificate of occupancy or use permit may be issued prior to a determination by the Clerk that the proposed use is consistent with the Board's approval.
 7. Per Section 34.07 of the Site Plan Regulations, no certificate of occupancy or use permit may be issued prior to a determination by the Clerk that the proposed use is consistent with the Board's conditional use permit approval.
 8. Per Section 36.15 of the Site Plan Regulations, the Clerk shall not approve any certificate of occupancy, nor shall any use of the building or site commence, unless the proposed improvements, and the proposed use of land or buildings, is found to be in compliance with the approved site plan and the conditions of Planning Board approval.
 9. Per Section 36.19 of the Site Plan Regulations, it shall be the duty of the Clerk to enforce the regulations and to bring any violations or lack of compliance herewith, to the attention of the City Solicitor and Code Administrator.
 10. Per Section 36.24 of the Site Plan Regulations, no certificate of occupancy or other use permit shall be issued until the development has been completed according to the approved plans.
 11. Per Section 36.25 and Section 12.09 of the Site Plan Regulations, and **prior to the issuance of a certificate of occupancy, the applicant's engineer or surveyor shall submit to the City Engineer a detailed "as-built" survey showing the location of buildings, structures, utilities, parking areas, driveways and access, as well as for any public improvement constructed indicating location, dimensions, materials, and other information required by the City Engineer. The as-built survey shall also be submitted in digital format and media conforming to the Engineering Division's as-built checklist.**

10. Other Business

- 10A. Review of the Public Capital Facilities Impact Fees Ordinance (Impact fees from Dover, Manchester, and Nashua attached. Keene does not have impact fees.)

Vice-Chair Hicks asked why this is coming back to the Planning Board.

Ms. Skinner stated the Planning Board has to give a recommendation to City Council. At the last meeting the Planning Board did not. One of the items of information that was requested at the previous meeting was information regarding impact fees from other jurisdictions. The requested information is included in the agenda packet.

Stephen Henninger (39 Woodcrest Dr, Concord) stated the question is how much are you collecting

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today for the recreation and the traffic impact fees. Is it worthwhile for the city to continue collecting? Mr. Henninger stated you are not in a high growth area. Mr. Henninger noted there are not a huge number of new projects for the City.

The Board discussed impact fees with Mr. Henninger and amongst themselves.

On a motion made by Vice-Chair Hicks, seconded by Member Condodemetraky, the Board voted to recommend to City Council the following:

- Option 1 – increase the fees annually using the measurement metric for that specific year, including reinstatement of commercial impact fees; OR
- Option 2 – increase the full amount shown in the report but incrementally over the next 3 years, including reinstatement of commercial impact fees.

With 6 in favor (Condodemetraky, Fox, Hicks, Santacruce, Savage, and Todd) to 1 opposed (Rosenberger), the motion passed.

On a motion made by Vice-Chair Hicks, seconded by Member Condodemetraky, the Board voted to recommend that City Council consider hiring a consultant to review the entire impact fee ordinance and all possible categories of impact fees and prepare a report of findings and conclusions for presentation to City Council.

With 6 in favor (Condodemetraky, Fox, Hicks, Rosenberger, Savage, and Todd) to 1 abstention (Santacruce), the motion passed.

Any other business which may legally come before the Board.

Adjournment

Member Santacruce moved, seconded by Councilor Todd, to adjourn the meeting at 10:29 p.m. All in favor. The motion passed unanimously.

The next regular meeting is Wednesday, June 18, 2025, at 7:00 p.m.

TRUE RECORD ATTEST:

Krista Tremblay

Krista Tremblay

Administrative Technician III