

City of Concord Planning Board
December 20, 2017
Minutes

The regular monthly meeting of the City Planning Board was held on December 20, 2017, in City Council Chambers, in the Municipal Complex, at 37 Green Street, at 7:00 p.m.

1. Call to Order

Chairman Woodfin called the meeting to order at 7:00 pm. Planning Staff present included Heather Shank (City Planner), Beth Fenstermacher (Assistant City Planner), John Stoll (Senior Planner), and Lisa Fellows-Weaver (Administrative Specialist). Engineering Staff present included Bryant Anderson (Associate Engineer).

2. Roll Call

Present: 9 – Chairman Richard Woodfin, Vice-Chair Carol Foss, Councilor Byron Champlin, Teresa Rosenberger (Ex-Officio for City Manager), members Ian West, Matthew Hicks, Susanne Smith-Meyer, David Fox, and John Regan.

Absent: 2 –Alternate Chiara Dolcino, and Alternate Frank Kenison.

3. Approval of November 15, 2017 Planning Board Meeting Minutes

On a motion made by Ms. Foss, and seconded by Mr. West, the Board voted unanimously to accept the minutes of November 15, 2017, as written.

4. Planning Board Chair Overview

Chairman Woodfin announced that Item 7A has been postponed to the January 17, 2018 meeting.

Consent Agenda Items

5. Determination of Completeness by Consent

5A. 117 Manchester Street, LLC requesting Major Site Plan approval for the renovation of a 22,000 sf building to accommodate 31 residential units, along with associated site improvements, at 117 Manchester Street in the Highway Commercial (CH) District. MBL: 110D/1/8 (2017-50)

5B. Allan Moses, on behalf of Penacook Assisted Living Facility, requesting Major Site Plan approval for a two-story 6,600 sf addition to an existing building for 18 residential units and associated site improvements, and a Conditional Use Permit (CUP) to allow construction of fewer parking spaces than is required, at 30 Borough Road in the Medium Density Residential (RM) and General Commercial (CG) Districts. MBL: 192P/89

On a motion made by Councilor Champlin, and seconded by Mr. West, the Board voted unanimously to determine applications 5A & 5B complete by consent and set the public hearings for January 17, 2018.

6. Design Review Applications by Consent

Chairman Woodfin announced that Item 6C had been pulled from the consent agenda and would be addressed in the Public Hearing section of the meeting. He asked if any member of the audience or any member of the Board wished to pull any other item from the consent agenda. He stated that all consent agenda items would be approved subject to the recommendations of the Architectural Design Review Committee. No audience member responded.

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Ms. Rosenberger asked if any of the signs had been installed. Ms. Shank stated that she is not aware of any of the signs having been installed without permits; however, some may have been installed with a temporary permit. Ms. Rosenberger asked if non-compliant signs could be installed with a temporary permit; she also asked how long signs could be up without obtaining a permanent permit. Ms. Shank stated that she would check with the Code office and get back to the Board at the next meeting.

On a motion made by Councilor Champlin, and seconded by Mr. West, the Board voted unanimously to approve the sign applications by consent, except for Item 6C. Councilor Champlin amended his motion to include that the applications are approved subject to the recommendations from the Design Review Committee, seconded by Mr. West. The motion passed unanimously.

- 6A. VCA Real Property Acquisition requesting ADR approval to install a new wall sign and a replacement monument sign at 1 Intervale Road in the Gateway Performance (GWP) District and the Residential Open Space (RO) District. MBL: 59Z/12

This application was approved as submitted by consent.

- 6B. ReChic Boutique, on behalf of T&R French Assoc., LLC, requesting ADR approval to install a new wall sign at 10 N. State Street in the Central Business Performance (CBP) District. MBL: 35/5/5

This application was approved as submitted by consent.

- 6C. Center Point Church, on behalf of First Baptist Church of Concord, requesting ADR approval to install a new wall sign at 20 N. State Street in the Central Business Performance (CBP) District. MBL: 45/1/10

This item was pulled for a public hearing.

- 6D. 256 Investments Assoc., LLC, requesting ADR approval to install internally illuminated replacement panels in an existing freestanding sign and install four new internally illuminated wall signs at 106 Loudon Road in the General Commercial (GC) District. MBL: 116/7/16

This application was approved as submitted by consent.

- 6E. Northern NE Tele Ops. requesting ADR approval to replace a wall sign at 12 South Street in the Civic Performance (CVP) District. MBL: 36/1/6

This application was approved as submitted by consent.

- 6F. DE Whiting, LLC, on behalf of The Gabrielli Family LP, requesting ADR approval to install a new projecting sign at 1 Merrimack Street, Penacook in the Central Business Performance (CBP) District. MBL: 1412P/60

This application was approved as submitted by consent subject to the ADRC recommending that the location of the sign be dropped down so that the bottom of the sign is nine feet from the ground.

- 6G. Verizon, on behalf of Venizia Realty, LLC, requesting ADR approval to replace an internally illuminated wall sign at 62 D'Amante Drive in the Gateway Performance (GWP) District. MBL: 111D/2/4

This application was approved as submitted by consent.

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Items Pulled from Consent Agenda for Public Hearing

- 6C. Center Point Church, on behalf of First Baptist Church of Concord, requesting ADR approval to install a new wall sign at 20 N. State Street in the Central Business Performance (CBP) District. MBL: 45/1/10

Ms. Shank stated that this application was requested to be pulled from the consent agenda by Vice Chair Foss.

Dave Pelletier represented the application. It was noted that the Architectural Design Review Committee (ADRC) recommended increasing the font size as well as using a gray background that is similar to the logo which would provide a contrast. It would still be visible and would soften the starkness alongside the brick building. A discussion was held regarding the proposed size. Several members felt that the sign was too large for the proposed space and out of scale with that portion of the building.

Mr. Pelletier stated that sign is within the boundaries as the ordinance allows 150 sf and the proposed sign is 101 sf.

Suggestions and other design options were discussed. Councilor Champlin suggested reducing the dimensions by one foot in height and one foot in length. Ms. Smith-Meyer suggested a narrower sign, which she believes would still, be visible even if reduced 25%.

The applicant agreed to shorten the length and width of the sign by one foot. Ms. Smith-Meyer stated that she felt that the applicant should return to the ADRC next month for further review of the changes. Councilor Champlain stated that he did not want the Board to hold up the applicant if they were willing to reduce the size of the sign.

On a motion made by Councilor Champlin, and seconded by Mr. Regan, the Board voted 6 to 3 to grant approval of the sign application subject to the ADRC conditions that the fonts be larger and a gray background be used, and subject to the condition that the sign dimensions be reduced by one foot in height and one foot in length. Mr. Fox, Mr. West, and Ms. Smith-Meyer were opposed.

Public Hearings

7. Site Plan & Subdivision Applications

- 7A. T.F. Bernier, Inc., on behalf of Betty Lou Nichols requesting Minor Subdivision approval for a 2-lot subdivision at 110 Lakeview Drive in the Residential Open Space (RO) District. MBL: 51Z/11 Postponed to January 17, 2018.

- 7B. T.F. Bernier, Inc, on behalf of Sorrento Investments, LLC & Gubbio Investment Associates, LLC, requesting an amendment to a previously approved Minor Subdivision application to adjust the lot line between land condominium units 1 and 3 at 9 Triangle Park Drive in the GWP (Gateway Performance) District. MBL: 111H/4/10 & 111H/4/24 (2016-13)

No representative appeared on behalf of the application. Ms. Shank explained that the proposal is an amendment to a previously approved subdivision application for a boundary line adjustment. The previously approved subdivision was never recorded.

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There being no comments from staff or members of the public, the Chair closed the public hearing.

On a motion made by Mr. West, and second by Ms. Smithy-Meyer, the Board voted unanimously to **grant Minor Subdivision approval** for the boundary line adjustment transferring 3,321 sf from Unit 3 to Unit 1 for the property at 9 Triangle Drive, subject to the following precedent conditions to be fulfilled within one year and prior to endorsement of the final plan by the Planning Board Chairman and Clerk, unless otherwise specified:

- (1) Final plans and mylars shall be signed and sealed by the appropriate professionals.
- (2) Applicant shall provide digital copies of the revised condominium declaration and by-laws, to be reviewed and approved by the City Solicitor and Clerk of the Board. The MCRD Plan # shall be noted in the condominium documents prior to their recording.
- (3) Draft language of the "Proposed Common Utility Easement" shall be submitted for review and approval by the City Solicitor and Clerk of the Board. The final executed document shall be submitted to Planning for recording.
- (4) Applicant to submit check(s) for recording the plans and revised Condominium Declaration and Bylaws at the Merrimack County Registry of Deeds, including a separate check in the amount of \$25.00 for the LCHIP fee. All checks are to be made payable to the Merrimack County Registry of Deeds.
- (5) Digital information shall be provided to the City Engineer for incorporation into the City of Concord Geographic Information System (GIS) and tax maps. The information shall be submitted in accordance with Section 12.09 of the Subdivision Regulations.
- (6) The Applicant shall deliver to Planning, three plan sets and one (1) mylar(s) for endorsement by the Planning Board Chairman & Clerk and recording at the Registry of Deeds.

7C. Foxfire Property Management, Inc, on behalf of 2 Pillsbury Street LLC, requesting Minor Subdivision approval to adjust lot lines between existing condominium units at 2 Pillsbury Street in the Institutional (IS) District. MBL: 23/5/3, 23/5/6, 23/6/1, & 23/6/6

Aaron Holt of Foxfire Property Management, Inc. represented this application. He requested that action on the lot line adjustment for the fifth floor be continued to January 17, 2018 and that the lot line adjustment for the third floor project be addressed as presented. He provided an overview of the proposed amendment explained that the owner of the two units on the 3rd floor is looking to transfer 355 sf from Unit C to Unit B.

There being no comments from staff or members of the public, the Chair closed the public hearing.

On a motion made by Mr. Fox, and second by Ms. Foss, the Board voted unanimously to **grant the following waiver** from the Subdivision Regulations:

- (1) Section 12.08 Existing Conditions. No changes are proposed to the existing building or site design.

On a motion made by Mr. Fox, and second by Mr. West, the Board voted unanimously to **grant Minor Subdivision approval** for the minor subdivision application to transfer approximately 355 sf of Unit 3C to Unit 3B, subject to the following precedent conditions to

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be fulfilled within one year and prior to endorsement of the final plan by the Planning Board Chairman and Clerk, unless otherwise specified:

- (1) A Licensed Land Surveyor shall sign and seal final plans and mylars to certify that the plans meet the requirements of RSA 356-B.
- (2) The Certification statement on the plan shall be signed by the Engineer of Record.
- (3) The applicant shall deliver to the Fire Department proposed floor plans depicting accurate exit locations shown to scale, prior to recording of the plans at the Merrimack County Registry of Deeds.
- (4) Prior to the issuance of a Certificate of Occupancy or final construction sign-off, digital information shall be provided to the City Engineer for incorporation into the City of Concord Geographic Information System (GIS) and tax maps. The information shall be submitted in accordance with Section 12.08 of the Site Plan Review Regulations and all information shall be converted to a vertical datum of NAVD 88.
- (5) The Applicant shall submit two checks for recording the plan at the Merrimack County Registry of Deeds (including a separate check in the amount of \$25.00 for the LCHIP fee). Both checks are to be made payable to the Merrimack County Registry of Deeds.

On a motion made by Councilor Champlin, and second by Mr. West, the Board voted unanimously to **grant the applicant's request to continue** the public hearing to the January 17, 2018 meeting to hear the applicant's request to consolidate 4,068 sf of Units 5A, 5B, and 5C into Unit 5B at 2 Pillsbury Street.

7D. Nobis Engineering, on behalf of Granite State Glass, requesting Major Site Plan approval for construction of a new 8,100 sf building, parking, and associated site improvements at 135 Old Turnpike Road in the Industrial (IN) District. MBL: 110A/4/6

Erin Lambert of Nobis Engineering, along with Tim O'Connor of Granite State Glass, represented this application.

Mr. O'Connor gave an overview of the proposal explaining that the project consists of demolishing the existing residential structure and constructing a new building with associated driveway, parking, and sidewalks.

Ms. Lambert presented the site plan. She described the showroom and receiving area locations. The bottom floor will be a display area and the upper level will be for a future office area, not proposed to be built out at this time. She explained the driveway specifications noting that the driveway is wider than a regular 24' driveway to account for the truck turnaround radius. Drainage will be into underground infiltration chambers and overflow to catch basins into the City system.

Councilor Champlin asked if the Heritage Commission reviewed the demolition application. Chairman Woodfin explained that the building is not old enough to trigger the Heritage Commission's review.

Ms. Lambert explained that the plans would be revised to reflect the ADR recommendations to paint the overhead doors gray, and to redesign the layout of the windows on the front façade. Ms. Foss asked about the materials for the windows and if they are bird friendly. Mr. O'Connor stated that the windows are clear on the outside, it will be an opaque piece of spandrel glass with a blue skin behind them; it's a total of 6 pieces of glass.

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Ms. Smith-Meyer suggested replacing the proposed Chinese Elms with a native species and encouraged more spreading shade tree plantings in the parking lot.

There being no comments from staff or members of the public, the Chair closed the public hearing.

On a motion made by Ms. Foss, and seconded by Mr. Fox, the Board voted unanimously to **grant Architectural Design Review (ADR) approval** for the proposed site layout and building elevations, with the following conditions: reconsider the windows on the front façade to have more verticality to unify the proportions of the window openings, with a suggestion to narrow the width; and, the overhead garage doors be a muted color, with a suggestion of light gray with blue overtones.

On a motion made by Councilor Champlin, and seconded by Ms. Foss, the Board voted unanimously to **grant Conditional Major Site Plan approval** for the proposed commercial development, subject to the following precedent and subsequent conditions noted below:

- (a) Precedent Conditions – to be fulfilled within one (1) year and prior to sign off by the Clerk and Chair of the Planning Board and issuance of any building permits, or the commencement of site construction, unless otherwise specified:
 - (1) Address review comments from Engineering Services to the satisfaction of the Engineering Division.
 - (2) Submit three (3) copies of fully revised plans for sign off by the Clerk and Chair of the Planning Board.
- (b) Subsequent Conditions – to be fulfilled as specified:
 - (1) Prior to commencement of construction activity, payment of inspection fees in an amount approved by the City Engineer shall be made.
 - (2) A pre-construction meeting shall be required prior to the start of any construction activities onsite. The applicant shall pick up one (1) set of signed plans at the Planning Office to make copies for the pre-construction meeting. A total of five (5) copies of the signed plan set shall be provided by the applicant at the pre-construction meeting.
 - (3) Prior to a Certificate of Occupancy or final construction sign-off, as-built drawings shall be provided to the City Engineer in accordance with Section 12.09 of the Site Plan Regulations. The as-built drawings shall be surveyed on NH State Plane coordinates and NAVD 88 Datum.
 - (4) Prior to the issuance of a Certificate of Occupancy or final construction sign-off, digital information shall be provided to the City Engineer for incorporation into the City of Concord Geographic Information System (GIS) and tax maps. The information shall be submitted in accordance with Section 12.08 of the Site Plan Review Regulations and all information shall be converted to a vertical datum of NAVD 88.

- 7E. The State of NH, requesting Planning Board review in accordance with RSA 674:54, for construction of an addition to the State Archive building at 71 Fruit Street in the IS (Institutional) District. MBL: 38/1/31

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David Goulet and Theodor Kupper from State of NH Public Works were present along with Roger Dignard of Dignard Architects.

Mr. Kupper provided an overview of the proposal for a 40,000 sf addition to the existing archive building, which will include the relocation of Industrial Drive, and the expansion of parking. He indicated that 7 trees will be removed and 19 trees will be relocated. He referenced comments from the City indicating that the majority of the comments were addressed in an addendum to the bid documents. He stated that they are aware of the significance with the relocation of the Lafayette granite posts. They will be placed at the entrance of the walking path in the large island in the parking island. Ms. Smith-Meyer asked if new plantings are proposed in the new parking lot. Mr. Kupper indicated that no plantings are currently proposed, but it is very important to the State, and they are waiting until the bids come in to determine how much money remains to put towards additional new landscaping.

Mr. Kupper stated that per the comments of ADR they will be resurfacing the white EIFS on the existing building to a brick-colored paint.

Mr. Anderson mentioned concern that the 30 foot radius on the driveway was too large and that they should utilize any opportunity to reduce the pavement. Mr. Kupper replied that, at this time, they will keep the plan as proposed to accommodate the tractor-trailer trucks; however, will explore the area for other options to reduce pavement. Mr. Anderson added that another item that should be addressed was the left turn-in onto Industrial Drive suggesting that S. Fruit Street should be widened to create a 10-foot wide bypass lane. Mr. Kupper replied that there is no available funding to appropriate for that suggested improvement.

There being no additional comments from staff or members of the public, the Chair closed the public hearing and thanked the applicants for coming before the Planning Board and allowing staff the opportunity to review and comment on the proposal.

8. Amendment & Other Items

8A. T.F. Bernier, Inc. on behalf of Betty Lou Nichols, 110 Lakeview Drive, requesting the discontinuance of a portion of the Lakeview Drive right of way.

Tim Bernier represented this application.

Ms. Fenstermacher stated that a petition was submitted by T.F. Bernier, Inc., on behalf of Betty Lou Nichols of 110 Lakeview Drive, requesting the discontinuance of a portion of the Lakeview Drive right-of-way to provide sufficient contiguous frontage to subdivide the parcel. She provided an overview explaining that in 1950, the City reconstructed and relocated portions of Lakeview Drive to straighten out the many curves in the road. By relocating portions of the road, gaps were created between the original location and the new location. One area is on the 110 Lakeview Drive property. The old alignment was never discontinued; therefore, a segment of the old road remains a Class VI public highway.

Ms. Fenstermacher stated that the applicant is proposing to subdivide the 44 acre parcel. The old Lakeview Drive alignment remaining as a Class VI public highway, the Nichols property does not have sufficient frontage on a Class V road to meet the subdivision requirements. The portion of the right-of-way proposed for discontinuance is no longer used or maintained by the City of Concord. The applicant is requesting to have the original Lakeview Drive right-of-way discontinued, which would provide sufficient contiguous frontage on Lakeview Drive. With

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this action, there would still be sufficient right-of-way width for the existing Lakeview Drive alignment.

On a motion made by Ms. Smith-Meyer, and seconded by Mr. West, the Board voted unanimously to forward the request to City Council and recommend the discontinuance of a portion of the Lakeview Drive right-of-way, as submitted.

Other Business

9. Main Street Guide Update

Doug Shilo, ADRC member was present for this discussion.

Updated guidelines were provided for review based on the last joint work session of the Board and the ADRC. The Board reviewed pages 8 through 17 and general discussions were held regarding the recommendations and graphics.

An email was received by Robert Baker expressing concerns regarding blocking bike racks with planters, sandwich boards, and other items.

Ms. Smith-Meyer asked about addressing the proliferation of newspaper boxes. It was determined that many items are privately owned and are being placed on public property.

A discussion was held regarding sign clutter with either website addresses/and or telephone numbers and area codes. Ms. Shank suggested adding some language relative to extraneous information.

Lengthy discussion was held regarding the use of and the regulation of sandwich boards. Mr. Stoll provided a comparison list of other city and towns that permit sandwich boards and what their process is.

Chairman Woodfin suggested a meeting in late January or early February with the Merchant's Roundtable and Intown Concord Board to review the document and provide feedback. Ms. Shank stated that she would like to present to City Council in January. She stated that she will work on drafting regulatory language relative to sandwich boards to bring back to the Board in January.

On a motion made by Councilor Champlin, and seconded by Mr. Fox, the Board voted unanimously to move forward with presenting the Main Street Guidelines to Council while continuing to work on language pertaining to sandwich boards, and to review the entire document again including a proposal pertaining to sandwich boards once complete.

On a motion made by Councilor Champlin, and seconded by Mr. Fox, the Board voted unanimously to remove the page pertaining to sandwich boards from the Main Street Guidelines until that section had been reviewed again by the Board.

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

Form Base Code (FBC)

Ms. Shank provided an update of the FBC zoning project. She noted that Code Studio, from Austin Texas, was the consultant selected to complete the project and that their contract had just been

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signed. She stated that the consultants' first visit would coincide with the kick off meeting the week of February 5th, and that the purpose of their visit was to tour the City, hold the kick off meeting, and conduct a series of interviews with Board and Council members, members of the development community, property owners, and representatives from the various Commissions, Committees, and neighborhoods. She stated that interviews with Board and Council members may occur through special meetings held during the 3 days that Code Studio would be in town. She also handed out a summary of the consultants' Work Program and schedule and indicated that she would review it with the Board at the next meeting.

Master Plan 2030 Update

Ms. Shank stated that the FY19 budget season is getting started and that Planning needed to get figures in the upcoming years for any special studies that may be needed in preparation for updating the Master Plan. Staff is reviewing the current document to identify sources of information that may need to be updated. She stated that she would bring this information to the Board for discussion and that the Board should be involved with developing this strategy and making recommendations on any special studies. She also stated that she would meet with administration to get a better sense of the expectations for the next Master Plan.

At the request of Chair Woodfin, Mr. Fox made a motion to adjourn at 9:48 p.m., seconded by Mr. Regan. Motion carried unanimously.

A TRUE RECORD ATTEST:
Lisa Fellows-Weaver
Administrative Specialist