

City of Concord Planning Board
February 21, 2024
Minutes

The regular monthly meeting of the City Planning Board was held on February 21, 2024, in City Council Chambers, in the Municipal Complex, at 37 Green Street, at 7:00 p.m.

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

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

Staff: AnneMarie Skinner (Assistant City Planner), Alec Bass (Senior Planner), Krista Tremblay (Administrative Specialist II), Peter Kohalmi (Associate City Engineer), Beth Fenstermacher (Director of Special Projects and Strategic Initiatives), and Matt Walsh (Deputy City Manager – Development)

1. Call to Order

Chair Woodfin called the meeting to order at 7:01 p.m.

2. Roll Call

David Fox, Jeff Santacruce, Amanda Savage, Teresa Rosenberger, Matthew Hicks, Erle Pierce, Councilor Brent Todd, and Chair Richard Woodfin

3. Approval of Meeting Minutes

On a motion made by Mr. Santacruce, seconded by Mr. Fox, the Board voted in favor of approving the January 21, 2024, Planning Board meeting minutes, as written. Motion passed. Erle Pierce and Councilor Todd did not vote.

4. Agenda Overview

Chair Woodfin stated that agenda items 6A, 8A, and 8B at the request of the applicant have been continued to March 20, 2024.

5. Design Review Applications by Consent

Chair Woodfin asked if anyone wanted to pull any items from the consent agenda. None were pulled.

5A. Advantage Signs, on behalf of Tynan Flanagan, requests Architectural Design Review approval for a new 31.33-square foot non-illuminated freestanding sign at 315 S. Main St in the Urban Transitional (UT) District.

5B. Advantage Signs, on behalf of Concord Auto Spa, requests Architectural Design Review approval for a new 44-square foot internally illuminated wall sign at 16 Water St in the Gateway Performance (GWP) District.

5C. Advantage Signs, on behalf of Thrive Survivor Support Center, requests Architectural Design Review approval for a new 5.04-square foot non-illuminated freestanding sign and a new 4.75-square foot non-illuminated window sign at 27 Warren St in the Civic Performance (CVP) District.

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- 5D. Green Bear Signs, on behalf of She's A Lady, requests Architectural Design Review approval for a new 20-square foot internally illuminated wall sign at 36 N. Main St in the Central Business Performance (CBP) District.
- 5E. Baked Café, requests Architectural Design Review approval for an existing 28.5-square foot internally illuminated pylon sign at 249 Sheep Davis Rd in the Gateway Performance (GWP) District.
- 5F. Signarama of Concord, on behalf of Common Wealth Financial Group, requests Architectural Design Review approval for a new 2.22-square foot non-illuminated wall sign at 261 Sheep Davis Rd in the Gateway Performance (GWP) District.
- 5G. Tenisha Williams, on behalf of B. Good, requests Architectural Design Review approval for an existing 20.5-square foot internally illuminated wall sign at 10 Fort Eddy Rd in the Gateway Performance (GWP) District.
- 5H. The Paper Store requests Architectural Design Review approval for a new 163-square foot internally illuminated wall sign at 68 Fort Eddy Rd in the Gateway Performance (GWP) District.
- 5I. Art Studio Sign & Neon, on behalf of Bellavii Beauty Lounge, requests Architectural Design Review approval for a new 63.92-square foot internally illuminated wall sign at 80 Storrs St in the Opportunity Corridor Performance (OCP) District.
- 5J. Sign Source, on behalf of Craft Market, requests Architectural Design Review approval to replace an existing non-conforming sign with a new 33.1-square foot internally illuminated wall sign at 75 Fort Eddy Rd in the Gateway Performance (GWP) District.
- 5K. NEOPCO Signs, on behalf of Keeling Wealth, requests Architectural Design Review approval for a new 19-square foot internally illuminated wall sign at 6 Dixon Ave in the Central Business Performance (CBP) District.
- 5L. Sousa Signs, LLC, on behalf of Concord Karate, requests Architectural Design Review approval for a new 16-square foot internally illuminated wall sign, a new 19.1-square foot internally illuminated pylon panel, and two 2.2-square foot non-illuminated vinyl door signs at 89 Fort Eddy Rd in the Gateway Performance (GWP) District.
- 5M. Sousa Signs, LLC, on behalf of T-Mobile, requests Architectural Design Review approval as part of a building permit application for an awning over the rear entrance at 80 Storrs Street in the Opportunity Corridor Performance (OCP) District. (2024-006)
- 5N. Kevin Walker, on behalf of John J. Flatley and 32 South Main Concord, LLC requests Architectural Design Review approval for building modifications to an existing building located at 32 S. Main St in the Central Business Performance (CBP) District. (2024-008)

On a motion made by Mr. Santacruce, and seconded by Mr. Hicks, the Board voted unanimously by consent to approve applications 5A through 5N as submitted. All in favor. Motion passed unanimously.

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6. Determination of Completeness Items by Consent

- 6A. Timothy S Blagden and the Friends of the Concord-Lake Sunapee Trail request Major Site Plan approval for construction of a multi-use stone gravel trail and approval for a Conditional Use Permit for wetland buffer disturbance in conjunction with the trail construction. The site comprises portions of four lots, which are identified as follows: Map 37Z 26, owned by City of Concord; Map 32Z 78, owned by City of Concord; Map 31Z 4, owned by Jerry-Wolcott Jocelyn A 1993 Trust; and Map 312Z 6, owned by Bull Meadow RE holdings, LLC. The site is generally located south of Bog Rd and east of the Carter Hill Rd/Broad Cove Dr intersection. (2024-007). The applicant requested a postponement of the determination of completeness to a date certain of March 20, 2024.

Chair Woodfin moved, seconded by Mr. Fox, to postpone the determination of completeness of item 6A until March 20, 2024, at the request of the applicant. All in favor. Motion passed unanimously.

Public Hearings

7. Design Review Applications

- 7A. NEOPCO Signs, on behalf of Bookend Lending, requests Architectural Design Review approval for a new 4-square foot non-illuminated double-sided sign at 19 Washington St in the Civic Performance (CVP) District. District.

Chair Woodfin opened the public hearing and asked for overview.

Glen Schadlick (NEOPCO) is present on behalf of the applicant. Mr. Schadlick stated the reason why he wanted the items pulled from consent is because both permits were denied due to the Architectural Design Review Committee not wanting the phone number or web address on the sign. It has been happening over the past year or two and this is a trend with Architectural Design Review Committee. This went from a suggestion to a stipulation to get the sign passed for the signs to not have a web address. Mr. Schadlick pointed out first amendments rights protect all color and contents of signs. Mr. Schadlick stated the Board cannot tell people what they can and cannot have on their signs. Mr. Schadlick stated it is important for both of these customers to have their web addresses on their signs. He explained in detail in the case of Nucar they have 25 locations throughout the New England states and they can bring in cars from all of these different locations. Mr. Schadlick stated their website is very important for people to go, pick a car, and have it picked up in Concord. Mr. Schadlick stated he is not happy that ADRC is taking a stand on not having phone number or web addresses on the sign. Mr. Schadlick is here tonight for the sign to be passed with the content of what the customer would like to have on their sign.

Chair Woodfin stated the Architectural Design Review Committee acts on behalf of the Planning Board to address things like this. Chair Woodfin did go back and look at some of the regulations and feels they need to look at this a little closer to see is it a first amendment issue, freedom of speech issue, or a changing of the times where the website address is becoming the primary resource for people to recognize a business and understand that the sign is meant to locate a business. The zoning requirements are location and size, not content. The Planning Board dictates what the content. They dictate opaque and transparent background and colors.

Mr. Santacruce stated the State of New Hampshire does not allow phone numbers or websites on their signs and that is a specific regulation they have. Mr. Santacruce stated if they were to follow

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what the state is already doing and would not deviate from what is already occurring in other municipalities.

Mr. Pierce stated it sounds like this is above their pay grade. Mr. Pierce asked if would be appropriate to table this item for legal for an opinion?

Chair Woodfin asked for staff to weigh in and if the Nucar sign is installed.

Mr. Schadlick stated the Nucar sign has a lapsed temporary sign permit. They had to take the sign down and now there will not be any identification on the building. The three building signs were approved by ADRC. However, the major setback or denial was for the pylon sign panels and the new sign below it. Currently there is a changeable copy sign on which they could put up 5 phone numbers or 5 website addresses. Mr Schadlick told the ADRC to work with him because they are trying to make something nice. Right now, they cannot limit what they can put up on the sign.

Chair Woodfin would like to see the changeable sign go away.

Mr. Schadlick stated the sign would go away.

Chair Woodfin stated Mr. Pierce comment that a further study is important. However, he does not want to hold up the sign of car dealership. Chair Woodfin stated he is inclined to approve it.

Ms. Savage asked about the pylon sign out by street is the issue not the ones on the building?

Chair Woodfin stated yes, the one by the street.

Ms. Savage stated there are signs on the building that identify the business. In regards to putting a website it is traditional for the City of Concord not permitting signs to have the website on them.

Mr. Schadlick asked why?

Ms. Savage stated that is a good question and where she was going. What is the reasoning behind that?

Ms. Fenstermacher stated if you look at the zoning regulations it outlines the purposes of the sign code, and they don't relate to content. Ms. Fenstermacher listed the purposes from the code: encourage the effective use of signs as means of communication, maintain and enhance the appearance and esthetic environment of the city; retain the city's ability to attract and encourage economic development; improve pedestrian and traffic safety; minimize potential adverse effects of the signs on nearby property; and enable fair and consistent enforcement of these sign regulations.

Chair Woodfin pointed out if you look at the packet in the agenda it is the sign on the top of the packet. He pointed out there are other signs in Concord that are similar. He stated he would be more concerned if there was only the one sign and focusing on the website address. He feels they need more study.

Mr. Fox acknowledged what Mr. Santacruce said about the state and wondered if the Planning Board would be going against a state regulation.

Mr. Santacruce stated he was pointing out the state having a sign on the right-of-way it was not on private property. He stated the state does it to prevent people from reading when driving.

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Ms. Skinner stated our code does not prohibit phone numbers or web addresses. It only references if there is wording that interferes with the view of or could be confused with any traffic control sign, signal or device as a prohibition.

Chair Woodfin stated so there is nothing in there, where do they pick it up, and then start enforcing it?

Ms. Savage wanted to know if there is a specific regulation or ordinance that said they cannot have a website identification.

Ms. Skinner stated there is not.

Mr. Santacruce asked if all of the Nucar facilities have a sign like this?

Mr. Schadlick stated most of the facilities have the website on the sign. Mr. Schadlick pointed out they discussed a state statute and this is not a state statute that need to follow. He does not feel Nucar.com will cause people to stop. Mr. Schadlick stated he informs all of his clients they need to apply for sign permits. Mr. Schadlick stated his clients do not want to apply because of the hassle. Mr. Schadlick discussed the sign with his two clients and let them know they do not want the web address on the sign. He noted the clients wanted to know why. In this day and age the web is most popular place to look for advertisement. If someone sees a website they might have them do work for them. According to the first amendment rights there are certain stipulations that you can deny a sign if there is an obscenity, defamation, fraud, incitement, fighting words, and speech with criminal content and a website and phone number does not fall into any of those categories.

Chair Woodfin stated you can get to a point with Bookend Lending's when all on one sign with website address under it. He does not like that as much as the Nucar one.

Mr. Schadlick stated when he designs signs he lets the clients know if there is too much on the sign. He stated with this sign there would be a lot of open space and explained why the website address works.

Councilor Todd asked if this has been previous issue with the ADR Committee?

Chair Woodfin stated it has come up in the past where they have made the exception and approved it or denied it. Chair Woodfin pointed out there are signs that came before Planning Board and was approved with the website address.

Councilor Todd wanted to know reason behind the ADR Committee's recommendation?

Chair Woodfin stated he read through the ADR Committee minutes and did not see anything.

Mr. Hicks stated there were a couple members for years that would argue this and there was an agreement that was struck. However, they have never had an applicant push this hard.

Chair Woodfin stated this needs to be addressed at staff level and legal.

Mr. Schadlick stated he gets permits all throughout New England. He goes before boards like this all the time. There has not been any other city that he has gone before that has limited web address or phone number on the sign.

Ms. Skinner stated staff has discussed this and there was a pretty big case in Arizona that inspired most western jurisdictions to re-do all sign ordinances. It is on list of amendments being discussed.

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Chair Woodfin asked if any member of the public wanted to speak on behalf of this application. With no one from public to comment Chair Woodfin closed the public hearing. Chair Woodfin asked for any additional comments or questions from the Board?

Chair Woodfin stated that he will approve both of these signs without making precedent.

Mr. Fox wanted to make a comment in reference to his comment. Mr. Fox does not think this Board makes hassles. He took minor offense to that comment. Mr. Fox stated regulations and hassles are a reason for both.

Mr. Hicks seconded Mr. Fox's comment and Chair Woodfin's motion.

Chair Woodfin made a motion to support item 7A and 7B as submitted recognizing the Architectural Design Review Committee did not have any other issues other than website. Chair Woodfin is inclined to approve as submitted with the information inside their packet.

Mr. Santacruce stated he will vote against this as it is larger and it needs to be cleared up. He would like to see sign go up and they could do the web address later.

Chair Woodfin stated there is a motion and a second, all in favor. There are 4 in favor and 4 opposed. As a method to get this pushed through for the main sign is there a problem with main sign at Nucar?

Mr. Santacruce thought the main sign was already approved.

Mr. Schadlick stated the top sign was approved and it is the bottom sign in question.

Ms. Skinner stated the sign is specifically the four-square-foot non-illuminated double-sided sign.

Chair Woodfin stated they will push them both back with a note.

Ms. Skinner stated 7A is the one with Bookend Lending.

Mr. Santacruce stated they started talking about item 7A and talked about both together.

Chair Woodfin stated he was making a motion on both 7A and 7B.

Ms. Skinner stated to separate them.

Chair Woodfin made a motion to approve item 7A to approve as submitted. Mr. Hicks seconded. The motion passed with 5 in favor and 3 opposed.

- 7B. NEOPCO Signs, on behalf of Nucar, requests Architectural Design Review approval for a new 32-square foot internally illuminated pylon panel, and three new internally illuminated wall signs of 52.5 square feet, 48.75 square feet and 48.75 square feet at 13 Manchester St in the Gateway Performance (GWP) District.

Chair Woodfin made a motion to approve 7B as submitted. Mr. Hicks seconded. The motion failed with 4 in favor and 4 opposed. Chair Woodfin stated they will need to come back with a change of sign or further discussion with staff and legal.

Ms. Fenstermacher stated since it was a tie and did not pass there should be a motion to table but Mr. Bass needs to discuss.

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Mr. Bass stated on item 7B there are four sign applications looking for approval. He would recommend approval of the three building signs as submitted and continue the public hearing for the particular sign that was not approved.

Ms. Skinner stated technically the public hearing was not opened to the public even though it was discussed with 7A. Ms. Skinner stated he needs to open 7B to the public and close hearing.

Chair Woodfin asked if there was anyone from the public who would like to come before the Board and opened the public hearing. Chair Woodfin asked Mr. Schadlick if he is okay with his previous testimony for both 7A and 7B?

Mr. Schadlick stated as long as they are willing to stipulate that the three building signs are okay, to go ahead.

Chair Woodfin made a motion to approve the three building signs and table the pylon sign. Mr. Hicks seconded. Mr. Santacruce asked to add with staff and legal to input. Mr. Santacruce asked for Chair Woodfin to change his motion to add with staff and legal input. Mr. Hicks seconded. Mr. Hicks asked if legal comes back and says you cannot tell them no, then the concerns here are mute. Mr. Hicks asked if the motion could include that?

Chair Woodfin stated he would want the applicant to come back.

Mr. Walsh asked if the Planning Board was asking for legal department to come back with a decision on if the sign is regulated, then it would be appropriate to table the pylon sign, get legal opinion, and come back next month. The Board can then read the legal opinion and decide.

Chair Woodfin moved, seconded by Mr. Hicks to approve the three building signs and table the pylon sign. The motion passed unanimously, with all in favor.

8. Site Plan, Subdivision and Conditional Use Permit Applications

- 8A. Altus Engineering, on behalf of Ryan Taber, requests Major Subdivision approval for a 9-unit residential condominium development at 15 Hot Hole Pond Rd in the Open Space Residential (RO) District. (2023-140) The applicant requested a postponement of this public hearing to a date certain March 20, 2024.

On a motion by Mr. Pierce, seconded by Mr. Santacruce, the Board approved postponing application 8A to March 20, 2024, at the request of the applicant. All in favor. Motion passed unanimously.

- 8B. Erin Lambert, on behalf of B & L Transmissions, LLC requests Major Site Plan approval for construction of a new automotive repair shop and related site improvements, and Conditional Use Permits (CUP) for separation of driveways and wetland buffer impacts at 388 Loudon Rd in the Gateway Performance (GWP) District. (2023-143). The Applicant requested to be continued to the February 21, 2024 meeting. The applicant requested a postponement of this public hearing to a date certain March 20, 2024.

On a motion by Mr. Pierce, seconded by Mr. Santacruce, the Board approved postponing application 8B to March 20, 2024, at the request of the applicant. All in favor. Motion passed unanimously.

- 8C. Kelly Hilson, on behalf of Thomas Villemure and Mountain Creek Realty, LLC, requests a

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Conditional Use Permit (CUP) to allow a driveway at 10-12 Higgins Pl (Map 641Z Lot 33) at less than the required distance from an intersection and less than the required distance from the adjacent existing driveway in the Opportunity Corridor Performance (OCP) District. (2023-148)
The Board continued this public hearing to February 21, 2024.

Chair Woodfin asked for applicant to come forward, while at the same time opening public hearing and requesting the staff report.

Ms. Skinner stated the Planning Board at January meeting requested to table the item to tonight to have the applicant make adjustments to the turning radii. The applicant has done that and submitted a revised plan. The driveway was moved from the east portion of the site to the west portion of the site. Staff reviewed and does not feel there is any issue with turning radii. It now the farthest distance it can be from the adjacent driveway with only 80 feet of frontage. By moving from east to the west it now meets the separation distance requirement for the intersection. Now, the Conditional Use Permit (CUP) is request is only needed for separation distance for the driveway. One additional note that has been confirmed with the applicant - the zoning code requires separation of five feet from edge of asphalt of the driveway and the west property line and when the driveway is installed they will have the required five feet.

Shawn Dunphy (Cronin, Bisson & Salinsky) is representing Mountain Creek Realty, LLC. This property is 10-12 Higgins Place on a dead-end street. There is a vacant lot after this property. Last month the driveway was on one side of the property and at the request of the Board they went back and moved the driveway, so there is more space between the abutter driveway.

Mr. Santacruce noted confusion for site plan regulations in table 19.1 in that only 40 feet from residential separation from driveway and 40 feet to an intersection is needed. He noted this is quoting a zoning regulation and asked which one governs?

Ms. Skinner stated the strictest one governs when there is a conflict.

Mr. Santacruce asked why are they different when referring to the exact same thing? Why would one say 125 feet spacing for residential to an intersection and the other say 40 feet?

Ms. Fenstermacher stated it is the district, not the use. This is a non-residential district.

Mr. Santacruce stated he is okay with the new plan. He liked the flipping for less conflict between the new and adjacent driveway.

Chair Woodfin asked if there are any other questions from the Board, staff, or public? Chair Woodfin closed the public hearing. Chair Woodfin stated the findings of fact, which include: information provided in staff reports, the applicant's submissions materials, testimony provided during the public hearing, and/or other documents or materials provided in the public hearing. Based on the findings of fact adopted, staff recommends the Board make the motions outlined below:

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2.2 Grant the following Conditional Use Permit approval in accordance with Section 28-7-8(c)(1) of the Zoning Ordinance to allow for a driveway within 65 feet of an existing driveway, where 100 feet of separation is required, at 10-12 Higgins Place, subject to the following conditions:

- (a) All work shall be performed in accordance with the City of Concord Construction Standards and Details (latest edition).
- (b) Applicant shall obtain appropriate permits from the Engineering Services Division.
- (c) Applicant shall provide sufficient turning radii for all maneuvering and turning of vehicles.
- (d) If the construction authorized by the Conditional Use Permit does not commence within a two-year period from the date of the decision of the Planning Board, the Conditional Use Permit shall be deemed to have expired.

Mr. Santacruce made a motion to grant Conditional Use Permit approval subject to conditions a-d, seconded by Mr. Fox. All in favor. The motion passed unanimously.

8D. Fieldstone Land Consultants, on behalf of Mike Gallo and Trademark Homes, LLC, requests Minor Subdivision approval to divide a 6.25-acre site into two residential lots, subject to a common open space easement. The site is addressed as 119 Hoit Rd in the Open Space Residential (RO) District. (2024-003)

Chair Woodfin asked if the applicant is present to come to the table, opened the public hearing, and asked for a staff update.

Ms. Skinner stated this is a minor subdivision. The site exists with one house. The applicant wishes to split off the northern portion to build an additional house. Ms. Skinner reminded the Board to include a determination of completeness and no DRI when opening the public hearing.

Chair Woodfin stated there is a determination of completeness. Staff has found the application complete and ready for public hearing. Chair Woodfin asked if someone wanted to make a motion to find the application complete and not a development of regional impact.

Mr. Santacruce made a motion to find the application complete and not a development of regional impact. Ms. Savage seconded. All in favor. The motion passed unanimously.

Dan Barowski (Fieldstone Land Consultants) is representing this application. He is a surveyor with Fieldstone. Mr. Barowski is to present the cluster subdivision plan tax map 7 lot z-44 (119 Hoit Rd) Concord, New Hampshire. The site is 6.25 acres. The land is generally flat. However, there is small area of steep slopes leading down to Hayward Brook in the rear of the property.

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The western portion of the lot has wetlands. The eastern portion of the lot is developed with a single-family home. The lot is in the Open Space Residential District, which for a cluster subdivision requires 30,000 square feet in lot size with 20,000 square feet buildable area. They are proposing a two-lot subdivision to carve off the existing dwelling and create a new buildable lot behind it. Access will be over a proposed easement over the existing sideline. It will circumvent the wetlands on the west side of the lot. Common open space is provided for both lots.

Chair Woodfin asked if the proposed driveway is in the right-of-way? It looks like a shared entrance to the property?

Mr. Barowski stated staff had a comment in the report that the easement was never legally transferred. There is no existing easement on eastern portion of the lot. They are proposing an access and utility easement to get to that second lot.

Ms. Skinner stated it is the northern portion was not transferred. The agreement to convey was recorded and conveyance was never recorded.

Mr. Barowski there is existing but under-utilized access easement over the eastern portion of the lot.

Chair Woodfin asked how it will affect the driveway?

Ms. Skinner stated it doesn't.

Chair Woodfin asked if it is a shared driveway?

Mr. Barowski stated for the beginning of it.

Mr. Santacruce stated the only comment he has is in the staff report under 2.6 it is single family driveway should meet 20.09 1 through 7. Since this is shared driveway it needs to meet requirements under table 20-1 which means the common drive portion needs to be 18 feet wide. It will have to be 18 feet at the street and then split to two tens. Mr. Santacruce stated if one car is sitting in driveway to get out and someone come to turn in the car is not sitting on the street until the other car can leave the driveway.

Chair Woodin asked if it is a condition of approval to meet the 18 feet to increase the curb cut and confirm on the staff side.

Mr. Barowski stated they would be able to do that.

Chair Woodfin asked if anyone from the public would like to speak about this application.

Member of public mentioned driveway profile and erosion control plan. He thinks those would be better for when a building permit is pulled. He stated the house location has not been hammered

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down by the potential buyer.

Mr. Kohalmi he would prefer if that was provided prior to.

Ms. Skinner stated the one comment from staff is they neglected to add a precedent condition requiring the document for the protection of the common open space and asked to add to motion, along with the shared driveway.

John Mintken stated he owns lot 121. When he subdivided that lot several years ago, he had enough road frontage for 2 lots. There was nothing that allowed him to have a single driveway accessing both of those lots. He was told by Board then that he could not do that and he is hearing now he can take that lot 119 and do a single driveway off of 123 and put a house there?

Chair Woodfin asked if 7Z 45-1 is John and Gail Mintken and next to that is their primary residence?

Mr. Mintken stated that is correct.

Chair Woodfin stated he cannot answer that question and referred staff to give general answer.

Ms. Skinner stated generally for his information this is a cluster development and the development standard requirements are different for a cluster development.

Mr. Mintken asked if that is recent? He stated on his side of the road it was required. When he went to get permits he was told need two hundred foot of road frontage and not a common driveway. He asked what has changed within the last 3-4 years?

Ms. Skinner stated that she cannot answer.

Mr. Mintken wants to object to what is going on and feels it needs to be clarified to him and the neighbors.

Ms. Skinner asked if it was developed as a cluster development?

Mr. Mintken stated there are no cluster developments on that side of the road.

Ms. Skinner stated the cluster requirements are different.

Mr. Mintken stated where he lives you need to have 200 feet of road frontage, 2 acres and doing house next to each other is a cluster development. He noted something has changed. He does not understand why it has changed.

Chair Woodfin stated if it came in as a single-family residential that would be the case.

Mr. Mintken asked if it get cluster all the time?

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Chair Woodfin said it had been out there more than 3-4 years ago.

Mr. Mintken stated he would not have had to subdivide and just cluster houses next to each other.

Chair Woodfin stated he cannot tell on the plan set where the driveway is and if it would need a common driveway.

Chair Woodfin suggested he have someone look into the property or hire an attorney.

Mr. Mintken asked why they have to cluster right next to him.

Ms. Skinner stated the site has wetlands, wetland buffer, and requirement for open space.

Chair Woodfin suggested to go online and look at agenda for tonight's meeting and look at the plan.

Mr. Fox stated looking at a plan and the new house is farther away from his property from the existing house.

Chair Woodfin stated it is farther away from the line.

Mr. Mintken asked for the Planning Board to delay their vote until Mr. Mintken has a chance to look at this.

Chair Woodfin asked if any other member of the audience has any questions or concerns. Chair Woodfin closed the public hearing. Chair Woodfin does not think they need to delay this because it will not change the report in front of the Planning Board. Chair Woodfin stated the findings of fact include: 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. Based on the findings of fact adopted, staff recommends the Board make the motions outlined below:

3.2 Grant Minor Subdivision approval for the subdivision at 119 Hoit Rd, subject to the following Precedent (added in number 15 and 16) 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) All of the Map and Lot numbers (within the plan view, within the notes, and within the title block) need to be revised to include a zero at the beginning of the Map number. For instance, the subject parcel should be Map 07Z Lot 44, Not Map 7Z Lot 44. (Section 15.02(7) Lot Numbers of the Subdivision Regulations)
- (2) The existing house has an address of 191 Hoit Rd. The address of the existing house will

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be altered from 119 Hoit Rd to 117 Hoit Rd, and the proposed house will be assigned the address of 119 Hoit Rd. Please change the address of the proposed house, within the plan view, from 117 Hoit Rd to 119 Hoit Rd. Please add a note to the existing house that its address is being altered to 117 Hoit Rd. (Section 15.02(8) Addresses of the Subdivision Regulations)

(3) Provide the finished floor elevation of the new house.

(4) Provide proposed erosion control devices proposed during and post construction of the driveway.

(5) Add the following note to the final plan set: "The existing 12" culvert under the driveway is currently filled with debris and must be cleaned out prior to final plat approval. The ongoing and continued maintenance and upkeep of driveway culverts is the responsibility of the homeowner."

(6) As allowed by Section 20.09 Residential Single-Family Driveways of the SDR, upon approval by the Board, access may be shared by two lots. Driveways shall conform to the seven items listed in Section 20.09. Please provide information on the final plat that shows compliance with Section 20.09(1) through (7) of the Subdivision Regulations, and includes a profile for the driveway.

(7) All applicable requirements of the Subdivision Regulations, including but not limited to Section 15.02 Final Plat Requirements and Section 15.03 Information to be Provided on Final Plat shall be met. Applicant is responsible for ensuring that the final submitted plan set is fully compliant with all applicable Subdivision Regulations.

(8) The final plat shall be prepared, signed, and stamped by a NH licensed land surveyor in a format suitable for filing in the Merrimack County Registry of Deeds in accordance with Section 15.02(1) Final Plat Requirements Licensed Land Surveyor of the Subdivision Regulations.

(9) The revised plan set shall show compliance with Technical Review Comments 2.2, 2.3, 2.4, 2.5, 2.7, 2.8, and 2.9.

(10) 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 System (GIS) and tax maps. The digital information shall be submitted in a format and media conforming to standards promulgated by the City Engineer. Layers (see Section 12.09(9)(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).

(11) Per Section 13.02 Documentation Required Prior to Recording of Plans of the Subdivision Regulations, the applicable documents shall be submitted to the Planning Division for review and approval prior to the endorsement of the plat by the Chair and Clerk of the Planning Board. Applicable documents include, but are not necessarily limited to:

- 13.02(9) Agreement to Convey a Private Easement. The format of an agreement to

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convey an easement shall be approved by the City Solicitor and the Clerk of the Planning Board shall conform to the format contained in Appendix C Easements and Legal Documents of the Subdivision Regulations and shall be recorded in the Merrimack County Registry of Deeds with the subdivision plat.

(12) Monuments shall be set in accordance with Section 19.04 Monuments of the Subdivision Regulations.

(13) Upon notification from staff that the final plan set complies with applicable Zoning Ordinance requirements and Subdivision Regulations, the applicant shall deliver to the Planning Division two plan sets and one mylar for endorsement by the Planning Board Chair and Clerk and recording at the Merrimack County Registry of Deeds.

(14) The two plan sets and one mylar shall be accompanied by two checks for recording the plat at the Merrimack County Registry of Deeds. The applicant is responsible for confirming with the Merrimack County Registry of Deeds the correct amounts for both checks. Both checks are to be made payable to the Merrimack County Registry of Deeds.

(15) The applicant shall show compliance with section 28-4-7g2 of zoning ordinance for the common open space protection.

(16) The applicant shall provide an 18-foot-wide driveway up to the common driveway split in component table 20-2 of the subdivision regulations.

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

(1) Prior to the start of construction, obtain applicable permits from the Engineering Services Division, including but not limited to, a Driveway Permit and other permits deemed necessary by the City Engineer.

(2) After construction, shop drawings/submittals shall be submitted to the Engineering Services Division for proposed water, sewer, and drainage improvements, as applicable.

(3) In accordance with Article 17-6-10 Load Limits of the Traffic Code, truck traffic for vehicles with a gross weight over nine tons shall be prohibited from travel on roads with posted load limits. Waivers for travel of overweight vehicles on posted roads shall not be considered unless requested by the Public Utilities Commission stating such waiver is requested for consideration of the city manager as an emergency to address public safety and wellbeing. The contractor/developer/property owners shall comply with this ordinance and schedule work accordingly.

(4) In accordance with Article 5-1-4(d) Protection of Streets of the General Code, excavation

permits in newly constructed, reconstructed, rehabilitated, or overlaid pavements within the public right-of-way or on City property are prohibited for five years, except as permitted by the city engineer or in situations deemed by the city manager to be in the best interest of the general public. The contractor/developer/property owners shall comply with this ordinance and schedule work accordingly.

(5) The applicant shall comply with all applicable Subdivision Regulations, including but

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not limited to Sections 30 and 31.

Mr. Pierce made a motion to grant the minor subdivision with the existing precedent conditions (number 1-14) and additional precedent conditions (number 15 & 16) and subsequent conditions number 1-5. Seconded by Mr. Fox. All in favor. The motion passed unanimously.

- 8E. Bedford Design Consultants Inc., on behalf of Daniel Lagueux and Valerie Vanasse, requests approval of a conditional use permit for the disturbance of a wetland buffer in conjunction with construction or installation of uses which require the placement of impervious surfaces and/or the grading of land within the buffer. The site is addressed as 8 Fiskill Farm in the Open Space Residential (RO) District. (2024-005)

Chair Woodfin stated there is a determination of completeness and asked if someone wanted to make a motion to determine the application complete, open the public hearing, and determine it is not a development of regional impact.

Mr. Pierce made a motion to determine the application complete, open the public hearing, and determine it is not a development of regional impact. Mr. Santacruce seconded. All in favor. The motion passed unanimously.

Ms. Skinner provided a staff update. This is the last lot, 8, in a developed subdivision. There are significant restraints on the site. For the building of house and to not have storm water drainage flow towards the house there is grading that has to occur in the wetland buffer. In addition to the grading they also want a backyard and swimming pool. This did go to Conservation Commission and they recommended approval with the caveat that they adjust the grading, house, yard, etc. to the greatest extent possible. Staff has added a condition to re-vegetate any disturbed soils.

Craig Francisco (Bedford Design Consultants) and Daniel Lagueux (property owner) are representing this application. Mr. Francisco stated this lot was created in 1983. The declaration attached with the subdivision limits where you can build a house. In the circle shown in 1983 this lot has to build within 25 feet of that circle, which puts them on the side of a hill. The other issue is getting the driveway up the hill. They show a driveway that starts out at 5% and then goes to 10% and then flattens off for a parking area. There is a 10-foot-high basement partly because it gives them 2 more feet in elevation up the hill. They want to keep the run off from the backyard from going into the house. They do have letters from wetland scientists that stated the change would not impact the wetlands. They contacted NH Heritage Bureau and there are no sensitive species in the area.

Chair Woodfin asked if this is an 11-acre lot?

Mr. Francisco stated yes, with about 4,400 square feet of buildable area. He stated a sheet shows the blue is a 25% slope, the green is 15% slope, and the white is the wetlands.

Chair Woodfin asked how long is the driveway?

Mr. Francisco stated 800-900 feet?

Chair Woodfin asked if fire has to weigh in on this for life safety?

Ms. Skinner stated fire did not have any comments.

Ms. Fenstermacher stated it is under 1,000 feet.

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Mr. Santacruce stated he sees staff asked for a driveway profile to make sure it meets City standards. He pointed it looks like this is going up and away from the road. They require a dip.

Mr. Francisco stated they have that.

Mr. Santacruce stated there is no way to tell from this plan. He stated staff asked for a driveway profile to make sure it meets city standards.

Mr. Francisco stated he thought they had a spot elevation.

Mr. Santacruce wanted to know what they are doing with existing driveway that is there now? Are they removing the pipe and the driveway?

Mr. Francisco stated yes, they will remove the pipe and the driveway.

Mr. Santacruce stated there is an 18-inch CMP that goes from this side of road towards the pond and asked if they checked for wetlands in that area.

Mr. Francisco stated yes.

Mr. Santacruce stated he understands there are certain restrictions on the property. In the section highlighted it is noted no building, out building barn, or other structure. He asked if the pool is considered a structure?

Mr. Francisco stated he did not know. He noted the homeowner went to the group home owner association and they were happy with the plan.

Ms. Skinner stated building code does not consider a pool a structure.

Mr. Santacruce stated they do for the wall that will be built around the bottom of the slope.

Ms. Skinner stated it is not considered a structure.

Ms. Fenstermacher stated they do consider a retaining wall over 4 feet a structure and they issue a building permit for those. They do not issue building permits for pools.

Mr. Santacruce is just trying to understand the definition of the word structure in this recorded document.

Ms. Skinner stated that is a good question. They did not provide definitions.

Mr. Santacruce stated he is fine if the property owner and organization have sorted out. He does not want this to come back to Planning Board if someone decides to appeal it. That is what he is trying to avoid.

Chair Woodfin with no other questions from the Board or the public closed the public hearing. Chair Woodfin stated the findings of fact include: 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. Based on the findings of fact adopted, staff recommends the Board make the motions outlined below:

2.1 Grant Conditional Use Permit approval in accordance with Article 28-4-3(d) to allow for the disturbance of wetland buffer for grading, a yard, a swimming pool, and retaining walls as presented in the application, subject to the precedent and subsequent conditions noted below:

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

- (1) Please revise plans to note that the disturbed areas shall be seeded with a restoration or conservation seed mix with native species appropriate for a wetland buffer.
- (2) Please revise plans to address General Comments 1a through 1d listed in the memo from the Engineering Division.
- (3) Submit two 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 the commencement of clearing/construction work, or issuance of the building permit, whichever comes first, wetland buffers shall be clearly and permanently marked using City of Concord wetland buffer signs, available through the Planning Division. The signs shall be in place before, during, and after construction. Buffers need not be marked in areas where disturbance is unlikely.
- (2) Applicant shall obtain appropriate permits from the Engineering Services Division prior to construction, including a driveway permit and any other permits deemed necessary by the City Engineer.
- (3) Applicant shall comply with all applicable codes, rules, and regulations for the proposed construction.
- (4) Per 28-9-4(b)(7), 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, or, in the event of an appeal to the courts, within a two-year period from the date of the judgment of the court, then the conditional use permit shall be deemed to have expired and the Planning Board's decision shall be considered null and void.

Mr. Santacruz made a motion to approve the Conditional Use Permit with precedent conditions 1-3 and subsequent conditions 1-4 as outlined in the packet. Mr. Pierce seconded. All in favor. The motion passed unanimously.

8F. Christ the King Parish requests Major Site Plan approval for construction of a new 5,300-square foot building and related site improvements for the purpose of a food pantry at 60 S. Main St in the Urban Transitional (UT) District. (2023-97)

Chair Woodfin asked for a staff update.

Mr. Bass there is existing pantry. They are looking to rebuild and upsize. The applicant is requesting two waivers which staff is in support of. The Architectural Design Review recommended a conditional approval one being that the lighting plan was to change between when they went before ADR and now that it be submitted previously. Staff did not receive an updated lighting plan. ADR just wanted to point out that there are solar panels proposed on the roof of this structure. Staff is recommending conditional approval of this application. There are two public comments. One was with the planning board agenda. There is one received this evening that is in front of all of them to consider.

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Chair Woodfin opened the public hearing.

Jonathan Halle (Warren Street Architects), Morgan Dunston (Norbis) and Father Rich (Christ the King Parish) are representing this application.

Ms. Dunston stated this project is to demolish the existing food pantry at Christ the King Parish on South Street. This site is currently developed. It has six buildings; church, community center, Barry Hall, rectory and St John's School. This site is mostly a parking lot area and area of their project is where existing food pantry is located. The entrance is on right and there is a secondary entrance with porch area. There is a fence that separates the food pantry from the parking lot.

Mr. Halle stated the use has been there for almost 40 years. They looked at multiple locations on the campus. For different reasons, storm water being the main one, all the electric is underground for the back of the church. The food pantry is getting bigger to support the volunteers. This is a small building on the property that will be demolished. There is a basement in the building which will hold items stored now in a garage and a shed that will be removed. The back more than two thirds will be warehousing for goods that come in. The loading dock in the back is inside the building and the garage allows them to park the pick-up truck in the building. There will be no large vehicles dropping off donations. The pick-up truck will be stored in the garage.

Father Rich stated the building will be designed to be more user friendly for clients and volunteers. They will not have to go to basement this will be all on one floor. This is a barrier free environment. This will be like a shopping market for them to pick up what they would prefer. They had 23 families yesterday and some of them were with children. It is upgrade to better serve. Right now, it is four days a week in the evening. There is one shift 6-8 p.m. and other two days is 7-9 p.m. It is in the evening and does not impact the school or neighbors. He stated he has been there thirteen years and has not had a problem. Father Rich stated the food pantry has been on their campus in different locations since 1975.

Mr. Halle stated they will hear some feedback from the parents at the school and perhaps a neighbor across the street on South State Street. He noted there was someone that reached out to him to discuss lighting and they have made some accommodations and removed the light pole.

Ms. Dunston stated there use to be a standing light pole in the landscape island and the plan has allow for two wall mounted packs on the side of the building that shed light on the parking lot spaces to the front of the building.

Mr. Halle stated the pole light was deleted and the wall packs do have cuts offs.

Chair Woodfin asked if these are down facing lights?

Mr. Halle stated yes. He noted the intent is they will meet with parents of the school over the next couple of weeks. He felt there might be some changes from the conversation with the parents. They are concerned about the walking path from the elementary school to Barry Hall. Mr. Halle stated right now, they walk along the back side of the community center. Mr. Halle will discuss with the parents to modify some of these islands so that the walkway cuts directly thru and clearly

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marked on the pavement how to get to Barry Hall. Mr. Halle mentioned there was discussion about additional tree plantings along the street.

Ms. Dunston stated if you go to the utility plan all of the underground utility connections to the site will be connection to existing water. Due to a moratorium this is why suggesting to use all of the existing water and sewer services. All utilities will go thru the front of the building. That is the reason why there were no large trees proposed in the front.

Ms. Savage stated they are not able to but shade trees or any tree on the front due to utilities being underground.

Ms. Dunston stated there is a drainage line, sewer line and water line.

Ms. Savage asked along the other street where the walkway goes under covered pathway are there some proposed planting there or on other side?

Mr. Halle noted they had plantings there that came out.

Ms. Dunston showed the proposed green areas and trees. She asked if asking about that location.

Ms. Savage said no, it was closer to building itself.

Mr. Halle said the driveway.

Ms. Savage stated yes.

Ms. Dunston stated there is overhead wire and that is why there are no shade trees.

Father Rich stated for snow removal on that side of the building is not super wide and for plowing it would be hard with trees.

Mr. Halle stated they are putting low shrubs on that bottom edge towards North State Street there was a tree there and staff asked to dig it up.

Ms. Dunston stated it was because of the overhead.

Ms. Savage asked about shade trees in the parking area by an island on the northeast corner and on the west side there is one there. She asked if there was another area where shade trees could be installed.

Ms. Dunston stated they could look at installing on where the light pole is being removed.

Mr. Santacruce stated from the school they are going to modify those islands to have path and would remove all those trees.

Mr. Halle stated his intention is to answer to concerns of the parents of the school. The trees that are there now are required by count. If he could come back with an amended plan and the Planning Board says they can do that administratively and if not, they will go back before the Planning Board with a revised plan.

Ms. Savage stated her concern is to plant shade trees to prevent small little heat islands.

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Ms. Dunston stated this one will have to stay it is a tree box and part of the drainage control. There are two tree boxes proposed on the site. Before the water was not being treated.

Ms. Savage in response to potential to pathway to connect that would potentially eliminate some of those trees and they would hope some would stay. Would like to have shade trees in parking area. Ms. Savage advise is not to lose them but to have some work around. Ms. Savage asked for reminder of the hours of operation.

Father Rich 6-8 p.m. or 7-9 p.m. They may make one hour earlier for elderly volunteers that do not want to stay late.

Ms. Savage asked the hours of operation are p.m.?

Father Rich stated yes. There is nothing going on during school hours.

Mr. Santacruce questioned the telephone pole proposed by the loading dock. He stated if he measured it correctly it is a two-foot island. There are two curbing's on both sides. Is it possible to consider moving it to this side and that would facilitate the connection that existing and realigning? It takes the conflict point out of the tight area. Then it will give the availability to plant trees along the building.

Ms. Dunston stated it was set there originally because there is a shed right there and to put a pole there in the design.

Mr. Halle stated the shed will go away.

Mr. Santacruce if they do that they can then plant trees. He asked about flanking signs for do not enter. He pointed out they are 30 inch and they have a two-foot island that will not last. Mr. Santacruce suggested for them to work with engineering.

Ms. Dunston stated those are good suggestions.

Mr. Santacruce suggested coming from parking lot side. On bottom put note, for clarification, no right turn sign.

Ms. Dunston thanked Mr. Santacruce.

Mr. Hicks asked if the food pantry has been on the campus in different positions for many years?

Father Rich stated yes, 48 years.

Mr. Hicks asked it is was not open to public during school hours. They are going to meet with the parents of the school and have not done so? Reading the letter from the school parent it seems as though the concerns are from the school parents or the church. Mr. Hicks is concerned if the Planning Board does not give an opportunity to give the parents discussion. They will hear testimony and have to come back. Mr. Hicks suggested they speak with the parents before they move forward today with a decision.

Ms. Rosenberger would second that.

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Mr. Santacruce agrees.

Father Rich does not think anything major will change. They will listen and make minor tweaks. Some of the concerns they had for example, he read that the Junior High will not be seen by the St. John Regional School. Father Rich stated they will see more of it because the building where it sits not blocks the Junior High. Right now, there is a little alleyway between the food pantry and the playground that pretty dangerous and the could run into that little roadway. It will be wider and there will be a stop sign. He thinks they can take care of these thing internally and there will not be major changes.

Chair Woodfin stated Planning Board purview is the building itself and how it will be used and placed. He noted security issues, parking access, and moving around the campus. Which is an important piece and want to give people a chance to discuss. Chair Woodfin asked about the back of the building where the bump out is by the loading dock if that is downstairs access.

Father Rich stated yes.

Mr. Santacruce asked about the lighting above doorways it does not show on the plans. He asked if there are other lights?

Mr. Halle stated there are lights in the ceiling of the porch entryway. There is a light over the exit door from the garage. There is a pole light.

Mr. Santacruce asked if that can be on the lighting plan?

Ms. Dunston will add to lighting plan.

Mr. Halle stated the intent here is to get approval. They do not want to miss summer construction schedule. It is imperative to start when school is over so there is not a whole year of disturbance to the school. Mr. Halle stated they do want to meet with the parents. He noted this has been a long time coming. This has been delayed a year and half and does not want to have sit for another couple of months.

Chair Woodfin suggested to wait to see what the people have to say and understand their concerns.

Father Rich knows there was issue with safety. They want safest campus for all. He feels building is safe.

Chair Woodfin asked if the meeting was open to the public.

Father Rich stated it is open to everyone.

Chair Woodfin asked existing grade in elevation and not excavating?

Mr. Halle stated it is existing grade.

Mr. Walsh if the school is owned and operated by the dioceses?

Father Rich stated the school is part of the parish property and part of the dioceses.

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Mr. Walsh stated they are all related.

Father Rich stated they have primary responsibility for the school as far as the building. They share a big portion for maintenance, roof and all that stuff. They have to give a percentage.

Mr. Walsh stated it is on your property and part of your campus. It is not a separate parcel.

Chair Woodfin asked Mr. Walsh if that would change things at all?

Mr. Walsh stated no. He stated this an operation that is a part of the dioceses on their property. He wanted to make sure everyone knew that the school is part of the larger operation of the church.

Ms. Dunston stated they are asking for two waivers. They are asking for a waiver for site plan regulation 18.10 for driveway width. The driveway width is 14 feet and she thinks the minimum is 18 feet.

Mr. Bass stated the driveway width at the narrowest is 12 feet where 14 feet is minimum. He noted fire is in support of this waiver.

Ms. Dunston stated that has to do with property line. The second waiver was to allow overhead electric wires.

Mr. Pierce asked on the poles are they owned by church or utility?

Ms. Dunston will have to get back.

Mr. Pierce stated they may own the pole. He asked if just electricity on the pole?

Ms. Dunston stated it is both.

Chair Woodfin asked if concern?

Mr. Pierce if jointly owned pole that can add to timeline and expense.

Chair Woodfin sent applicant back and asked if there is anyone from the public to speak about this application.

Annemarie Timmons is an abutter. She stated she does not oppose this project. They have discussed this with Father Roberge. It is remarkable they have been doing the work for as long as they have been in that building. She feels it is unsafe and this will be more dignified. She does have some concerns. It looks like the light pole is removed and she is glad to see. Wants to know what the impacts of the new building lights. She wants to be clear this will be in a new location and right outside their door. They have nice parking lot where kids play at night. She stated this will change that dramatically. She would like to make sure this will not be a glow at night. She would love it there could be shade trees and keep the one that is there. Ms. Timmons stated she has lived on South State Street for 20 plus years.

Chair Woodfin asked if there were more cars parked in the street.

Ms. Timmons stated yes, there are more cars. She is concerned if coming back with groceries on

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South State Street back and forth it is not well lit. Also, there are people driving fast on that road. There was a public meeting put out by the church in the Concord Monitor and it sounds like maybe the school community was not invited. Ms. Timmons suggested more proactive communication would be appreciated and go a long way. As they said they have been at this for a year and a half. That is a long time to have open communication.

Chair Woodfin asked best ways for abutters, members of church, or people that want to hear about the services how to get word out?

Ms. Timmons feels they should have been going door to door to invite to meeting.

Angela Raymond has questions about the driveway. She is aware the city is very particular about the driveways. If going from 12 foot minimum to 14 foot what is the NHPA requirement for driveway standards? She is aware that fire is on board but can they actually get because they are reducing with the islands now even harder for a fire truck. Can they access thru Thorndike?

Chair Woodfin does not know for sure but thinks they come thru Thorndike if there was emergency access needed right away.

Ms. Raymond asked if a fire truck can get in there?

Mr. Bass stated he cannot speak for the Fire Marshall but he reviewed turning radius with the responding equipment and the concern that he had to make the height of the utilities 13.5 feet.

Ms. Raymond stated even if looking at just where the curbs are on both sides coming in off of Thorndike, short street, can it make the corner with curbs on both sides coming in? It does not have the turning radius coming from Thorndike into it if there is a parked car. All of the parking spots are narrow.

Mr. Santacruce stated page seven of plan set does have truck turning templates that shows fire trucks turning on Thorndike and do not impact parking spots on the left side.

Ms. Raymond stated she drives a pickup truck or large SUV. She stated it is tight now getting in there. She feels parking on South State Street is difficult with snow removal and not removing the curb line. They cannot stop to get kids out of car. Ms. Raymond asked if the city will adjust their snow removal process to include the school?

Chair Woodfin stated good questions and he cannot answer. They will find one. Chair Woodfin asked if she drops off now if she goes thru the alleyway?

Ms. Raymond stated she goes thru alleyway and pull thru there are two lanes. One lane to drop off middle school and the other for elementary. If losing parking spots, they will back up on South State Street.

Chair Woodfin stated Planning Board piece is the building itself. He asked if the building changes that?

Ms. Raymond stated they are losing parking spots. She stated they are proposing a smaller

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parking spot. If there is service at church they take up the entire parking lot, Main Street and South State Street. If you have to get in there around school pick up or drop off it is a nightmare to get in or out. She does not want to see them lose parking spaces and then not have the availability to pull around for car pickup.

Valerie Benidez stated she believes Planning Board has all seen the letter sent by her husband. She is a parent at St John's. She shares the concerns of husband. In addition to that she also has a question. She stated they were told as part of the food pantry as it is constructed the playground would be removed. There were some discussions it maybe repositioned elsewhere. If it is repositioned elsewhere and they lose parking would that come back to Planning Board?

Chair Woodfin stated that would not come back to Planning Board.

Ms. Fenstermacher stated if they are eliminating parking then they would have to come back to Planning Board.

Veronica Carter is a parent of student. She wanted to point out access between Barry Hall and the main school building. She did some numbers. An average student would walk between the building three times a minimum per day. That is 19 times a week and 700 times a year. With 70 students that is 50,000 student crossings between the main building and Barry Hall which does not have a designated access way on the site. She asked why is the building designated as an assembly? If you look at the zoning codes the assembly use required one sport for 40 square feet and everything talks about warehouse or market. Wants to know why designated as assembly?

Ms. Skinner stated there are different classification for zoning code, fire code, and building code. The assembly classification comes from the building code. It has nothing to do with the zoning code or the use. It is the type of occupancy classification. It comes out of the international building code.

Ms. Carter stated that was the answer she was hoping for. So why does the market as a pantry fall as an assembly?

Ms. Skinner stated she did not know that is a question for the design professional.

Trisha Dion she is a parent with 4 kids at the school. She has a statement she wants on the record as this is a governing body. She stated if they do not say it here who do they say it to? As you can see there is a group of concerned parents here tonight from St John Regional School. They share the campus with Christ the King Parish. The food pantry was a surprise to them just under two weeks ago at the press release. That was the first time the majority of these parents heard about that food pantry. It was not communicated. They are here as they have multiple concerns about the removal of the playground, the placement of the food pantry in between two school buildings. The safety of their students where they travel back and forth several times a day. They do not feel they have had a chance to discuss these concerns with the church and come to a meaningful solution that allows them to co-exist in relative harmony on their campus. They are not here to prevent the food pantry. She does not feel their concerns are being heard. They have not seen any

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changes to the plan or to any of their designs from two weeks ago when they met with them at the press release. Ms. Dion stated they need a chance to talk to the church and come up with a solution that works for all parents, students and the church in order to move forward with the food pantry. They want a solution.

Chair Woodfin concern wise any specific about concern.

Ms. Dion stated for her it is safety. It is open campus. They are inviting a population and they do not know the demographic of that population. Ms. Dion stated the church services 54 families and this plan is to service 1400 families. They do not know more than that.

Letitia Borelli stated she is a parent of student and member of Christ the King Parish. She stated the alley way the children use is unsafe. It is blocked by a playground and a food pantry is tiny. The kids dart out because it is behind a fence. Need to be careful. It is not clear where the path is. As far as pick up and drop off nothing will change from what was mentioned earlier. Where the food pantry is located they are making it longer which makes the playground have to be moved. She does not feel this will change their morning routine. Ms. Borelli stated this would increase the safety of the campus.

Mr. Pierce stated one of the reoccurring themes hearing tonight with all the concerned parents is what is going on during the day with the children moving about the campus. How is that effected by something that is going on from 6-9 p.m.?

Ms. Borelli does not understand that concern. School is done and after care ends at 5:30 p.m. which is before the food pantry opens. The earliest they have proposed for the food pantry to open is 6-:30 p.m. At the latest a kid could be waiting for a parent is 5:30 p.m. There is a 30-minute window for potential overflow. Ms. Borelli stated she has a child at the school and volunteers at the food pantry. She noted she has never had any issues. She stated the pantry has been there and needs more space. She has not seen any student interaction as they are gone.

Ms. Rosenberger asked for the hours.

Ms. Borelli stated it is open 7-9 p.m. Monday thru Thursday. They are considering changing two nights to 6-8 p.m. after school ends at 5:30 p.m.

Chair Woodfin asked if there is anything on the weekend?

Ms. Borelli stated no.

Ms. Dion returned for more testimony and would like to discuss testimony provided by Ms. Borelli. Ms. Dion stated where the basketball court is now will not be affected is not true. Ms. Dion stated that is where the building will be.

Ms. Borelli stated that is what she said.

Chair Woodfin stated that is what she said.

Ms. Dion stated the food pantry does interact with their children. She had a teacher tell her that

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people, volunteers, are backing up trucks into their playground when there are kids playing and asking to help unload pick up trucks. The teacher told her that one day she had to stop a volunteer from taking kids into separate building. The teacher had to ask the volunteer to stop them from asking kids to go without a teacher's permission. The walkway passes the loading dock. There is interaction between the kids and the food pantry.

Mr. Hicks asked if they stressed their concerns to the administration at the school?

Ms. Dion stated yes. The Dioceses met with Father Rich a week and a half ago. There has not been any communication to parents or school as to what they plan to do to change any of this.

Maureen Dunn she is a parent and parishioner. She stated they are not against the food pantry. Ms. Dunn stated if it did not impact the school she thinks they would be 100% in favor of it. She stated the communication was poor. She wants to state concerned the plans presented may change based on what was told a week and half ago. Why if the alley is so unsafe. Why is there no path way to go to Barry Hall was not included in the plan? She stated they are losing the playground and that was not addressed in this plan. Based on plans tonight pavement would impact parking. Wants to ask this to be tabled to have meeting with architects and have concerns addressed.

Chair Woodfin closed the public hearing. Chair Woodfin stated they heard feedback here tonight.

Father Rich stated there was a letter that went to all parents last week with dates picked after school vacation. They do address some of those issues on the playground. He will take responsibility for lack of communication. The school advisory board were notified that they wanted to build a new food pantry. The old food pantry will be demolished and that is the part that cuts them off from Barry Hall. The reason it is bigger is because they have more facilities. Right now, the truck is parked outside. These things were designed with the volunteers and did not consult with the school. Father Rich was shocked that some of the parents did not know there was a food pantry when they try to help the community. Father Rich stated he feels these issues can be addressed within their community and not using outside community.

Chair Woodfin stated the testimony heard this evening was along very specific lines of public safe for kids or adults if people walking in areas that are not designed. How do you have a school without a playground.

Father Rich stated they are talking about the playground structure. They will lose some space. They are hoping to move the playground, same structure there now, closer to building.

Chair Woodfin asked if there is any change for child pick up or drop off.

Father Rich stated very little of that will change. He stated he thinks they can address those issues with the parents.

Ms. Savage asked about the existing that is operating. The area in which those that unload, load or have deliveries that is a different scenario than what is happening now. The new one will have a very centralized loading dock inside the building. Meaning that there would be no one around to

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ask others to help unload.

Father Rich stated correct.

Chair Woodfin asked if the van comes in the day they will go into garage.

Ms. Halle stated said yes.

Father Rich stated he has never heard a complaint until tonight about a volunteer asking someone for help.

Chair Woodfin going from 40 services a day to 1400 services a day.

Father Rich stated they have 52 families a week. All in evening. They will be able to serve more people.

Ms. Rosenberger doing 52 families a week and wanted to know the maximum?

Father Rich stated they can take care of a lot more. They can go in and not wait outside.

Ms. Rosenberger stated someone mentioned they could serve 1400 families is that true?

Father Rich is was not sure.

Mr. Halle asked to clarify the light pole went away. He cannot speak to South State Street parking. Mr. Halle stated they went to ZBA a year ago about parking. They will meet with the parents to discuss concerns. With the new parking lot, you can see islands. Right now, the school puts out orange cones. The idea for the islands is to make a permanent separation for kids and car. They had several conversations a year ago about the playground. Since they met with several parents they discussed moving to a different location.

Chair Woodfin asked at the back of rectory there is shed and if it slopes down.

Mr. Halle stated it slopes down towards Perley Street.

Chair Woodfin asked why don't you come across the sidewalk and go behind the rectory building.

Mr. Halle stated there are 2-3 dumpsters there now. If they can make it work they will do that.

Ms. Rosenberger stated she wanted to make a motion since they closed the public hearing. She stated for those of you that were here this reminds her of the gas station on Pembroke Street. She cannot vote for it. Ms. Rosenberger wants to make a motion to table this for next time. Why she is uncomfortable is there are too many things on the plan that we will fix this and that was not supposed to be there. They need to fix the plans. Where the playground is going to go. She cannot vote for something that is more complete. More importantly she is concerned about the lack of communication with the parents. A letter went out last week to the parents, they are at Planning Board today and they will not meet with the parents until after school vacation. They do not have a voice then. Ms. Rosenberger cannot vote for anything when it is not given a voice to the community you serve. The other thing that troubles her is they said a number of times they will

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work this out within your community and will not work with the outside community. She stated this is something that effects the entire community. She wants them to go back, meet with parents, get worked out and then come back. She agrees the food pantry is great. They need to serve the parents, kids at the school and the bigger community. She wants them to figure it out and come back a month is not a lot of time to meet with your community. Ms. Savage seconded.

Mr. Hicks stated they heard a year and half and there are seven people that testified. Heard about loss of parking, playground and basketball area. He noted a lot of these are school issues and should be dealing with them. Mr. Hicks thinks employee sent something to Planning Board. These parents had to come to a meeting to ask questions to a board that cannot make these decisions because it was not communicated. He thinks the food pantry is a great thing and cannot believe they are having this conversation. Mr. Hicks stated he feels for the parents.

Mr. Fox would like to reiterate with Ms. Rosenberger and could not vote. His takeaway from tonight from the parents and abutter as far as communication is falling down.

Councilor Todd will support and when receive the public input there could be something related to drop off or safety and cannot vote on what is proposed until have the final plan.

Ms. Skinner asked to have mention of motion of the date.

Ms. Rosenberger stated she can make a motion to March 20, 2024 if they think they will be ready for that date.

Mr. Halle stated March 20, 2024 is fine.

Ms. Rosenberger amended her motion to table to next meeting March 20, 2024. Ms. Savage seconded. All in favor to table to March 20, 2024 meeting. The motion passed unanimously.

- 8G. In accordance with RSA 674:54, the State of NH Department of Administrative Services requests review of a proposal to construct a 409-space parking garage at 38 School St in the Civic Performance (CP) District. (2023-145)

Chair Woodfin asked for the applicants to introduce themselves.

Keith Hemingway (Project Manager for Department of Administrative Services), David Conger (Dubois & King Engineers), John Alden (Scott & Partners Inc) and Kevin Trout (Scott & Partners Inc) are representing the application.

Mr. Bass stated they did meet with Architecture Design Review at their last meeting. ADR was in support of the project.

Chair Woodfin stated it looks beautiful. Chair Woodfin asked for a general overview. They may ask questions and go from there.

Mr. Trout presented a slide show. Prime directive was to design a parking garage that fits in with the existing buildings. The vehicle exit will be on Capital Street. The pedestrian entrance to parking garage is on Capital Street.

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Chair Woodfin asked where the entrance is for the parking garage?

Mr. Trout stated the entrance to the parking garage is on School Street.

Chair Woodfin asked if there is one entrance and one exit?

Mr. Trout stated yes, you enter on School Street and exit on Capital Street.

Chair Woodfin noticed the building is a little offset on left side of front building.

Mr. Alden stated it is flush along the bottom parallel with School Street. The whole block is a trapezoid. It can only be flush on one side. They purposely put it the way they did mostly to open up Capital Street for a nicer view and it is a little wider. That was the more important street to pay attention to the pedestrian activity.

Chair Woodfin stated it looks like it is well landscaped. Which is great. He stated they decided to roof it in.

Mr. Trout stated no, there is no roof. It is fourth floor parking.

Mr. Alden stated the parapets are around as vehicle barriers they are tall enough. He noted from the ground will not see a lot. They are done as a parapet so it looks like the top of the surrounding buildings.

Mr. Trout stated they are building out of precast concrete and detailing it for an appearance of masonry.

Mr. Pierce asked about the utility poles and if they are putting them in?

Mr. Alden stated they are existing and go about two thirds of the way down School Street.

Mr. Trout stated they will detail the concrete so it appears to be block work similar to the Capital. The pilaster, tabature and water will be pretty well defined. The glass fiber reinforced concrete they are able to mold and get detail borrowing from the classical vocabulary.

Chair Woodfin asked about the arch bars at the bottom.

Mr. Trout stated they are steel utility grates. He stated the lighting will have linear fixtures around the perimeter and will be on the building. They will not be on ground and will lightly wash the walls of the first, second and third floor. The lights will be dimmable and they will control amount of light they broadcast off the building. It is a tight beam of light so they are not broadcasting light. For safety they plan to light the inside of the stair tower.

Mr. Santacruce asked to go back to lighting and asked if there is up lighting?

Mr. Trout stated yes.

Mr. Santacruce stated our regulations discourage up lighting. There is an ongoing issue with up lighting.

Mr. Trout stated their intention is not to do it the way some other buildings are up lighting with

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sconce that cast light up. They are focused LED linear strips. They are washing the wall and not the sky.

Chair Woodfin asked for traffic feedback.

Mr. Conger stated part of the design process was initially they did preliminary analysis of three different locations for the exit on Green St, Capital St and School St. Out of the discussions with staff they did not want to have exit on Green St due to the proximity to the police station. They looked at alternative to enter on School St and exit on Green St. They did update the traffic impact study to show the current configuration. The other element that changed in the traffic impact study they worked with city staff to develop their trip generation. At an earlier time, there was higher wait on Center St. It is unique situation they are not adding new traffic they are relocating the traffic. When they did the analysis there were a couple things that were a little difficult. There was not a significant impact to the intersections.

Chair Woodfin stated there has to be a significant impact to the Capital St intersection when leaving. If session out and everyone leaving if you are going left or right there are only five to six spots before backed up across the street. There must be impact there.

Mr. Conger stated that is a low volume road.

Chair Woodfin asked if they know how many people park at the Storrs St parking garage now? He stated it seem like there is a lot of parking used on Capital St.

Mr. Hicks stated it was full last Thursday.

Ms. Savage stated between January and June do not try to get off exit 14 or on exit 14 and do not go down State St.

Mr. Pierce stated to also stay off Main St and Capital St.

Mr. Santacruce stated he provided comments. He did receive their responses today. He still has a hard time believing the trip distribution assumptions. He feels they made assumptions based on where they are coming from the state and not observations. Mr. Santacruce stated he feels that is a flaw. Mr. Santacruce asked the Board if they are coming from the south to City Hall if they take exit 12 and go thru city or do they take exit 14.

Chair Woodfin and Ms. Savage responded exit 14.

Mr. Santacruce stated in their study they are saying the traffic will take exit 12. They stated google says it is the same amount of time to take exit 12. He stated exit 14, Loudon Rd and Main St, North State St and Green St all back up the intersection. If they are saying all this traffic is going to coming up exit 12 they are going to have a worse condition. Mr. Santacruce stated it under plays the impact of those intersections along that corridor.

Ms. Savage is concerned that exit 14 will be the corridor for this parking garage. Is there a chance to work with traffic to help with the influx from January to June?

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Mr. Santacruce stated exit 14 on and off jurisdiction are DOT. Main Street, North State Street and Green St are separate coordinated system. There are two that meet with different timings.

Ms. Rosenberger left the meeting at 9:56 p.m.

Mr. Hicks asked if there are 409 parking spaces?

Chair Woodfin answered, yes.

Mr. Hicks asked if Storrs St has approximately 200 spaces?

Mr. Alden stated about 200 spaces being brought up here.

Mr. Hicks asked if the city will gain any parking?

Mr. Alden stated there is a net gain of service parking.

Chair Woodfin stated it is a net gain of a few. Chair Woodfin stated Mr. Hick point if there are 400 spots you need to move some of those people off of the yellow bag on Park St and Capital St because there is no reason not to park in the garage. Chair Woodfin stated there are a lot of people that do not park on the bagged spot but in a regular spot and they are there all day. They do not move the car, they come out and leave. Chair Woodfin stated they need to remove the yellow bags and start ticketing.

Mr. Alden is aware there is a balance of parking with city in the street. He stated they are giving as many spaces as they can.

Mr. Hicks stated currently on Storrs St when the house is not in session they do not block public from parking. He asked if that will be allowed.

Ms. Savage thinks will have access on the weekend from what she understands.

Mr. Hemingway stated they need to work on those details.

Mr. Alden stated the numbers they were given was 27 days of the year the garage would be full.

Mr. Hicks thinks beautiful and they did a great job.

Chair Woodfin asked is anyone from public wanted to come forward.

Ron Rayner Concord resident. He stated by listening to the comments he can see they did not get a chance to read his letter that was submitted. He noted he went over the plans and met with Alec from the city. He was able to get in touch with Terry from the state. He presented a lot of ideas and was hoping they would be well received. The parking is at a premium. The more space they can accommodate the better they all are.

Chair Woodfin stated this is a 674:54 application and they can do whatever they want. He does not want into getting changing things.

Mr. Rayner stated he is aware and it is in the letter.

Chair Woodfin stated he read the letter.

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Mr. Rayner stated not everyone read it. To Chair Woodfin's point the steam plan is a gem. It is a good-looking plant. Mr. Rayner stated he personally prefer brick and hope they would consider brick. If not, he has provided a link for precast panels that might be cheaper than precast concrete. All he asks is for them to look into it. On the parapet one of them said it is four-foot-high and should protect from street level the hiding of most vehicles. He feels a larger vehicle you will be able to see the top from the street and suggested to have add a foot to the parapet. The parking at premium for decades they have allowed bagged free parking. He would hope there is common sense to allow more parking spaces. Mr. Rayner stated he suggested if they have the money to add a fifth floor now. It is all federal and state tax dollars let use them now. For parking limited January to June there should be restrictions. He has provided idea for public usage even is legislature in session. Mr. Rayner asked if there is going to be an elevator?

Mr. Santacruce stated there has to be one for ADA.

Mr. Rayner asked if there is a stairwell on the south side of each corner?

Chair Woodfin stated yes, on each corner.

Timothy Blagden Concord resident. Asked if they are planning for electric vehicle charging on each floor? He asked who can use it? He would like spaces for bicycles.

Mr. Santacruce stated there is bicycle storage included in the plans.

Angela Raymond a contractor. She asked about the snow dump and what is their plan?

Chair Woodfin where the snow dump is proposed on the Green St side?

Ms. Raymond stated it is on the exit on Capital St. Ms. Raymond stated because it is on the corner if you have four or five trucks lined up to do snow removal to get it done quicker and it could interfere with the city when they are doing snow removal.

Chair Woodfin asked the applicants to come back up to discuss the feedback about the snow dump, and other points. Is there EV charging?

Mr. Hemingway stated they have the capacity to do later.

Chair Woodfin asked about public access.

Mr. Hemingway has discussed with city.

Chair Woodfin asked what they are doing with the pink granite coming off the existing building?

Mr. Hemingway stated it will be recycled.

Mr. Walsh wanted to note that he was involved with the committee and these gentlemen before you and it was a very collaborative process. Thinks the state did their best to hear concerns by staff. Not all were taken and understands why. Mr. Walsh stated it was a collaborative process and feels they ended up with a better product.

Mr. Hicks stated for the people in the city that are concerned because it is a state building and a

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parking garage. Mr. Hicks noted they will be pleasantly surprised when they see this and looks like other buildings downtown.

Chair Woodfin stated they should get this information out to the public by the Concord Monitor or Facebook so people can see it.

Chair Woodfin closed public hearing.

Other Business

9. Beth Fenstermacher is applying for a grant through the federal government to extend the Merrimack River Greenway Trail. It is the RAISE grant. It is through the IRA funds. Council approved last week to apply for this grant. For previous sections of the Greenway Trail the Board has provided a letter of support. Ms. Fenstermacher wanted to see if the Board was okay with her drafting a letter of support from the past, changing the date, and having Chair Woodfin sign on their behalf. The Board agreed with drafting the letter and having Chair Woodfin sign.

Adjournment

Mr. Santacruce made a motion, seconded by Mr. Hicks to adjourn the meeting at 10:14 p.m. All in favor. Motion passed unanimously.

The next regular monthly meeting is Wednesday, March 20, 2024 at 7:00 p.m.

TRUE RECORD ATTEST:

Krista Tremblay
Administrative Specialist II