The regular monthly meeting of the Concord Planning Board was held on August 20, 2025, at 7:00 p.m., in City Council Chambers at 37 Green St, Concord.

Attendees: Dina Condodemetraky, David Fox, Matthew Hicks, Teresa Rosenberger (Ex-Officio for

City Manager), Jeff Santacruce, Amanda Savage, Councilor Brent Todd, and Chair

Richard Woodfin

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

Staff: AnneMarie Skinner (City Planner), Alec Bass (Assistant City Planner – Community

Planning), Krista Tremblay (Administrative Technician III), and Peter Kohalmi

(Associate City Engineer)

#### 1. Call to Order

Chair Woodfin called the meeting to order at 7:00 p.m.

#### 2. Roll Call

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

#### 3. Approval of Meeting Minutes

On a motion made by Member Hicks, seconded by Member Santacruce, the Planning Board voted to approve the July 16, 2025, Planning Board meeting minutes, as written. The motion passed.

#### 4. Agenda Overview

Member Savage moved, seconded by Member Fox, to continue agenda item 6A to a date certain of September 17, 2025, at the request of the applicant. All in favor. The motion passed unanimously.

Member Savage moved, seconded by Member Santacruce, to continue agenda item 9F to a date certain of October 15, 2025, at the request of the applicant. All in favor. The motion passed unanimously.

#### 5. Architectural Design Review by Consent

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

5A. Advantage Signs and Judy Hampe request an additional architectural design review approval for two 8-square-foot externally illuminated panels (SP-0593-2025 and SP-0595-2025), to replace existing panels in an existing freestanding sign, at 35 Pleasant St in the Civic Performance (CVP) District. (2025-062/2025-063)(PL-ADR-2025-0099/0100)

The Planning Board approved the application as submitted with the condition that the existing freestanding sign posts be repaired, repainted, or replaced as needed.

5B. Wilcox & Barton, on behalf of WB4 LLC, requests architectural design review approval to install solar panels on the south-facing roof at 2 Home Street in the Opportunity Corridor Performance (OCP) District. (2025-090) (PL-ADR-2025-0114)

The Planning Board approved the application as submitted.

5C. <u>BigSky Solar, LLC</u>, on behalf of Crisis Center of Central New Hampshire and FKA Merrimack County Task Force Against Domestic Violence, requests architectural design review approval to install solar roof panels at 4 Blake Street in the Civic Performance (CVP) District. (2025-096) (PL-ADR-2025-0115)

The Planning Board approved the application as submitted with the condition that any mechanical components or conduit be placed in the least conspicuous location as possible, such as: adjacent and parallel to the existing electrical conduit, around the change of elevation plane and out of view; adjacent and parallel to the porch vertical pilaster.

5D. <u>Signarama of Concord</u>, on behalf of Nordic Notes & Notions, requests architectural design review approval for a new 6.5-square-foot non-illuminated window graphic sign (SP-0603-2025) and a 1.25-square-foot non-illuminated door graphic sign (SP-0604-2025) at 3 N. Main Street in the Central Business Performance (CBP) District.

The Planning Board approved the application as submitted.

5E. The Sign Gallery, on behalf of the New Hampshire Department of Education and the New Hampshire Department of Administrative Services, requests architectural design review approval for a 54.58-square-foot externally illuminated wall sign (SP-0496-2025), to replace an existing wall sign, a 26.61-square-foot non-illuminated panel (SP-0502-2025) to replace an existing panel in an existing freestanding sign, and a 184-square-foot internally illuminated panel (SP-0503-2025) to replace existing sign panels at 25 Hall St in the Gateway Performance (GWP) District. (2025-073) (PL-ADR-2025-0108)

This agenda item was pulled from consent.

Member Condodemetraky arrived at 7:05 p.m.

Ms. Skinner stated the requested sign is a government sign and under the ordinance it is exempt from all permitting requirements. As a government sign under state statue it is exempt from everything else. Ms. Skinner noted the Board is welcome to provide comment.

Chair Woodfin recognized that Architectural Design Review Committee had comments on the sign, but the Board cannot make any requirements.

Mr. Bass stated the Board does not need to take any action, only provide feedback.

The Planning Board reviewed this item, in accordance with RSA 674:54, and had no feedback for the applicant.

5F. Sousa Signs, LLC, on behalf of Daval Realty Associates LLC and Banks Chevrolet, requests architectural design review approval for a 127-square-foot internally illuminated freestanding sign (SP-0608-2025), to reface an existing freestanding sign, at 137 Manchester St. in the Highway Commercial (CH) District (2025-074) (PL-ADR-2025-0109)

The Planning Board approved the application as submitted.

5G. Spectrum Signs & Graphics, on behalf of T&A Holdings LLC and Cheers, requests architectural

design review approval for a 54-square-foot internally illuminated wall sign (SP-0610-2025) to replace an existing wall sign at 17 Depot St. in the Central Business Performance (CBP) District. (2025-076) (PL-ADR-2025-0110)

The Planning Board approved the application as submitted.

5H. Spectrum Signs & Graphics, on behalf of Capital Region Health Care Corporation and Concord Hospital, requests architectural design review approval for a 30-square-foot internally illuminated freestanding sign (SP-0611-2025) to replace an existing freestanding sign, and an 84-square-foot internally illuminated sign (SP-0612-2025) to replace an existing freestanding sign at 250 Pleasant St. in the Institutional (IS) District. (2025-077) (PL-ADR-2025-0111) in conjunction with (PL-CUP-2025-0094 and Case 2025-075)

This was pulled from consent and was included as part of the hearing for case 2025-075, agenda item 9B.

5I. Mark Cusson and Turn One Graphics, on behalf DSM MB I LLC, Adam Seligman, and SD Cabinetry, request architectural design review approval for a new 40-square-foot internally illuminated wall sign (SP-0613-2025) at 100 Fort Eddy Road in the Gateway Performance (GWP) District. (2025-078) (PL-ADR-2025-0112)

The Planning Board approved version 1 on the application, as submitted.

5J. NEOPCO Signs, on behalf of PFP Associates LTD Partnership and the medical eye center, requests architectural design review approval for two 36-square-foot externally illuminated roof signs (SP-0614-2025 and SP-0615-2025) to replace two existing roof sign panels, and an 11-square-foot non-illuminated wall sign (SP-0616-2025) to replace an existing wall sign panel at 24 Bridge St. in the Opportunity Corridor Performance (OCP) District. (2025-089) (PL-ADR-2025-0113)

The Planning Board approved the application as submitted.

# 6. Determination of Completeness Items by Consent

6A. Gallagher, Callahan & Gartrell, PC and Cafua Realty Trust CXXXIX LLC request approval for a major site plan application, architectural design review, and certain waivers from the Site Plan Regulations for construction of a new 11,150-square-foot urgent care clinic, at Tax Map Lot 583Z 30, addressed as 161 N State St., in the Urban Commercial (CU) District. (2025-095) (PL-SPR-2025-0046) The application has been continued to September 17, 2025, at the request of the applicant.

Member Savage moved, seconded by Member Fox, to continue agenda item 6A to a date certain of September 17, 2025, at the request of the application. All in favor. The motion passed unanimously.

#### 7. Extensions by Consent

7A. TFMoran and Concord Commitment, LLC request a time extension to the May and June 2023 major site plan, architectural design review, and conditional use permit approvals, extending conditional approval from September 1, 2025, to September 1, 2026, for Phase 1 of a 45,000-square-foot charitable gaming facility at 7 Break O'Day Dr., in the Gateway Performance (GWP) District. (2022-59) (PL-EXT-2025-0023)

Member Hicks made a motion to **grant a time extension** to the May and June 2023 major site plan, architectural design review, and conditional use permit approvals, extending conditional approval

from September 1, 2025, to September 1, 2026, for Phase 1 of a 45,000-square-foot charitable gaming facility at 7 Break O'Day Dr.

Chair Woodfin seconded. All in favor. The motion passed unanimously.

# \*\*End of Consent Agenda\*\*

#### **Public Hearings**

- 8. Architectural Design Review Applications
- 9. Site Plan, Subdivision, and Conditional Use Permit Application and Amendment Applications
- 9A. Northpoint Engineering, LLC, on behalf of Mark Boucher, requests approval for a major subdivision application and certain waivers from the Subdivision Regulations for a six-lot subdivision, at Tax Map Lot 15P 26/1, unaddressed Elm St, in the Medium Density Residential (RM) District and Open Space Residential (RO) District. (2025-071) (PL-MAS-2025-0012)

On a motion made by Member Hicks, seconded by Member Fox, the Board voted to **grant a waiver from Section 10.06** *Determination of Completeness* **of the Subdivision Regulations** using the criteria of RSA 674:36(II)(n) and Section 35.08 of the Subdivision Regulations to allow for the determination of completeness and public hearing at the same meeting, and **determined the application for a 6-lot subdivision** that includes extension of municipal utilities and the construction of a new public street at an unaddressed Elm St Parcel, identified as Tax Map Lot 15P 26/1 in the Open Space Residential (RO) District and Medium Density Residential (RM) Districts to be complete. As part of the motion, the Board determined that the project **is** a development of regional impact, per RSA 36:55, and opened the public hearing.

All in favor. The motion passed unanimously.

Mr. Bass stated staff is recommending continuing the application to the October Planning Board meeting because there is 10 acres of property remaining that should be contemplated for future development and the proposal as it stands with the cul-de-sac would greatly inhibit the ability to develop that remaining 10 acres to its fullest. Mr. Bass stated staff is recommending the Planning Board exercise their right to show the future extension, demonstrate how this lot can be maximized for development in the future, and continue to the October meeting to allow the applicant time to demonstrate those items. Mr. Bass noted there is also a conversation about the applicant consider a conservation easement for the Hardy Brook area. The Board can review the application and make the determination. As it stands you cannot take the cul-de-sac and turn into future development without adding another street.

Jeff Lewis (119 Storrs St, Concord) and Tom Zahoriko (4 High St, N Andover, MA) are present to represent this application.

Chair Woodfin stated the Board has read the information in the packet. Chair Woodfin noted the design of the cul-de-sac street and if it can be changed.

Mr. Lewis stated they would like input from the Planning Board on that issue and are happy to come back. Mr. Lewis noted he would like to meet with staff after this meeting. Mr. Lewis would prefer to have the meeting continued to September, rather than October, if it is continued. Mr. Lewis stated the cul-de-sac is the issue. Mr. Lewis noted it is a split zone property. Mr. Lewis stated the developable part of the property is in the RM District. Mr. Lewis stated the property is 3/4 of a mile from downtown Penacook. Mr. Lewis noted they are on the municipal boundary with the Town of Boscawen. This is a 13-acre parcel and to the left it is in the RO District. Mr. Lewis stated most of what is in the RO is unbuildable. Mr. Lewis noted there is the Hardy Brook and a wetland that is kind of a pond on the property. There is a 50-foot wetland buffer and there are steep slopes. Mr. Lewis pointed out the buildable land with well-drained soil and great frontage on Elm Street. Mr. Lewis noted the three lots that are approved right now by the Planning Board with conditions that need to be fulfilled. Mr. Lewis noted it requires an extension of water and sewer main that end at the existing house for the three lots. Mr. Lewis stated this plan was approved by the Planning Board and is still valid for another year. Mr. Lewis stated there will be four driveway entrances on Elm Street with the current approved plan. Mr. Lewis noted there were no conditions in 2022 or 2024 about future development when this was brought to the Planning Board. Mr. Lewis stated there was no plan for future development and it was simply three lots with unknown future for the remainder. Mr. Lewis stated Mr. Zahoriko has a purchase and sales agreement to purchase the three acres on the east side of the parcel. Mr. Lewis stated Mr. Zahoriko is proposing the subdivision with the cul-de-sac on the east portion and the west portion would be one lot and remain with Mr. Boucher. Mr. Lewis stated it is a straightforward plan. Mr. Lewis noted they would be taking away the three frontage lot lots and driveway and consolidate them into one curb cut on Elm Street for five new lots. They want to extend the water and sewer to the end of the cul-de-sac with stubs that could be extended to a house on the sixth lot. Mr. Lewis noted with this plan there would be five lots, with a separate entrance off of Elm Street for a future house on the sixth lot. Mr. Lewis stated in order for this right-of-way to be here they would need a temporary turn around other than a permeant cul-de-sac. Mr. Lewis stated they are trying to build five lots on a cul-de-sac and do not want to have a temporary hammerhead turnaround. Mr. Lewis stated they do disagree with staff and they are consolidating from five driveways to three with the cul-de-sac. Mr. Lewis noted given the history of this development, they want to move forward with the plan as proposed. Mr. Lewis stated there are a list of waivers and staff is in support of most of the waivers. Mr. Lewis noted there are two waivers that staff is not supporting – HDPE pipe and street lights – expressing confusion over the conflicting street light requirement.

Ms. Skinner stated when there is a conflict in the standards the strictest applies and the strictest is that the street light is required.

Mr. Lewis stated the cul-de-sac is a big issue and would like to discuss to get feedback from the Planning Board. Mr. Lewis noted they would prefer to continue to the September Planning Board meeting and not the October meeting.

Ms. Skinner asked Mr. Lewis how quick does he think they can get it turned back around.

Mr. Lewis stated it depends on what they are doing. If they are looking for additional waivers they can do that right away. Mr. Lewis stated if they need to fully comply with staff recommendation and do a turnaround they would need to come back in October.

Chair Woodfin asked for staff update now that the Planning Board has heard the presentation. Chair Woodfin noted the turnaround is a big issue and the development of the other lot is that the highest and best use. Chair Woodfin asked if they are only going to build the other house lot in the back because you can get the utilities and the water from the cul-de-sac as opposed from going down into the lot from the front.

Mr. Lewis stated the idea is to provide that as an option. The alternative would be if a house does get built in back they can extend the water and sewer from the cul-de-sac. If they built a house on the front they would have to further extend the water and sewer down Elm Street.

Ms. Skinner stated the entire property is owned by Mark Boucher. Ms. Skinner asked Mr. Lewis if Mr. Boucher intends on building on lot six.

Mr. Lewis stated that is the plan.

Ms. Skinner noted the plan for future development is one house.

Chair Woodfin asked by a different owner.

Ms. Skinner answered correct.

Chair Woodfin asked if this plan came to the Planning Board with the roundabout and no easement up to the two lots the Board would not be discussing it.

Mr. Bass stated the comments would still remain. Mr. Bass noted it may be possible to build on lot one with septic and well. However, there is nothing proposed on that lot.

Chair Woodfin noted they are looking at a lot and a purchase and sale for the five houses that are there and why are they concerned about what might be developed.

Mr. Bass stated that is the prerogative of the Board.

Ms. Skinner stated there is no requirement for the future right-of-way and cited the regulation that states the Board may require future right-of-way, not shall.

Chair Woodfin asked if this lot is subdivided.

Mr. Lewis stated it is not subdivided.

Ms. Skinner stated the entire thing is one subdivision with six lots and the larger lot intending to be developed as a house.

Member Hicks asked if they were coming to subdivide this lot and not show any building on either parcel you would subdivide the lot.

Mr. Bass stated section 20.21 requires the Planning Board to require easements on the lot and adjacent properties. When a two-lot subdivision comes through that section can still apply to adjacent properties as well.

Member Fox asked why is the Planning Board considering future development and not reacting only to a five-lot subdivision for approval. Member Fox asked where does it say the Planning Board has to anticipate future development approval on a laid-out subdivision.

Ms. Skinner stated it does not say that the Board is required to, only that the Board may require if they choose.

Councilor Todd agree with staff and that it would be nice to be able to have that conserved in some fashion but feels need to take that up with Mr. Boucher at the time he comes before the Board with plans for development of the sixth lot should this subdivision go through. Councilor Todd understands some of staff's concerns but views it as a separate project.

Member Condodemetraky asked if the Board should be having a conversation about density of the five lots where mostly in that area are single-family homes.

Ms. Skinner stated there are no density requirements just requirements for minimum lot size and minimum lot frontage.

Member Santacruce countered Councilor Todd noting if they decide to build a single-family home they get a building permit and do not go back to the Planning Board. Member Santacruce stated the idea of putting it on the owner later is not applicable.

Mr. Bass stated staff is trying to think about the design for the entire property. Currently this configuration would reduce the developability of the sixth lot and could require additional curb cuts on Elm Street, which is a collector roadway. Mr. Bass noted if they want to put the puzzle together, now is the time before approving this application because you will be locked in with this.

Ms. Skinner answered correct.

Chair Woodfin asked what are options with the hammerhead.

Mr. Bass said that is up to the applicant and design engineer to figure out how to lay it out. The culde-sac would be removed and there would be a straight roadway at the end of the piece being purchased with a temporary hammerhead turnaround that would facilitate future development.

Ms. Skinner stated it would have to be such that there would be room for all of the lots to be able to access off of that road to prevent the curb cut for the lot closest to Elm Street. Ms. Skinner noted it is easy enough to extend it and have it end in a hammerhead and then cluster your lots around that. Ms. Skinner noted that dead end streets cannot be any longer than 1,000 feet.

Chair Woodfin noted the cul-de-sac is being used for a turnaround for emergency vehicles.

Ms. Skinner noted if it is extended, it changes the entire configuration because the lot frontages on a cul-de-sac do not have to be as much. Ms. Skinner stated it would be a whole redesign.

Member Rosenberger asked about the easement and if needs to run to Mr. Boucher's property and is it necessary.

Mr. Zahoriko wanted to leave options and it is good planning.

Mr. Bass stated the easement is for public utilities and stormwater for the city that goes out and around lot four.

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

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

On a motion made by Member Fox, seconded by Member Santacruce, the Board voted to **grant the waiver requests below** from the listed sections of the Subdivision Regulations, using the criteria of RSA 674:36(II)(n) and Section 35.08 of the Subdivision Regulations:

- a. Section 16.02(2) *Copies* and Section 16.04 *Construction Plans* to not require paper sets of plans to be submitted as part of the application, and instead submit all files as .pdf's through the City's online permit portal.
- b. Section 16.04(3) *Grading and Drainage Plan*, Section 16.04(4) *Utility Plan*, and Section 16.04(5) *Erosion Control*, to not require construction plans to be prepared at the same scale as the final plat.
- c. Section 16.04(3)(b), to not require that stormwater runoff calculations be shown on the Grading Plan, and instead they shall be provided in the separate Stormwater Management Report.
- d. Section 16.04(7) *Landscape Plan*, Section 16.04(1)(d), and Section 28.01 *Landscape Plans*, to not require that the Landscape Plan be prepared, signed, and stamped by a NH Licensed Landscape Architect.
- e. Section 28.04(6)(c), a waiver from the requirement that no more than 25% of street trees be classified as ornamental trees, and to allow up to 39% of proposed trees to be ornamental.
- f. Section 16.03(4) *Topography*, to not require existing topographic conditions and all proposed changes in ground elevations to be shown on the final recordable plan.
- g. Section 16.03(10) *Access and Driveways*, to not require that all proposed driveways along the subdivision frontage be shown on the final recordable plat.
- h. Section 16.03(13) *Municipal Sewer*, to not require that the location, size, and invert elevations of existing and proposed sanitary and storm sewers including manholes, catch basins, and culverts be shown on the final recordable plan.
- i. Section 16.03(15) *Municipal Water Supply*, to not require that the location and size of all existing and proposed water mains, including hydrants, gates, valves, and blow offs to be shown on the final recordable plan.

- j. Section 16.03(18) *Other Utilities*, to not require that the location and size of all existing and proposed underground and overhead non-municipal utilities to be shown on the final recordable plat.
- k. Section 21.04 *Construction Standards and Details*, to allow for the construction of a street cul-de-sac which meets the dimensional requirements of Section 21.11 *Cul-de-sacs*, and to not require the more restrictive dimensional requirements of City of Concord Construction Detail R-9 *Roadway Termination Cul-De-Sac*.

All in favor. The motion passed unanimously.

On a motion made by Member Fox, seconded by Chair Woodfin, the Board voted to **deny the waiver requests below** from the listed sections of the Subdivision Regulations, because the request does not meet the criteria of RSA 674:36(II)(n)(1) or (2) or Section 35.08 of the Subdivision Regulations:

- a. Section 23.02 *Construction Standards*, to allow the use of HDPE pipe throughout the development, including within the existing and proposed public rights-of-way, where normally it is only permitted on private sites in accordance with Section 6.02.B.4 of the City of Concord Construction Standards. Additionally, Note 15 on Sheet 6 Grading, Drainage and Utilities Plan shall be revised to reflect the correct pipe materials due to the denial of this waiver.
- b. Section 21.16 Street Lights, to not require that street lights be installed at all intersections.

All in favor. The motion passed unanimously.

On a motion made by Member Rosenberger, seconded by Councilor Todd, the Board voted to **grant major subdivision approval** for the six-lot subdivision of unaddressed Elm St, identified as Tax Map Lot 15P 26/1, subject to the following precedent and subsequent conditions:

- (a) **Precedent Conditions** to be fulfilled within one year and prior to signature of the subdivision plat by the Chair and Clerk of the Planning Board, unless otherwise specified.
  - 1. For compliance with the Subdivision Regulations, revise the subdivision plat and plan set as follows:
    - a. Provide necessary right-of-way easements for review and approval. (Section 13.02(1))
    - b. Submit the necessary drainage easements for review and approval, prior to endorsement of the final plat, by the Planning Board Clerk, City Engineer, and the City Solicitor as to form and content. Properly executed easement documents and agreements shall be submitted for recording with the plat. (Section 13.02(2))
    - c. Obtain City Council approval of the municipal sewer system extension. (Sections 13.02(5) Subdivision Regulations and 9-5-1 of the General Code)
    - d. Submit copies of all state and federal permits. (Section 13.02(10))
    - e. Revise street grades at the driveway for the access easement to obtain a 3% cross slope, a minimum 1% running slope, and proper drainage toward catch basin #4. (Section 21.01(2))
    - f. Revise the street grades at the driveway for lot 4 to obtain a 3% cross slope, a minimum 1% running slope, and proper drainage toward catch basin #4 between Lot 3 and catch basin #4. (Section 21.01(2))
    - g. Per Section 21.04 Construction Standards and Details, revise the following:

- i. Construction Note 10, on sheet 5 shall be revised to remove the reference of thermoplastic with the double yellow centerline. The City of Concord Construction standards requires thermoplastic for all road marking symbols, stop bars and crosswalks, but not long lines.
- ii. The reference to "Shaker Rd" in Construction Note 11 shall be removed and revised accordingly.
- iii. DMH 2, located at the utility easement driveway access, shall be adjusted away from the Vertical Granite Curbing so as to not conflict with the proper installation and tip down of the vertical granite curbing around the driveway radius.
- h. Submit to the Planning Division written confirmation from the Penacook and Boscawen Water Precinct and the New Hampshire Department of Environmental Services stating that the proposed plan is feasible and their standards have been met. (Section 24.07))
- 2. For compliance with the Subdivision Regulations and compliance comments provided from the Engineering Services Division, revise the subdivision plat and plan set as follows:
  - a. The existing water course, and direction of flow, shall be shown on the grading and drainage plan where the emergency spillway at SWMB #2 Infiltration Basin on Lot 26-5 is provided. Additionally, the emergency spillway at SWMB #2 Infiltration Basin on Lot 25 shall be revised accordingly:
  - b. The existing water course, and direction of flow, shall be shown on the grading and drainage plan. Additionally, the emergency spillway at SWMB #2 Infiltration Basin on Lot 26-5 appears to be concentrating flows offsite, draining water onto the abutting parcel known as 132 Elm Street: an easement deed from 132 Elm Street shall be secured; or the drainage easements shall be extended to a natural watercourse or other drainage facility in accordance with Section 23.12 *Drainage Easements*; or the basin shall be redesigned or redirected in another direction,
  - c. Install a fence around SWMB#2 Infiltration Basin pursuant to Section 2.02 of the Subdivision Regulations.
  - d. On Sheet 9 *Willow Run Plan & Profile*, the required insulation shall be shown in the profile for the stormwater pipe at STA 0+25 and the storm drain between CB #4 and DMH #2 where there does not appear to have the required 4-foot minimum cover.
  - e. On Sheet 10 *Elm Street Plan and Profile*, a note shall be added above the profile stating full depth is 12inches reclaim with 4inches of HMA.
  - f. On Sheet *19 Construction Details*, Note 3 under Erosion Control Notes shall be revised to state that no areas shall remain idle for more than 14 days without being stabilized, including stockpiles, pursuant to Section 28.05(2) of the Subdivision Regulations.
  - g. Pursuant to Section 23.09(2) of the Subdivision Regulations, the following revisions in the Stormwater Management Plan shall be made: identify or remove reference to SWMB #5, not found on the plan; the permeability test 1-3 on p. 2 appears to be for one test pit and shall be clarified; The permeability tests and the Ksat calculations shall be shown for all 6 test pits; and, the locations of these test

- pits and the test pit information shall be shown on Sheet 5, pursuant to CCSR 23.09(2).
- h. Pursuant to Section 23.08(3), SWMB #1 shall be graded to clearly show that overflow would be directed to CB 6, or add a spillway to meet the same intent.
- i. The leader, on Sheet 9, near DMH #2, and the end of the cul-de-sac, shall be adjusted to accurately point to the proposed hydrant it was intended for.
- j. On Sheet 5 *Layout Plan*, the granite curbing shall be indicated if it is curved and not straight. Additionally, for curved granite, the radii shall be provided, pursuant to Section 16.04(2)(a) *Roadway Plan*.
- k. On Sheet 5 Grading, Drainage & Utilities Plan, the underground utilities appear to be closer than 5 feet from the municipal utilities. A minimum separation of 5 feet shall be maintained between all utilities.
- Spot grades and slopes for the drive within the public drainage and utilities
  easement shall be shown in accordance with Section 20.09 of the Subdivision
  Regulations.
- m. Sheet 5 *Layout Plan* shall also include the required curb radii provided in Detail D-4
- 3. The plat shall list all approved variances, waivers, and conditional use permits with the section numbers and description, and date of approval.
- 4. A New Hampshire licensed land surveyor shall place permanent reference monuments in the subdivision, as required by the Subdivision Regulations and as approved by the City Engineer. (Section 19.04)
- 5. Upon notification from the Planning Division that the project complies with the precedent conditions, Zoning Ordinance, and Subdivision Regulations, the applicant shall deliver to the Planning Division for signature one mylar of the subdivision plat that contains the signature and seal of the appropriate licensed professionals as required by the Subdivision Regulations and two full size plan sets, for endorsement by the Planning Board Chair and Clerk and subsequent recording of the mylar at the Merrimack County Registry of Deeds. (Section 9.08(7))
- 6. At the time of recording, provide the recording fees required by the Merrimack County Registry of Deeds for all plans and documents to be recorded. (Section 13.02(13))
- 7. Ensure that the subdivision plat to be recorded complies with the current standards of the Merrimack County Registry of Deeds, including materials, font size, plan size, margins, and plat layout. (Section 15.02(12))
- 8. The street profiles shall show proposed and existing grades.
- 9. The catch basin lateral from CB 5 shall be relocated in such a manner to allow for both construction and future maintenance without impacting the adjacent utility pole
- 10. DMH 3 shall be adjusted so that the stormwater laterals provide necessary space for construction and future maintenance without impacting abutting property lines.
- 11. The cul-de-sac shall be regraded to the satisfaction of the City Engineer, including so as to not adversely impact the proposed transformer pad.

#### (b) Subsequent Conditions

- 1. The applicant is responsible for compliance with the municipal code, Subdivision Regulations, and Construction Standards and Details for the project, unless a variance, waiver, or conditional use permit is granted.
- 2. No building permit shall be issued prior to the recording of the subdivision plat in the Merrimack County Registry of Deeds by the Clerk of the Planning Board.

- 3. A financial guarantee shall be provided to secure the installation of public and common private improvements. (Section 30.01)
- 4. The amount of the financial guarantee shall be approved by the City Engineer, as sufficient to secure to the City the satisfactory construction and installation of required public and common private improvements, including contingency and inflation factors. A New Hampshire licensed professional engineer shall submit a construction cost estimate acceptable to the City Engineer, which includes breakdowns by quantity of material and unit costs, along with contingencies, prior to the presentation of any financial guarantee. (Section 30.03)
- 5. All financial guarantees shall comply with all statutory requirements and shall be satisfactory to the City Solicitor as to form, sufficiency, and manner of execution. (Section 30.04)
- 6. The release of a financial guarantee shall not be undertaken until the City Engineer has submitted a certificate stating that all required public improvements and common private improvements have been satisfactorily completed, an acceptable as-built plan has been approved, a maintenance guarantee has been provided, and the public improvements are ready for acceptance by the City Council. (Section 30.05)
- 7. A partial release of a financial guarantee may be authorized by the City Engineer in accordance with Section 30.06 of the Subdivision Regulations.
- 8. A maintenance guarantee shall be provided in accordance with Section 30.07 of the Subdivision Regulations.
- 9. A site stabilization guarantee shall be provided in accordance with Section 30.08 of the Subdivision Regulations and the Construction Standards and Details.
- 10. In accordance with Section 30.09 of the Subdivision Regulations, no construction or land clearing may occur prior to recording of the subdivision plat until the construction plans are approved by the Clerk and the City Engineer, inspection fees are paid, state and federal permits are obtained, all preconstruction conditions of the Board are addressed, and a site restoration bond is in place. Where work is occurring in an existing City right-of-way or involves municipal infrastructure, the site restoration bond shall include a guarantee sufficient to complete and/or restore the right-of-way and municipal infrastructure to pre-existing conditions.
- 11. All public improvements and common private improvements shall be completed within three years from the date of plat recordation and this time period shall be incorporated in the financial guarantee. The Planning Board may, upon proof of difficulty, extend the completion date as set forth in such financial guarantee for a maximum period of one additional year. At any time during the period of such financial guarantee, a substitute guarantee may be accepted by the City provided that the guarantee conforms to the requirements of Section 30. (Section 31.01)
- 12. All required improvements shall be made by the applicant, at the applicant's expense, without reimbursement by the City. (Section 31.03)
- 13. If the required improvements are not completed within three years from the date of plat recordation, the approval shall be deemed to have expired. The Clerk may thereupon declare the financial guarantee to be in default and may use the proceeds to have the improvements installed, regardless of the extent of the building development at the time the financial guarantee is declared to be in default. (Section 31.04)
- 14. The Clerk and the City Engineer shall be responsible for inspecting the required public and common private improvements and may assess the applicant all or a portion of the

cost, including overhead, of the necessary inspections. If the City Engineer finds, upon inspection, that any of the public or common private improvements have not been constructed in accordance with the plans as approved by the Board and the Construction Standards and Details, the applicant shall be responsible for reconstructing the improvements and the cost of same. (Section 31.05)

- 15. The applicant shall request acceptance of the public street upon completion of work in accordance with Sections 31.06, 31.07, 31.08, and 31.09.
- 16. The applicant's engineer or surveyor shall submit to the City Engineer a detailed as-built survey of the subdivision, indicating location, dimensions, materials, and other information required by the City Engineer. The as-built survey shall also be submitted in digital format and media conforming to the City's as-built checklist. A New Hampshire licensed professional engineer shall certify to the City Engineer that the layout of the line and grade of all public improvements is in accordance with the construction plans for the subdivision as approved by the Board. (Section 31.10)
- 17. No certificate of occupancy for any building in the subdivision shall be issued prior to the completion of the improvements and acceptance, or conditional acceptance, of the public street by the City Council. (Section 31.13)
- 18. No public improvements will be considered for acceptance by the City, until such time as all improvements have been carried out as shown on the final plat, in accordance with the Subdivision Regulations, and subject to any conditions established by the Planning Board at the time of final plat approval. (Section 35.12)
- 19. No street or utility construction shall be started until a plat prepared in accordance with the requirements of the Subdivision Regulations has been approved by the Board. No owner or agent of the owner of any parcel of land located in a proposed subdivision shall transfer or sell any parcel before the plat of such subdivision has been approved by the Planning Board in accordance with the provisions of these regulations and recorded and filed with the Merrimack County Registry of Deeds. (Section 35.17)
- 20. Per RSA 674:36 III(b) and 674:36 IV, the Planning Board shall not require letter of credit, cash, or passbook as the only method securing the completion of the work. In lieu of completion of street work and utility installations, the Planning Board shall accept a performance bond, irrevocable letter of credit, or other type or types of security.
- 21. Per RSA 674:36 IV, the Planning Board shall allow road and utility construction to start without a bond; however, a bond for the infrastructure, roads, and utilities must be in place prior to the sale of any parcel of land within the subdivision or a request for a building permit for structures for human occupation.
- 22. If high groundwater is observed, or some other condition which requires the installation of underdrain, as determined by the City Engineer, design and construction of the roadway will be revised accordingly in accordance with the City of Concord Construction Standards and to the satisfaction of the City Engineer.

All in favor. The motion passed unanimously.

9B. Spectrum Signs & Graphics, on behalf of Capital Region Health Care Corporation, requests approval for a conditional use permit application to allow an additional freestanding sign, pursuant to Section 28-6-9(c)(4) and Section 28-9-4(b) Conditional Use Permits, at 250 Pleasant Street, in the Institutional (IS) District. (2025-075) (PL-CUP-2025-0094)

Mr. Bass noted there are two components: architectural design review for signs being placed in the performance district which is why it was pulled from consent and added to this agenda item, and the conditional use permit request to allow for a second freestanding sign. Mr. Bass stated he believes the applicant has a proposed revision which satisfies the recommended conditions from the Architectural Design Review Committee.

Nick Jarvis (289 New Rd, Salisbury) and Tim Paris (830 River Rd, Weare) are present to represent this application. Mr. Jarvis noted this is an update for the wayfinding signs throughout Concord Hospital. Mr. Jarvis noted they are not replacing poles or bases, just the sign structures. Mr. Jarvis stated sign 001 is located at the corner of Langley Parkway and Pleasant St. Then 002 is at the corner of Pleasant St, going up the drive towards emergency services. Mr. Jarvis noted they have presented to the Architectural Design Review Committee one sign had a white background and they asked to take into consideration a redesign which they did and passed around (SP-0612-0225 will be added at the end of these minutes). Mr. Jarvis stated they removed the white background and updated the emergency panel to be bold and clear. Mr. Jarvis noted these existing signs are internally illuminated and they went before the Zoning Board of Adjustment to get a variance approved for that internal illumination. Mr. Jarvis noted one of the signs is slightly larger than what is allowed, but this is an inkind replacement.

Member Santacruce asked about the lower right-hand corner sign (d) and if coming in along Pleasant Street the hospital is on the right. Member Santacruce noted Langley Parkway goes to the left and the right and asked why only pointing to the right. However, on Pleasant Street it is noted you can go both ways.

Mr. Jarvis stated that is a four-sided sign. Mr. Jarvis showed the Board each view of the four sides.

Member Santacruce noted that Mr. Jarvis skipped the other side of the sign. There is also a side panel on the right as coming along Pleasant Street.

Mr. Jarvis answered correct, there is not a photo in this markup however. Mr. Jarvis noted side (a) parallel faces Pleasant Street.

Member Santacruce stated sign (d) is the one he is questioning.

Mr. Jarvis stated sign (d) is parallel and opposite to Langley Parkway. This shoots you directly up Langley Parkway.

Member Santacruce stated Langley Parkway also goes left and that is not the address for the hospital.

Mr. Jarvis stated the intent is when they are providing wayfinding guidance to the patient, they want to make it clear and evident to travel up Langley Parkway. Mr. Jarvis noted for the services on campus they are all to the right.

Member Santacruce stated the way this is designed it is wayfinding. Member Santacruce noted if their intent is to give people directions to go to a certain part of the hospital they are saying turn on Langley Parkway. Member Santacruce asked could they also say turn right on Langley Parkway.

Chari Woodfin asked Mr. Bass if we will handle these applications separately.

Mr. Bass stated he can help the Board with the architectural design review application, and the Board will need to determine the conditional use permit application complete

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

Chair Woodfin asked if there is anything need to wrap up agenda item 9B and agenda item 5H.

Mr. Bass stated they will make a motion for the architectural design review approval, adopt findings of fact, grant Architectural Design Review approval, and grant conditional use permit approval.

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

On a motion made by Member Hicks, seconded by Member Fox, the Board voted to **grant conditional use permit approval** to allow a second freestanding sign at Tax Map Lot 734Z 24, addressed as 250 Pleasant Street, based on the evidence provided showing that the criteria of Section 28-9-4(b) have been, or will be met, with the following precedent and subsequent conditions:

- a) **Precedent Conditions** to be fulfilled within two years and prior to signature of the conditional use permit plat by the Chair and Clerk of the Planning Board, unless otherwise specified.
  - 1. Revise the conditional use permit plat as follows:
    - a. The page number in the title block of the wayfinding signage plan left shall be left as page 1, while the page number in the title block of the Emergency Main Entrance Sign plan and the 4-Way Main Entrance plan shall be numbered sequentially as pages 2 and 3 respectively.
    - b. Provide the Planning Board Approval Block on the 1-sheet, wayfinding signage plan.
  - 2. Upon notification from the Planning Division that the project complies with the precedent conditions, Zoning Ordinance, and Site Plan Regulations, deliver to the Planning Division for signature one full-size or 11x17 conditional use permit plan set.

#### (b) Subsequent Conditions

1. The applicant is responsible for compliance with the municipal code, Site Plan Regulations, and Construction Standards and Details, including obtaining necessary variances, waivers, and conditional use permits.

All in favor. The motion passed unanimously.

On a motion made by Member savage, seconded by Member Hicks, the Board voted to grant

architectural design review approval, for a 30-square-foot internally illuminated freestanding sign (SP-0611-2025) to replace an existing freestanding sign, and an 84-square-foot internally illuminated sign (SP-0612-2025) to replace an existing freestanding sign at 250 Pleasant St in the Institutional (IS) District. (Case 2025-077 and application PL-ADR-2025-0111, as submitted, and including the revised FS-M-02-D Emergency Main Entrance Sign sheet, prepared by Spectrum Signs & Graphics dated August 5, 2025 presented during the public hearing.

All in favor. 8 in favor (Tarbell, Condodemetraky, Todd, Fox, Savage, Rosenberger, Hicks, and Woodfin) to 1 opposed (Santacruce) The motion passed.

9C. IMEG, on behalf of Stickney Avenue LLC, requests approval for an amendment to an approved major site plan application to waive certain Construction Standards and Details to allow for installation of monolithic concrete curb and sidewalk and cape cod berm, and to waive the Site Plan Regulations tree-spacing requirement for Lofts 11 at 5, 7, 9, 11, and 13 Stickney Ave. (2022-78) (PL-AMEND-2025-0017)

Ms. Skinner stated there have been three requests for administrative approvals, and two of the requests have been approved. The third one is in review right now for an alternate pavement section. It did not require a waiver because they are following something from the New Hampshire Department of Transportation. Ms. Skinner noted one administrative approval request is for two-inch bituminous sidewalk. Ms. Skinner stated the bituminous sidewalk was approved administratively. Ms. Skinner noted the two inches is not allowed by our standards and that the administrative approval was approved with the conditions that the two inch is not allowed. If they wanted two inches, they would need to include it as a waiver with this application. They opted not to do that and will be revising the sheet to show three inches to prevent any confusion in the field with the contractor.

Tom Zajac (3 Congress St, Nashua) and Chris Lewis (670 N Commercial St, Manchester) are present to represent this application. Mr. Zajac would like to use alternate curbing products on portions of the private parking lot and a revised landscape plan. Mr. Zajac noted both of those requests require waivers. Mr. Zajac stated any urban redevelopment project is complex. Mr. Zajac is looking to reduce site costs where it is feasible and practical. Mr. Zajac noted for the curbing they were looking at alternate materials on the side and the rear of the site. Mr. Zajac noted with the site there is over 3,100 feet of curbing based on its unique shape. Mr. Zajac noted about 50% of the curbing will remain granite curbing primarily in the front portion of the site or those areas that are most visible from Stickney Ave and the highway. Mr. Zajac is asking for the rear and side portions to be taken into consideration to use both monolithic concrete curb and sidewalk where the curbing abuts the sidewalk and, in the areas, where the curbing does not abut the sidewalk they are requesting use of cape cod berm. Mr. Zajac noted granite curbing is four times more expensive than the cape cod berm. Mr. Zajac stated there are other areas of the city where cape cod berms are used. Mr. Zajac noted Engineering had comments about cape cod berm being an inferior product, that it will break down quicker than other curbing types. Mr. Zajac stated they are not arguing that, and recognize that cape cod berm curbing is replaced more frequently. Mr. Zajac noted the second request for the landscape plan. They have submitted a revised scaled back landscape plan. Mr. Zajac noted when Brady Sullivan bought the land from the state one of the requirements was a historic preservation easement over the property which requires them to work with the New Hampshire Division of Historical Resources. Mr. Zajac stated NHDHR requested that they modify the approved landscape plan to scale things back based on the historic nature of the site. They did not want to break up the building façade with the number of

plantings that were on the plan. Mr. Zajac stated they meet all of the Site Plan Regulations for landscape plans with the exception of the spacing.

Chair Woodfin stated he can appreciate the value engineering aspect of it. Chair Woodfin noted the Board has repeatedly not approved the cape cod berms because they need to be replaced so frequently. Chair Woodfin pointed out they are rounded and easy to drive over. Chair Woodfin is not opposed to concrete with a square top. Chair Woodfin noted he is aware cape cod berms are in the city; however, they have not come through recently to the Board.

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

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

On a motion made by Member Santacruce, seconded by Member Hicks, the Board voted to **grant the waiver requests below** from the listed sections of the Site Plan Regulations, based on evidence provided showing that the criteria of RSA 674:44(III)(e) and Section 36.08 of the Site Plan Regulations are met, with the condition that waivers are applicable to private property only and not public right-of-way:

- a. Sections 16.02(22), 18.19, and 18.20 to install:
  - i. Sidewalk pavement thickness of 2 inches for interior sidewalks on private property (request withdrawn by applicant)
  - ii. Concrete curbing within the private parking lot (no asphalt curbing approved)
- b. Section 27.06 to allow trees to be planted farther apart than 20 to 40 feet, as depicted on the 9-sheet landscape plan, with a print date of 4/11/2025, that was submitted for the public hearing on August 20, 2025, with the condition that all proposed non-native plant species be replaced with native plant species to the greatest extent possible.

All in favor. The motion passed unanimously.

On a motion made by Member Santacruce, seconded by Member Condodemetraky, the Board voted to **grant major site plan amendment approval** for modifications 1, 2, and 4 listed on the cover sheet, and depicted on sheets 6, 7, 17, and the landscape plans, **except that no asphalt curbing** is allowed, all as submitted for the public hearing on August 20, 2025, subject to the following precedent and subsequent conditions:

#### (a) Precedent Conditions

1. Submit two full-size paper sets of the aforementioned sheets with the signatures and seals of the appropriate licensed professionals for signature by the Planning Board Chair and Clerk (with no asphalt curbing), 3-inch sidewalks, and replacement of non-native plant species with native plant species to the greatest extent possible.

#### (b) Subsequent Conditions

1. The application is subject to all previous conditions of approval for Case 2022-78.

- 2. The applicant is responsible for compliance with the municipal code, Site Plan Regulations, and Concord Construction Standards and Details for the project, unless a variance, waiver, or conditional use permit is granted.
- 3. Erosion control measures shall be installed and maintained in accordance with Section 27.09 of the Site Plan Regulations.
- 4. In accordance with Section 27.11 of the Site Plan Regulations, a site stabilization guarantee shall be provided to ensure that sites are properly stabilized.
- 5. Per Section 33.08 of the Site Plan Regulations, no certificate of occupancy or use permit may be issued prior to a determination by the Clerk that the proposed use is consistent with the Board's approval.
- 6. Per Section 36.15 of the Site Plan Regulations, the Clerk shall not approve any certificate of occupancy, nor shall any use of the building or site commence, unless the proposed improvements, and the proposed use of land or buildings, is found to comply with the approved site plan and the conditions of Planning Board approval.
- 7. Per Section 36.19 of the Site Plan Regulations, it shall be the duty of the Clerk to enforce the regulations and to bring any violations or lack of compliance herewith, to the attention of the City Solicitor.
- 8. Per Section 36.24 of the Site Plan Regulations, no certificate of occupancy or other use permit shall be issued until the development has been completed according to the approved plans
- 9. Per Section 36.25 and Section 12.09 of the Site Plan Regulations, and <u>prior to the</u> issuance of a certificate of occupancy, the applicant's engineer or surveyor shall submit to the City Engineer a detailed "as-built" survey showing the location of buildings, structures, utilities, parking areas, driveways and access, as well as for any public improvement constructed indicating location, dimensions, materials, and other information required by the City Engineer. The as-built survey shall also be submitted in digital format and media conforming to the Engineering Services Division's as-built checklist.

All in favor. The motion passed unanimously.

9D. Richard D. Bartlett & Associates, LLC, on behalf of Granite Center LLC, requests approval for a minor subdivision application and certain waivers from the Subdivision Regulations for a condo plat, at Tax Map Lot 6443Z 15, addressed as 100-110 N Main St., in the Central Business Performance (CBP) District. (2025-088) (PL-MIS-2025-0042)

Ms. Skinner stated this is a condo plat for the existing building. They are dividing it into two building condo units and not land units.

Steve Duprey (49 South Main Street, Suite 202 Concord) is present to represent this application. Mr. Duprey noted when they when bought the building they gave a couple of the larger tenants the right to purchase a condominium unit once they finished the market task compliance. Mr. Duprey stated that ended last week. Mr. Duprey stated they are creating two units.

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

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

On a motion made by Member Santacruce, seconded by Member Fox, the Board voted to **grant minor subdivision approval** for a minor condominium subdivision for the conversion into two condominium building units at 100 N Main St, as submitted, subject to the following precedent and subsequent conditions:

- (a) **Precedent Conditions** to be fulfilled within one year and prior to signature of the final plat by the Planning Board Chair and Clerk, unless otherwise specified:
  - 1. For compliance with the Subdivision Regulations, revise the plat as follows:
    - a. A New Hampshire licensed land surveyor shall sign and stamp the condominium final plat and the error closure statement. (Sections 12.02(1)(d) and 12.03(2))
    - b. Revise Note 6 on the condominium final plat to complete the sentence by stating the proposed use of the two condominium units. (15.02(9))
    - c. Add the standard Planning Board approval block to the 5-sheet floor plan set. (Section 17.03(2))
    - d. Add the purpose and dimensions to the floor plans of the common and limited common areas. (Section 17.04(2))
    - e. Add to the condominium final plat and the floor plans the water metering, water sewer, and sewer service information for each unit. (Section 17.04(3))
    - f. Add a statement to both the condominium final plat and the floor plans stating which of the water metering and water service options will be utilized for the condominium units. (Section 17.05)
    - g. Confirm the accuracy of the labeling of Unit 1 and Unit 2 on each of the respective floors on the floor plan and correct as necessary.
  - 2. Submit to the Planning Division for review and approval the final condominium declaration and bylaws. (Section 17.06)
  - 3. At the time of recording, provide the recording fees required by the Merrimack County Registry of Deeds for all plans and documents to be recorded. (Section 13.02(13))
  - 4. Ensure that the condominium final plat to be recorded complies with the current standards of the Merrimack County Registry of Deeds, including materials, font size, plan size, margins, and plat layout. (Section 15.02(12))
  - 5. Upon notification from the Planning Division that the project complies with the precedent conditions, Zoning Ordinance, and Subdivision Regulations, deliver to the Planning Division for signature one mylar of the condominium final plat that contains the signature and seal of the appropriate licensed professionals as required by the Subdivision Regulations, and one mylar of the floor plan set that contains the signature and seal of the

appropriate licensed professional as required by the Subdivision Regulations. (Sections 9.08(7), 17.02, and 17.03)

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

1. The applicant is responsible for compliance with the municipal code, Subdivision Regulations, and Construction Standards and Details for the project, including obtaining necessary variances, waivers, and conditional use permits.

All in favor. The motion passed unanimously.

9E. Richard D. Bartlett & Associates, LLC, Ryan Taber/Eastern Development, and Liberty Utilities request approval for a conditional use permit application for disturbance to wetland buffers to install a driveway and utilities, pursuant to Section 28-4-3(d) Conditional Use Permits Required for Certain Disturbance of Wetland Buffers and Section 28-9-4(b) Conditional Use Permits, and certain waivers from the Site Plan Regulations, at Tax Map Lot 202Z 21, unaddressed Sewalls Falls Rd., in the Single Family Residential (RS) District and Open Space Residential (RO) District. (2025-091) (PL-CUP-2025-0095)

Ms. Skinner this is straight forward application for a conditional use permit to disturb the wetland buffer to install a driveway and utilities for residential use. Conservation Commission reviewed it and had no comment on the conditional use permit to disturb the wetland buffer for a driveway and utilities. They recommended approval.

Ryan Taber is present to represent this application. Mr. Taber stated the application is pretty straightforward.

Member Santacruce asked if they are granting an approval of a square footage and there is no grading information. Member Santacruce noted they are looking at a plan view so if the driveway is built three feet higher and the slopes go out what guarantee does the Board have that the applicant will come back to get approval.

Ms. Skinner stated the request is for a disturbance to the wetland buffer and not for an amount.

Mr. Taber noted the amount is noted on the plan.

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

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

On a motion made by Member Condodemetraky, seconded by Councilor Todd, the Board voted to **grant conditional use permit approval** for disturbances to the wetland buffer to install a driveway and utilities for an allowed residential use at Tax Map Lot 202Z 21, currently unaddressed Sewalls Falls Rd (future address of 184 Sewalls Falls Rd), based on the evidence provided showing that the criteria of Sections 28-9-4(b) and 28-4-3(d) are or will be met with the following precedent and

#### subsequent conditions:

- (a) **Precedent Conditions** to be fulfilled within two years and prior to signature of the conditional use permit plat by the Chair and Clerk of the Planning Board, unless otherwise specified.
  - 1. Revise the conditional use permit plat as follows:
    - a. Revise Note 8 to include the name and license number of the certified wetland scientist who performed the wetland delineation and the date the delineation was performed. The signature and stamp/seal of the certified wetland scientist shall also be added to the conditional use permit plat. (Sections 12.03(5), 12.07, 14.02(3)(a)(xi), 14.02(3)(xii), and 34.05(5))
    - b. Show and clearly label the location and layout, with dimensions, of proposed and existing driveways on the subject site and on adjacent properties, along with distances between existing driveways and the proposed driveway, sight distance for the proposed driveway, and other necessary information to show compliance with Section 9.01.A of the Construction Standards and Details. (Sections 12.08(8), 12.08(22), and 14.02(3)(b)(viii)) and
    - c. Correct the location of the RO/RS District designation line.
  - 2. Upon notification from the Planning Division that the project complies with the precedent conditions, Zoning Ordinance, and Site Plan Regulations, deliver to the Planning Division for signature two full-size conditional use permit plats that contain the signature and seal of the New Hampshire licensed land surveyor and the New Hampshire certified wetland scientist.

#### (b) Subsequent Conditions

- 1. The applicant is responsible for compliance with the municipal code, Site Plan Regulations, and Construction Standards and Details, including obtaining necessary variances, waivers, and conditional use permits.
- 2. Prior to issuance of the driveway permit, wetland buffers shall be clearly and permanently marked with the required buffer markers. The required buffer markers are available for purchase in the Planning Division and shall be placed every 200 feet along the edge of the wetland buffers. The markers shall remain in place permanently. Once the markers have been installed, notify the Planning Division to inspect.
- 3. Prior to construction, a driveway permit application shall be submitted in accordance with municipal code and Construction Standards and Details, with all required attachments and fees. No driveway installation shall occur until after issuance of the driveway permit.

All in favor. The motion passed unanimously.

9F. Smarmolemi Earth LLC requests approval for a minor subdivision application and certain waivers from the Subdivision Regulations for a three-lot subdivision, at Tax Map Lot 11Z 52, addressed as 138 Snow Pond Rd., in the Open Space Residential (RO) District. (2025-092) (PL-MIS-2025-0043)

Member Rosenberger moved, seconded by Member Santacruce, to continue agenda item 9F to a date certain of October 15, 2025, at the request of the applicant. All in favor. The motion passed unanimously.

9G. Richard D. Bartlett & Associates, LLC and Seth J. Hipple request approval for a minor subdivision application and certain waivers from the Subdivision Regulations for a two-lot subdivision, at Tax Map Lot 7414Z 127, addressed as 45 Concord St., in the Downtown Residential (RD) District. (2025-093) (PL-MIS-2025-0044)

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

Ms. Skinner stated this is a straightforward application. The lot is existing. The two houses on the lot are existing. The owner lives in one of the houses and he would like to sell the other house. Ms. Skinner noted he received the necessary variances from the Zoning Board of Adjustment. The conditions of approval address showing how each house has individual water and sewer service connections.

Dan Mullen (214 N State St, Concord) and Seth Hipple (45 Concord St, Concord) are present to represent this application. Mr. Hipple noted in the staff report it is requested that the culvert and driveway be mapped.

Mr. Mullen stated staff has requested a driveway easement because of the two lots having frontage on Concord St and Beaver St. Mr. Mullen noted there is a gravel driveway and they will share a portion of the driveway. Each side is 18 feet or better. Mr. Mullen stated staff asked for a maintenance agreement between the two b buildings for utilities.

Mr. Hipple stated the maintenance easement is already a part of the plan. However, staff is asking for an easement for use of the driveway. Mr. Hipple noted one house uses one part of the driveway and the other house uses the other side. Mr. Hipple is not sure of the concern because the middle of the driveway is not marked. Mr. Hipple is not sure if that easement is necessary.

Ms. Skinner stated each lot is required to have its own driveway, and driveways have to be 30 feet apart per the subdivision regulations. The way it is presented, the driveways do not meet that requirement. It was presented as one large driveway that was shared by both lots. The only way to make that legal and meet the subdivision regulations is to make that an easement for a shared driveway.

Mr. Hipple does not think it is a major issue. Mr. Hipple read the staff report noted both houses have access to the street and they do have access with or without the easement.

Ms. Skinner answer correct, that they technically have access but they do not meet the fine print of the subdivision regulation without either the easement or having two individual driveways that meet the separation requirements.

Mr. Kohalmi stated it does not appear that they know where the existing utilities are located or if the two houses share utilities or not.

Mr. Hipple stated they do not.

Mr. Kohalmi stated they need to have that documented because it was not on the plan.

Mr. Hipple stated there are no shared utilities.

Chair Woodfin added just to be clear we are talking all the way to the street there is a sewer line for house (a) and house (b).

Mr. Kohalmi stated that is what we need for water and sewer.

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

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

On a motion made by Member Santacruce, seconded by Councilor Hicks, the Board voted to **grant the waiver requests below** from the listed sections of the Subdivision Regulations, based on the evidence provided showing that the criteria of RSA 674:36(II)(n) and Section 35.08 of the Subdivision Regulations are met.

- a. Section 12.07 *Wetland Delineations* to not provide a wetland delineation prepared by a New Hampshire certified wetland scientist with a signature and seal on the existing condition plan and subdivision plat;
- b. Section 12.08(7) *Buildings and Structures* to not show and label exterior dimensions of existing structures;
- c. Section 15.03(3) *Tabulations* to not note and show the area of contiguous buildable land for each lot;
- d. Section 19.05(4) *Useable Lot Area Rectangle*, to not provide a minimum contiguous area of useable land on each lot in the shape, size, and dimensions required.

All in favor. The motion passed unanimously.

On a motion made by Member Santacruce, seconded by Member Fox, the Board voted to **deny the** waiver requests below from the listed sections of the Subdivision Regulations, based on not meeting the criteria of either RSA 674:36(II)(n) or Section 35.08 of the Subdivision Regulations.

- a. Section 15.03(11) *Municipal Sewer* to not show the location, size, rim, and invert elevations of existing sanitary and storm sewers, manholes, catch basins, and culverts;
- b. Section 15.03(13) *Municipal Water Supply* to not show the location and size of all existing water mains, hydrants, gates, valves, and blow-offs;
- c. Section 15.03(15) *Other Utilities* to not show the location and size of all existing and underground and overhead non-municipal utilities;

All in favor. The motion passed unanimously.

On a motion made by Member Santacruce, seconded by Member Hicks, the Board vote to **grant minor subdivision approval** for the two-lot subdivision of 45 Concord St, subject to the following precedent and subsequent conditions:

- (a) **Precedent Conditions** to be fulfilled within one year and prior to signature of the subdivision plat by the Chair and Clerk of the Planning Board, unless otherwise specified.
  - 1. Revise the subdivision plat as follows:
    - a. List the granted waivers on the subdivision plat, with the date granted, code section title, and a description of what was granted (Section 12.02(3));
    - b. Show and clearly label the location and layout, with dimensions, of existing driveways and curb cuts on both lots (Sections 12.08(8), 12.08(22), and 15.03(9));
    - c. Show and clearly label all municipal sewer, municipal water supply, and other utilities information required by the Subdivision Regulations (Sections 15.03(11), (13), and (15));
    - d. Correct the lot numbering in the subdivision synopsis to 127 and 127-1 (Section 15.02(7));
    - e. Label the type of monuments to be set (Section 15.03(5));
    - f. Show and label access for both lots that meets the requirements of Sections 20.08 and 20.09. Include labels and dimensions for a common access easement, as applicable; and
    - g. Show and label the location of either existing or proposed individual sewer and water services for each house. If proposed, include the size and type of proposed materials. Include labels and dimensions for any necessary utility easements. Piggy back services are not allowed. (Sections 24.03(11) and 25, General Code Section 9-6-6(d)).
  - 2. Submit to the Planning Division for review and approval an agreement to convey a private easement for the proposed maintenance easement, a common access easement if applicable, and any applicable utilities easements. (Sections 13.02(9), 15.01(2), and 19.02)).
  - 3. At the time of recording, provide the recording fees required by the Merrimack County Registry of Deeds for all plans and documents to be recorded. (Section 13.02(13))
  - 4. Ensure that the subdivision plat to be recorded complies with the current standards of the Merrimack County Registry of Deeds, including materials, font size, plan size, margins, and plat layout. (Section 15.02(12))
  - 5. A New Hampshire licensed land surveyor shall place permanent reference monuments in the subdivision, as required by the Subdivision Regulations and as approved by the City Engineer. Notify the Planning Division once set for inspection prior to signing of the subdivision plat. (Section 19.04)
  - 6. Upon notification from the Planning Division that the project complies with the precedent conditions, Zoning Ordinance, and Subdivision Regulations, deliver to the Planning Division for signature one mylar of the subdivision plat that contains the signature and seal of the appropriate licensed professionals as required by the Subdivision Regulations. (Section 9.08(7))
- (b) Subsequent Conditions

1. The applicant is responsible for compliance with the municipal code, Subdivision Regulations, and Construction Standards and Details for the project, including obtaining necessary variances, waivers, and conditional use permits.

All in favor. The motion passed unanimously.

9H. The City of Concord requests a public hearing in accordance with RSA 674:54 for a golf course parking lot and clubhouse, at Tax Map Lot 302Z 81, addressed as 1 Beaver Meadow St., in the Open Space Residential (RO) District. (2025-094) (PL-SPR-2025-0045)

Chair Woodfin asked for a staff update.

Mr. Bass stated the staff report has been prepared and shared with the applicant. Mr. Bass noted this application is subject to RSA 674:54 meaning it is subject to a non-binding review by the Planning Board and they may provide non-binding comments relative to conformity and nonconformity of the proposal with normally applicable land use regulations.

Chair Woodfin noted there are no motions to be made on this agenda item.

Doug Brodeur (31 Old Nashua Rd, Amherst) and Doug Proctor (27 Locke Rd, Concord) are present to represent this application.

Mr. Proctor stated they have been to the Architectural Design Review Committee for the design of the new clubhouse for Beaver Meadow. It will be a 6,000-square-foot building in a new location adjacent to the existing clubhouse in order to keep operation during construction. Mr. Proctor noted the civil plan was revised in order to submit for approval with the clubhouse integrated into the civil plan.

Member Santacruce noted on the plan there is no note about snow storage.

Mr. Brodeur stated they can add that.

Member Santacruce asked about the area on the north side of the parking lot which will drain into a drainage swale before it goes out for treatment. Member Santacruce's concern is where the snow will go when plowed. Member Santacruce asked to have it clarified the snow should not be plowed in that direction.

Mr. Brodeur asked about the concern for the snow to the north end of the parking lot.

Member Santacruce stated in the spring when the snow has not melted and it rains, it will flood the parking lot. Member Santacruce asked about the treatment swale that goes to the west of the driving range and it is ends or become a level spreader.

Mr. Brodeur stated there is a level spreader out there. On the north side of the parking lot there is a conveyance swale that collects all of the run off on the north end. Then it drains to the treatment swale.

Member Santacruce asks because the next contour on the plan sends the water right to the abutter.

Mr. Brodeur will take a look at that and send drainage to the middle of the field.

Member Santacruce asked how about the accessible entrance.

Mr. Brodeur noted that is not the only entrance into the building.

Member Santacruce asked if it is flush to get to the building as that was not made clear on the plans.

Mr. Proctor noted the idea it is all continuous because of the golf carts.

Member Santacruce asked if they have run turning templates.

Mr. Brodeur answered yes, and will provide to the city.

Member Santacruce asked if shingle is cheaper than metal.

Mr. Proctor stated it is a combination of shingle and metal roof. Mr. Proctor noted they will put solar panels on the building.

Member Santacruce asked about the patio asked if there is a tent or if they will have awning off the building.

Mr. Proctor stated with shape they will utilize umbrellas.

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

#### 10. Other Business

10A. Ryan Taber requests a reduction in impact fees to \$0 for a new duplex at unaddressed Sewalls Falls Rd, identified as Tax Map Lot 202Z 21, and a new duplex at 3 Palm St, pursuant to Section 29.2-1-2(b)(9) of the Zoning Code.

Ms. Skinner stated the staff update is in the background report. The authority to assess impact fees is established by New Hampshire State Law. The city in accordance with New Hampshire State Law established impact fees through the ordinance that was adopted in 2001. Ms. Skinner noted the city currently assesses recreational and transportation facility impact fees for new residential development. There are no impact fees for school. There are no impact fees for nonresidential, except transportation, which is waived at request. There is a waiver procedure for impact fees and there is a procedure for requesting a reduction that involves submitting an independent fee calculation study. If the applicant does not agree with the clerk as to the acceptability an independent fee calculation or the appropriate adjustment then applicant can request a hearing before the Board, and the applicant has done so. The clerk did not feel the independent fee calculation study was sufficient to warrant on the clerk reducing the impact fees to zero.

Ryan Taber is present to represent this request.

Chair Woodfin asked Mr. Taber why he thinks the impact fees should be brought to zero.

Mr. Taber stated value engineering. Mr. Taber pointed out construction costs continue to rise since covid and every dollar counts on these projects. Mr. Taber stated by the time you purchase the lot, do the permitting, getting a variance or building plans it adds up. Mr. Taber noted he is trying to build these to sell these at a reasonable price so more people can move into the Concord area and not move away from it. Mr. Taber noted the house prices in Concord have surged there are eight hundred to nine hundred thousand to million-dollar homes now. Mr. Taber stated not a lot of people can pay that with property taxes. Mr. Taber is trying to find a way to cut costs on this project. Mr. Taber stated the fact that these fees are not assigned to commercial projects such as the Raising Caine's coming into Concord or the Friendly Toast that was just built. Mr. Taber pointed out that has a substantial impact on water, sewer, transportation, recreation, and all of the above compared to a small duplex. Mr. Taber noted they do not assess fees to them and put the burden on residential developer or builders. Mr. Taber noted that it does not make any sense to impose impact fees on transportation when the roads are already there. Mr. Taber noted there is no further impact on six bedrooms and two cars per side with four cars driving down an already established road. Mr. Taber stated for the sewer you are potentially looking at 900 gallons a day based on the bedroom size for 150 gallons a day per bedroom. Mr. Taber noted for any new restaurant coming into town they will triple that on the daily basis. Mr. Taber asked why should a residential homeowner have to pay those fees.

Chair Woodfin stated it is a bigger question. Chair Woodfin noted Mr. Taber made good points and valid from the commercial prospective. Chair Woodfin stated there has been discussion with City Council and the Planning Board regarding spurring commercial development. Chair Woodfin stated he can appreciate the fact that Mr. Taber has costs from the impact fees and it would be a precedent-setting move for the Board to remove the impact fees and charge no impacts fees on this residential development. Chair Woodfin stated it is unreasonable for Mr. Taber to come in and ask the Board to let Mr. Taber do this and expect anybody else after will not do the same thing. Chair Woodfin stated he is not inclined to allow the impact fee going to zero because it is a part of the regulations.

Mr. Taber asked if the Board would impose harder restrictions on residential than commercial. Mr. Taber noted when a business comes in that actually impacts recreational, transportation, sewer, water and they do not have to contribute to it. Mr. Taber can understand maybe not having the impact fee at zero. Mr. Taber stated what they are calculated at is far too high and it is not that he did not factor this in his budget. Mr. Taber stated he needs to figure out how to make a project feasible. Mr. Taber understands they cannot set a precedent for zero but there has to be some wiggle room.

Chair Woodfin stated it really doesn't and the Board does not have to have wiggle room.

Councilor Todd noted that Mr. Taber's points are valid. Councilor Todd stated City Council and the Mayor at the last city council meeting enacted an ad hoc committee to study impact fees. Councilor Todd stated there will be a point where they want input from developers for residential and commercial. Councilor Todd suggested to watch for those announcements to participate when Mr. Taber can. Councilor Todd agrees with Chair Woodfin that the city has not looked at impact fees for some time. Councilor Todd pointed out the rates have not changed, either up or down, for 10 years at least for residential.

Mr. Taber understands it has not been raised. It is putting an unnecessary burden on home builders.

Mr. Taber stated there is a bias between residential and commercial.

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

Chair Woodfin stated to Mr. Taber he appreciates and hears Mr. Taber. However, he is not in a position that they would recommend they are reduced at all.

Mr. Taber asked what is the reasoning for not reducing them at all.

Chair Woodfin stated they do not need to be reduced. It is part of the structure of doing business in the City of Concord. If you are to build a residential unit the impact fees have not changed in 10 years. Chair Woodfin noted the fact that everything else has changed and moved up it makes houses more expensive. Chair Woodfin noted impact fees are not going to be the reason why someone does not buy a house.

Mr. Taber noted that is not the reason why they will not buy a house. The reason why they will not buy a house is because they cannot afford to in this city.

Chair Woodfin stated that is not an issue for the Board to decide.

Mr. Taber asked why would he submit a waiver if you already have your mind made up.

Chair Woodfin stated nobody had their minds made up. Chair Woodfin noted he put in the waiver appropriately and it was brought forward to the table.

Mr. Taber stated he produced fact and real time data and you sit there and say it does not matter what the regulations states. Mr. Taber asked how is that justifiable. The Board is supposed to weigh in and not say my mind is made up. Mr. Taber stated he can show factual data and you still do not care because your mind is made up. Mr. Taber noted that is not weighing in on something or listening to data. Mr. Taber stated that is not listening to someone looking at factual data and your mind is made up ahead of time. Mr. Taber noted then you are biased.

Chair Woodfin stated it is part of the cost of doing business when building a residential house and he should know that as a developer.

Mr. Taber stated he is well aware of that.

Chair Woodfin asked if he was going to go to the City of Manchester would he not expect to have any impact fees on building a residential property. Chair Woodfin noted in the City of Nashua or City of Keene there are impact fees.

Mr. Taber stated some towns don't.

Chair Woodfin stated the city removed them from commercial development to spur commercial development after Main St was developed because they were looking for some growth.

Mr. Taber stated there is preferential treatment.

Chair Woodfin stated there is not.

Chair Woodfin closed the public hearing.

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

On a motion made by Chair Woodfin, seconded by Member Santacruce, the Board voted to deny the request to reduce impact fees to \$0 for a new duplex at unaddressed Sewalls Falls Rd, identified as Tax Map Lot 202Z 21, and a new duplex at 3 Palm St, pursuant to Section 29.2-1-2(b)(9) of the Zoning Code. Motion passed with 6 in favor (Tarbell, Todd, Fox, Santacruce, Savage, Woodfin) to 3 opposed (Rosenberger, Condodemetraky, Hicks).

10B.Provide recommendation to City Council for ordinance amending the Code of Ordinances, Title IV, Zoning Codes; Chapter 28, Zoning Ordinance, by amending Article 28-2, Zoning Districts and Allowable Uses, by amending Section 28-2-4(k), Table of Accessory Uses, Use #13, Accessory Dwelling Unit; Article 28-5, Supplemental Standards, Section 28-5-52 Single-Family Detached Dwellings with One (1) Accessory Dwelling Unit (ADU); Article 28-9, Administration and Enforcement, Article 28-9-4 Decisions by the Planning Board, Section 28-9-4(f) Architectural Design Review; and the Glossary.

Ms. Skinner stated this amendment to the accessory dwelling unit ordinance will align the city with the recently passed legislation by the state for accessory dwelling units by house bill 577 that was effective July 1, 2025. It provides a maximum square footage allowance, new definition, and provides for attached or detached by right.

Member Hicks stated in the bill roman numeral six reads a municipality may require owner occupancy at one of the dwelling units and shall not specify which unit the owner must occupy. Member Hicks noted looking at the ordinance letter (i) where the recommendation is the owner of the property where the ADU is located shall either occupy the principal single-family detached dwelling or the ADU as their principal place of residence. Member Hicks does not feel they should require this. There is no means of enforcement. Member Hicks does not know what the reasoning is for this.

Member Santacruce asked if the owner does not occupy either unit does it make it an apartment complex and need a condo association agreement because there are two units owned by two different people.

Ms. Skinner stated the only way they can be owned by two people would be to condominiumized and that is prohibited.

Member Santacruce asked if they can do short-term rentals or does it have to be a residence.

Ms. Skinner stated our zoning ordinance has nothing for short-term rentals.

On motion made by Member Hicks, seconded by Member Savage, the Planning Board voted to recommend to submit to City Council as written, but with striking letter (i).

All in favor. The motion passed unanimously.

#### Adjournment

Member Savage moved, seconded by Member Fox, to adjourn the meeting at 9:21 p.m. All in favor. The motion passed unanimously.

The next regular meeting is Wednesday, September 17, 2025, at 7:00 p.m.

TRUE RECORD ATTEST:

Krista Tremblay
Krista Tremblay
Administrative Technician III

