

City of Concord Planning Board

July 20, 2022

Minutes - DRAFT

The regular monthly meeting of the City Planning Board was held on July 20, 2022, in City Council Chambers, in the Municipal Complex, at 37 Green Street, at 7:00 p.m.

Attendees: Chairman Richard Woodfin, Councilor Erle Pierce, Teresa Rosenberger (Ex-Officio for City Manager), Members Susanne Smith-Meyer, Amanda Savage, Jeff Santacruce, David Fox, and Matthew Hicks.

Absent: Vice-Chair Carol Foss, Alternate Chiara Dolcino, and Alternate Frank Kenison.

Staff: Heather Shank (City Planner), Beth Fenstermacher (Assistant City Planner), Sam Durfee (Senior Planner), Lisa Fellows-Weaver (Administrative Specialist), and José Lovell (Associate City Engineer).

1. Call to Order

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

2. Roll Call

Chairman Richard Woodfin, Councilor Erle Pierce, Members Teresa Rosenberger, Susanne Smith-Meyer, Amanda Savage, Jeff Santacruce, David Fox, and Matthew Hicks.

3. Approval of Planning Board Meeting Minutes

June 15, 2022 Minutes

On a motion made by Councilor Pierce, and seconded by Mr. Hicks, the Board voted unanimously to approve the June 15, 2022, Planning Board Meeting Minutes, as written.

4. Planning Board Chair Overview

Chairman Woodfin stated that all items on the agenda would be heard.

5. Determination of Completeness Items by Consent

- 5A. Wilcox & Barton, on behalf of NHT 2022 LLC, requests Major Site Plan approval for modifications to an existing parking lot at 81 Hall Street in the Opportunity Corridor Performance (OCP) District.

On a motion made by Mr. Santacruce, and seconded by Councilor Pierce, the Board voted unanimously to determine the application complete; determined that the project does not meet the criteria for a Development of Regional Impact (DRI), per RSA 36:55, and set the Public Hearing for August 17, 2022.

- 5B. Kalapa Realty Trust, LLC requests Major Site Plan approval and Minor Subdivision Approval for an age restricted residential development consisting of attached condominium units, along with a Conditional Use Permit (CUP) for disturbance to a wetland buffer at 61 Borough Road in the Single Family (RS) and Medium Density (RM) Districts.

Ms. Fenstermacher stated that the Applicant has requested the Board postpone the Application to the August 17, 2022 Planning Board meeting.

On a motion made by Councilor Pierce, and seconded by Mr. Santacruce, the Board voted unanimously to grant the Applicants request to continue the application to August 17, 2022.

6. Design Review Applications by Consent

Ms. Rosenberger recused herself from all of the Design Review Applications.

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- 6A. Neopco Signs, on behalf of Brain Injury Association of NH, requests ADR approval for the installation of a new non-illuminated freestanding sign at 7 Green Street in the Civic Performance (CVP) District.
- On a motion made by Councilor Pierce, and seconded by Mr. Fox, the Board voted by consent, 7/0/1, to approve the design as submitted.
- 6B. Neopco Signs, on behalf of The Bean & Bakery, requests ADR approval for the replacement of an externally-illuminated wall sign and an internally-illuminated wall sign at 15 Pleasant Street in the Central Business Performance (CBP) District.
- On a motion made by Councilor Pierce, and seconded by Mr. Fox, the Board voted by consent, 7/0/1, to approve the designs as submitted.
- 6C. Neopco Signs, on behalf of Concord Whyte Prop. 5 LLC, requests ADR approval for the installation of a new externally-illuminated, freestanding tenant directory sign at 112 Pleasant Street in the Civic Performance (CVP) District.
- On a motion made by Councilor Pierce, and seconded by Mr. Fox, the Board voted by consent, 7/0/1, to approve the design as submitted.
- 6D. Barlo Signs, on behalf of 110 Grill, requests ADR approval for the installation of three new internally-illuminated wall signs at 80 Storrs Street in the Opportunity Corridor Performance (OCP) District.
- On a motion made by Councilor Pierce, and seconded by Mr. Fox, the Board voted by consent, 7/0/1, by consent to approve the designs as submitted.
- 6E. Capital Copy Inc., on behalf of Twelve 31 Café & Catering, requests ADR approval for the replacement of two non-illuminated window signs at 100 North Main Street in the Central Business Performance (CBP) District.
- On a motion made by Councilor Pierce, and seconded by Mr. Fox, the Board voted by consent, 7/0/1, to approve the design as submitted, with the condition that the text font, and color, are consistent on both lines of both window signs.
- 6F. Signarama, on behalf of Enhance Day Spa and Wellness Center, requests ADR approval for the replacement of an externally illuminated wall sign and a non-illuminated freestanding sign panel at 211 Loudon Road in the General Commercial (CG) District.
- On a motion made by Councilor Pierce, and seconded by Mr. Fox, the Board voted by consent, 7/0/1, to approve the design as submitted.
- 6G. Poyant Signs, on behalf of Blue Sky Hair Studio, requests ADR approval for the replacement of an internally-illuminated wall sign at 265-273 Loudon Road in the Gateway Performance (GWP) District.
- On a motion made by Councilor Pierce, and seconded by Mr. Fox, the Board voted by consent, 7/0/1, to approve the design as submitted.
- 6H. Signs Now NH, on behalf of Subway, requests ADR approval for the replacement of an internally-illuminated wall sign at 344 Loudon Road in the Gateway Performance (GWP) District.
- On a motion made by Councilor Pierce, and seconded by Mr. Fox, the Board voted by consent, 7/0/1, to approve the designs as submitted, with the condition that any debris or holes revealed by the size reduction, be cleaned and painted.

Member Rosenberger returned to the Board.

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Public Hearings

7. Design Review Applications

- 7A. Cheshire Builders, on behalf of the Caleb Group, requests ADR approval for the installation of a non-illuminated freestanding sign at 33-35 Canal Street in the Opportunity Corridor Performance (OCP) District.

Mr. Durfee gave an overview of the sign application noting that the Architectural Design Review Committee suggestions relative to the address and phone number have been made.

With no comments from staff, members of the Board, or public, Chair Woodfin closed the public hearing.

On a motion made by Councilor Pierce, and seconded by Mr. Hicks, the Board voted unanimously to approve the original submitted design.

8. Site Plan, Subdivision and Conditional Use Permit Applications

- 8A. Stantec Consulting Services, on behalf of Eversource Energy, requests a Conditional Use Permit (CUP) for disturbance to a wetland buffer for replacement of transmission poles for property between Shaker Road and Regional Drive and on either side of Garvins Falls Road, in the RO, RM, GWP, and IN Districts.

On a motion made by Councilor Pierce, and seconded by Mr. Fox, the Board voted unanimously to determine the application complete and that the application does not meet the criteria for a Development of Regional Impact, and open the public hearing.

Mr. Durfee gave an overview of the project explaining that the application is for a Conditional Use Permit for the installation of steel structures that are needed to replace existing wooden structures. The work is within the existing, previously disturbed utility right-of way.

Tom Tetreau from Stantec represented the application.

Mr. Tetreau explained that the project is similar to the prior project submitted back in April 2022. Working on the prior project, Eversource found that a few additional structures needed to be replaced due to deterioration from age, cracking, rot, etc. The Conditional Use Permit is required due to impacts to the 50-foot wetland buffer.

Chairman Woodfin asked about the height changes. Mr. Tetreau stated that overall the changes are within six inches to nine feet at most; not significant height changes.

Mr. Santacruce mentioned they be aware of any site distance changes.

With no further comments from staff, members of the Board, or public, Chair Woodfin closed the public hearing.

On a motion made by Councilor Pierce, and seconded by Chairman Woodfin, the Board voted unanimously to **grant the following Conditional Use Permit approvals** in the existing utility right of way for the Eversource M108 & C189 Transmission Line rebuild project located between Shaker Road and either side of Garvins Fall Road, subject to the subsequent conditions noted below:

- CUP in accordance with Article 28-4-3(d) for *Disturbance of Wetland Buffers*;
- CUP in accordance with Article 28-3-3(f) for *Disturbance of Buffers in the Shoreland Protection District*;

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- CUP in accordance with Article 28-2-4(c) *Uses Permitted by CUP* to allow for the construction of Essential public utilities within the Open Space and Medium Density and Residential Districts with the condition that existing vegetative buffers be maintained.
- (a) Subsequent Conditions – to be fulfilled prior to commencement of site construction, unless otherwise specified:
 - (1) All work shall be performed in accordance with the City of Concord's Construction Standards and Details (latest edition).
 - (2) A Temporary Traffic Control Plan (TTCP) will be required for all work in and adjacent to the City ROW that will require lane closures. The TTCP should be submitted to the Engineering Services Division (ESD) for review and approval a minimum of 2 weeks prior to the construction activities that require the lane closure(s).
 - (3) Any new or reconstructed access points/roads needed to access the transmission line ROW from the City ROW will require a driveway permit from (ESD) at least 2 weeks in advance of the construction activities.
 - (4) The Applicant shall submit copies of any state and/or federal permits associated with the site design once they are issued.

8B. Dundee Investment Associates, LLC requests an amendment to a Major Site Plan approval for modification of a previously approved plan, including additional parking spaces, changes to phasing, and revised building footprints, at 285 Loudon Road in the Gateway Performance (GWP) District.

On a motion made by Councilor Pierce, and seconded by Mr. Fox, the Board voted unanimously to determine the application complete and that the application does not meet the criteria for a Development of Regional Impact, and open the public hearing.

Ms. Fenstermacher gave an overview of the project explaining that the application was previously approved and this is an amendment request to change the phasing schedules and to reconfigure the parking to accommodate additional parking needed for the change of use from retail to restaurant.

Jeff Merritt of Granite Engineering represented the application along with Richard D'Amante of Dundee Investments, LLC, Scott Shust of JTS Architects, and Andrew Goodman of GM Real Estate Group, LLC.

Mr. Merritt stated that the original three phased site plan was approved in 2017. Phase 1 has been constructed and included the Aldi's grocery store and all of the infrastructure for the development. Phase 2 was a restaurant and drive thru and Phase 3 was retail. They are proposing to amend the phases: Phase 3 will be done as Phase 2 and vice-versa. He explained that they have redesigned the building to reduce 100 square feet of floor area (6,250-sf approved, 6,150-sf proposed) and converting it to be a mixed retail and restaurant use (previously approved as all retail); and, to reconfigure the parking to create six additional spaces. In addition, the drive-through restaurant building is reduced by 300 square feet (4,365-sf approved, 4,065-sf proposed) in order to meet parking requirements on the site. There will be no changes to the existing curb cuts. One additional light pole is being added. The landscaping comments from ADR and Planning staff have been noted and will be addressed as well as the Engineering comments.

Mr. Shust stated that they did appear before the Architectural Design Review Committee. He stated that the proposed materials will be clad in stone wainscoting, masonry in second level, white EIFS, cement board, and metal panels at the corner for the end user. He added that the Committee

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requested some minor changes in the design to show the building association with the larger tenant. He also provided physical samples to staff, as required by the ADRC.

Ms. Smith-Meyer requested they add shade trees instead of small ornamental and evergreen trees that were proposed. She noted that many dead trees on site that need to be replaced. Mr. Merritt stated that they do not have any objections with changing the landscaping. He added that they will work with staff. Ms. Fenstermacher stated that she already requested that they add more trees to the north side of the building. Ms. Smith-Meyer stated that evergreens should not be in parking spaces. She also noted that the plant list should list trees by their caliper not by the height.

A discussion was held regarding the narrow landscape island in the front of the building. Mr. Santacruce suggested reducing the striped area at the accessible spaces in order to increase the landscape area within the island to allow for tree planting. Mr. Merritt explained that the Fire Department had asked for a larger striped area in the front of the building and he believes it is a Fire Code requirement. He added that if the Fire Department agrees, they could narrow the area down to eight feet to meet the parking space dimensional requirements. Mr. Santacruce suggested 12 feet wide. Mr. Merritt stated they will reduce the striped area if allowed by Fire to allow for an increased island to provide more space for plantings.

With no further comments from staff, members of the Board, or public, Chair Woodfin closed the public hearing.

On a motion made by Councilor Pierce, and seconded by Mr. Fox, the Board voted unanimously to **grant ADR approval** the proposed site plan amendment for the building architecture, site layout, and site landscaping, with the following conditions: the planting list be aligned with the landscape plan and comply with regulations and staff recommendations; the south building elevation and western storefront be a continuum at the fascia level; and, the white EIFS be darkened to show that part of the building is associated with the largest tenant. In addition, material samples to be provided to Staff for review prior to the issuance of a building permit

On a motion made by Mr. Santacruce, and seconded by Councilor Pierce, the Board voted unanimously to **grant the Amendment to the Major Site Plan approval** for the proposed revisions to the building and parking at 285 Loudon Road and revised phasing of the development, subject to the following precedent and subsequent conditions noted below:

(a) Precedent Conditions – to be fulfilled within one (1) year and prior to sign off by the Clerk and Chair of the Planning Board and issuance of any building permits, or the commencement of site construction, unless otherwise specified:

- (1) Address Technical Review comments to the satisfaction of the Planning Division.
- (2) Address Engineering review comments to the satisfaction of the Engineering Division.
- (3) Submit three (3) copies of fully revised plans for sign off by the Clerk and Chair of the Planning Board.

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

- (1) Provide building material samples for staff review prior to the issuance of a building permit for the building at 285 Loudon Road.
- (2) All dead or declining trees, damaged sections of fencing, and the damaged dumpster enclosure shall be replaced prior to the issuance of the certificate of occupancy for the building at 285 Loudon Road.
- (3) Prior to the issuance of the building permit for the proposed drive-through restaurant under

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Phase 3, the Applicant shall return for ADR review and approval of the building elevations and materials.

- (4) All subsequent conditions from the original Major Site Plan approval shall remain in full force and effect.

8C. P & M Realty of Concord requests an amendment to a Major Site Plan approval to add (7) units to a previously approved site plan for a total of 199 residential units as part of Phase 4 of the Rail Yard Mixed Use Development off Langdon Ave.

On a motion made by Mr. Hicks, and seconded by Councilor Pierce, the Board voted unanimously to determine the application complete and that the application does not meet the criteria for a Development of Regional Impact, and open the public hearing.

Ms. Fenstermacher gave an overview of the project explaining that this application is an amendment request to add seven additional units to one building in a future phase as well as amending the Conditional Use Permit for additional parking. The amendment increases the building size and reconfigures sidewalks adjacent to the building.

Chris Nadeau of Nobis Group represented the application along with both Mark Pilotte and Jeremy Vieira of Dakota Partners.

Mr. Nadeau stated that the Planning Board previously approved a five phased mixed use multi-family and commercial development on Langdon Ave., consisting of 192 residential units with a club house and two commercial buildings. He explained the phases of the future development and stated that the amendment request is to add seven more units to phase 4. This will be an increase from 48 to 55 units in the building, which will require a shift in the sidewalks. In addition, an amendment is also requested to the approved Conditional Use Permit to add 14 parking spaces to accommodate the additional seven units.

Mr. Pilotte spoke to the tax credits that they are applying for, which require the addition of the units to meet the State requirements. He explained that they did apply for a waiver to the State to not require the additional seven units, but were denied. Mr. Vieira stated that the denials were applied across the board to all applicants due to the need for more housing.

A discussion was held regarding the amount of parking. Mr. Nadeau stated that they are requesting to only provide 314 spaces where 410 is required. The requirement is two spaces per unit.

Ms. Smith-Meyer stated that there should be shade trees in the parking lots; large shade trees not ornamentals.

With no further comments from staff, members of the Board, or public, Chair Woodfin closed the public hearing.

On a motion made by Mr. Santacruce, and seconded by Mr. Hicks, the Board voted unanimously to **grant the amendment to the Conditional Use Permit** in accordance with Section 28-7-11(b), Construction of Fewer Parking Spaces, of the Zoning Ordinance to construct 314 spaces where 410 spaces are required.

On a motion made by Mr. Santacruce, and seconded by Mr. Hicks, the Board voted unanimously to **grant ADR approval** for the amendment to Building G at 28 Langdon Avenue and associated site improvements.

On a motion made by Mr. Santacruce, and seconded by Mr. Hicks, the Board voted unanimously to **grant the amendment to the Comprehensive Development Plan** for the amendment to Building G at 28 Langdon Ave and associated site improvement revisions.

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On a motion made by Mr. Santacruce, and seconded by Mr. Hicks, the Board voted unanimously to **grant the Amendment to the Major Site Plan approval** for the addition of 7 units at 28 Langdon Avenue, and related site improvements, subject to the following precedent and subsequent conditions noted below:

- (a) Precedent Conditions – to be fulfilled within one (1) year and prior to sign off by the Clerk and Chair of the Planning Board and issuance of any building permits, or the commencement of site construction, unless otherwise specified:
 - (1) Address all review comments to the satisfaction of the Engineering Services Division.
 - (2) Final plans shall be signed and sealed by the NH Registered Land Surveyor, Landscape Architect, and Professional Engineer.
 - (3) Submit three (3) copies of final plans for sign off by the Clerk and Chair of the Planning Board.
- (b) Subsequent Conditions – to be fulfilled as specified:
 - (1) All subsequent conditions from the original approve shall remain in full force and effect.

- 8D. CATCH Neighborhood Housing requests Major Site Plan approval to construct a three story multifamily building consisting of 48 units, and a Conditional Use Permit (CUP) to not provide a commercial use at 303 Sheep Davis Road in the Gateway Performance (GWP) District.

Amanda Savage recused herself from this project.

Mr. Durfee gave an overview of the project and explained that the Board granted approval for the Comprehensive Development Plan at the June 15 Planning Board meeting. He stated that parking has been shifted along with the location of the dumpster. Two Conditional Use Permits have been requested to not provide the required commercial component and to defer 12 parking spaces. The Architectural Design Review Committee requested materials be shifted on the building and they did request the dumpster access be straightened to provide a separation between the building and dumpster and from the windows to the adjacent units. Discussions will need to be held with NHDOT relative to the sidewalk being within the right-of-way or built on site.

Chris Nadeau, of Nobis Group, represented the application along with Alexandria Panagiotakos from CATCH.,

Mr. Nadeau stated that the proposal is a 48 unit, three story workforce housing development at 303 Sheep Davis Road, directly opposite of Sam's Club. The parcel is 6+/- acres with a brook running between the site and Walmart. The site is heavily forested, which helps with screening the abutting properties and Route 106. 84 parking spaces are proposed. He explained that they are asking for a CUP as 96 spaces are required. The building will be connected to City water and sewer. The driveway is existing and will be shared with the neighboring heavy equipment rental business. He added that there is a 25% requirement for a commercial; however, a CUP is being submitted to not have any commercial use on the site due to the property constraints.

Mr. Nadeau stated that they met with the ADRC who requested that something other than elm trees be used on the site and to leave as much of the existing screening as possible along Sheep Davis Rd. He noted that there will be some trees cut but they do plan to add shade trees along the bank.

A discussion was held regarding the sidewalk. Mr. Nadeau stated that an application for the driveway will need to be submitted to NHDOT and part of the discussion will be where to place a sidewalk. At this time, it shown in the right-of-way.

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Chairman Woodfin asked if there will be any access around the property. Mr. Nadeau explained that there is a trail noted; however, they do not plan to encourage walking around the rear of the property.

Ms. Panagiotakos noted that she is hoping that Community Action will add a bus stop and she has suggested that it be available within the parking area.

Chairman Woodfin asked about a traffic light. Mr. Nadeau stated that a traffic study has been completed and identified that there is a left hand turn issue from Sam's Club. Mr. Durfee explained that the traffic study did identify that there is a problem but it is not because of the proposed development; it exists because of the volumes on the road now and it does not warrant a signal. No recommendations were made for any off- site improvements to the intersection.

Discussion ensued regarding adding a crosswalk as there will be people crossing this road. Mr. Durfee stated that this district allows housing now and this will be something that will be seen more and more. He added that there will need to be master planning discussions held with NHDOT for this corridor.

With no further comments from staff, members of the Board, or public, Chair Woodfin closed the public hearing.

On a motion made by Councilor Pierce, and seconded by Mr. Hicks, the Board voted unanimously to **grant ADR approval** for the building design, site layout, and landscaping with the conditions that the elm trees be substituted for a different native shade tree, the southern elevation be used for the northern elevation, and that the separation between the dumpster and the building be increased.

On a motion made by Councilor Pierce, and seconded by Mr. Hicks, the Board voted unanimously to **grant the following Conditional Use Permits:**

- Article 28-4-5(e)1 *Mixed Use Component Required* – to not provide the required 25% commercial space by square footage.
- Article 28-7-11(b) *Alternative Parking Arrangements* – to defer the construction of 12 required parking spaces.

On a motion made by Councilor Pierce, and seconded by Mr. Hicks, the Board voted unanimously to **grant Major Site Plan approval** for the construction of a 48-unit multi-family building with associated site improvements at 303 Sheep Davis Road in the Gateway Performance (GWP) District, subject to the following precedent and subsequent conditions noted below:

- (a) Precedent Conditions – to be fulfilled within one (1) year and prior to sign off by the Clerk and Chair of the Planning Board and issuance of any building permits, or the commencement of site construction, unless otherwise specified:
- (1) Address all Review comments to the satisfaction of the Planning and Engineering Divisions. For all subsequent submissions, applicant shall provide a response memo addressing/acknowledging all comments.
 - (2) Final plans shall be signed and sealed by the NH Registered Land Surveyor, Landscape Architect, and Professional Engineer.
 - (3) Any CUP(s) granted are to be noted and fully described on the plan including date granted and applicable Article number(s) of the Zoning Ordinance. Should the Board vote to deny the CUP request(s), applicant shall comply with said submission requirement(s).
 - (4) Submit three (3) copies of fully revised plans for sign off by the Clerk and Chair of the Planning Board.

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- (5) A pre-construction meeting shall be required prior to the start of any construction activities onsite. The applicant shall pick up one (1) set of signed plans at the Planning Office to make copies for the pre-construction meeting. A total of five (5) copies of the signed plan set shall be provided by the applicant at the pre-construction meeting.
- (b) Subsequent Conditions – to be fulfilled as specified:
 - (1) Prior to commencement of construction activity, payment of inspection fees in an amount approved by the City Engineer shall be made.
 - (2) Traffic and recreation fees shall be assessed for any construction on lots contained within this approved subdivision. The impact fees and procedures shall be those in effect at the time of the issuance of a building permit as set forth in the City of Concord Code of Ordinances, Title IV, Subdivision Code: Chapter 29.2, Public Capital Facilities Impact Fee Ordinance. The specific fees assessed are those contained in Section 29.2.1-1 Assessment and Collection; subsection (b) Computation of the Amount of Impact Fees; Table 2, Recreational Facilities Impact Fee per Variable Unit; and Table 3, Transportation Facilities Impact Fee per Variable Unit.
 - (3) Prior to issuance of the final Certificate of Occupancy or final construction sign-off, as-built drawings shall be provided to the City Engineer in accordance with Section 12.09 of the Site Plan Regulations. The as-built drawings shall be surveyed on NH State Plane coordinates and NAVD 88 Datum.
 - (4) Following conversations with NHDOT, should it be determined that the required sidewalk will be built on private property, the Applicant shall grant a pedestrian access easement to the City.

Other Business

9. Heritage Commission and ADRC Representatives

Ms. Shank noted that the Heritage Commission and Architectural Review Committee are in need of a Planning Board representative. She described the roles of each of the two committees.

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

Ms. Shank introduced José Lovell, the City's new Associate City Engineer.

Mr. Durfee stated that this would be his last meeting with the Board. Members thanked him for his service to the City.

Adjournment

At the request of Chairman Woodfin, Ms. Smith-Meyer made a motion to adjourn, seconded by Councilor Pierce. The motion passed unanimously at 7:59 PM.

A TRUE RECORD ATTEST:

Lisa Fellows-Weaver,
Administrative Specialist