

City of Concord Planning Board
April 19, 2017
Minutes

The regular monthly meeting of the City Planning Board was held on April 19, 2017, in City Council Chambers, in the Municipal Complex, at 37 Green Street, at 7:00 p.m.

1. Call to Order
Chairman Woodfin called the meeting to order at 7:00 pm. Planning Staff present included Heather Shank (City Planner), Beth Fenstermacher (Assistant City Planner), John Stoll (Senior Planner), and Lisa Fellows-Weaver (Administrative Specialist).
2. Roll Call
Present: 7 – Chairman Richard Woodfin, Vice-Chair Carol Foss, Councilor Byron Champlin, Matthew Hicks, Ian West, Susanne Smith-Meyer, and John Regan.
Absent: 4 –Teresa Rosenberger (Ex-Officio for City Manager), David Fox, Alternate Chiara Dolcino and Alternate Frank Kenison.
3. Approval of March 15, 2017 Planning Board Meeting Minutes
On a motion made by Mr. West, and seconded by Ms. Smith-Meyer, the Board voted unanimously to accept the minutes of March 15, 2017, as written.
4. Planning Board Chair Overview
Chairman Woodfin announced that the May Planning Board meeting will be held in the basement room at the Library. Anyone arriving after the library closes at 8:00 pm will need to use the side entrance on Prince Street.

Chairman Woodfin announced that item 7A, Merrimack Superior Court House, has been postponed to May 17.

Consent Agenda Items

5. Determination of Completeness Items by Consent
 - 5A. Northpoint Engineering, LLC, on behalf of GJC Associates, requesting Major Site Plan approval to expand an existing parking lot, and a Conditional Use Permit for disturbance of a wetland buffer, at 264 Pleasant Street in the Institutional (IS) District. *MBL: 95/3/1 & 95/3/2 (2017-09)*

Ms. Foss requested to remove the item from the consent agenda. She expressed concern with the number of comments that were provided with the material. Ms. Shank explained that the comments are generally for informational purposes and only the few Technical Review comments pertain to minor items needing revision. She stated that the technical comments are minor enough not to delay the acceptance of the application as complete.

On a motion made by Ms. Smith-Meyer, and seconded by Mr. West, the Board voted unanimously to determine the application complete.
 - 5B. Northpoint Engineering, LLC, on behalf of Thomsonburger Ventures, LLC, requesting Major Site Plan approval for a new 1,480 sf cold-weather homeless shelter building, parking lot, and related site improvements to be constructed behind the existing building at 238 N. Main Street in the Urban Commercial (CU) District. *MBL: 55/5/13 (2017-08)*

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On a motion made by Councilor Champlin, and seconded by Mr. West, the Board voted unanimously to determine the application complete by consent.

6. Design Review Applications by Consent

If an applicant, Planning Board member, or audience member wishes to remove an item from the Consent Agenda for discussion, it will be pulled for consideration during the public hearing segment of the agenda. Otherwise, consent items are approved subject to the recommendations of the Design Review Committee.

- 6A. Loudon Way, LLC, requesting ADR approval to install a replacement sign on an existing freestanding structure at 122 Loudon Road in the General Commercial (CG) District. *MBL: 116/7/5*

On a motion made by Councilor Champlin, and seconded by Mr. West, the Board voted unanimously to approve the application as submitted by consent.

- 6B. HDC-192 Loudon Road, LLC, requesting ADR approval to install two new monument signs at 192-194 Loudon Road in the General Commercial (CG) District. *MBL: 117/D2/9*

On a motion made by Councilor Champlin, and seconded by Mr. West, the Board voted unanimously to approve the application as submitted by consent.

- 6C. Chickadee Lane, on behalf of Harold Ekstrom, requesting ADR approval for replacement of a hanging sign at 25 Main Street in the Central Business Performance District. *MBL: 35/4/4.*

On a motion made by Councilor Champlin, and seconded by Mr. West, the Board voted unanimously to approve the application as submitted by consent.

Public Hearings

7. Design Review Applications for Building Permit Applications for Exterior Alterations in Performance Districts.

- 7A. Chris Carley, on behalf of the Merrimack Superior Court House, requesting review of a proposed retaining wall and encroachment into the N. Main Street right-of-way, as part of a Major Site Plan submission to demolish an existing structure and construct a new Courthouse at 163 North Main Street in the Civic Performance (CVP) District. *MBL: 46/1/1 (2017-07)*

This public hearing was postponed to May 17, 2017.

- 7B. Gerry Blanchette, on behalf of the City of Concord, requesting review for renovation of the parking structure at 17 School Street in the Civic Performance (CVP) District under RSA 674:54. *MBL: 45/1/5*

Matt Walsh Director of Redevelopment of Downtown Services and Special Projects, and Gerry Blanchette of HL Turner Group were present. Mr. Walsh explained that the proposal is to replace the two stair towers, which were built in 1985. These new structures will be enclosed with glass, easier to maintain, and safer as they will be lit. The structure is currently concrete, steel, and brick. He noted that a new elevator will be installed using the same shaft. There will also be a more efficient traffic pattern.

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A discussion was held regarding the ADA requirements during the construction of the elevator. Mr. Blanchette explained that there will be intermittent closures addressed through signage. The project will address one stair case at a time; no other alternative is available when the elevator is being worked on. However, there will be more handicap parking spaces made available on the first floor during that time.

Ms. Shank provided a summary of the recommendation of the ADRC to take advantage of this opportunity and make the area more engaging. Members suggested that art work could be incorporated in some way, that colored glass panels could be used in the stairwells, and/or that the railings and stairwells could be painted bold or varying colors to add a more exciting or creative element. Mr. Champlin commented that there are many options to include art and suggested that the Kimball School of Art be contacted to assist. Something should be done to make it more than just a parking garage. Ms. Foss suggested that there be bird friendly glass used for the stairwells, and that colored panels could assist with that.

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

Mr. Walsh stated that there are budget concerns; however, they will take the recommendations under advisement. He thanked the Board for their input.

- 7C. Jonathan Halle, on behalf of Associated Enterprise Inc., requesting ADR review for removal of two (2) windows and installation of French doors and a balcony at 66 N Main Street in the Central Business Performance (CBP) District. *MBL: 45/6/2*

Johnathan Halle was present on behalf of Associated Enterprise. Mr. Halle provided an overview of the proposal explaining that the original submission was to remove four (4) windows and replace them with two (2) French doors for a balcony with a steel platform and glass railing. The current proposal, based on ADR recommendations, is to maintain the existing brick work and replace the existing windows with custom made doors. He stated that he is trying to maintain the arches and the character of the building. He stated that ADR was concerned with altering the historical look of the building, but did not express any concern with regards to the design of the balcony. He added that the balcony will have a black metal cantilever, a 5x15 foot platform, and a glass railing that is 42 inches high.

Chairman Woodfin expressed concern with the introduction of balconies on Main Street and felt that there needs to be some guidelines and a process established for creating recommendations.

Councilor Champlin stated that he supports the conversion for the development and appreciated the response to the comments from ADR to change the design. He felt that it is more palatable; however, there will be more balconies that will be coming before the Board.

Ms. Shank asked if the Board's recommendation is for staff to develop guidelines or criteria to create some predictability for balconies.

Mr. Halle stated that the owner is looking to accommodate the concerns of the Board and is asking to be judged by the rules set forth today, not to be put off until guidelines are developed.

Ms. Shank noted that the rules today allow the Board to deny an application for Design Review if the proposal is not in keeping with the character of the area, or if the Board feels that a broader public

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discussion is needed to discover how the community wants Main Street to develop. It is the purview of the board to protect the character of Main Street.

Mr. West commented that he appreciated the design of the balcony as well as the fact that it is clear. He noted that there may be more applications forthcoming and acknowledged that guidelines might be a good idea. However, he was in favor of the current proposal. .

Ms. Smith-Meyer stated that she does not feel that the proposed balcony is consistent with the historic district of Main Street. She added that it is hard to imagine the proposal from the perspective image provided, and what an actual five foot overhang from the building might look like.

Ms. Foss stated that she is looking forward to seeing balconies, and changing the use is a positive for Main Street. She added that adaptation is positive and the visual aspect in keeping the window shapes is also an improvement to the original proposal. Paint color to match the brick for the balcony was suggested; however, not black. She expressed concern with safety due to the glass railing.

Mr. Hicks stated that this is a great application and the use seems to be coming back to life. He added that he agrees that the proposal it is not changing the historical character of the area, and we should proceed with this application until there are specific guidelines developed.

Mr. West recommended that the brick around the base of the balcony be painted to mimic the building, which would soften the look.

Councilor Champlin noted the visual impact at night on Main Street is nice. Mr. Halle stated that the ordinance does not allow for up lighting. Staff will look into this item.

Chairman Woodfin stated that the rendering does not show the image accurately when looking up from the street. He added that he feels that the design may be too modern and expressed concern with the balcony projecting 5 feet.

Ms. Shank stated that ADR was not overly concerned with the proposal of the modern looking balcony. They were concerned with the façade of the building, which has been addressed. She noted that a license from City Council will be required since the balcony projects into the right of way.

Mr. Reagan asked about the timeframe to develop guidelines. Ms. Shank replied that this was a legitimate concern since staff would seek input from ADR as well as the Heritage Commission and Planning Board, and coordinating these groups can be a challenge when they only meet once a month.

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

On a motion made by Ms. Foss, and seconded by Councilor Champlin, the Board **granted ADR approval** for the revised submission as presented during the meeting, indicating no change to the brick work façade, with the recommendation that the base be painted a similar color to the brick, and subject to the condition that any changes other than the color come back before the Board. Motion passed 5/2; Chairman Woodfin and Ms. Smith-Meyer were opposed.

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On a motion made by Ms. Foss, and seconded by Councilor Champlin, the Board agreed unanimously to refer to staff to present a strategy for creating guidelines for balconies.

8. Amendments & Other Items

- 8A. Amend Chapter 28, Zoning Ordinance, Article 28-2, Zoning Districts and Allowable Uses, Article 28-5, Supplemental Standards, Article 28-9, Administration and Enforcement, and the Glossary, to allow Accessory Dwelling Units (ADUs) as an allowed use in accordance with RSA 674:71 through RSA 674:73

Ms. Shank provided a summary of Senate Bill 146, which requires municipalities to allow internal or attached Accessory Dwelling Units (ADU's) in all zoning districts where single-family residences are permitted. An ADU, as defined by law, is a residential living unit that is within or attached to a single-family dwelling, that provides independent living facilities for one or more persons. This is intended to meet the need to:

- Provide more diverse affordable housing opportunities;
- Allow adult children to provide living arrangements for aging parents;
- Provide living space for caregivers of elderly and disabled citizens;
- Increase the supply of affordable housing without more infrastructure or land development;
- Provide income for aging homeowners, single parents, college graduates with high student debt, caregivers and disabled persons;
- Integrate affordable housing into the community with minimal negative impact; and
- Provide elderly citizens with the opportunity to live in a supportive family environment with independence and dignity.

Ms. Shank stated that the law allows an ADU to be regulated by right, by conditional use permit, or by special exception. The municipalities are able to adopt design standards to regulate the appearance of ADUs, to require owner occupancy of either the ADU or primary unit, to limit the maximum square footage of ADUs to 750 sf, to limit the number of bedrooms to two or greater, and to require a connecting door between units. Staff has incorporated all of these elements into the proposed ordinance.

Ms. Smith-Meyer commented that a Conditional Use Permit would be a more applicable avenue as it would allow for more review and input. Ms. Shank responded that the Special Exception process was chosen due to the plan application requirements for Conditional Use Permits, considering that in many cases, it is possible that no site work would be proposed. She also noted that Design Review would be required in the event that any site work is proposed or modifications are proposed to the exterior of an existing dwelling.

Councilor Champlin stated that this is a tool to create a small apartment within a home for supplemental income and/or a residential area for family. He stated that these types of units are needed in this City, small areas for young professionals, and this would be a wise amendment for the City and Board to adopt.

Chairman Woodfin opened the public hearing.

Robert Nichols of 29 Cemetery Street spoke to the Board in opposition of the maximum area permitted of 750 sf. He agreed that the ADU is a much needed use in the City. He described his neighborhood and

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stated that lot size determines what you can build, along with setbacks, frontages, and meeting these and other requirements. He does not feel that the ADU should be limited in size as long as it complies with other requirements. He shared a plan of the addition he constructed off of his existing home. He does not feel that 750 sf is useable for a two bedroom unit. Mr. Nichols disagreed with the amendment as proposed and suggested allowing 750 sf of habitable space versus gross floor area. Ms. Shank noted that this could end up being a loophole whereby someone could create a large area for storage, which would not count towards the overall footprint but could dramatically affect the appearance of a single family home.

Ms. Shank explained that the City is allowed to establish a maximum square footage in accordance with the RSAs. She stated that 750 sf was chosen to protect the integrity and character of existing single family neighborhoods. She also stated that the proposed amendment had been discussed and reviewed over many months by several different departments. She does not feel that the proposed maximum is unreasonable, considering that there are firms interested in developing micro units beginning at 400 sf.

Ms. Smith-Meyer commented that there should be more leeway allowed for the size. She feels that 750 sf is very limiting.

Mr. West stated that the design presented by Mr. Nichols is 864 sf., which is greater than the permitted 750 sf. He noted that this proposal would not qualify for the ADU. Ms. Shank explained that in this case, the applicant would need to apply to the Zoning Board for a variance.

Additional discussion was held regarding the amount of parking spaces required for an ADU. Two parking spaces for a two bedroom unit is proposed. Ms. Smith-Meyer felt that there should not be a parking minimum. She noted that if the intent is to minimize impact in neighborhoods, having no minimum would further that goal by reducing new paved areas.

Ms. Shank noted that she would pass the Boards comments on to Council. Councilor Champlin noted that there would be another public hearing at the Council meeting and encouraged Mr. Nichols to attend. There being no further comments from members of the public, the Chair closed the public hearing.

On a motion made by Councilor Champlin and seconded by Mr. Reagan, the Board approved the amendment for ADUs, as written. Motion passed 6/1. Ms. Smith-Meyer was opposed.

- 8B. Amend the Site Plan Regulations, Section 33, Architectural Design Review, Subsection 33.03, General Review Criteria, to require that single family dwellings with accessory dwelling units remain aesthetically consistent with conventional single family dwellings.

Ms. Shank explained that the proposed amendment is in conjunction with the Accessory Dwelling Units Zoning Ordinance. The amendment proposes criteria for Architectural Design Review in the Site Plan Regulations. The criteria include that single family homes with ADUs must be aesthetically consistent with existing single family homes in the neighborhood, including having a single primary front entrance, and utilizing materials and colors that are similar to the existing structure.

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

On a motion made by Councilor Champlin, seconded by Ms. Foss, the Board voted unanimously to approve the amendment for ADUs to the Site Plan Regulations, as written.

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9. Council Referrals

- 9A. Petition requesting the discontinuance of a portion of the Pitman Street right-of-way to allow space for additional parking in conjunction with the construction of the new Merrimack County Superior Courthouse at 163 N. Main Street.

Ms. Shank stated that a petition was submitted to discontinue a portion of the Pitman Street right-of-way (ROW) in conjunction with the new Courthouse project.

Attorney Ari Pollock, representing the Merrimack County Superior Courthouse, explained that the Merrimack County is proposing to demolish the existing Registry of Deeds building and construct a new Courthouse at 163 N. Main Street. Part of the County's criteria for remaining at this location was the provision of a minimum of 150 parking spaces on site. The current proposal accomplishes this with the addition of a row of new parking on the south side of the facility, with direct access from Pitman Street. The proposed discontinuance affects only the right-of-way and does not affect the normal traffic function or existing width of Pitman Street. The existing Pitman Street right-of-way does not connect to the Montgomery Street right-of-way, but ends at the private parking lot owned by the Concord Housing Authority.

Ms. Shank stated that since there is minimal existing traffic on this road, and the proposal will not adversely affect the street infrastructure of the City, Staff supports the request. It was noted that the City will continue to maintain the City owned area.

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

On a motion made by Ms. Smith-Meyer, seconded by Mr. Hicks, the Board voted unanimously to recommend approval of the petition to discontinue a portion of the Pitman Street right-of-way. .

Other Business

10. Update on the Open Space Plan

Ms. Fenstermacher explained that the Conservation Commission has been diligently working on an update to the City's Conservation Open Space Plan. A public meeting was held in the fall of 2016 to gather community input.

Ms. Fenstermacher stated that the intent of the update was to incorporate updated data, more technical information, and to establish selection criteria for making decision about what parcels to acquire. The update will identify conservation focus areas to guide decision making, create a GIS database for decision making, will revisit policy recommendations for the 2008 Plan, and will make recommendations on issues such as revisiting the Cluster Ordinance, and providing incentives for reductions of impervious surfaces.

Ms. Fenstermacher stated that the funding is coming out of the forestry funds. The consultant has completed the first draft of three rounds of revisions. More information will be available at the May meeting. If available, Ms. Fenstermacher will forward the 2nd draft to the Board members at least one week in advance of the meeting.

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Ms. Shank added that the plan may end up being a stand-alone document for use by the Conservation Commission, and that staff may need to extract excerpts to update the Open Space Plan Chapter of the Master Plan 2030. Based on the intent of the update, to be used by the Conservation Commission to evaluate acquisition decisions, the document is not as comprehensive from an overall land use planning perspective as the current Open Space Plan Chapter. The Planning Board will be able to review and participate in this process once the consultants have finished their involvement.

11. Other business which may legally come before the Board

Chairman Woodfin introduced and welcomed John Stoll as the new Senior Planner

Adjournment

With no further business before the Board, Councilor Champlin made a motion to adjourn at 9:03 p.m., seconded by Ms. Smith-Meyer. Motion carried.

A TRUE RECORD ATTEST:

Lisa Fellows-Weaver
Administrative Specialist