

City of Concord Planning Board
July 19, 2017
Minutes

The regular monthly meeting of the City Planning Board was held on July 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), and John Stoll (Senior Planner). Engineering Staff present included Bryant Anderson (Associate Engineer).
2. **Roll Call**
Present: 9 – Chairman Richard Woodfin, Vice-Chair Carol Foss, Councilor Byron Champlin, Teresa Rosenberger (Ex-Officio for City Manager), Matthew Hicks, Susanne Smith-Meyer, David Fox, Ian West, and John Regan.

Absent: 2 –Alternate Chiara Dolcino and Alternate Frank Kenison.
3. Approval of June 21, 2017 Planning Board Meeting Minutes
On a motion made by Councilor Champlin, and seconded by Mr. Hicks, the Board voted unanimously to accept the minutes of June 21, 2017, as written.
4. Planning Board Chair Overview
Chairman Woodfin announced that there was a last minute addition to the agenda pertaining to work Concord High School would like to do in conjunction with the replacement of the boilers.

Consent Agenda Items

5. 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.
- 5A. Cohen & Winters – Attorneys at Law, on behalf of CW Realty LLC, requesting ADR approval to install a new sign on an existing pole at 64 N. State Street in the Civic Performance (CVP) District. MBL: 46/3/8

On a motion made by Councilor Champlin, and seconded by Ms. Foss, the Board voted unanimously to approve the application as submitted by consent.
- 5B. Parlor Salon, on behalf of Vino LLC, requesting ADR approval to install a new projecting sign, at 55 N. Main Street in the Central Business Performance (CBP) District. MBL: 45/1/12

On a motion made by Councilor Champlin, and seconded by Ms. Foss, the Board voted unanimously to approve the application as submitted by consent.
- 5C. Spirit Halloween, on behalf of Steeplegate Mall Realty, LLC, requesting ADR approval to install two new wall signs at 270 Loudon Road in the Gateway Performance (GWP) District. MBL: 111/D1/5

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

City of Concord Planning Board

July 19, 2017

Minutes

Items Pulled from the Consent Agenda

- 5D. Sugar River Bank/ATM, on behalf of Remi's Block LLC, requesting ADR approval to install a new projecting sign at 152 N. Main Street in the Central Business Performance (CBP) District. MBL: 45/6/14

This item was pulled from the consent agenda by Ms. Smith-Meyer. There was discussion about whether the sign was associated with a business or just an ATM, and how the sign was permitted if there was no business there. Ms. Shank stated that it was her understanding that the area was calculated by determining the area of the frontage utilized by the ATM. She also noted that the application was evaluated for compliance by the Zoning Administrator and that he was comfortable with the proposal. On a motion made by Councilor Champlain, and seconded by Ms. Smith-Meyer, the Board voted unanimously to approve the application as submitted.

Public Hearings

6. Site Plan & Subdivision Applications

- 6A. Richard D. Bartlett & Associates, on behalf of George Murray, requesting Minor Subdivision approval for a 2-lot subdivision at 9 Hot Hole Pond Road in the Residential Open Space (RO) District. MBL: 120/2/11

On a motion made by Ms. Foss, and seconded by Mr. West, the Board voted unanimously to determine the application complete.

Property owner Mr. George Murray and Mark Sargent from Richard D. Bartlett & Associates were present. Mr. Sargent gave an overview of the circumstances under which the lot was involuntarily merged, and stated that the purpose of the subdivision is to recreate the 2-lots and enlarge the smaller lot to meet current zoning requirements. Mr. Sargent explained the waivers that were requested, and asked that the Planning Board reconsider the waiver to not survey the entire perimeter of the remainder parcel, which staff recommended be denied. Mr. Sargent provided Board members with a copy of a 1982 survey of the entire parcel and argued that the intent could be met by relying on the previous survey to show the rest of the parcel boundary. Ms. Fenstermacher indicated that staff requests that the entire boundary line be shown since the remainder lot relies on the Shaker Road frontage and that frontage should be shown. She recommended that if the Board supports the applicant's argument, a note should be added to the plan at the tie line referencing the 1982 survey. Mr. Anderson stated that Engineering could support that solution.

Mr. Sargent also requested the Planning Board reconsider the Engineering staff requirement to provide a driveway design. Mr. Anderson stated that this is a request made for all subdivisions, and that he has concerns about the existing grades and whether the minimum 10% slope could be met. Mr. Murray indicated that he had already received a driveway permit for that location for logging. Mr. Anderson will review the information provided and the permit, and will work with the Applicant to determine whether this satisfies the requirement.

Chairman Woodfin opened the public hearing. Mr. Robert Hutchinson, a resident on Swan Circle, asked where the proposed driveway will be in relation to Swan Circle and why do they need a driveway if it is just for logging. Mr. Sargent pointed out that the proposed driveway is located off Hot Hole Pond Road, and Swan Circle is located off Shaker Road. Mr. Murray indicated that the driveway is required to support the heavy logging equipment.

City of Concord Planning Board

July 19, 2017

Minutes

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

On a motion made by Ms. Smith-Meyer, and seconded by Mr. West, the Board granted the following waivers, subject to the conditions below.

- (1) Section 12.07 Wetlands Delineation to not provide a wetland delineation for the entirety of the 14 acre lot.
- (2) Section 12.08(3) Topography, to not provide topography for the entire site for the entirety of the 14 acre lot.
- (3) Section 12.08(5) Natural Features, to not depict natural features for the entirety of the 14 acre lot.
- (4) Section 12.08(1) Property Lines to not survey the property lines for the entire parcel, subject to the condition that a note be added on the plan at the tie line where the recent survey ends referring to the 1982 recorded survey plan.

On a motion made by Ms. Smith-Meyer, and seconded by Ms. Foss, the Board granted Minor Subdivision approval for the 2-lot subdivision, subject to the following precedent conditions to be fulfilled within one year and prior to endorsement of the final plan by the Planning Board Chairman and Clerk, unless otherwise specified:

- (1) Address Engineering Review Comments dated July 10, 2017, to the satisfaction of the Engineering Division.
- (2) Address Planning Technical Review Comments, to the satisfaction of the Planning Division.
- (3) Any waiver(s) granted are to be noted and fully described on the plan including date granted and applicable Section number(s) of the Subdivision Regulations. Should the Board vote to deny the waiver request(s), applicant shall comply with said submission requirement(s).
- (4) Prior to the final plat being signed by the Planning Board Chair and Clerk, digital information shall be provided to the City Engineer for incorporation into the City of Concord Geographic Information System (GIS) and tax maps. The information shall be submitted in accordance with Section 12.09 of the Subdivision Regulations.
- (5) The Licensed Land Surveyor and Wetland Scientist shall sign and seal final plans and mylars.
- (6) Applicant shall submit two checks for recording the plan at the Merrimack County Registry of Deeds (including a separate check in the amount of \$25.00 for the LCHIP fee). Both checks are to be made payable to the Merrimack County Registry of Deeds.
- (7) The Applicant shall deliver to Planning, two plan sets and one (1) mylar(s) for endorsement by the Planning Board Chairman & Clerk and recording at the Registry of Deeds.

- 6B. Richard D. Bartlett & Associates, on behalf of Harold Turgeon, and John & Gail Mintken, requesting Minor Subdivision approval for property at 123 and 135 Hoit Road to reconfigure lots and create one new lot in the Residential Open Space (RO) District. MBL: 123/1/6; 123/1/15

On a motion made by Ms. Foss, and seconded by Councilor Champlin, the Board voted unanimously to determine the application complete.

John Stoll stated that item 2.4 on the staff report under Technical Comments regarding the Vicinity Plan could be struck from the report.

City of Concord Planning Board

July 19, 2017

Minutes

Mark Sargent represented the application and explained that this proposed minor subdivision would take portions of two residential lots and combine them in order to create one new residential lot.

On a motion made by Byron Champlin and seconded by John Regan the Board granted Minor Subdivision approval for the 2-lot subdivision, subject to the following precedent conditions to be fulfilled within one year and prior to endorsement of the final plan by the Planning Board Chairman and Clerk, unless otherwise specified:

- 1) Address Engineering Review Comments dated July 10, 2017 to the satisfaction of the Engineering Division.
 - 2) Address Technical Review Comments, noted in Section 2 above, to the satisfaction of the Planning Division.
 - 3) Prior to the final plat being signed by the Planning Board Chair and Clerk, digital information shall be provided to the City Engineer for incorporation into the City of Concord Geographic Information System (GIS) and tax maps. The information shall be submitted in accordance with Section 12.09 of the Subdivision Regulations.
 - 4) The Licensed Land Surveyor shall sign and seal final plans and mylars.
 - 5) The Applicant shall submit two checks for recording the plan at the Merrimack County Registry of Deeds (including a separate check in the amount of \$25.00 for the LCHIP fee). Both checks are to be made payable to the Merrimack County Registry of Deeds.
 - 6) The Applicant shall deliver to Planning, three plan sets and one (1) mylar(s) for endorsement by the Planning Board Chairman & Clerk and recording at the Registry of Deeds.
- 6C. TF Moran Inc. on behalf of Eversource Energy, requesting Major Site Plan approval for expansion of a substation facility and Conditional Use Permit approval for impacts to a wetland buffer at 40 Farmwood Road in the Open Space Residential (RO) District. MBL: 122/2/28

Nick Golon of TF Moran was present on behalf of the applicant, Eversource Energy, along with Walter Billingsley of Eversource. Mr. Billingsley gave an overview of the need for this expansion; this is Phase 2 of the Curtisville/Portsmouth St. project for supplying Unitil based on load growth. This project will allow them to regulate demand as needed so there is a steady flow of electricity.

Mr. Golon gave an overview of the existing site conditions and the proposed expansion. He explained that a minimal amount of trees will be removed, but there will be no change in the vegetative buffer between residences and the substation. He explained the proposed expansion of the stormwater pond to address increased runoff. There will be no permanent lighting, only emergency lighting, and the equipment manufacturer is obligated to meet local noise ordinances, the building will attenuate sound, so there will be no perceived increase in sound. Chair Woodfin asked about a fence. Mr. Billingsley indicated there would be an 8' security fence with barbed wire.

Chairman Woodfin opened the public hearing. Ms. Monika Millette, 97 Snow Pond Road, asked for clarification on the location of trees to be removed and the expansion in relation to her house. She also asked about the impacts to the small brook which runs through her property, and asked how many more phases are proposed. Mr. Golon pointed out the location of the work in relation to her house, and stated that there will be no impact to the brook. He said they could not answer the questions about future phases since that will be evaluated by Eversource in their 10 year plan. There being no further comments from members of the public, the Chair closed the public hearing.

City of Concord Planning Board
July 19, 2017
Minutes

On a motion made by Mr. Regan, and seconded by Mr. West, the Board voted to grant ADR approval the proposed 6,800 sf enclosure and 40,000 sf yard expansion.

On a motion made by Ms. Foss and seconded by Mr. West, the Board granted the following Conditional Use Permits, subject to the conditions noted:

- 1) Article 28-2-4 (ZO) to allow Essential public utilities and appurtenances as a principal use in the RO District
- 2) Article 28-4-3 (ZO) to allow disturbance of the wetland buffer for the expansion of the substation, with the condition that vegetation within the remaining buffer be protected to the extent practicable, and the slope be stabilized prior to final sign off.

On a motion made by Councilor Champlin, and seconded by Ms. Foss, the Board granted Major Site Plan Approval for the proposed substation expansion at 40 Farmwood Road, subject to the following precedent and subsequent conditions noted below:

Precedent Conditions – to be fulfilled within one (1) year and prior to issuance of any building permits, or the commencement of site construction, unless otherwise specified:

- (1) The Conservation Easement Deed and Easement Plan shall be recorded at the Merrimack County Registry of Deeds. Upon acceptance by the City Solicitor and City Surveyor, mylars and the executed deed shall be submitted to the Planning Division to be recorded.
- (2) All conditions of the Amendment to the previously approved Major Site Plan, approved at the June 21, 2017 Planning Board meeting, shall be addressed to the satisfaction of the Planning Division.
- (3) Address Planning Technical Review Comments to the satisfaction of the Planning Division.
- (4) Address review comments from Engineering Services dated July 10, 2017 to the satisfaction of the Engineering Division.
- (5) Submit two (2) copies of fully revised plans for sign off by the Clerk and Chair of the Planning Board.

Subsequent Conditions – to be fulfilled as specified:

- (1) Prior to commencement of construction activity, wetland buffers and clearing limits within the buffers shall be marked for inspection by Planning Staff.
- (2) Prior to commencement of construction activity, payment of inspection fees in an amount approved by the City Engineer shall be made.
- (3) 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 seven (7) copies of the signed plan set shall be provided by the applicant at the pre-construction meeting.
- (4) Prior to a Certificate of Occupancy or final construction sign-off, as-built drawings shall be provided to the City Engineer in accordance with Section 12.09 of the Site Plan Regulations. The as-built drawings shall be surveyed on NH State Plane coordinates and NAVD 88 Datum.
- (5) Prior to the issuance of a Certificate of Occupancy or final construction sign-off, digital information shall be provided to the City Engineer for incorporation into the City of Concord Geographic Information System (GIS) and tax maps. The information shall be submitted in

City of Concord Planning Board

July 19, 2017

Minutes

accordance with Section 12.08 of the Site Plan Review Regulations and all information shall be converted to a vertical datum of NAVD 88.

- (6) Traffic impact fees shall be assessed for any non-residential construction contained within the limits of the approved site plan. 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, 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 3, Transportation Facilities Impact Fee per Variable Unit.

- 6D. Nobis Engineering, on behalf of Merrimack County, for review and comment on a proposal subject to RSA 674:54 to demolish an existing building and construct a new parking lot at 5 Chapel Street in the Civic Performance (CVP) District. MBL: 46/3/15

Erin Lambert was present to speak on behalf of the proposal. She explained that an existing residence was to be demolished for construction of a parking lot. The lot is proposed to connect with the adjacent County property and provide additional parking for the new Courthouse. She stated that curbs were added at the request of Engineering staff, and that they were working with Engineering staff to provide design details for an ADA compliant solution for the sidewalk and driveway apron. She also noted that a lighting foot-candle plan would be provided to staff for review. Ms. Shank noted that she had asked for landscaping to be added where currently a striped paved area is indicated on the plan, and that lamp specifications should be included with the lighting plan.

Councilor Champlain questioned whether there was any limitation on the site being redeveloped, as he felt that the parking would not be needed in the future. Ms. Lambert stated that there was no reason it could not be redeveloped with a new use.

With no member of the public having any comments, Chairman Woodfin closed the public hearing and thanked Ms. Lambert for presenting to the Board.

- 6E. TF Bernier, Inc. on behalf of H. Byers Smith & Marian B. Smith Trust, requesting Major Subdivision approval for a 7-lot subdivision at 393 Mountain Road in the Medium Density Residential (RM) District. MBL: 122/4/3

On a motion made by Councilor Champlin, and seconded by Mr. Hicks, the Board voted unanimously to take this item from the table.

Bryant Anderson explained that the concerns previously expressed by staff regarding drainage calculations and shallow drainage depressions had been resolved with the applicant.

Susanne Smith-Meyer explained that the white pine trees proposed in the landscape plan were not a concern. Ms. Smith-Meyer stated that if the trees were deciduous then they should be native. Ms. Shank stated that the proposed Red Pine should be removed because they are prone to infestation.

On a motion made by Mr. Hicks and seconded by Ms. Smith-Meyer the Board voted unanimously to grant the waiver request for Section 24.02 and 25.02 to not extend municipal water and sewer lines to the subdivision.

City of Concord Planning Board

July 19, 2017

Minutes

On a motion made by Ms. Smith-Meyer and seconded by Councilor Champlin the Board voted unanimously to grant the waiver request for Section 20.11 to provide 18' of pavement and a 1' gravel shoulder.

On a motion made by Councilor Champlin and seconded by Mr. Fox the Board voted unanimously to grant the waiver request for Section 20.14 (1) & (2) to not provide a T or Y Hammerhead turnaround on a common private driveway.

On a motion made by Mr. Fox and seconded by Theresa Rosenberger the Board voted unanimously to grant ADR approval for the 7-lot cluster subdivision at 393 Mountain Road.

On a motion made by Mr. Regan and seconded by Ms. Smith-Meyer the Board voted unanimously to grant Major Subdivision approval for the 7-lot cluster subdivision at 393 Mountain Road subject to the following precedent conditions to be fulfilled within one year and prior to endorsement of the final plan by the Planning Board Chairman and Clerk, unless otherwise specified:

- (1) Address Engineering Commends from the memo dated 6/21/17 to the satisfaction of the engineering division.
- (2) Address Open Space Comments, noted in Section 3 above to the satisfaction of the Planning Division.
- (3) Address Technical Review Comments, noted in Section 4 above to the satisfaction of the Planning Division.
- (4) Revise Landscape Plans to provide an effective buffer in accordance with Planning Board recommendations.
- (5) Proposed easements and deeds for open space shall be submitted for review, in a form acceptable to the City Solicitor, Conservation Commission, and City Surveyor, and suitable for recording in the Merrimack County Registry of Deeds. Easement documents shall be recorded prior to final sign off.
- (6) Any waivers granted are to be noted and fully described on the plan including date granted and applicable Section numbers of the Subdivision Regulations. Should the Board vote to deny any waiver request, the applicant shall comply with said submission requirement.
- (7) The applicant shall submit two checks for recording the plan at the Merrimack County Registry of Deeds (including a separate check in the amount of \$25.00 for the LCHIP fee. Both checks are to be made payable to the Merrimack Country Registry of Deeds.

And the following subsequent conditions to be fulfilled as specified:

- (1) The applicant shall deliver to Planning, three (3) paper copies of the plan set and mylars for endorsement by the Planning Board Chairman & Clerk and recording the Registry of Deeds.
- (2) Wetland buffers shall be clearly and permanently marked before, during, and after construction of the sites. Building permits will not be issued until the buffers are marked.

City of Concord Planning Board

July 19, 2017

Minutes

- 6F. Jim Boudreau, on behalf of Concord High School, with a proposal to construct 10 new parking spaces in conjunction with the replacement of the boilers at Concord High School.

Ms. Shank explained that the high school had a short window of opportunity to get the work completed, but that they were required to notify the Board under RSA 674:54. She explained that staff had reviewed the proposal and that plans had been revised to accommodate staff recommendations. She stated that staff had no objections to the proposal.

With no member of the Board or public having any comments, Chairman Woodfin closed the public hearing and thanked Mr. Boudreau for presenting to the Board.

7. Amendments & Other Items

- 7A. City Council referral regarding a request from Ari Pollack, Esq, on behalf of Merrimack County to discontinue a portion of the North Main Street right of way.

Ari Pollack was present to speak on behalf of the request. Atty. Pollack reviewed the timeframe for this project over the past few months. He thanked the Board for their time and stated that all previous comments and feedback have been very helpful and were appreciated. He reviewed the needs and requirements expressed by the State of NH for the parking area. He noted that discussions were held regarding not acquiring a license to encroach in the right of way but instead the State will now take a fee schedule and is requesting to discontinue the right of way. In the end there will be 870 sq ft so the area can be quick claimed to the County. He stated that there are no additional impacts.

Ms. Shank stated that the request was to allow placement of a retaining wall that was needed in conjunction with construction of the new parking lot for the Courthouse. Chairman Woodfin noted that since permission for the retaining wall was being acquired through the discontinuance and not a license agreement, he had concerns regarding installation and maintenance of landscaping and public art on the wall. Mr. Pollack stated that the State was considering the landscaping as part of the agreement regarding what they would be responsible for. He then gave several reasons why the State was not in favor of providing public art on the wall, including cost and appropriation of funds, the challenges of maintenance and/or replacement of art, and snow removal concerns. Ms. Shank asked whether staff could meet directly with representatives from the State to discuss the issue. She noted that they may not currently be on the same page with regard to expectations, and that further communication might be helpful. For instance, she noted that she had assumed the piece chosen would be permanent and relatively maintenance free. She also noted that there were other sources of funds that could be explored, including grants or donations. Councilor Champlain stated that other cities managed to provide public art without these challenges, including all along a major highway in Rhode Island.

Mr. Pollack said he would relay that information to his contacts at the State. With no further comment from the Board or any member of the public, Chairman Woodfin closed the public hearing. On a motion by Ms. Foss and seconded by Mr. Hicks, the Board voted unanimously to recommend that Council approve the request to discontinue a portion of the North Main Street right of way.

City of Concord Planning Board

July 19, 2017

Minutes

- 7B. City Council referral regarding a request from Philip Hastings, Esq. on behalf of JDH Realty Holdings, LLC, to release portions of Locke Road from public servitude.

Atty. Philip Hastings was present to speak on behalf of the request. He explained that he and the applicant were at last month's meeting for the Major Site Plan approval related to this request.

With no member of the Board or public having any comments, Chairman Woodfin closed the public hearing. On a motion made by Councilor Champlin and seconded by Mr. Hicks, the Board unanimously recommended that Council approve the request to release portions of Locke Road from public servitude.

- 7C. City Council referral regarding a request from Concord Orthopaedic to rezone portions of the Medium Density Residential (RM) District along Pleasant Street to the Institutional (IS) District.

Bob Carey, of Orr & Reno, was present to speak on behalf of Concord Orthopaedics. Mr. Carey distributed a packet of information to Board members which consisted of two plan options and other materials. He then gave an overview of the proposal and the current zoning districts. He stated that Concord Orthopaedics is a successful business in the City that needs and wants to grow, that Concord Orthopaedics is a vital part of the community, and that the proposal is a good idea for the community. In addition, Mr. Carey stated that the proposal will preserve the existing structures and the streetscape, which, he stated, is important to the City.

Mr. Carey explained the original proposal, which he called "Plan 1", and shared some of the history of the Institutional and Residential zoning in the area. He referred to the City Planner's report, which states that this use was previously allowed through the Special Exception process. He then described an alternate proposal, "Plan 2", which contemplates a smaller area for rezoning. Mr. Carey stated that the area is a mixed use district consisting of residential and institutional uses, and that the residential uses would still be permitted if the area was rezoned to Institutional.

Mr. Carey stated that the central theme to the objections of the proposal is the impact to the character of the neighborhood. He acknowledged that the residents care about the area and it shows through the many well-maintained homes.

Mr. Carey discussed the traffic on Pleasant Street and the number of trips as indicated in the traffic report, which he stated was 9,000 trips per day. He added that, according to the report, traffic will increase on Pleasant Street regardless of whether the area is rezoned. He stated that this is why the City designated Pleasant Street a minor arterial street.

Mr. Carey stated that the streetscape would not change significantly; the house will remain and be used as office space, and the barn would be used for storage of mechanical equipment. The area where the pool is currently would be used for parking. Mr. Carey shared graphics of the proposed concept plan and elevations of the proposed structure. He explained that the building would be built into the slope and hidden from view from the street. The building is a 20,000 sf day surgery center, typically for outpatient procedures from 6 a.m. to 6 p.m., with an average of 18 patients a day.

City of Concord Planning Board

July 19, 2017

Minutes

Mr. Carey noted that the traffic report from the City Traffic Engineer supported the results of the traffic study they submitted. He described the traffic mitigation that would be needed under the various scenarios analyzed in the traffic study.

Mr. Carey stated that there will be many benefits to the community if the project goes forward including: expansion of a specialized area for orthopedic issues to be addressed, more efficiency with medical uses located in close proximity, and better results for patients in a day center environment. He stated that multiple sites were looked into and did not work for various reasons.

Ms. Smith-Meyer expressed concern that the discussions were focusing on the aesthetics and site plan review issues rather than focusing on the re-zoning issue. She stated that discussion should focus on whether the rezoning should occur and not site plan related issues, since the site plan could completely change. Mr. Carey re-iterated that Concord Orthopaedics has spent a lot of time and resources looking into other sites, and they are committed to this project and the proposal before the Board now.

Mr. Carey discussed the goals from the Master Plan pertaining to the Urban Growth boundary and stated the tax benefits to the City. He re-iterated that the facility would be good for the community because it provides jobs and resources, and supports the medical community. He stated that the Board needs to consider the economic impact, the consistency with the economic goals of the Master Plan, and the impact on the neighborhood and district. In closing, Mr. Carey stated that there is an immediate need for the rezoning and the facility. He stated that there are two options to consider, either a district-wide rezoning, or a smaller area rezoning. Mr. Carey stated that Concord Orthopaedics feels that either plan is acceptable and asks that the Board recommend one or both to the City Council.

Dr. Peter Noordsij, CEO of Concord Orthopaedics, spoke to the medical needs of the community and the fact that they are not able to meet these needs in the current facility. He explained that Concord Hospital is also dealing with capacity issues; space is not available there for Concord Orthopaedics. He discussed the national trends in orthopedic care and stated that Concord Orthopaedics cannot remain competitive or provide for the needs of the community without developing a new facility. He also stated that the proposed site is perfect in that it is near the hospital.

Dr. Noordsij concluded the applicant's presentation. Chairman Woodfin asked if members of the public wanted to come up and speak.

Robert Fishwick, 289 Pleasant Street, spoke on behalf of the residents in the neighborhood of 297 Pleasant Street. He stated that the residents are present before the Board to speak in opposition of the proposed re-zoning of over 70 acres of land along Pleasant Street by GJC Associates, Concord Orthopaedics. He stated that the proposal is to change a medium residential corridor of single and multifamily homes to a high impact institutional zone for a 20,000 sq ft surgical facility on 3 +/- acres of woodland and wetland habitats. Mr. Fishwick stated that the residents will demonstrate that the proposal is not viable and should not be allowed as it benefits one entity only. He stated that it is not good stewardship to the City. He added that there are other options available for Concord

City of Concord Planning Board
July 19, 2017
Minutes

Orthopaedic and the proposal is not consistent with the Master Plan. He stated that it is only a desire from Concord Orthopaedics to make more money. He stated that the proposal will affect the last rural entry way into Concord, as well as the residents, their quality of life, the land, the forests, the wildlife, and the overall beauty of the area. Mr. Fishwick referred to case law from the 1990's noting that zoning is not static, and a provision is made for amendments and changes to be granted when it is in the public interest and denied when it affects a special privilege solely. He stated that they feel that rezoning is not in the public interest and benefits one entity, Concord Orthopaedics.

Jim Bailey, 295 Pleasant Street, stated that his property is the most effected by the proposal. He presented a PowerPoint presentation while members of the community spoke on different aspects of the presentation.

Brendan Ryder, 307 Pleasant Street, stated that no one present is negating the fact that COPA is a reputable company or disagreeing with the needs of the City for this type of a facility. He clarified his property location and the impacts to him with either of the options discussed. He spoke to the intent of the Master Plan, specifically to the visions of the City, and the preservation of natural areas. He discussed the opportunity corridor, sprawl, development of specific uses, and other land use issues. He added that this area currently meets the intent of the Master Plan and asked why it should be disrupted when there are other areas in the City that might be improved if a facility of this nature were developed there.

Megan Ryder, 307 Pleasant Street, discussed the effect of the proposed amendment on the natural, environmental and historic resources of the City. She stated that this area does have significance in the function as an important gateway to the City, and is likely the only entry left into the City that has not succumbed to commercial institutional development. She stated that the proposal visually impacts the land behind their house. She shared the history of her home and others in the area. She stated that these areas need to be preserved as they are important to the residents in the City and hold much history. In addition, Ms. Ryder spoke to the conservation needs of the area, and the intense impacts that the surgical center will have on the wetlands and other natural resources. She referred to a letter received from the Conservation Commission expressing concern with the development and how it will impact remaining wetlands in the area.

Jim Bailey discussed the effects of rezoning on neighborhoods, including the extent to which nonconformities would be created or eliminated. He stated that 11 of the 13 property owners within the rezoning proposal area signed a protest petition against rezoning. Only five of the 13 properties would meet the road frontage requirement for the Institutional District. The remaining eight properties would be non-conforming for road frontage requirements if rezoned. He also noted that three of the five are against rezoning; the other two properties are COPA and the Birches.

Mr. Bailey also discussed the effects of the rezoning on the City's economy and fiscal resources. He stated, referring to the applicant's economic analysis, that the full district rezoning has a potential \$50M in tax base expansion for the City. However, he noted that a total build out is not possible without lot consolidations. He stated that Concord Orthopaedics is the only property with the intent to change to an institutional use at this time. Therefore, he noted, the current economic benefit to the City, based on the study, would be only \$6M. Mr. Bailey also stated that property

City of Concord Planning Board

July 19, 2017

Minutes

values would not increase if the majority of parcels would be non-conforming and unbuildable. Mr. Bailey stated that rezoning the area is not about the greater good of the City or medical community, but rather the conveniences of Concord Orthopaedics.

Amanda Cricenti, 289 Pleasant Street, discussed the need expressed by the applicant for the expansion. She responded to a point made by COPA regarding their need to be close to the hospital. She stated that there are other existing medical buildings on the same street that could be utilized. She also stated that if there were a patient emergency, an ambulance would not be coming from Concord Hospital, but from a fire station. She noted that there are no fire stations located on Pleasant Street. She stated that surgeries are also conducted at Horseshoe Pond.

Nick Cricenti stated that he has reviewed the renderings and feels that the information provided does not match the proposed plan and that information is missing. He discussed the general development of the site and the challenges they will need to deal with. He expressed concern with the change of use of the property, filling wetlands, and making exceptions for the owners by changing the zoning.

Mr. Bailey stated that there have been 56 letter of opposition on the project; two in favor.

Aubrey Nelson, 30 Long Pond Road, stated that she is a bike commuter in this area and expressed concern with the traffic and how dangerous the area is and will become. She stated that the existing conditions are very dangerous and the proposed development will add more problems to the area, resulting in a less bike friendly environment. She stated that there are many benefits to green spaces and expressed concern with wetland and other natural resource impacts, specifically to a project at White Farm that City schools use on a regular basis.

Greg D'Hemecourt, 18 Fiske Road, expressed concern that a precedent would be set for another entity wanting to build in this area or any other area in the City that was not zoned for their use.

Don Kreis, 292 Pleasant Street, stated that he not a property owner and does not have a pecuniary interest, but rather a quality of life interest. He explained that this proposal will "pave over paradise" and change the neighborhood into an institutional zone. He stated that it is good for people to live in close proximity to institutions that they are served by, and that rezoning this area would indicate that zoning in the City is only a suggestion.

Bev Reitmeyer, 292 Pleasant Street, stated that this topic has come before this neighborhood previously, and that it took a toll on the neighborhood then and it is now again. She stated that there are other areas in the City that can be a medical corridor, but that this neighborhood is charming, historical, and beautiful, and should be appreciated as such.

Matt Lahey, School Street, spoke to the negative impacts on the current residents of the area and the residential culture of the neighborhood. He requested that the Board look into the historic resources and negative impacts that this change will have.

Jacob Ryder, 307 Pleasant Street, commented that this is not the best area for the surgical center as the project will add traffic, making it more dangerous and difficult to enjoy the neighborhood. He

City of Concord Planning Board
July 19, 2017
Minutes

noted that the construction of the surgical center would disconnect his property from his friends' houses on the other side.

Claudia Damon, Fiske Road, commented that the City is trying to get younger families to live in the City and work here. She referenced the Master Plan, and stated that this area is residential for that purpose as the neighborhood would appeal to a younger family. She referred to a prior comment which stated that property values would increase with a zoning change, noting that this means homeowners will pay more in taxes because of the surgical center. She added that there are other areas that would be more appropriate for this. She stated that changing the zoning will bring additional change by increments and will open the area up for more changes.

Bob Graffy, Fiske Road, discussed the traffic in the area of the medical complex. He stated that the project would impact many smaller roads, adding confusion and chaos that could be managed better over time.

Paul Hodes, 70 Fiske Road, discussed the increase in traffic and the dangerous conditions, noting that the rezone will cause an increase in traffic on adjacent streets. He also stated that the proposal has caused universal condemnation and opposition from the entire community. He commented that the Planning Board holds the heart and soul of the community and will define the character of Concord, and that the Board needs to support the community, as he feels that COPA will build their surgical center some other way.

Mr. Carey commented that this is an important discussion to have and is not popular or easy. He stated that COPA would not be there if there was another option available. He requested time to respond to the comments and concerns next month. Since the hour was getting late, Chairman Woodfin recommended that the public hearing be continued to the August 16, 2017 meeting to allow time for the Board to review the materials handed out by Mr. Carey and the neighborhood group. On a motion made by Ms. Foss and seconded by Mr. Hicks, the Board unanimously voted to continue the public meeting to the Augusts 16, 2017 Planning Board meeting, at 7:00 p.m.

Other Business

8. Open Space Plan – not discussed
9. Design Guidelines Update – not discussed
10. Any other business which may legally come before the Board – not discussed

Adjournment

At the request of Chair Woodfin, Ms. Foss made a motion to adjourn at 11:00 p.m., seconded by Mr. Hicks. Motion carried unanimously.

A TRUE RECORD ATTEST:

Lisa Fellows-Weaver
Administrative Specialist