

**City of Concord Planning Board**  
**February 15, 2017**  
**Minutes**

The regular monthly meeting of the City Planning Board was held on February 15, 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), Bryant Anderson (Associate Engineer), and Lisa Fellows-Weaver (Administrative Specialist).
2. Roll Call  
**Present:** 7 – Chairman Richard Woodfin, Councilor Byron Champlin, Teresa Rosenberger (Ex-Officio for City Manager), Matthew Hicks, John Regan, David Fox, and Susanne Smith-Meyer.  
**Absent:** 4 – Vice-Chair Carol Foss, Ian West, Alternate Chiara Dolcino and Alternate Frank Kenison.
3. Approval of January 18, 2017 Planning Board Meeting Minutes  
On a motion made by Councilor Champlin, and seconded by Mr. Reagan, the Board voted unanimously to accept the minutes of January 18, 2017, as written.
4. Planning Board Chair Overview

**\*\*Consent Agenda Items\*\***

5. Determination of Completeness Items by Consent
  - 5A. Nobis Engineering, LLC, on behalf of NH Distributors, requesting Major Site Plan approval for the construction and renovation of two building additions totaling 64,100 sf, additional parking, new access and circulation, and related site improvements at 65 Regional Drive in the Industrial (IN) District. *MBL: 111G/1/32 (2017-03)*  
  
On a motion made by Councilor Champlin, and seconded by Mr. Hicks, the Board voted unanimously to determine the application complete by consent and set the public hearing for March 15, 2017.
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.

Both sign applications were removed from the Consent Agenda.

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

**Public Hearings**

7. Design Review Applications – For sign applications pulled from the consent agenda, and building permit applications for exterior alterations in performance districts.

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- 7A. Yo Yo Heaven, on behalf of NHH Invest, LLC, requesting ADR approval to install a new window sign at 4 North Main Street in the Central Business Performance (CBP) District. MBL:35/3/2

Councilor Champlin commented that he appreciates the creativity in the logo. On a motion made by Councilor Champlin, and seconded by Mr. Fox, the Board voted unanimously to approve the application, subject to the recommendations of the Design Review Committee.

- 7B. Concord Loudon LP, requesting ADR approval to install two new wall signs at 133 Loudon Road in the General Commercial (CG) District from the Consent Calendar. MBL: 114/1/1

Chairman Woodfin requested to pull the application from the Consent Agenda because he had questions for the applicant. However, the applicant was not present.

Ms. Smith-Meyer suggested that the two signs be consolidated. Ms. Rosenberger commented that the signs are significant to the nature of the business. Mr. Hicks and Ms. Rosenberger stated that the signs are reflective of the shifting culture of the neighborhood. Mr. Woodfin stated that he does not think that the proposed design is aesthetically pleasing. Discussion continued as to the design of the signs.

On a motion made by Councilor Champlin, and seconded by Mr. Hicks, the Board voted unanimously to table the application to the March 15, 2017 meeting.

- 7C. Sheldon Pennoyer, on behalf of Remi's Block, LLC, requesting ADR approval for changes to a previously approved application regarding balconies on a 5-story mixed use building at 148-158 N. Main Street in the Central Business Performance (CBP) District. *MBL: 45/6/14 (2016-23)*

Chairman Woodfin opened the public hearing.

Mr. Pennoyer was present on behalf of Remi's Block to address the installed balconies and the need to add vents. He provided an update as to the progress of the building and noted some of the budgeting issues that have arisen throughout the project that have resulted in changes. Mr. Pennoyer noted that the design of the balconies and the materials approved have changed due to the fact that horizontal rails appeared to be more expensive than vertical rails. He stated that he did meet again with the Architectural Design Review Committee (ADR) who did approve the installed balconies with the condition that a thicker wood cap be installed, which would encompass more of the top rail. He stated that these caps have not been installed to date. Mr. Pennoyer also mentioned that the change of the horizontal to vertical railings is a safety issue as it could be used as a ladder by small children.

Mr. Pennoyer stated that the rails are a hot dipped galvanized steel finish as opposed to the grey powder-coated, which resulted in a slightly different color appearance to the materials. This choice was made for maintenance purposes.

Mr. Woodfin stated that he appreciates the renderings; however, this is not a well-received balcony. He expressed his dissatisfaction with the look of the installed balconies and does not feel that the wood cap

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will be enough. He stated that the approval was not for the installed, vertically designed balconies. Additional discussion was held regarding the decking of the balconies as it is also not what was approved. Mr. Pennoyer explained the change in the decking is that the decks are aluminum and are the same shape but are now planked; it is not a grate for a floor.

Ms. Smith-Meyer expressed frustration and stated that she originally was not a fan of the balconies. The installed balconies are very different and she does not feel that these balconies are in keeping within the intent of the previously approved drawings. She noted that the original balconies were more aesthetically appealing.

Councilor Champlin expressed concern with the fact that it does not seem that the concept was thought out. He supported the idea of the balconies; however, added that there was continuous relearning throughout this process. Mr. Pennoyer replied that the budgeting of the project was not complete and there were constant changes being made throughout the entire process.

Remi Hinxhia arrived.

Mr. Woodfin stated that he recalls comments from the public that they did not like the look, design, or feel of the balconies. He stated that the Board wants the project to succeed and understands the financial issues that have occurred; however, the Board wants to be involved. Mr. Hinxhia replied that the project is close to being completed and he has people potentially moving in by the end of February. He stated that he is glad that he was able to restore the 1860's building. He noted the safety issues that have been addressed by changing to the vertical rails.

Mr. Pennoyer explained the other change involved the need for 12 by 7 inch grates on the north (Loudon Road) elevations. He explained that the grates are needed to allow for proper dryer venting and to avoid the need for multiple fans in the units. The grates will be flush with the wall, and painted to match the brick.

Ms. Shank stated that the ADR did approve the addition of the vents with the recommendation that the applicant investigate an alternative location for the grill proposed on the north elevation, relocating it to the east elevation if possible.

Ms. Rosenberger asked about the mural. Mr. Pennoyer stated that the mural will remain. Councilor Champlin stated that he believes that there was intent to utilize the available space above the mural for a welcome sign. He added that he was pleased to see the note on the plan indicated that there will be LED up-lighting.

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 Ms. Rosenberger, the Board voted unanimously to accept the renderings showing changes to the balconies and the addition of two vents to the Loudon Rd. side, as submitted.

8. Site Plan and Subdivision Applications

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- 8A. T.F. Bernier, Inc., on behalf of Strategic Contracting Company, LLC, requesting Major Subdivision approval for a 6-lot cluster subdivision off Hoit Road in the Medium Density Residential (RM) District. *MBL: 122/3/12 (2016-55)*

The Chair opened the public hearing.

Ms. Shank explained that staff has had numerous communications with Mr. Bernier relative to this project. She stated that there are some outstanding issues regarding the perimeter buffer along the frontage to be addressed tonight. She noted that she has received communications from abutters expressing concern with the project.

Tim Bernier, of T.F. Bernier was present representing the applicant. He provided an overview of the project, a proposed 6 lot cluster subdivision on 13.26 acres on Hoit Rd. He stated that there is 855.15 feet of frontage on Hoit Road, 1,008 feet of frontage on Hayward Brook, and approximately 275 feet back towards Mountain Road. The lot is currently half field and half wooded. The lots range in size from .73 to 1.4 acres, all having frontage on Hoit Road. The lots are traditional in the sense that they will face Hoit Road. He noted that the alternative would be a cul-de-sac, with the backs of the houses facing the road. He added that the open space will be 9.3 acres and exceeds all of the open space requirements.

Mr. Bernier continued to explain the proposal and the characteristics of the land. He stated that he feels that the land lends itself to this specific configuration. He stated that he met with the Conservation Commission who recommended making the open space lot for passive uses only.

Mr. Bernier stated that there is a waiver request submitted for Section 16.04(8) of the Subdivision Regulations requiring a Construction Detail sheet. He stated that the applicant is not proposing a new road for this subdivision, so a detail sheet was not needed. Details were provided on other sheets as appropriate.

Councilor Champlin asked about the open space being accessible to the public. Mr. Bernier explained that the open space is in the rear of the lot. Each property owner will own 1/6 of the open space, which will be accessible through their back yards. Ms. Shank noted that there is a PSNH easement along the edge of the property as well, with access off of Hoit Road.

Councilor Champlin asked about the slope of the property. Mr. Bernier explained the contours and stated that there is a gentle slope towards the bluff; the bluff then drops from an elevation of 338 feet down to 300 feet.

Mr. Bernier stated that there are 21 trees proposed along the 50 foot buffer. He stated that no trees will be cut within the existing forested along the buffer. Shared driveways are proposed to eliminate curb cuts. Additional discussion was held regarding grouping shrubs. Ms. Shank stated that the ordinance requires a perimeter buffer to separate development of different types or density. She stated that the most recent submission has inadequate vegetation and recommended additional shrubs to ensure that the landscaping functions as a buffer. Otherwise, it may appear as mowed lawn with shade trees. Mr. Bernier stated that he has a different interpretation of the buffer requirements and there are different types of clusters. Ms. Shank added that the significance is how close the houses are to each other; it is a density issue. The ordinance recognizes a cluster as a different land use from conventional single family development use. It

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is not necessarily the location of the house to the street but the density of the entire neighborhood. She noted that it is specifically stated within the cluster ordinance.

Councilor Champlin stated that he likes that the buffer is there, as this area is different than anything else on the road. He stated that he feels that this area is characterized by more widely separated houses with larger lots. He added that he feels that it is prudent to have this buffer for this use. He stated that he feels that this is a great development, and we should encourage development of this type to preserve large areas of open space. He stated that he appreciates the layout and the use of shared driveway to decrease curb cuts and safety. Mr. Bernier stated that he does not see this development more dense than any other neighborhood in that area. He stated that this is the only cluster development in that area, which is due to the environment.

Ms. Smith-Meyer stated that she can understand the frustration about the buffer but the perception is not that the lots are on the road, they are further back from the road in order to look natural. Lengthy discussion ensued regarding the buffer and landscaping.

Mr. Bernier stated that there are three shared driveways for the six house lots.

Abutter Russ Barton commented that he does not support the project, as presented; however, would support the project with a change in the density. He explained that there are no other shared driveways in the vicinity. He stated the proposal does not conform to Hoyt Road and that the amount of existing vegetation along the street is misleading.

Councilor Champlin asked for more explanation with regard to the shared driveways. Mr. Barton stated that the driveway do not conform and are an aesthetic issue. He added that the density affects the traffic in the area. He noted that this area does have a lot of bikers and walkers as well. He added that there are many accidents already at the nearby intersection. He added that he is not in favor of a meadow and feels that the more vegetation there is the better.

Ms. Smith-Meyer stated that although it may not be visually consistent, the shared driveways may be better as there are fewer impacts.

Ms. Shank stated that the original submission had seven lots and seven driveways. She explained that staff recommended that one lot be removed to comply with all ordinance requirements, and that shared driveways be provided to improve traffic safety and avoid turning conflicts.

Abutter Jeanne Chase described the area and explained that she and her husband have bee hives. She provided an overview of the bee habitat and what is needed so that they live and thrive to produce honey. She expressed great concern with the fact that the fields of wild flowers are not going to be available for the bees to pollinate. She stated that local farms count on her. She added that she feels like the city is not concerned with the wildlife, only the tax income from additional houses. She stated that her lot is five acres. She requested that the Board minimize the number of lots proposed and consider adding more wild flowers to the area.

Ms. Shank explained that she also agreed that a cluster development with frontage lots was not consistent with the intent of cluster development in general. However, the Concord Zoning Ordinance does not

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prohibit cluster development with frontage lots, and the City cannot prohibit the developer from choosing this option over a conventional development. The ordinance allows the developer to do what they are doing; they are complying with the zoning ordinance.

Ms. Shank stated that it is important to the Board to have comments from the neighbors so that they can understand the concerns and context of the development. Councilor Champlin added that he too appreciated the comments and concern expressed from the abutters. He added that he and the Board members always try to be sensitive to the natural area and maintain wildlife areas. He stated that it is difficult to create and maintain a balance between development and preservation. He added that the City is not trying to obtain more money; as a representative the City expenses are continuously increasing and are a concern that he is always trying to balance.

Ms. Shank stated that she received an email from an abutter echoing the comments from Mr. Barton and stating that they feel that the changes negatively affect the neighborhood.

.Mr. Bernier explained that there is an area of reclaimed pasture within the open space. He suggested that the area be mowed and/or reclaimed as needed to be maintained as meadow for bee habitat. Ms. Fenstermacher stated that the Commission would be supportive of the activity, which would qualify as a passive use as required by the easement. Language permitting the maintenance and reclamation of meadow areas could be added as a clause in the easement deed.

Ms. Smith-Meyer suggested staggering locations of the houses to create an illusion of the houses not being so close.

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

Mr. Fox questioned whether any assurances could be made that the land was preserved as meadow. Discussion ensued as to conditions that could be added to ensure that the meadow area was maintained. Ms. Shank stated that she did not recommend a condition requiring future property owners to maintain the open space area as meadow based on the desires of the abutter. She noted that future land owners might want the area to be reclaimed as forest, which would have different recreational and environmental value.

On a motion made by Councilor Champlin, and seconded by Mr. Hicks, the Board voted unanimously to **grant the waiver** from Section 16.04(8) of the Subdivision Regulations requiring a Construction Details sheet, based on the fact that the applicant is not proposing any new road ways, and utilizing the criteria of RSA 674:36, II (n) (2), which states that specific circumstances relative to the subdivision indicate that the waiver will properly carry out the spirit and intent of the regulations.

On a motion made by Ms. Smith-Meyer, and seconded by Mr. Hicks, the Board **granted Major Subdivision approval** subject to the following conditions:

- a) **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) Revise plans to provide additional plantings to satisfy the intent of the ordinance for a perimeter buffer to the satisfaction of the Planning Division, including the provision of native species common to the area that are conducive to bee habitat, that an equivalent quantity of shade and evergreen trees be provided in clusters, and that four clusters of deciduous or evergreen shrubs be provided, (one cluster per lot).

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- (2) Address Engineering Review Comments dated 2/7/17 to the satisfaction of the Engineering Division.
- (3) Address Technical Review Comments, noted in Section 4 above, to the satisfaction of the Planning Division.
- (4) A conservation easement and deed for the 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. The easement shall include language allowing for meadow reclamation and the continued maintenance of meadow areas as part of the permitted passive activities. Easement documents shall be recorded prior to final sign off.
- (5) Cross access easements for well radii encroachments shall be submitted for review and approval by the City Solicitor and City Surveyor, and suitable for recording in the Merrimack County Registry of Deeds.
- (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 the waiver requests, the applicant shall comply with said requirements.
- (7) 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.
- (8) The Licensed Land Surveyor shall sign and seal final plans and mylars.
- (9) 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.
- (10) 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.

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

- (1) Wetland buffers and conservation easement areas 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.

Mr. Hicks commented on the process of how ordinances are created and changed and the fact that there are processes by which the public can petition Council to have ordinances changed if they do not agree with what is permitted.

**Other Business**

9. Pedestrian Master Plan presentation

Craig Tufts from the Central Regional NH Planning Commission provided an overview of the Pedestrian Master Plan with hopes that the planning board will adopt it as a stand-alone document at the March 15, 2017 meeting.

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Mr. Tufts requested that Board members review the document and suggest edits, and consider adopting as a planning document next month. Members agreed to provide feedback to Ms. Shank.

**Adjournment**

With no further business before the Board, Mr. Hicks made a motion to adjourn at 9:31 p.m., seconded by Mr. Reagan. Motion carried.

A TRUE RECORD ATTEST:

Lisa Fellows-Weaver  
Administrative Specialist