

## City of Concord Planning Board

May 20, 2020

### Minutes

The regular monthly meeting of the City Planning Board was held on May 20, 2020, via Zoom, at 7:00 p.m.

- Attendees: Chairman Richard Woodfin, Councilor Erle Pierce, Teresa Rosenberger (Ex-Officio for City Manager), Members Matthew Hicks, and John Regan. Vice-Chair Carol Foss arrived at 7:05 PM.
- Absent: Member Susanne Smith-Meyer, David Fox, 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 David Cedarholm (City Engineer).

Chairman Woodfin read the following statement: As Chair of the Planning Board, due to the COVID-19/Coronavirus crisis and in accordance with Governor Sununu's Emergency Order #12 pursuant to Executive Order 2020-04, this Board is authorized to meet electronically.

Please note that there is no physical location to observe and listen contemporaneously to the meeting, which was authorized pursuant to the Governor's Emergency Order. However, in accordance with the Emergency Order, this is to confirm that we are:

*a) Providing public access to the meeting by telephone, with additional access possibilities by video or other electronic means;*

We are utilizing the Zoom platform for this electronic meeting. All members of the Board have the ability to communicate contemporaneously during this meeting through the Zoom platform, and the public has access to contemporaneously listen and, if necessary, participate in this meeting through clicking on the following website address: <https://zoom.us/j/754076629>, or by dialing the following phone # 1-929-205-6099 and entering the password 754076629. For those calling in who want to provide public testimony, dial \*9 to alert the host that you want to speak. The host will unmute you during the public hearing portion of the meeting.

*b) Providing public notice of the necessary information for accessing the meeting;*

We previously gave notice to the public of how to access the meeting using Zoom, and instructions are provided on the City of Concord's website at: <http://concordnh.gov/273/Planning-Board>

*c) Providing a mechanism for the public to alert the public body during the meeting if there are problems with access;*

If anybody has a problem, please call 603-225-8515 or email at: [planning@concordnh.gov](mailto:planning@concordnh.gov).

*d) Adjourning the meeting if the public is unable to access the meeting.*

In the event the public is unable to access the meeting; we will adjourn the meeting and have it rescheduled at that time.

Please note that all votes taken during this meeting shall be done by Roll Call vote.

#### 1. Call to Order

Chairman Woodfin called the meeting to order at 7:03 p.m.

#### 2. Roll Call

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Chairman Richard Woodfin, Councilor Erle Pierce, Teresa Rosenberger (Ex- Officio for City Manager), Members Matthew Hicks, and John Regan. Vice-Chair Carol Foss arrived at 7:05 PM.

**3. Approval of Planning Board Meeting Minutes**

April 15, 2020 Minutes

On a motion made by Councilor Pierce, and seconded by Mr. Regan, the Board voted unanimously by a Roll Call to approve the April 15, 2020, Planning Board Meeting Minutes, as written.

Mr. Woodfin – in favor, Ms. Foss – in favor, Councilor Pierce – in favor, Mr. Hicks – in favor, Mr. Regan – in favor, and Ms. Rosenberger – in favor.

**4. Planning Board Chair Agenda Overview**

There were no changes made to the agenda.

**5. Determination of Completeness**

**5A. Jon Chorlian requests Major Subdivision approval for a 8-unit condominium subdivision at 131 North State Street in the Neighborhood Residential (RN) District.**

On a motion made by Councilor Pierce, and seconded by Mr. Hicks, the Board voted unanimously by a Roll Call Vote, to determine that this application does not meet the criteria for a Development of Regional Impact, to determine the application complete, and to set the public hearing for June 17, 2020.

Mr. Woodfin – in favor, Ms. Foss – in favor, Councilor Pierce – in favor, Mr. Hicks – in favor, Mr. Regan – in favor, and Ms. Rosenberger – in favor.

**6. Design Review Applications by Consent**

**6B. CP Concord, LLC, on behalf of Harbor Freight Tools, requests ADR approval for the installation of a new internally illuminated wall sign and the replacement of an internally illuminated freestanding sign, at 310 Loudon Road in the Gateway Performance (GWP) District.**

On a motion made by Ms. Foss, and second by Mr. Regan, the Board approved the design as submitted by consent, by a Roll Call Vote as follows:

Mr. Woodfin – in favor, Ms. Foss – in favor, Councilor Pierce – in favor, Mr. Hicks – in favor, Mr. Regan – in favor, and Ms. Rosenberger – in favor.

**6C. EJ Prescott requests ADR approval to replace an existing internally illuminated freestanding sign at 210 Sheep Davis Road in the Industrial (IN) District.**

On a motion made by Ms. Foss, and second by Mr. Regan, the Board approved the design as submitted by consent, by a Roll Call Vote as follows:

Mr. Woodfin – in favor, Ms. Foss – in favor, Councilor Pierce – in favor, Mr. Hicks – in favor, Mr. Regan – in favor, and Ms. Rosenberger – in favor.

**6D. Namdar Realty Group, on behalf of Spirit Halloween, requests ADR approval for the replacement of three wall signs at 271 Loudon Road in the Gateway Performance (GWP) District.**

On a motion made by Ms. Foss, and second by Mr. Regan, the Board approved the design as submitted by consent, by a Roll Call Vote, with the condition that should the signs be permanent, then a more permanent fastener should be used to affix the sign to the building.

Mr. Woodfin – in favor, Ms. Foss – in favor, Councilor Pierce – in favor, Mr. Hicks – in favor, Mr. Regan – in favor, and Ms. Rosenberger – in favor.

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- 6E. South Main Realty, LLC requests ADR approval for the installation of an internally illuminated projecting sign and the replacement of two internally illuminated freestanding signs at 406 South Main Street in the General Commercial (CG) District.

On a motion made by Ms. Foss, and second by Mr. Regan, the Board approved the design as submitted by consent, by a Roll Call Vote as follows:

Mr. Woodfin – in favor, Ms. Foss – in favor, Councilor Pierce – in favor, Mr. Hicks – in favor, Mr. Regan – in favor, and Ms. Rosenberger – in favor.

- 6F. Oakstream Properties, on behalf of the Conservation Law Foundation, requests ADR approval to add a new projecting sign at 27 North Main Street in the Central Business Performance (CBP) District.

On a motion made by Ms. Foss, and second by Mr. Regan, the Board approved the design as submitted by consent, by a Roll Call Vote, inclusive of the applicant's request to have the sign project an additional five inches from the side of the building.

Mr. Woodfin – in favor, Ms. Foss – in favor, Councilor Pierce – in favor, Mr. Hicks – in favor, Mr. Regan – in favor, and Ms. Rosenberger – in favor.

**Public Hearings**

**7. Site Plan, Subdivision and Conditional Use Permit Applications**

- 7A. Mike Snedecker requests Minor Site Plan approval for the conversion of a commercial unit to a residential unit which will result in a total of three residential units at 75 Allison Street in the Neighborhood Residential (RN) District.

Mike Snedecker of Snedecker Properties, represented the application.

On a motion made by Councilor Pierce, and second by Ms. Foss, the Board voted unanimously by a Roll Call Vote to determine the application complete and that this application does not meet the criteria for a Development of Regional Impact, and open the public hearing.

Mr. Woodfin – in favor, Ms. Foss – in favor, Councilor Pierce – in favor, Mr. Hicks – in favor, Mr. Regan – in favor, and Ms. Rosenberger – in favor.

Mr. Durfee provided an overview of the project noting that the project is a request for the conversion of a commercial unit into a residential unit, totaling three residential units in the building. On March 4, 2020, the ZBA granted three variances. An additional variance is still required as the project, if approved, increases the lot coverage over the allowed maximum. Staff has recommended a conditional approval.

Mike Snedecker explained that he would like to change the use of the property from commercial to residential. He explained the variances he has received and added that he will be submitting a variance application for the lot coverage. He explained that parking on the site is tight. He added that he believes that the change in use will bring the curb appeal back to the neighborhood.

A letter in support of the proposal, received from abutter Christopher Graham of 11 Kimball Street, was read into the record by Mr. Durfee.

There being no additional comments from staff or members of the public, Chairman Woodfin closed the public hearing.

On a motion made by Councilor Pierce, and second by Mr. Regan, the Board voted unanimously, with a Roll Call Vote, to **grant the following waivers:**

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- a) 12.03 Plan Certification
- b) 12.04 Location Plan
- c) 12.05 Vicinity Plan
- d) 12.06 Plan Reference
- e) 12.08 Electronic Submission
- f) 15.02 Site Plan Requirements
- g) 15.04 Proposed Site Plan

On a motion made by Mr. Regan, and second by Ms. Foss, the Board voted unanimously, with a Roll Call Vote, to **grant Minor Site Plan approval** for the conversion at 75 Allison Street, 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:

- a) **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) Address Technical Review Comments, noted in the May 20, 2020 Staff report, to the satisfaction of the Planning Division.
  - (2) Address Engineering comments in the memo from the Engineering Services Division.
  - (3) The applicant shall receive a variance from Article 28-4-1(5) *Table of Dimensional Standards* of the Zoning Ordinance to allow the proposed increase in lot coverage over what is allowed in the RN District.
  - (4) Should the Board deny the waivers requested to not provide plans, then any Waivers(s) granted by the Board 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 Waivers request(s), applicant shall comply with said submission requirement(s).
  - (5) Submit 3 sets of final plans to be signed by the Clerk and Chair of the Planning Board, prior to issuance of any permits or commencement of construction activities.
- b) **Subsequent Conditions** – to be fulfilled as specified:
  - (1) Prior to commencement of construction activity, payment of any required inspection fees in an amount approved by the City Engineer shall be made.
  - (2) A pre-construction meeting shall be required prior to the start of any construction activities onsite if requested by the City Engineer.
  - (3) 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 accordance with Section 12.08 of the Site Plan Review Regulations and all information shall be converted to a vertical datum of NAVD 88.

Mr. Woodfin – in favor, Ms. Foss – in favor, Councilor Pierce – in favor, Mr. Hicks – in favor, Mr. Regan – in favor, and Ms. Rosenberger – in favor.

- 7B. Richard D. Bartlett and Associates, LLC, on behalf of Winter Street Investments, LLC, requests Minor Subdivision approval for the conversion of an existing duplex to a 2-unit condominium at 1-3 Bye Street in the Neighborhood Residential (RN) District. (Continued from April 15, 2020)

Dan Mullen of Richard Bartlett & Associates, LLC represented the application.

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Mr. Durfee stated that the Board tabled this application pending additional information relative to the sewer and water lines. He stated that during the past month, all outstanding items have been addressed except for condominium documents, which will be provided.

Mr. Cedarholm stated that all engineering items have been addressed. As far as the sewer connections issues on Bye Street, the length will now be shortened and the system will be independent of any other sewer systems. There is also an independent water service. The details of the parking on the west side of building have been addressed.

On a motion made by Councilor Pierce, and second by Ms. Foss, the Board voted unanimously, with a Roll Call Vote, to **grant the waiver** request to Section 15.02(3) *Final Plan Requirements: Scale* of the Subdivision Regulations and to **grant Minor Subdivision approval** for the conversion of the existing duplex to a two unit condominium at 1-3 Bye Street subject to the following precedent and subsequent conditions to be fulfilled within one year and prior to the endorsement of the final plan by the Planning Board Chairman and Clerk, unless otherwise specified:

- (1) Address Technical Review Comments, noted in the May 20, 2020 staff report, to the satisfaction of the Planning Division.
- (2) Address Review Comments from Engineering Services, to the satisfaction of the Engineering Division.
- (3) Waiver(s) granted are to be noted and fully described on the plan including date granted and applicable Section number(s) of the Site Plan Regulations. Should the Board vote to deny the waiver(s), the 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 shall sign and seal final plans and mylars.
- (6) 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.
- (7) The Applicant shall deliver to Planning one (1) plan set(s) and one (1) mylar(s) for endorsement by the planning Board Chairman & Clerk and recording at the Registry of Deeds.

Mr. Woodfin – in favor, Ms. Foss – in favor, Councilor Pierce – in favor, Mr. Hicks – in favor, Mr. Regan – in favor, and Ms. Rosenberger – in favor.

- 7C. Bedford Design Consultants, on behalf of R.J. Moreau Communities, LLC, requesting an amendment to a previously approved Major Subdivision Plan to revise the street tree plantings on Sonoma Lane and Kyle Road and to amend the roundabout reconfiguration requirements at Alice Drive in the Single Family Residential (RS) District.

Reggie Moreau of R.J. Moreau Communities and Katie Weiss of Bedford Design represented the application.

Ms. Fenstermacher provided an overview of the proposal explaining that the applicant is requesting an amendment to the previously approved Major Subdivision from 2011, to reduce the number and location of street trees on Kyle Road and Sonoma Lane, as well as a request to remove the requirement to reconfigure the roundabout at Alice Drive and Kyle Road. In addition,

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a waiver is being requested to not provide full plans and application requirements in accordance with the Subdivision Checklist.

Ms. Fenstermacher stated that the Planning Board approved this project in April 2011 which created 22 single-family residential lots at the end of Kyle Road and created a new roadway, Sonoma Lane. Sonoma Lane has been conditionally accepted as a City street.

Ms. Fenstermacher stated that the original design provided significantly more trees than was required, and located the trees between the street and sidewalk. There is concern about overcrowding the trees if planted as originally approved. The proposal is to decrease the number of trees to now only provide the 71 required: 58 new trees and count 13 existing trees towards the requirement. This will eliminate overlap and overcrowding. The applicant also proposes to relocate the trees behind the sidewalk, which will provide more room for the trees to grow, reduce damage to trees from plows, and avoid conflicts with underground utilities. Staff supports the proposal.

Ms. Fenstermacher spoke to the roundabout. No complaints have been received by Engineering or Traffic Operations Committee relative to the traffic. The proposed redesign is tighter with regards to the drainage, and there is concern it could cause more of an issue if they tear up the pavement. General Services and Engineering staff were in support of the request. Staff is recommending that the request to eliminate the roundabout reconfiguration requirement be granted with the condition that a memo from a traffic engineer be provided indicating that the existing roundabout is sufficient and the reconfiguration is not required. .

Mr. Cedarholm stated that Engineering would like a traffic study conducted; in the short term, Engineering could do this for the amount of traffic that goes through the roundabout. However, there is a reduced amount of traffic at this time, due to COVID 19. Once normal traffic resumes, the traffic count should be done for traffic volumes through the area and to see if the number of cars is equivalent to what was expected when the original development was proposed.

Chairman Woodfin opened the public hearing.

Ms. Weiss explained that the landscaping proposed will be two trees per lot with corner lots having four trees. Trees will be placed farther from the road, ten feet from the property line. This will allow the trees to have a better chance of surviving.

Ms. Weiss gave an overview of the pictures provided, showing the grassy islands with granite curb and the brick area around the grass island. She noted that the northern Alice Drive circle has plantings. A discussion was held comparing the current size of the roundabout to others in Concord and Penacook. Ms. Weiss added that she is not sure how well plantings will survive in the circles. She continued to explain that due to the proposed pavement shimming there could be some puddling. She stated that the area is very flat, 1% slope or less. She stated that drainage is a concern, and that the cul-de-sac should remain as it is.

Richard Nugent, of 57 Alice Drive, stated that he and his wife moved there in 2005. He spoke to the size of the circle as compared to a development similar in size to one in Boscaawen. As far as the landscaping, lilacs were planted by the residents as an initial plan to landscape all of the islands. Residents felt that landscaping the area, would slow down traffic, as speed is an issue. He continued to describe the neighborhood and traffic patterns. He stated that the circle is more than wide enough for two vehicles. Overall, there are 102 houses in this area and many with school aged children. He added that there is no pooling or puddling; it all drains out to the edge, no problem with shimming, and as far as two drainages there should be no problem with it being capped. Mr. Nugent stated that years back there was a meeting with staff from Engineering, and

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Police. He mentioned a gate at the Vineyards development, and it if were still there that would help with traffic. He added that they are still waiting 15 years later for improvements. He would like to see the circle minimized and all initial landscaping mimicked what currently exists. He stated that the circle should be mimicked like others, especially due to safety.

Councilor Pierce commented that there are many children in the area and speed is an issue. He stated that the roundabout is too large and he would like to see something done. He asked about plantings and referenced the northern most side of Alice Drive as that roundabout looks great. He asked if the trees could hinder site lines if they were to get too tall. Mr. Cedarholm replied that in roundabouts large shrubs and trees can obstruct the views; however, landscaping is typically a traffic calming measure.

Abutter Michelle Deyermond referenced the traffic has increased and feels that it will increase more with 22 homes coming in. She mentioned with the gate open, the majority of traffic is cutting through to the Vineyards. She stated that she had hoped that the roundabout would be improved, which is why they have not been filing complaints with the City since they were under the impression that it was required. She continued to describe the area and traffic patterns and commented to the size of the roundabout. She noted that she hoped that the improvement to Bog Road will help alleviate some of the traffic but feels that the level of traffic will continue to be an issue.

Mr. Moreau stated that the cul-de-sacs at both entrances are identical. He explained the drainage of both cul-de-sacs and the raised islands. The second and third are a larger plateau and raised areas around these cul-de-sacs allow them to be traveled over. Bog Road improvements will help with the cutting through. There are about five speed bumps in the Vineyards development added to prevent the area from being a traveled thorough fare, and he believes that is why people cut through Kyle Rd to avoid the speed bumps. He continued to describe the intersections and cul-de-sac and added that the more cul-de-sacs put in, the more calming it will be and prevent access through. He feels that the travelers will respect the direction of flow more. With regard to landscaping, he stated that the area is proposed to be heavily landscape and the neighborhood is trying to beautify the area. He suggested setting aside \$22,000 for landscaping all of the roundabouts. He would present to the neighborhood a landscaping plan and be a part of the plan. Councilor Pierce asked at what expense the funds would be coming from, other landscaping or other improvements. Mr. Moreau replied no, it is all funds for landscaping

Mr. Woodfin asked if there have been any discussions to expand the circles. Ms. Fenstermacher replied that it is what was originally approved in 2011.

Mr. Nugent commented on a larger grassy area in the circle and stated that it would absorb more rain. He spoke to the landscaping costs and stated that the landscaping fees have been absorbed with the HOA fees within the development. He continued to describe the landscaping. He added that the traffic with 102 houses counts will increase to over 400 cars a day and that does not include the cars that was previously mentioned that are cutting through the development.

Ms. Deyermond expressed concern with the increase of traffic; however, noted that improving the circle may help.

Lengthy discussion was held regarding a traffic study. Mr. Woodfin asked if the roundabouts are working and does the City care about the look and feel of the roundabouts.

Mr. Cedarholm stated that this is anecdote information. A traffic study was never been done There was a waiver granted in 2011 to not do a traffic study as the applicant felt that the subdivision would only generate 200 trips per day. If it is more traffic volume now, it may warrant some type of modification. He stated that another concern is ripping into the pavement,

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much of the drainage now filters into the center. To widen the circle, all of the catch basins would need to be reconfigured to the outside of the roundabout. From an aesthetic point, it is not the most attractive; from a practical standpoint it is functional. Mr. Woodfin stated that if a traffic study was done and there were more cars, it would need to be bigger. So how will that be done to address the need. Mr. Cedarholm replied that the roundabout has a large outer diameter and comparing the inner diameter is 64 feet, the whole thing is so wide it gives drivers some additional level of comfort and they are able to see people all the way across it. Other roundabouts have a tighter outer diameter and the curves are tighter and you would have a sense to turn slower.

Discussion ensued regarding the traffic study and the timing for a traffic study. Mr. Cedarholm stated that the fall would be a good time when school resumes; however, that would be too late to do any modifications in 2020.

Ms. Weiss stated that the Sonoma Lane project would add 200 trips to Sonoma Lane. The catch basins area staying where they are and the drainage will be moving down, not towards the center. She stated that the traveled way is now 33 feet wide and suggested to change it to 12 feet wide and leave the center alone. This would reduce the pavement. Discussion ensued regarding the possibility to reconfigure the width of the road. Mr. Moreau stated that this would be viable and may help with the speed. He added that they will look into this option further as there may be some changes to the budget with this suggestion.

Mr. Cedarholm stated this is an interesting proposal; however, there would still need to be something done to the drainage as the inner circle is like a funnel. Proposal may be more complicated than just expanding the circle and tightening up the traveled lane. He stated that either way is a significant modification.

Mr. Moreau suggested that the Board table this item and wait for more information. He stated that there is a bond in place for improvements. Mr. Moreau stated that he would continue to work with Engineering and the neighbors to find a solution that is good for everyone. Mr. Woodfin stated that if it is determined that a re-design is feasible, the applicant should come back to the Planning Board with a new design, and should also consider adding signage at the roundabout entry points describing the correct flow of traffic through the roundabout.

Michelle Deyermond asked about the notification process as she did not receive any notification of the hearing. Staff noted that they would look into the notifications.

There being no additional comments from staff or members of the public, Chairman Woodfin closed the public hearing.

On a motion made by Councilor Pierce, and second by Ms. Foss, the Board voted unanimously, with a Roll Call Vote, to **grant the waiver** request to the Major Subdivision application requirements to only provide information applicable to this amendment request and to **grant approval of the revised Landscape Plan** as submitted, with the condition that if any existing trees counted towards the requirement are damaged or removed for construction, the trees be replaced to remain in compliance.

Mr. Woodfin – in favor, Ms. Foss – in favor, Councilor Pierce – in favor, Mr. Hicks – in favor, Mr. Regan – in favor, and Ms. Rosenberger – in favor.

On a motion made by Councilor Pierce, and second by Mr. Hicks, the Board vote unanimously with a Roll Call Vote, to **table the request** to remove the requirement to reconfigure the Alice Drive roundabout.

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Mr. Woodfin – in favor, Ms. Foss – in favor, Councilor Pierce – in favor, Mr. Hicks – in favor, Mr. Regan – in favor, and Ms. Rosenberger – in favor.

**8. Other Business**

There was no other business.

**Adjournment**

At the request of Chairman Woodfin, Mr. Hicks made a motion to adjourn at 8:45 PM, seconded by Ms. Foss.

Mr. Woodfin – in favor, Ms. Foss – in favor, Councilor Pierce – in favor, Mr. Hicks – in favor, Mr. Regan – in favor, and Ms. Rosenberger – in favor.

The motion passed unanimously; 6/0.

A TRUE RECORD ATTEST:

Lisa Fellows-Weaver,  
Administrative Specialist