

**City of Concord Planning Board
September 21, 2016
Minutes**

The regular monthly meeting of the City Planning Board was held on September 21, 2016, 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 (Acting City Planner), Beth Fenstermacher (Acting Assistant City Planner), and Lisa Fellows-Weaver (Administrative Specialist).
2. Roll Call
Present: 6 – Chairman Richard Woodfin, Councilor Byron Champlin, Vice-Chair Carol Foss, Ian West, John Regan, and Alternate Chiara Dolcino.
Absent: 4 – Teresa Rosenberger (Ex-Officio for City Manager), Matthew Hicks, Susanne Smith-Meyer, and Alternate Frank Kenison.
3. Approval of August 17, 2016 Planning Board Meeting Minutes
On a motion made by Councilor Champlin, and seconded by Mr. West, the Board voted unanimously to accept the minutes of August 17, 2016, as written.
4. Planning Board Chair Overview
Chairman Woodfin noted that nothing has changed or been pulled from the agenda.
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.

Ms. Foss requested to pull items C and E from the consent agenda.

- 5A. Millwood Partners LP VII requesting ADR approval to install one (1) new 24 sf wall sign at 248 Sheep Davis Road in the Gateway Performance (GWP) District. *MBL: 111/H3/3*
- 5B. Dunkin Donuts, on behalf of D'Angelo Inc., requesting ADR approval to install one (1) 72 sf freestanding replacement sign, and one (1) 38 sf replacement wall sign at 121 S. Main Street in the Urban Commercial (CU) District. *MBL:28/1/5*
- 5D. Aranosian Oil Company, Inc. requesting ADR approval to install five (5) new signs, including two (2) 13.6 sf canopy signs, one (1) 38 sf freestanding sign, one (1) 37 sf wall sign, and one (1) 49 sf wall sign at 110 Loudon Road in the General Commercial (CG) District. *MBL: 116/7/18*

The Consent Agenda was unanimously approved on a motion made by Councilor Champlin and seconded by Mr. Regan except for items “C” & “E”.

Public Hearings

6. Design Review Applications – For sign applications pulled from the consent agenda, and building permit applications for exterior alterations in performance districts.
 - 5C. Key Collision requesting ADR approval to install one (1) new 98.37 sf freestanding sign and

one 47.32 sf wall sign consisting of channel letters at 94 Manchester Street in the Highway Commercial (CH) District. MBL: 110/D3/10

Ms. Foss expressed concern with the size of the wording and the contrast between the letters as well as the background related to the logo. Chairman Woodfin stated that this is the company's logo. Ms. Shank explained that the Architectural Design Review Committee (ADRC) had expressed similar concerns as to the name and layout of the wording. She added that she has not received any reply from the applicant.

On a motion made by Ms. Foss, and seconded by Councilor Champlin, the Board voted unanimously to table this item to next month with appropriate communication back to the applicant.

- 5E. Aranosian Oil Company, Inc. requesting ADR approval to install five (5) new signs, including two (2) 13.6 sf canopy signs, one (1) 38 sf freestanding sign, one (1) 37 sf wall sign, and one (1) 49 sf wall sign at 110 Loudon Road in the General Commercial (CG) District. MBL: 116/7/18

Ms. Foss expressed concern with the lack of readability of the sign along with the varying font styles. She noted that that open panel seemed repetitious and there appears to be clutter. She also noted that there appeared to be two different signs. Ms. Shank explained that there had been a revision to the sign. One of the images had not been updated, but both signs would be identical.

Jeff Merritt from Keach-Nordstrom, was present representing the applicant. He explained that the design is from Red Arrow and they also agree that the sign is a busy sign; however, the thickness of the "24" is a very narrow element and they do not believe that there will be too much going on.

On a motion made by Councilor Champlin, and seconded by Mr. West, the Board voted unanimously to approve the proposal for additional signs.

7. Subdivision Applications

- 7A. Application by Richard D. Bartlett & Associates, on behalf of Geraldine T. Kelly, Jeffrey S. Abbott, Sr., and William T. Guinn, requesting Minor Subdivision approval for a lot line adjustment between three existing lots at 54 Pembroke Road, 56 Canterbury Road, and 23 Robinson Road in the Single Family Residential (RS) District. *MBL: 117C/1/3, 117C/1/9, & 117C/1/11 (2016-45)*

On a motion made by Mr. West, and seconded by Ms. Foss, the Board voted unanimously to accept the application as complete. Chairman Woodfin opened the public hearing.

Mark Sargent of Richard Bartlett & Associates was present representing the applicant. Mr. Sargent provided an overview of each of the properties involved with the proposal. He stated that the applicants propose to annex land from 54 Pembroke Road (Lot 3) to the other existing lots as follows: 0.41 acres to 56 Canterbury Road (Lot 9), and 0.88 acres to 23 Robinson Road (Lot 11). He explained that there is an existing fence associated with 56 Canterbury Road that is encroaching onto City-owned land located at 23 Grant Street; this fence will be removed so that it will not be encroaching onto city property. The plan will be updated to reflect changes. In addition, materials are being stored within the City's right-of-way at the end of Canterbury Road; these encroachments shall be removed prior to recording the plat.

With no further discussion, on a motion made by Mr. Regan, and seconded by Mr. West, the Board voted unanimously to approve the proposal of a lot line adjustment between three existing lots at 54 Pembroke Road, 56 Canterbury Road, and 23 Robinson Road, subject to the following precedent 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) Address Engineering Review Comments, noted in the Memo from Paul Gendron, dated September 1, 2016, to the satisfaction of the Engineering Division.
- (2) The encroaching fence and shed associated with 56 Canterbury Road shall be removed from City property and the land shall be appropriately restored to the satisfaction of City staff. Additionally, all materials stored within the City’s right-of-way at the end of Canterbury Road shall be removed.
- (3) Address Technical Review Comments, noted in Section 2 above, to the satisfaction of the Planning and Engineering Divisions.
- (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 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.

8. Site Plan Applications

8A. Application by Keach-Nordstrom & Associates on behalf of Aranosian Oil Company, requesting Major Site Plan and Conditional Use Permit approvals to demolish two (2) existing gas stations and a car wash, remove an existing fuel canopy and underground fuel tanks, install four (4) new fueling stations under an existing canopy to remain, and construct a new 6,116 sf building and related site improvements, including landscaping, lighting, and parking at 110-118 Loudon Road in the General Commercial (CG) District. *MBL: 116/7/18, 116/7/2, & 116/7/19 (2016-44)*

Chairman Woodfin stated that the application was deemed complete at the August 17, 2016 meeting and he opened the public hearing.

Jeff Merritt, Civil Engineering from of Keach-Nordstrom was present along with Architect Dennis Meyers. Mr. Merritt provided an overview of each site and the overall site plan as well as the need for four current use permits. He explained that the proposal is to demolish two (2) existing gas stations, the existing car wash, an existing fuel canopy, the underground fuel tanks, and install four (4) new fueling stations under an existing canopy to remain. A new 6,116 sf building would be constructed, which will be divided into 2,777 sf for a new Mobil Mart, and 3,339 for a proposed Red Arrow restaurant. He stated that the they have begun the process to merge 2 of the 3 lots where the Mobil Mart and Red Arrow are sited, and retain the existing lot where an existing nail salon will remain. The existing and proposed uses will share parking and access. He stated that there are currently 5 curb cuts and after the project is approved there will be only 3 curb cuts.

Mr. Merritt stated that the proposed building will be located 30 ft. from right of way and set back from Loudon Road. Parking will be around the parameter of the site and new building.

In addition, Mr. Merritt explained that there is also a request for four (4) Conditional Use Permits (CUPs), including expansion of a use, the shared parking areas, driveway separations, and the location of a refuse container.

The landscaped plan was discussed. It was noted that the applicant will not be using landscaping to hide the building. They will use fast growing trees in the area. Mr. Merritt stated that the area of the nail salon will also be updated. Between the canopy and Loudon Rd. the flag poles will remain and the area will be supplemented with additional low growing shrubs. He added that they plan to salvage as many trees in the rear of the property as possible and will supplement with trees and shrubs. Mr. Merritt explained that they are proposing a 6 ft. high solid stockade fence on the south property line as a buffer, and on the east side they will only be adding landscaping. He noted that there is no fence there currently; it is a commercial use with residential to the south.

As far as lighting, Mr. Merritt explained that they are proposing to upgrade the entire lighting with LED lights, making sure that the light trespass meets or exceeds the City's requirements.

The applicant has requested a waiver from Section 22.07 of the Site Plan Regulations (SPR) to allow 3 feet of separation between the bottom of the infiltration structure and the estimated seasonal high water table, instead of the required 4 feet.

Mr. Merritt explained that their equipment could only reach the 3-foot depth for testing. He stated that he did speak with engineering and the area is a sand layer and is very deep. He stated that the NHDES parameter has been met; however, the city requirements are more stringent.

Mr. Meyers explained that the proposal is for two different color schemes on the facades, blue for Mobil, and Red for the Red Arrow. He reviewed the layouts for the inside for both entities. He noted that all deliveries are proposed to be in the rear of the property.

Abutter, Diane Destafano read a list of concern she had specific to lighting and noise. She requested that the dumpster be relocated because of the noise from pick-ups that occur in the middle of the night, and a higher fence be installed to block the vehicle lights into the residential neighborhood because of the 24 hour restaurant. Mr. Merritt replied that noise will probably be impossible to prevent. He stated that the illumination of the façade is a concern; however, the lights all face downward and there will be plantings

With no further comments, Chairman Woodfin closed the public hearing.

A discussion was held regarding adding a fence and landscaping to help screen headlights and lighting. Relocating the dumpster did not seem to be a good suggestion as it would interfere with the circulation and would not mitigate the noise.

Ms. Shank suggested that trash pick-up be restricted to be between the hours of 7 a.m. and 6 p.m. Additional discussion was held regarding the abutter's request to increase the height of the fence. Ms. Shank suggested that the stockade fence be extended around the southeast corner of the lot to the edge of the abutting building and replace the deciduous trees with evergreen trees at a minimum of 6-8 feet in height. The applicant agreed to the conditions and the abutter was satisfied.

Additional discussion was held regarding the lighting proposal. The light fixtures will be cut off fixtures and will be aimed towards the parking area; the lights will not shine out of the parking area. The foot candles are compliant with the city ordinances.

With no further discussion, on a motion made by Ms. Foss, and seconded by Councilor Champlin, the Board voted unanimously to **grant the waiver** from Section 22.07 of the Site Plan Regulations (SPR) to allow 3 feet of separation between the bottom of the infiltration structure and the estimated seasonal high water table based on the fact that staff is confident that more than the required 4 feet is provided.

With no additional discussion, on a motion made by Councilor Champlin, and seconded by Mr. West, the Board voted unanimously to **grant Conditional Use Permit approval** for the following:

- Section 28-2-4(j) (ZO), for alteration of a use that originally required CUP approval;
- Section 28-7-11(a) (ZO) to allow off-site parking;
- Section 28-7-8(c)(2) (ZO) to allow less than the required distance between driveways; and
- Section 28-7-14(b) (ZO) to allow a refuse container to be located on a separate lot from the use it serves.

On a motion made by Councilor Champlin, and seconded by Ms. Foss, the Board voted unanimously to **grant ADR approval** for the architectural elevations, site design, landscaping and related site improvements.

On a motion made by Ms. Foss, and seconded by Councilor Champlin, the Board voted unanimously to **grant Major Site Plan approval** to install four (4) new fueling stations and construct a new 6,116 sf building and related site improvements, including landscaping, lighting, and parking, subject to the precedent and subsequent conditions noted below:

- (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) Provide an easement and deed allowing the shared access, parking, and use of the refuse container, in a form acceptable to the City Solicitor and City Surveyor for review.
 - (2) Address Technical Review Comments noted in the staff report dated 9/21/2016 to the satisfaction of the Planning Division.
 - (3) Address review comments from Jeffrey Warner, PE dated 9/16 to the satisfaction of the Engineering Division.
 - (4) Submit two (2) copies of fully revised plans for sign off by the Clerk and Chair of the Planning Board.
 - (5) Add a note to the plan stating that trash pick-up will be restricted to between the hours of 7 a.m. and 6 p.m.
 - (6) Revise plans to continue the stockade fence around the southeast corner of the lot up to the edge of the abutting building at 120 Loudon Road, and replace deciduous plantings at that corner with evergreen trees a minimum of 6-8 feet in height.
- (b) Subsequent Conditions – to be fulfilled as specified:
 - (1) Prior to commencement of construction activity, payment of inspection fees in an amount approved by the City Engineer shall be made.

- (2) 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.
- (3) Prior to the issuance of a Certificate of Occupancy, as-built drawings shall be provided to the City Engineer in accordance with Section 12.09 of the Site Plan Regulations. The as-built drawings shall be surveyed on NH State Plane coordinates and NAVD 88 Datum.
- (4) Prior to the issuance of a Certificate of Occupancy, 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.
- (5) 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.

9. Other Items

- 9A. Development of Regional Impact in Canterbury – Application by JTG Properties, LLC for property on Riverland Road in Canterbury to construct a new 11,950 sf commercial building for the purpose of housing and restoring antique trucks, and rental/storage space for lease. In accordance with RSA 674:53, the City of Concord Planning Board must approve the project, as the sole means of access to the property is through Old Boyce Road in Concord.

Ms. Shank noted that the owner has revised the plans; the building will be 6,000 sf. She stated that the only impact that the Planning Board can address is the impact to the road.

Tim Bernier, of T.F. Bernier, was present representing JTG Properties, LLC.

Chairman Woodfin opened the public hearing. He explained that this is more of a formality for the Board as the road access is in Concord. With no public present and no further discussion, the public hearing was closed.

On a motion made by Councilor Champlin, and seconded by Mr. West, the Board voted unanimously to **grant approval** for the application by JTG Properties, LLC for property on Riverland Road in Canterbury to construct a new 6,000 sf commercial building for the purpose of housing and restoring antique trucks, and rental/storage space for lease. In accordance with RSA 674:53, the City of Concord Planning Board must approve the project, as the sole means of access to the property is through Old Boyce Road in Concord.

With no further business before the Board, Councilor Champlin made a motion to adjourn at 8:30; seconded by Ms. Foss. Motion carried.

A TRUE RECORD ATTEST:

Lisa Fellows-Weaver A
Administrative Specialist