

City of Concord Planning Board
June 30, 2021
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The regular monthly meeting of the City Planning Board was held on June 30, 2021, in City Council Chambers, in the Municipal Complex, at 37 Green Street, at 7:00 p.m.

Attendees: Chairman Richard Woodfin, Councilor Erle Pierce, Members Susanne Smith-Meyer, Matthew Hicks, David Fox, and Jeff Santacruce.

Absent: Vice-Chair Carol Foss, Teresa Rosenberger (Ex-Officio for City Manager), Alternate Frank Kenison, and Alternate Chiara Dolcino.

Staff: Heather Shank (City Planner), Beth Fenstermacher (Assistant City Planner), Sam Durfee (Senior Planner), Lisa Fellows-Weaver (Administrative Specialist) and Gary Lemay (Associate City Engineer).

Non-Meeting Session with City Solicitor

On a motion made by Mr. Fox, and seconded by Mr. Santacruce, the Board voted unanimously to open the meeting into public session at 7:00 p.m.

On a motion made by Councilor Pierce, and seconded by Mr. Fox, the Board voted unanimously to seal the minutes.

1. Call to Order

Chairman Woodfin called the meeting to order at 7:01 p.m.

2. Roll Call

Chairman Richard Woodfin, Councilor Erle Pierce, Members Susanne Smith-Meyer, Matthew Hicks, David Fox, and Jeff Santacruce.

3. Approval of Planning Board Meeting Minutes

May 19, 2021 Minutes

On a motion made by Councilor Pierce, and seconded by Mr. Hicks, the Board voted unanimously to approve the May 19, 2021, Planning Board Meeting Minutes, as written.

4. Planning Board Chair Overview

Chairman Woodfin noted that, at the request of the applicant, Item 8E – 462 Josiah Bartlett Rd. will be continued to the July 21, 2021, Planning Board meeting.

Chairman Woodfin noted that there were no changes to the agenda.

5. Determination of Completeness Items by Consent

5A. Dakota Partners, on behalf of P&M Realty of Concord, LLC, requests Major Site Plan approval for a mixed-use development consisting of 192 multifamily units in six residential structures, a club house, and two pad sites for future development; also requested is a Conditional Use Permit (CUP) to allow construction of fewer parking spaces than are required, for property off Langdon Ave in the Opportunity Corridor Performance (OCP) District.

5B. Dakota Partners, on behalf of P&M Realty of Concord, LLC, requests Major Subdivision approval to create 5 land condominium units on property off Langdon Ave in the Opportunity Corridor Performance (OCP) District.

On a motion made by Ms. Smith-Meyer, and seconded by Councilor Pierce, the Board voted unanimously to determine both applications to be complete; determined that the two projects do not

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meet the criteria for a Development of Regional Impact (DRI), per RSA 36:55, and set the Public Hearings for July 21, 2021, by consent.

6. Design Review Applications by Consent

- 6A. Hodges Development Corp., on behalf of Rick Smith, requests ADR approval for the installation of two non-illuminated wall signs at 211 Loudon Road in the Gateway Performance (GWP) District.

On a motion made by Ms. Smith-Meyer, and seconded by Councilor Pierce, the Board voted unanimously to approve option B for the entrance sign; option A for the wall sign; and the lighting plan, as submitted by consent.

- 6B. Barlo Signs, on behalf of Northway Bank requests ADR approval for the installation of a new internally-illuminated monument sign at 190 North main Street in the Urban Commercial (CU) District.

On a motion made by Ms. Smith-Meyer, and seconded by Councilor Pierce, the Board voted unanimously to approve the revised sign design, as submitted by consent, subject to the ADR recommendation that the sign lighting will not exceed 40 candela per square meter.

- 6C. Neopco Sign Co., on behalf of Avenues Recovery Center request ADR approval for the installation of a non-illuminated wall sign at 81 Hall Street in the Opportunity Corridor Performance (OCP) District.

On a motion made by Ms. Smith-Meyer, and seconded by Councilor Pierce, the Board voted unanimously to approve the sign design, as submitted by consent, subject to the ADR recommendation that the phone number will be omitted and the size of the text will be increased; should that not be feasible, all text on the sign will be increased in order to fill the sign.

- 6D. Advantage Signs, on behalf of Eastern Analytical requests ADR approval for the installation of a new internally-illuminated monument sign at 51 Antrim Ave in the Industrial (IN) District.

On a motion made by Ms. Smith-Meyer, and seconded by Councilor Pierce, the Board voted unanimously to approve the sign design, as submitted by consent, subject to the ADR recommendation that the background of the sign be opaque.

- 6E. Advantage Signs, on behalf of Crisis Center of Central NH requests ADR approval for the replacement of an internally-illuminated freestanding sign panel and the replacement of an externally illuminated wall sign at 287 South Main Street in the Opportunity Corridor Performance (OCP) District.

On a motion made by Ms. Smith-Meyer, and seconded by Councilor Pierce, the Board voted unanimously to approve the sign design, as submitted by consent, subject to the recommendation that the amount of wording on the pylon sign be reduced in order to render it more legible.

- 6F. Signarama, on behalf of Eric Gill, requests ADR approval for the installation of three new non-illuminated wall signs, and the replacement of two internally-illuminated freestanding signs at 63 Hall Street in the Opportunity Corridor Performance (OCP) District.

On a motion made by Ms. Smith-Meyer, and seconded by Councilor Pierce, the Board voted unanimously to approve the sign design, as submitted by consent.

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Public Hearings

Design Review Applications

- 7A. ReVision Energy, on behalf of New Hampshire Distributors, requests ADR approval for installation of solar panels on the roof of the structure at 1 Horseshoe Pond Lane in the Opportunity Corridor Performance (OCP) District.

Mr. Durfee stated that this is an application for a building permit in a performance district. He explained that the proposal is for the installation of a solar array on the roof. The panels are installed on a frame that sits directly on the roof, at a 10-degree angle. He noted that ADR had asked if the installation of these panels would trigger a FAA glare review. City Engineering Service confirmed no FAA review would be required.

Bill Hickey, of The Turner Group, represented the application.

Chairman Woodfin opened the public hearing.

Mr. Santacruce asked about any glare from I-93. Mr. Hickey explained that the southern end will not have any panels. The panels are installed on a frame that sits directly on the roof and any visual impacts would be minimal.

There being no further comments from staff, members of the Board, or public, Chair Woodfin closed the public hearing.

On a motion made by Councilor Pierce, and seconded by Mr. Hicks, the Board voted unanimously to approve the design, as submitted.

- 7B. Rowland Studio requests ADR approval for the replacement of an internally-illuminated freestanding sign panel, and two internally-illuminated wall signs at 89 Fort Eddy Road in the Gateway Performance (GWP) District.

No one was present to represent this application.

Ms. Shank explained that this application was pulled from consent due to the fact that one of the signs had been installed prior to any approvals.

Mr. Durfee explained that the proposal is for two building signs and a panel in an existing freestanding sign. The signs either have black panels or white panels. ADR has recommended that all signs match with the black background. The applicant is amenable to the recommendations and has submitted revisions.

Chairman Woodfin opened the public hearing. With no comments from staff, members of the Board, or public, Chair Woodfin closed the public hearing.

On a motion made by Councilor Pierce, and seconded by Ms. Smith-Meyer, the Board voted unanimously to approve the revised designs for all signs, subject to ADR recommendations.

8. Site Plan, Subdivision and Conditional Use Permit Applications

- 8A. BL Companies, Inc, on behalf of CP Concord LLC, requests a one-year extension of a conditional condominium subdivision approval for 310 Loudon Road in the Gateway Commercial Performance (GWP) District.

Ms. Fenstermacher stated that Applicant has submitted a request for a one-year extension to allow more time to meet the conditions of the conditional Minor Condominium Subdivision Plan approval, which was granted by the Planning Board on June 17, 2020. The deadline would have been met had the Board met June 16, 2021. She added that the Applicant is working to secure

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tenants in order to complete the condominium documents. The plan has not been recorded at the registry. She stated that Staff is recommending to grant the extension for one year.

Chair Woodfin opened public hearing. There being no comments from the Board or the public, Chair Woodfin closed the public hearing.

On a motion made by Mr. Hicks, and seconded by Councilor Pierce, the Board voted unanimously to **grant a one-year extension** to meet the conditions of the Minor Subdivision approval for the condominium subdivision at 310 Loudon Road in the Gateway Performance District (GWP); all conditions of the original approval shall remain in full force and effect.

- 8B. R.D. Bartlett & Associates, on behalf of Pam Sampadian Revocable Trust, requests Minor Subdivision approval for a lot line adjustment to annex approximately 4 acres from 308 South Street to 306 South Street in the Single Family Residential (RS) District.

On a motion made by Mr. Hicks, and second by Mr. Fox, the Board voted unanimously to determine the application complete and that the application does not meet the criteria for a Development of Regional Impact, and open the public hearing.

Mark Sargent of Richard Bartlett & Associates represented the application.

Mr. Durfee gave a brief overview of the project stating that the proposal is to annex 4.10 acres from the house lot to the adjacent undeveloped lot. The two lots are similar in size and shape. Following the lot line adjustment, the house lot will comply with all City dimensional regulations. No further development is proposed at this time.

Mr. Sargent explained that the two parcels go from South Street back to the Turkey River. The lot line adjustment will reduce Lot 8 from 4.85 acres to 0.75 acres and increase Lot 9 from 4.29 acres to become 8.39 acres. He noted that there are two driveways on Lot 8 and frontage is less than 250 feet.

There being no comments from the Board or the public, Chair Woodfin closed the public hearing.

On a motion made by Ms. Smith-Meyer, and second by Mr. Fox, the Board voted unanimously to **grant the Minor Subdivision** approval for the lot line adjustment at 306 & 308 South Street in the Single Family Residential (RS) District subject to the following conditions:

- (1) Address Technical Review Comments to the satisfaction of the Planning Division.
- (2) Address Engineering Comments to the satisfaction of the Engineering 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) A NH Certified Wetland Scientist shall sign and seal the 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.

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(8) Prior to the issuance of any building permits, the 50' wetland buffer shall be marked with discs available at the Planning Division

- 8C. Allen & Major Associates, on behalf of Marcus S. & Katherine A. Weeks, and Elizabeth Fuentes, request Minor Subdivision approval for a lot line adjustment between 24 and 26 Brookwood Drive in the Medium Density Residential (RM) District.

On a motion made by Mr. Hicks, and second by Mr. Fox, the Board voted unanimously to determine the application complete and that the application does not meet the criteria for a Development of Regional Impact, and open the public hearing.

Jim Smith of Allen & Major Associates represented the application.

Mr. Durfee gave a brief overview stating that the proposal is a lot line adjustment between 24 and 26 Brookwood Drive to bring lot improvements into conformity with zoning setbacks. He noted that a pool was constructed over the lot lines.

Mr. Smith stated that NHDES has confirmed that the septic system is outside of the well radius.

There being no further comments from the Board or the public, Chair Woodfin closed the public hearing.

Mr. Durfee noted that two waivers have been requested to not provide existing topography and area tabulations.

On a motion made by Ms. Smith-Meyer, and second by Mr. Hicks, the Board voted unanimously to **grant waivers** to Section 12.08(3) and 12.08(23)(c) of the subdivision regulations to not provide existing topography and tabulations of natural features, utilizing the criteria from RSA 674:36(II)(N)(2): Specific circumstances relative to the subdivision, or conditions of the land in such subdivision, indicate that the waiver will properly carry out the spirit and intent of the regulations.

On a motion made by Mr. Santacrucce, and second by Mr. Fox, the Board voted unanimously to **grant the Minor Subdivision** approval for the lot line adjustment at 24 & 26 Brookwood Drive in the Medium Density Residential (RM) District subject to the following conditions:

- (1) Address Technical Review Comments to the satisfaction of the Planning Division.
- (2) Address Engineering Comments 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 Subdivision 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.

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8D. Fieldstone Land Consultants, PLLC, on behalf of Mark F. & Christine D. Bogacz, and Big Step LLC, request Minor Subdivision approval for a lot line adjustment to annex 10.28 acres from 103 Old Loudon Road to 3-7 Break O' Day Drive in the Medium Density (RM) and Gateway Performance (GWP) Districts.

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

Michael Plouf, of Fieldstone Land Consultants, represented the application.

Mr. Durfee gave a brief overview of the proposed lot line adjustment stating that 10.28 acres will be annexed from Lot 33 to Lot 36. All lots comply with the City's regulations. No additional development is proposed at this time.

Mr. Plouf stated that Lot 33 is 12.99 acres and will become 2.71 acres and Lot 36 is 12.87 acres and will become 23.5 acres. He added that he concurs with all of the technical review comments and will address each comment.

Mr. Plouf stated that there has been mention of the need for a waiver for Section 23.11 for Existing Watercourses requested by Engineering. Mr. Lemay explained that there is no City drainage and there is no expectation that there would ever be in this area. This is consistent practice with similar situations. Mr. Plouf read the waiver request into the record.

Mr. Santacruce asked about a discrepancy in the lot sizes noted in the Staff report. Mr. Clough replied that there is a small triangular lot of 0.36 acres to the north of the property included. This will be corrected before finalizing plans.

There being no further comments from the Board or the public, Chair Woodfin closed the public hearing.

On a motion made by Mr. Hicks, and second by Mr. Fox, the Board voted unanimously to **grant the waiver** to Section 23.11, *Existing Watercourses*, to not require the dedication, either in fee or by easement, of land on both sides of the existing watercourse on site, utilizing the criteria from RSA 674:36(II)(N)(2): Specific circumstances relative to the subdivision, or conditions of the land in such subdivision, indicate that the waiver will properly carry out the spirit and intent of the regulations.

On a motion made by Councilor Pierce, and second by Mr. Fox, the Board voted unanimously to **grant the Minor Subdivision** approval for the lot line adjustment at 103 Old Loudon Road and 3-7 Break O' Day Drive in the Medium Density Residential (RM) District and the Gateway Performance (GWP) District subject to the following conditions:

- (1) Address all review comments to the satisfaction of the Planning and Engineering Divisions. For all subsequent submissions, applicant shall provide a response memo addressing/acknowledging all comments.
- (2) 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.
- (3) The Licensed Land Surveyor shall sign and seal final plans and mylars.
- (4) A NH Certified Wetland Scientist shall sign and seal the final plans and mylars.

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- (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 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.
- (7) Prior to the issuance of any building permits, the 50' wetland buffer shall be marked with discs available at the Planning Division

8E. TF Moran, on behalf of KRJ Finance, LLC, request Major Subdivision approval for a nine lot cluster subdivision at 462 Josiah Bartlett Road in the Medium Density Residential (RM) District. The applicant has requested to postpone the public hearing to the July 21st Planning Board meeting.

On a motion made by Councilor Pierce, and seconded by Mr. Santacruce, the Board voted unanimously to grant the request from TF Moran, to postpone Item 8E – 462 Josiah Bartlett Rd. to the July 21, 2021, Planning Board meeting.

8F. Nobis Group, on behalf of Brixmor Capitol, requests Major Site Plan approval for construction of three new buildings for restaurant, retail, and coffee shop use with a drive-through facility at 80 Storrs Street in the Opportunity Corridor Performance (OCP) District.

Mr. Durfee thanked the applicants for their continued work with the City on this project. He provided an update on some outstanding issues with phasing and the suburban-style layout of the development. He mentioned the desire of the City for an urban look in this area of downtown as intended by City master plans for future urban development of the corridor. The lack of an entrance on Storrs Street for the 110 Grill is an item that is still being addressed. There is still no tenant for the middle building.

Reuben Twersky, and Mark Newman of Brixmor, represented the application along with Chris Nadeau of Nobis Group.

Mr. Nadeau went through the changes since the last meeting, as follows:

- Drive-through now has two order boards
- Seven additional accessible spaces have been added in front of Market Basket for a total of 25 spaces
- The customer drop-off at the main driveway has been changed and is now limited to a loading area; the crosswalk could be shifted east to avoid conflicts with trucks
- Flipped landscaped islands to be closer to the plaza to allow for further separation of traffic from the parking area and in front of the plaza
- Additional landscaping has been added to include more street trees and shade trees. He noted that a grassy strip along Storrs Street could also be added; they want to keep it similar to the area across the street.

The landscape and architectural plan were reviewed.

Mr. Twersky stated that the building orientation has not changed and understands that it will be a major point of discussion. There are no changes proposed to the Starbucks building. He stated that there is still some concern with the 110 Grill site. He stated that the middle building elevations have changed to incorporate brick, as suggested by the ADR, which ties better with the Starbucks building. No other changes to the middle building are proposed. In addition, the ADR

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did approve the elevations of the middle building and the proposed Starbuck building. The sign will be shifted to the right of the facade per ADR suggestions.

Mr. Santacruce brought up that another ADA-compliant pedestal button will be required (per MUTCD since the curb ramp is proposed to be moved over.

Ms. Smith-Meyer noted that the landscaped architect has specified two invasive species that are not allowed in NH, the Japanese Barberry and the Crimson King Maple. She added that no planting details have been provided.

Councilor Pierce stated that it is important to him that there be a door facing Storrs Street. He also asked if the tenant had considered a more urban design. Mr. Twersky replied that their client (110 Grill) is not able to work with that orientation. The client believes that the frontage along the driveway off Storrs Street is sufficient and still presents a great site.

Ms. Smith-Meyer commented that this site is the first big step toward the City's vision for Storrs Street; not doing this here will likely prevent the vision from happening.

Mr. Twersky stated that this is the new design from the tenant. Discussion ensued relative to the door. He added that the materials addressed first at the ADR meetings. They feel that the proposed design compliments other buildings and the complex. They have worked to get a more urban feel by adding the brick in the design. He stated that they hope to receive a conditional approval tonight. He noted that they have urged the client who has indicted that any other options are not viable to them and would not be successful.

Mr. Hicks stated that the City is looking to have street facing entrances for this corridor and for future structures on Storrs Street. He noted that there are other 110 Grills with urban designs. Mr. Twersky stated that there are some with different layouts. He stated that when built this will be a great area and people will still drive to the complex. He stated that the design proposed is the best option available.

Ms. Smith-Meyer mentioned the City's Master Plan and asked if their client was aware of the master plan and added that the proposed design does not meet the vision of Concord.

Mr. Twersky replied that their client is familiar with the Master Plan and knows that it is important to the City and has considered it. He added that the Master Plan also has larger plans for the plaza; it calls for mixed use of this plaza, which will not happen unless the City plans to take land by eminent domain or offer redevelopment incentives. He referenced buildings in the area and the parking garages and stated that there are no buildings with dedicated entrances. He stated that their plan creates balance.

Ms. Smith-Meyer stated that all of the buildings in the area existed prior to the finalization of the master plan. Professionals have tried to make it better and perhaps the needs of their client cannot be met in this spot. She stated that it is the Board member's responsibility to listen to the community for what the best vision is for Concord.

Mr. Twersky stated that he has spoken to people in the community who are excited for this plan for the plaza. He stated that the plan presented meets the regulations of zoning.

Ms. Smith-Meyer stated that a draft concept plan was presented to City Council that showed a front door for the 110 Grill. Mr. Twersky replied that there was a plan that was presented to Council and it was shown to provide a visual for the drive-through.

Chairman Woodfin opened the public hearing.

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Craig Tufts spoke to the project noting the importance of this site. He stated that he does not support the layout as it currently exists. He believes that there are other areas where this design would be better suited for; such as Loudon Road. He added that one-story buildings concern him. He stated that the proposal is not consistent with the Master Plan and other plans. He did not support the drive-through decision from Council. He added he is disappointed with the proposal and would prefer to wait for something better to come. He stated the proposal is better than a parking lot but is not worth it here due to the opportunity costs.

Mr. Twersky stated that they have been before the Planning Board several times as well as meeting with multiple times with staff, and numerous times before the ADRC. The client is a long-standing owner in the City. A master plan requiring multi-story buildings is not something that will be done in a shopping plaza. They can work with the materials for the 110 Grill, other than door. They believe that they have met the City's regulations and the current zoning.

Additional discussion ensued regarding the zoning amendment allowing the drive-through and the condition that buildings face Storrs Street. Mr. Twersky stated that it was not a condition. Ms. Shank stated that there was a requirement as part of the zoning amendment for the drive-through out front and face out onto Storrs Street. There was no consideration to adding anything pertaining to a front facing door.

Mr. Fox noted that there is a 110 Grill in Portsmouth and the door faces out onto a main street.

Mr. Twersky replied that he recalls the design and the door location is facing the parking area. Fortunately, there is parking in the complex here. It is just a bit further to walk to through the patio.

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

Councilor Pierce stated that the planning and zoning must be consistent with the site plan regulations and the Master Plan. He did like the original plan and wanted the two-story buildings. He does understand the problems that they have had working with the site and the lease constraints. He voted for the zoning amendment on the Planning Board and on City Council. There has been a lot of City Staff time put into this project and time from the representatives. Under the current design, the City vision imagined through the Master Plan will not be done. He expressed frustration that the design is not such what we envisioned.

Ms. Shank stated that the Zoning ordinance incorporates the Master Plan and the architectural design review requires the Board to refer to the Master Plan. Three other master plans are also referenced. With specific criteria to how Storrs Street should be developed and the design of buildings coming into Storrs Street. In the end, Staff felt that this design did not meet the vision; therefore, Staff is not recommending architectural design approval which is required for Planning Board approval.

Ms. Smith-Meyer stated that she appreciates Mr. Tufts comments. The community trusts the Planning Board to follow the Master Plan. This project could be the beginning of the end if we do not continue to look towards the vision and that could take years.

Councilor Pierce stated that he heard from many people that they were disappointed with his vote to move forward with the project.

Mr. Fox spoke to the Board setting a precedent for future development as the tenants of the middle buildings are still unknown.

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Ms. Shank stated that the applicant has mentioned that the City's vision is difficult. She noted that the City has a vast need for housing, and that 8-12 feet is one-story in an urban setting, not 24 feet as the applicant has stated.

Councilor Pierce stated that the owners can apply for what they want to build. Ms. Shank stated that Staff is disputing that the Master Plan vision is unattainable.

Ms. Smith-Meyer noted that this is the opportunity to start with what the vision is. She added that the Board needs to be thoughtful of the Master Plan.

Chairman Woodfin stated that development is development and a master plan is treated differently; it is part of the zoning in the City and is a document that the Boards and Committees are required to refer to and lean on for direction.

Chairman Woodfin reopened the public hearing.

Mark Newman, Brixmor property owner, stated that as a shopping center they are very mindful of master plans and ordinances. He explained they are duty bound by the anchor stores in the plaza due to legal documents. He stated that the City Master Plan runs up against the master plan for the shopping center, which was put into effect by the anchor stores. They still must adhere to their lease agreements with the retailers. He added that they love the parking field and proximity to the downtown area. He stated that the Board needs to look at all three buildings being proposed and the before and after.

Chairman Woodfin asked about the duration of the leases. Mr. Twersky replied that the leases are close to or past 2035. Mr. Newman added that this is a partnership; duty bound by the character of the shopping center and they have rights as tenants.

Chairman Woodfin asked if the project dies if the entrance is on Storrs Street. Mr. Newman stated that the door in the front, overall, is a component. Mr. Twersky added that he will go back to the tenant who will say it is a non-starter.

Mr. Hicks stated that the 110 Grill will make money coming into Concord. He is perplexed by notion a street facing entrance is an unreasonable burden on the applicant. He stated the main entrance lends to a neighborhood environment on the street and does not belong on the parking lot side of a downtown building. Mr. Twersky replied that there is a patio entrance visible from Pleasant Street; the front door is not a huge issue.

Mr. Fox stated that it is a sad statement that a potential tenant is ditching development on a project requiring a front door. It appears that the tenant is calling the shots, which is not appropriate. He suggested that the building be rotated. Mr. Twersky replied that he agreed, but from an operations standpoint the applicant claims they will lose money with the door on the street. He noted that he would return to the client to see what they could do.

Ms. Shank stated that it was never suggested or insisted that a door should be there because only pedestrians will use it. She noted that many customers drive downtown. The community still wants to create pedestrian oriented streetscapes. This is the first step of the Storrs Street development and is important.

Mr. Hicks stated that there have been major compromises made to the vision of Storrs Street. This is not a big ask for the developer. The Board wants to see the project move forward.

Chairman Woodfin closed the public hearing.

On a motion made by Mr. Fox, and seconded by Mr. Hicks, the Board voted unanimously to **conditionally grant ADR approval** for the site layout, building designs, and landscaping

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subject to revisions to the materials and architecture of the 110 Grill building including the orientation of an entrance on Storrs Street, relocation of the sign on the east side of the coffeeshop, wood cladding on the middle building be replaced with spandrel glass, and Option A for the south elevation of the middle building be used. Any building proposed along the frontage of Storrs Street shall have a main entrance facing Storrs Street.

On a motion made by Councilor Peirce, and seconded by Mr. Santacruce, the Board voted unanimously **to conditionally approve the Major Site Plan application** for the proposed development of three new commercial buildings and associated site improvements at 80 Storrs Street subject to the following precedent and subsequent conditions noted below:

- (a) Precedent Conditions – to be fulfilled within one (1) year and prior to sign off by the Clerk and Chair of the Planning Board and issuance of any building permits, or the commencement of site construction, unless otherwise specified:
 - (1) Address all review comments to the satisfaction of the Planning and Engineering Divisions. For all subsequent submissions, applicant shall provide a response memo addressing/acknowledging all comments.
 - (2) Final plans shall be signed and sealed by the NH Registered Land Surveyor, Landscape Architect, and Professional Engineer.
 - (3) All three buildings shall have their main entrances on Storrs Street.
 - (4) No changes to building design as a result of final tenant determination may relocate, or reduce in functional prominence building entrances that front on Storrs Street.
 - (5) Submit three (3) copies of fully revised plans for sign off by the Clerk and Chair of the Planning Board.
 - (6) The southeast corner of the Storrs Street and Pleasant Street Extension intersection shall meet MUTCD ADA requirements specific to an additional push button, and the grade and detectable warning panel of the ramp on the northeast side of the intersection.
- (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 five (5) copies of the signed plan set shall be provided by the applicant at the pre-construction meeting.
 - (3) Prior to issuance of the final 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.

Other Business

9. Planning Board Recommendation to City Council - Tax-deeded Properties

Ms. Shank stated that there are two properties that have been taken by tax title in 2021. Per ordinance, the Planning Board must make a recommendation to Council if the property is of any

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interest or has any public use. Council may vote to keep the properties, in whole or in part. Should Council determine that there is no public use; the sale of the properties will be authorized.

On a motion made by Mr. Hicks, and seconded by Mr. Fox, the Board voted unanimously that there is no public purpose to obtain either 3 Amy Way or 68 Washington Street and advises Council to return the two properties to the tax base and offered for sale.

Adjournment

At the request of Chairman Woodfin, Mr. Fox, made a motion to adjourn at 8:50 PM, seconded by Councilor Pierce. The motion passed unanimously.

A TRUE RECORD ATTEST:

Lisa Fellows-Weaver,
Administrative Specialist