

City of Concord, New Hampshire
Architectural Design Review Committee
April 2, 2019 Minutes

The Architectural Design Review Committee (ADRC) held its regular monthly meeting on April 2, 2019 in the 2nd floor conference room at 41 Green Street.

Attendees: Co-Chairs Liz Hengen and Jay Doherty, Members Margaret Tomas, Claude Gentilhomme, Ron King, and Doug Shilo.

Absent: Jennifer Czysz

Staff: Sam Durfee, Senior Planner
Lisa Fellows-Weaver, Administrative Specialist
Craig Walker, Zoning Administrator

Call to Order

The meeting was called to order by Chairman Doherty at 8:30 a.m.

Approval of Minutes

Ms. Tomas moved to approve the minutes of March 13, 2019, as written. Mr. Shilo seconded the motion. The motion passed unanimously; 6/0.

Sign Applications

1. McDonald's requests ADR approval to update all signage, including (5) internally illuminated wall signs, (2) digital menu boards, and (2) freestanding drive through structures at 90 S. Main Street in the Urban Commercial (CU) District.

James Cranston represented the application.

Mr. Cranston provided an overview of the project noting that the company is making some branding changes and remodeling to make some ADA changes to the inside and outside. The packet was reviewed. He stated that the changes proposed are to three small "M" logos on the building and one large "M" logo. Signs are internally illuminated. Nothing is changing to the freestanding sign.

Mr. Shilo asked if the proposed signage exceeds the square footage allowed. Mr. Walker explained that directional signs do not count as signage square footage as these types of signs are for directional purposes only; they are signs supplied to understand the overall layout of the property. He added that the message boards are also not included as part of the signage as they are not meant to be visible off-site; they are similar to a directional sign. He added that the applicant is under the square footage allowed by the frontage.

Ms. Tomas made a motion to recommend approval of the design, as submitted. Mr. King seconded. The motion passed unanimously; 6/0.

2. McDonald's requests ADR approval to update all signage, including (4) internally illuminated wall signs, (2) digital menu boards, and (2) freestanding drive through structures at 111 Fisherville Rd in the Urban Commercial (CU) District.

James Cranston represented the application.

Mr. Cranston provided an overview of the project noting that the changes to the Fisherville Road site are identical to the Main Street site except in this application there is one less "M" logo being changed on building so there is only two. Everything else is similar to the prior application. All signage square footage requirements have been met.

Mr. King made a motion to recommend approval of the design, as submitted. Ms. Hengen seconded. The motion passed unanimously; 6/0.

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3. Blood Oath Tattoo, on behalf of State Pleasant LLC, requests ADR approval to install a new internally illuminated projecting sign at 15 Pleasant Street in the Central Business Performance (CBP) District.

Steven Cummings represented the application.

Mr. Walker stated that with the existing sign of 24 sf the proposed sign exceeds the square footage that is allowed. Should the proposed sign be approved it would need to be reduced to meet the square footage requirement. Mr. Cummings replied that he is unable to reduce the existing sign.

Ms. Tomas noted that the proposed sign has a white background, which is not permitted in this district. Mr. Shilo stated that the City is trying to reduce white space and reduce light pollution. He suggested inverting the black and white.

Mr. King made a motion to withdraw the application without prejudice. Ms. Hengen seconded. The motion passed unanimously; 6/0.

4. The Post Downtown Restaurant, on behalf of Berat Holdings, requests ADR approval to replace an internally illuminated projecting sign and wall sign at 58 N. Main Street in the Central Business Performance (CBP) District.

Victoria Johnson represented the application.

Ms. Johnson stated that she is replacing the two existing signs. There is no remounting proposed as this is a brand change. The round sign is 36 inches and is internally lit. The rectangle sign will be externally illuminated. The existing awning will remain with no advertising on it.

Members commented that it would be helpful to see the proposed signs in the box as shown on the building and expressed concern that the rectangle sign would fit into the existing box.

Mr. Gentilhomme made a motion to recommend approval of both signs, as summited, with the condition that the rectangular sign fits into the existing box. Mr. Shilo seconded. The motion passed; 5/0/1. Mr. King had left the room.

Mr. King returned to the meeting.

5. Concord Antiques Gallery, on behalf of Granite Center, LLC, requests rehearing for ADR approval to install a new roof mounted/wall sign, at 137 Storrs Street (14 Dixon Ave.) in the Central Business Performance (CBP) District.

Attorney Perter Imse of Sulloway & Hollis and Tom Balon represented the application.

Attorney Imse explained the appeal process and that the ZBA could overturn the Planning Board's decision. Due to statute time constraints they filed an appeal with the ZBA; however, were able to meet with the Planning Board on March 20 to request a rehearing and go before the ADRC again for reconsideration of approval of their sign. He added that they will request to continue the appeal process with the ZBA pending the results of the reconsideration with the ADRC and PB.

Attorney Imse stated that there are legal limitations for what can be done under the architectural design review process. It cannot be used in an arbitrary manner or used to restrict lawful uses of properties. It is a process by which a community can comment on how a permitted use is executed but it cannot limit permitted uses. In context of this sign ADR can speak to the composition or style but ADR does not permit the planning board to discuss the height or size of the sign as they are permitted by zoning ordinances. He noted that even when the committee/boards are acting within their realm, there still needs to be guidelines. He mentioned

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that the only guidelines that he could locate were adopted by ADR in 1991 and do not mention anything about sign heights, brackets, or roof lines; however, proportions can be commented on by the ADR and the variance was granted for a sign that is 60 square feet where 100 square feet is permitted and is not at a scale that is not allowed. He added that the guidelines must be applied in a reasonable manner in which is consistent.

Atty. Imse referenced the prior meeting of this Committee where discussion was relative to the color scheme. He stated that the white that was used for the Concord Hotel sign is the exact same color proposed for the Concord Antiques sign, which was recently approved by the City. Mr. Doherty commented that the ADR did not approve the Hotel Concord sign. Atty. Imse stated that it would not be appropriate or reasonable for the City to approve one sign with the bright white and not approve the next sign.

Mr. Balon provided a few copies of the PowerPoint presentation he showed at the Planning Board meeting, which included examples of signage throughout the City using the proposed colors of white and red and using the same materials.

Discussion ensued regarding the approved variance. Mr. Walker stated that the ZBA granted the variance to place the sign greater than 25 feet above the grade and above the sills of the second floor window. Mr. Balon stated that the sign height cap is 40 feet and the building height is 38 feet. The sign projects about two feet.

Atty. Imse stated that it was not appropriate for the sign to be denied based on size and location as the applicant has a right to mount the sign at this height. The colors of the sign are the same colors used as The Hotel Concord. The size is much smaller than what is permitted. He stated that they are willing to discuss options and alternative proposals.

Mr. Balon reviewed the three options. Option one is the original proposal. Option two is the original sign with a contrast barrier mounted on a raceway. He explained that the sizing of the letters may not have been clear. The size of the "A" is 28 inches tall. The total height of the sign is just of 4 feet and he believes that this is a reasonable size for the sign. With regards to the white color, alternative options were created and the issue becomes readability. A version showing this was provided. Discussion ensued regarding other fonts.

Mr. Shilo referred to the PowerPoint handout and referenced the hardship. He stated that he does not believe that the ADRC has any issue with the proposed size of the sign being less than 100 square feet where 100 square feet is permitted. With the comment that the sign is consistent with other channel letter signs in the City he stated that this is an interpretation that is being given to the Committee to decide and recommendations were made to the PB as to what kind of brackets might be appropriate. Regarding the color white for "Antiques" and the readability of the white letter, the examples given were not signs that were approved by the ADRC or are not on Main Street. He stated that he still stands by the fact that the white color proposed is not appropriate in this case. He requested for clarification as to the height variance being said to be inappropriate as he does not see anything referencing that. Mr. Walker read the applicant's request to the ZBA. Mr. Shilo asked for the height of the sign. Mr. Balon replied that the top of the building is 38 feet from the ground and the top of the sign is 40 feet from the ground.

Mr. Balon explained the hardship is the visibility from the building. Mr. Doherty asked if Mr. Balon chose to move the business to the new Storrs Street location. Mr. Balon replied yes. Mr. Gentilhomme asked from where the visibility issue is. Mr. Balon stated that his intention is to be visible from Loudon Road bridge, Bridge Street bridge. Placing a sign at Dixon Ave. would not be beneficial. There will be signage on the glass for 911 purposes. Discussion ensued. Ms.

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Hengen stated that it is difficult to know where the entrance is. Mr. Balon noted that there is still square footage available for additional signage.

Mr. Shilo stated that he respects the decision of the ZBA, he would have to insist that the ADRC has some say to recommend to PB that there are items that affect the character of Concord; it is the charge of the ADRC. He stated that this item is still in dispute and whether the PB has a sway or the ZBA has to reconsider, he feels that the sign is inappropriate due to the location and size and the fact that it is not something that everyone can do that occupies space in the building. He stated that as a group, the ADRC felt that The Hotel Concord sign was also inappropriate. Concord wants to be a walkable city. This sets a precedent. Large signs on top of buildings will become the new sandwich board issue and is inappropriate and affects the downtown character in a way that sets a dangerous precedent.

Mr. Doherty commented that ADRC approving this sign would set a precedent as The Hotel Concord sign was not approved by the ADRC. This is a building that is not completely owned by one person and this is a business within one building.

Mr. Gentilhomme stated that the word billboard was used to describe the sign. The only reason the sign is as large as it is, is to appeal to the highway; it does not need to be that large to appeal to the nearby roads. He suggested redesigning the sign to be half the size. No one else in that building will put up a sign that large. There is sometimes too much information on a sign; a sign needs to be clear. He does not like the concept. If the Committee is forced to look at these three proposed concepts and decide on one, he requested an additional option that would emphasize the antiques and suggested that Concord be removed or in a different font and placed next to "Antiques". Antiques could be white. He stated that it is awkward to be in this position.

Ms. Hengen stated that the purpose of a business sign is to identify the name and location of the business. She spoke to the obstructions that will impair visibility on Bridge Street. This is an awkward location and there is still no direction to how to get to the business. A useful sign will be a sign that is on the street, not above third floor windows. It should be closer to the entrance. She stated that the design review guidelines were published in 1991 and a recent set was adopted for the downtown area. Although this building is not within the downtown geographical area and there are no specific guidelines for this location, that should not keep the ADRC from referencing the downtown design guidelines. They are still appropriate and this building is within the Central Business Performance District.

Ms. Tomas stated that if Loudon Road and Storrs Street are the real targets for advertising then other sign options should be considered. She stated that although the sign is large she does not feel that size is the real issue as is the location. She noted that The Hotel Concord sign is at floor level and that is a difference.

Mr. Walker requested that the Committee members speak to the aesthetic quality of the sign in general and how does it fit into the character of the area. He noted that the height has been approved by the ZBA; size is legitimate.

Mr. Shilo stated that the sign does not mark the entrance, therefore; it does not fit in the character of the area or the intent of other approved signs. If it is a billboard sign that the ZBA has approved to be placed on a building for highway advertisement, it is out of the ADRC hands to a degree; however, since it has been brought to the Committee and the question is about the appropriateness of the sign and the context it is in on a historic building ADRC feels it is inappropriate due to the scale, location, and the fact that it does not meet the intent. Mr. Shilo stated scale and placement are factors of aesthetics and he does not agree with what is proposed. Mr. Walker stated that the scale is important and cited case law noting scale issues with the

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occupant being a hotel. Mr. Gentilhomme stated that the sign on the building implies that the entire building is Concord Antiques and is a detriment to anyone else that is a tenant and wants to advertise. That is a distinctive situation that occurs when the entire building is occupied by a sole tenant.

Ms. Hengen stated that if the sign had the name of the building on it and did not pop above it, then the scale and size would be appropriate. Mr. Walker noted that the name of the building is on the front (Bridge Street side).

Ms. Hengen stated that this Committee reviews applications within the context of the architecture; the sign's location is a part of the purview. Having the name of a building near the eave line is something that has occurred. That is a distinctive issue unless the entire use of building is a sole tenant. Mr. Walker added that there are provisions in the zoning ordinances; Conditional Use Permits.

Atty. Imse stated that it has been discussed at prior meetings that there is concern for the future of the back side of Main Street relative to signage. There is no policy at this time. He asked what we want that policy to be and stated that it is within the purview of the ADRC and should be discussed with the PB. However, there is nothing in place at this time. What is being reviewed right now is this application in the context of the existing regulations and the variance granted. This applicant has a right to have the sign for 40 feet above grade approved by the ZBA. The PB does not have authority to override the ZBA. He stated that the conversation should be with the ZBA and PB to create a policy but it cannot be done under an ad-hoc basis per application.

Ms. Hengen stated that this is the first time that it has been stated that a ZBA decision would trump any other decision. Mr. Walker reminded the Committee that they have the availability to confer with legal counsel.

The February 5, 2019 motion meeting was read. Discussion ensued regarding setting a precedent. Mr. Shilo stated that he would like to keep the same motion, as written, from February 5.

Ms. Tomas noted that Mr. Balon had indicated that one iteration was preferred over the other two. Mr. Balon replied that he feels it is less readable than the others.

Ms. Hengen stated that she would like to have a future discussion of what the ADRC envisions for the back side of Main Street.

Ms. Hengen made a motion, seconded by Mr. Shilo, to recommend denial of all iterations provided for the Concord Antiques sign for the following reasons:

1. The purpose of a sign is to identify the name and location of a business; this sign, perched on a roof line of the building, two full stories above the entrance, renders the sign invisible to someone walking along the street; and
2. This is a historic building and the location of a particular tenant sign on the top floor is not in the character of downtown Concord as reflected in the intent of the Architectural Design Guidelines; it is acknowledged that this building is not within that geographical portion of the guidelines, however, it is still appropriate to reference it given its juxtaposition to the geographical portion covered and that it is in the heart of the historic downtown"; and
3. This Committee recognizes the decision of the ZBA; however, despite that decision, the ADRC differs in that the sign will even be visible to highway traffic. The Committee would like to urge the City to look carefully at what the intent is for downtown and have an open discussion to create a policy to determine exactly how the City wants the downtown to be viewed by highway traffic. In addition, the Committee is concerned that an approval will be

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setting a precedent for signage that is intended to be viewed by highway traffic, while the primary market for this business is for pedestrian and vehicle traffic traveling on local streets.

The motion passed unanimously; 6/0.

Building Permits in Performance Districts

6. Ron King, on behalf of Ciborowski Jacob S. Family Trust, requests ADR approval for a new storage structure at 90 Low Ave in the Central Business Performance (CBP) District.

This item was tabled to the next meeting.

Major Site Plan Applications

7. Army National Guard requests ADR review as part of a Major Site Plan proposal falling under RSA 674:54 to relocate an entrance and construct a parking lot at 4 Pembroke Road in the Institutional (IS) District.

Scott Delorme of Stone River Architects represented the application.

Mr. Delorme provided an overview of the project. He explained that The State of New Hampshire, Army National Guard, is proposing to relocate the entrance of the campus, and install a new security gate and guard house at Pembroke Road. The project also includes the demolition of the existing storage building, new ornamental steel security fencing, and reconstruction of an existing parking lot. All materials will be in kind to the existing facades.

Mr. Walker stated that this is part of a redesign of the property. He noted that this project meets the requirements of RSA 674:54.

Ms. Hengen made a motion to recommend approval as submitted. Seconded by Mr. King. The motion passed unanimously; 6/0.

8. The City of Concord requests ADR review of the proposed training building as part of a previously approved Major Site Plan proposal falling under RSA 674:54 to construct a training facility for the Fire Department at 77 Old Turnpike Road in the Industrial (IN) District.

Austyn Shea of Milestone Engineering represented the application along with Bill Gates of HL Turner Group.

Mr. Shea explained that the project includes a single-story training building, a 16 foot by 16 foot target structure, a 134 foot by 195 foot paved training/parking area with 2 driveways, and 6 Conex units. It is a one story, wood framed building with vinyl siding and asphalt shingles. The color scheme will be gray, blues, and white trim. The building will include a training room, a garage, and office space.

A discussion was held regarding the proposed landscaping. Mr. Shea explained that there is landscaping on the right side of property that separates the abutters. There are two large existing trees out front that will remain.

A discussion was held regarding the fence. Mr. Shea explained that there is a jog in the existing fence, which allows vehicles to pull off and open the gate. They hope to plan to retain the existing gate; however, it will be determined based on how it holds up through construction. A new gate could be replaced to a slide design depending on funding.

Ms. Hengen made a motion to recommend approval, as submitted, and recommend working with Staff to develop a plan for additional landscaping to screen the east side of the fence. Seconded by Mr. King. The motion passed; 5/0. Ms. Tomas was out of the room.

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9. TF Moran, Inc., on behalf of Merrimack County Savings Bank, requests ADR approval as part of a Major Site Plan application for the construction of 2 new buildings for the purpose of a pizza restaurant and a coffee shop and a Conditional Use Permit for the construction of a driveway within 200 feet of an adjacent driveway and intersection at 212 Fisherville Road in the General Commercial (CG) District.

Jason Hill of TF Moran represented the application.

Mr. Hill explained the proposal is to construct two new buildings for the purpose of a take-out and delivery pizza restaurant, Domino's Pizza, and a take-out coffee shop, Aroma Joes, both with drive through lanes, and associated site and striping improvements. The site is currently a vacant property, partially wooded. It was formerly a single family residential lot; the structure has been demolished.

The Domino's Pizza building will be 1,500 square feet, and identical to the existing site on N. Main Street. Exterior insulation finishing system (EIFS) is proposed along the store front and on the brand tower. Sconce lighting is proposed and will be fixed to the building. The roof will have overhangs for rain protection and will also provide shade. There will be a drive-up window.

The Aroma Joes building will be 795 square feet, harbor gray vinyl siding and white shakes, with an asphalt blue roof. There is no indoor seating proposed. There will be a drive-thru window and a walk-up window.

Mr. Hill stated that the ZBA denied the variance request for an additional access off of Manor Road. This has caused some difficulty. 24 parking spaces are proposed for employees and delivery service. Members expressed concern with the fact that there appears to be excessive parking and paving. Mr. Hill replied that the amount of paving is a result of the lack of a rear entrance. Mr. Hill noted that there are parking spaces for the delivery drivers between the two buildings. Mr. Hill stated that it is beneficial for there to be the two drive-thru lanes. He added that the circulation configuration was designed to meet the City's requirements.

Mr. Gentilhomme left at 10:30.

The dumpster location was discussed. Mr. Hill stated that the dumpsters have been changed to a 25 degree angle for easy access. The enclosure for the dumpster will be a 7 foot high chain link fence with landscaping, including a crab apple tree. Snow storage was noted to be near the detention pond.

It was noted that the drawings are not accurate and do not match the information provided at the presentation. Ms. Tomas requested to see other options and samples for exterior materials. She would prefer to see other materials at the bottom of the structure rather than EIFS, something stronger. Mr. Hill stated that there are bollards around windows and corners for protection. Mr. Hill stated that they are looking for a conditional approval at this meeting.

Mr. Doherty made a motion to recommend a conditional approval, requesting the applicant consider a one-way circulation plan throughout the site, adding additional landscaping, and to return to the Committee with examples of all exterior materials to show both colors and textures for the siding, trim, roofing, ornamental railings, slats, fencing, and dumpster exterior. Mr. Shilo seconded. The motion passed; 4/0. Ms. Hengen was out of the room.

10. Capital Hotel Company VI, LLC requests ADR approval as part of a Major Site Plan application to construct a new 9,900 sf restaurant and associated site improvements at 406 S. Main Street in the General Commercial (CG) District.

Steve Duprey represented the application along with John Ramsey of Market Square Architects.

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Mr. Ramsey stated that the proposal is for a 9,900 square foot T-Bones restaurant with a 1,500 square foot basement. He provided an overview of the façade explaining that this has been challenging as the building coverage is for all four sides. The sides will be a painted siding with a veneer base, there will be a red standing seam roof. He noted some decorative features around the exterior. Mr. Shilo mentioned the window rendering and suggested that the applicant look into other colors. The dumpster location is noted with a PVC lattice fence proposed for the screening. The signage, mechanical, and lighting plans have not been finalized to date.

Mr. Doherty made a motion to recommend a conditional approval, requesting the applicant return to the Commission with a full window and exterior materials package to show both colors and textures. Ms. Tomas seconded. The motion passed unanimously; 5/0.

11. Rokeh Consulting, on behalf of Whittemore Holdings, LLC, requests ADR approval as part of a Major Site Plan application to construct a parking lot at 45 Chenell Drive in the Industrial (IN) District.

Mr. Durfee explained that the applicant is requesting Major Site Plan approval for a 15,300 sf, gravel parking lot for vehicle storage and proposed security and drainage improvements. The site is being used as an impound lot. The parking lot was constructed in the fall of 2018 without prior site plan approval. The lot has been cleared and graded.

A discussion was held regarding the drainage. Mr. Durfee stated that there is an existing swale. The applicant is considering submitting a waiver request for stormwater. Mr. King expressed concern with the drainage and sediment controls. Mr. Durfee noted that there is a detention area.

Ms. Tomas stated that she would like to see examples of the fence. Mr. Shilo agreed. Mr. Durfee stated that with the landscaping, 16 trees need to be provided and a Licensed Landscape Architect will need to stamp. It was suggested that staff review and make sure that the necessary items are complete.

Ms. Hengen made a motion to recommend approval with the conditions that the applicant work with staff to ensure that the project is compliant with all regulations, provide details for the proposed fence and gate, provide necessary drainage improvements, and provide information relative to the landscaping. Mr. King seconded. The motion passed unanimously; 5/0.

Mr. King left at 11:18 a.m.

Other

Site Plan Amendment Proposal

As a result of a discussion held at the March 12 joint meeting with PB and ADRC, a suggestion was made to reduce the ADRC membership from seven members to five members due to quorum issues and add two alternate members. Members present preferred to keep the Committee at seven members and look for someone experienced with lighting and add a PB member as an alternate. All members present stated that they would like to stay as full members.

Adjournment

As there was no further business to come before the Committee, the meeting adjourned at 11:36 AM.