

City of Concord Planning Board
June 20, 2018
Minutes

The regular monthly meeting of the City Planning Board was held on June 20, 2018, in City Council Chambers, in the Municipal Complex, at 37 Green Street, at 7:00 p.m.

1. Call to Order

Chairman Woodfin called the meeting to order at 7:00 pm. Planning Staff present included Heather Shank (City Planner), Beth Fenstermacher (Assistant City Planner), Sam Durfee (Senior Planner), and Lisa Fellows-Weaver (Administrative Specialist). Engineering Staff present included Bryant Anderson (Associate Engineer).

2. Roll Call

Present: 6 – Chairman Richard Woodfin, Councilor Byron Champlin, Members Susanne Smith-Meyer, Matthew Hicks, David Fox, and John Regan.

Absent: 5 – Vice-Chair Carol Foss, Teresa Rosenberger, Ian West, Alternate Chiara Dolcino, and Alternate Frank Kenison.

3. Approval of May 16, 2018 Planning Board Meeting Minutes

On a motion made by Mr. Regan, and seconded by Mr. Hicks, the Board voted to approve the minutes for May 16, 2018, as written. The motion passed; 5/0/1. Councilor Champlin abstained as he was not in attendance at the May meeting.

4. Planning Board Chair Overview

Chairman Woodfin announced that Item 9E had been postponed to the July 18, 2018 Planning Board meeting.

5. Determination of Completeness

5A. Nobis Engineering, on behalf of Smokestack Realty, requesting Major Site Plan approval to construct a new access road and parking areas totaling approximately 22,000 sf of new impervious area at 254 N. State Street in the Institutional (IS) District.

On a motion made by Councilor Champlin, and seconded by Mr. Regan, the Board voted unanimously to determine Item 5A complete and set the public hearing for July 18, 2018.

6. New Hampshire Department of Transportation, notifying the Board in accordance with RSA 674:54 for construction of a memorial to public works employees at 7 Hazen Drive.

David Rodrigue represented the project. He provided an overview of the design and construction of the Public Works Employee Memorial. He described the materials proposed and explained the symbolism throughout the memorial which will represent employees that have died on the job, have been injured, the four seasons that public works employees work and the 24 hours per day the employees work. He described the landscaping proposed and noted that the memorial will be visible from the street.

Because this is a submission in accordance with RSA 674:54, no public hearing was required. The Board expressed support for the project and thanked Mr. Rodrigue for presenting.

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7. Design Review Applications by Consent

Ms. Shank provided an overview of the sign applications and any relative comments from the Architectural Design Review Committee (ADRC).

On a motion made by Ms. Smith Myer, and seconded by Mr. Regan, the Board voted unanimously to approve the sign applications by consent, subject to the recommendations from the ADRC. The motion passed unanimously.

- 7A. Perry Petrillo, on behalf of Walmart, requesting ADR approval for a new wall sign, at 344 Loudon Road in the Gateway Performance (GWP) District. MBL: 111/F1/4

This application was approved as submitted by consent.

- 7B. Azure Hair Studio, on behalf of 31 South Main Acquisition, LLC, requesting ADR approval to install a new projecting sign at 5 Hills Ave. in the Central Business Performance (CBP) District. MBL: 35/1/1

This application was approved as submitted by consent.

- 7C. Subway, on behalf of PRM Holdings, LLC, requesting ADR approval to install two new internally illuminated wall signs at 39 N. Main Street in the Central Business Performance (CBP) District. MBL: 45/1/6

This application was approved by consent, subject to the condition that the two existing panels be removed until such time as a new sign is needed.

- 7D. Wealth Management & Private Banking, on behalf of Lee Marden, requesting ADR approval to install two new wall signs at 3 Eagle Square in the Central Business Performance (CBP) District. MBL: 45/3/4

This application was approved as submitted by consent.

Public Hearings

8. Design Review Applications

- 8A. Bread & Chocolate, on behalf of 31 South Main Acquisition, LLC, requesting ADR approval to replace an existing projecting sign at 29 S. Main Street in the Central Business Performance (CBP) District. MBL: 35/1/1 – Continued from March 13

There was no applicant present. Ms. Shank stated that this application was recommended for approval back in March but the applicant wanted to defer along with the Taylored Interiors application, which was sent back to ADR, because the properties are side by side and owned by the same person. She relayed the applicant's statements to the ADR Committee that the sign was installed prior to approval due to safety concerns that the brackets were rotting and could potentially fall. The sign was relocated to allow lighting to be installed, and the applicant felt that the new location of the sign was better overall. The sign was recommended for approval from the ADRC.

On a motion made by Mr. Hicks, and seconded by Councilor Champlin, the Board voted unanimously to approve the sign application, as submitted. The motion passed unanimously.

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- 8B. Taylored Interiors, on behalf of 31 South Main Acquisition, LLC, requesting ADR approval to replace an existing projecting sign at 29 S. Main Street in the Central Business Performance (CBP) District. MBL: 35/1/1 - Continued from March 13

The applicant was not present. Ms. Shank stated that this sign has been installed. She stated that this application was not recommended for approval by the ADRC as the members had concerns over the legibility given the color and size of the bottom line of text; the bottom line of text was unnecessary and added clutter. The applicant indicated that the sign colors are the logo colors and the sign may only be installed for up to a year as the owner is likely going to retire. Ms. Shank noted that there is also a window sign that includes much of the same text as the sign. The ADRC recommended approval subject to the bottom line of text being removed.

On a motion made by Councilor Champlin, and seconded by Mr. Hicks, the Board voted to approve the sign application, as submitted, subject to the condition that the bottom line of text be removed. The motion passed 5/1. Ms. Smith-Meyer was opposed.

Jonathan Chorlian, the owner of the property, arrived after the vote was taken and offered to answer any questions. He had no additional comments.

- 8C. Paull Nails, on behalf of 31 South Main Acquisition, LLC, requesting ADR approval to install a new wall sign at 31A. S. Main Street in the Central Business Performance (CBP) District. MBL: 35/1/1

The applicant was not present. Ms. Shank stated that the ADRC recommended denying the application. Members felt that the sign was hard to read given the color scheme and the font style, and was not consistent with the character of the streetscape, architecture, or neighboring businesses.

On a motion made by Mr. Hicks, and seconded by Councilor Champlin, the Board voted unanimously to deny the sign application due to the design being inconsistent with the aesthetic and character of the surrounding architecture and properties and because it is difficult to read due to color palate and font. The motion passed unanimously.

- 8D. Millriver Wealth Management, on behalf of Capitol Street Associates, requesting ADR approval to install two new window signs at 97 N. Main Street in the Central Business Performance (CBP) District. MBL: 45/3/4

Tom Cimikoski represented this application.

Ms. Shank stated that the ADRC tabled this application as the applicant was not present at the meeting and they were unclear as to how many signs were being proposed and which graphics were covered by the application. She added that she has subsequently learned that the application is for one sign, placed in one window. The other shades that have been installed have only graphics, with no text, and are therefore not regulated by the ordinance.

Mr. Cimikoski explained that the sign is a banner that hangs like a shade. The text is Millriver. It will be placed on the left window only.

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On a motion made by Ms. Smith-Meyer, and seconded by Councilor Champlin, the Board voted unanimously to approve the sign application, as submitted. The motion passed unanimously.

Ms. Shank requested that revised graphics be provided to the Code department.

- 8E. The Hotel Concord, on behalf of Capital Commons, LLC requesting ADR approval for a new wall sign and building lighting at 11 S. Main Street in the Central Business Performance (CBP) District. MBL: 35/2/7

Anthony Mento of SMP Architecture, and Jamie Simchik, owner of the property, represented the application. A presentation was given which included an arched sign on the face of the building reading “The Hotel Concord” and two signs below with one reading “The Hotel Concord” with a logo and another reading “Capital Commons”. The lighting, on the underside of the roof of the building was also depicted in the presentation. The applicant explained that the lights are proposed to be static, however, could change and moved depending on how they are programmed. Mr. Simchik stated that City Council approved the canopy for the hotel.

Ms. Shank stated that the ADRC was in favor of the application and recommended that the sign be redesigned so that the text be centered both vertically and horizontally and that the lighting remain the same color throughout the evening and not move or flash.

Additional discussion was held regarding the logo and the consideration to redesign it to proportionally fit better in the sign. Councilor Champlin asked whether this is their logo. Mr. Simchick stated that it was. Ms. Shank noted that signs in other locations do not look similar and have an address number on the sign to counterbalance the text at the bottom. . Mr. Simchick stated that they would work with it internally and coordinate with staff.

Ms. Shank noted that the blade signs were all previously approved in the original sign packet. She added that the only recommendation from the ADRC regarding the signage was that the plaque signs located on the inside walls, be centered.

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

On a motion made by Ms. Smith-Meyer, and seconded by Councilor Champlin, the Board voted unanimously to approve the sign application, subject to the condition that the applicant works with staff on the Capital Commons sign. The motion passed unanimously.

On a motion made by Ms. Smith-Meyer, and seconded by Councilor Champlin, the Board voted unanimously to approve the lighting, subject to the recommendations from the ADRC. The motion passed unanimously.

9. Site Plan & Subdivision Applications

- 9A. Foxfire Property Management, Inc. on behalf of 2 Pillsbury Street LLC, requesting Minor Subdivision approval to adjust lot lines existing condominium units at 2

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Pillsbury Street in the Institutional (IS) District. MBL: 23/5/3, 23/5/6, 23/6/1, and 23/6/6.

Aaron Holt represented the application. Mr. Holt explained that there was an error with the square footage noted for Unit 5B on the previously approved subdivision plan from February 23, 2018.

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

On a motion made by Councilor Champlin, and seconded by Mr. Hicks, the Board voted unanimously to amend the Minor Subdivision, to correct the plan showing the square footage of Unit 5B as 4,126 sf. and all original conditions of the approval outlined in the February 23, 2018 decision letter still apply. The motion passed unanimously.

- 9B. Jonathan Halle, on behalf of Warrenstreet Architects, requesting Minor Site Plan approval for a 1,389 sf addition to the existing building at 27 Warren Street in the Civic Performance (CVP) District. MBL 34/4/5

Ms. Fenstermacher introduced the project stating that staff does not support a waiver request to not provide an existing conditions survey. She indicated that staff visited the site and measured off existing pins to determine that the application could be determined complete subject to the submittal of a survey as a condition of approval. Ms. Fenstermacher stated that the ADRC recommended denial of the application as submitted at the June 12th ADRC meeting. Jonathan Halle represented this application. Revised building elevations were submitted based on comments from the ADRC. .

Mr. Halle provided a history of his recent meetings with the Zoning Board of Adjustment (ZBA) and variances granted, including the reduced 2 foot setback on the western property line, and the reduction in required parking. He explained that the original proposal was for a slab on grade building addition, which would not require site plan review. But the difference in cost was not that much more for a full basement; therefore, the proposal is for a full basement. With this increase in square footage, Minor Site Plan approval is triggered and a full site plan and survey is required. Mr. Halle spoke to his request for a waiver to not provide a survey. He stated that the cost is significant. He provided a survey worksheet that was prepared by T.F. Bernier for the adjacent parcels, and the bounds and pins have been located. He added that a survey would not provide anything different. He noted that he recognizes that this project is being done at his own risk. He added that there are no questions as the pin is there and he is able to measure that the addition will be outside of the 2' setback.

ADRC members were not in favor of any of the options proposed and expressed concern over the lack of cohesiveness with the existing structure. The Committee made a motion to deny the application after reviewing the revised alternatives. Recommendations were provided for a sloped, shingled roof in the front and rear of the addition, which would help alleviate some of the boxy appearance. The façade

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was also recommended to have similarities to match the material and color of the existing building. Mr. Halle stated that the second floor is 12 ft and all mechanical items will be in the ceiling.

A discussion was held regarding the siding. Mr. Halle stated that the City does not have an ordinance for regulating exterior colors or materials. He stated that he would prefer that the wall facing the western abutters be a vegetated wall or “green” wall, as that is what the abutter requested. Mr. Hicks asked if the green wall were approved, what it would look like if the vegetation died. Mr. Halle referred to the May renderings for examples and stated that the wall would not have any vegetation in the winter months and would be the color of the wall that would be seen. Ms. Smith-Meyer suggested a brick wall.

Councilor Champlin expressed concern with the boxy look of the addition and the fact that it is 2ft from the property line. Mr. Halle replied that a fire wall was required, which is why there are no windows on the western façade of the addition.

Additional discussion was held regarding the waiver request for the survey. Staff indicated that a survey should be provided to confirm that the 2’ setback can be met, and the waiver request should be denied. Ms. Smith-Meyer stated that she feels it is important to have the property surveyed, especially with the very tight setback.

Ms. Shank noted that the submission to the ZBA had different noted lines to the property. She added that normally all of the information would have been received prior to the public hearing, and this project is not different than any other application that comes before the Board. She stated that there is no building indicated on the worksheet provided, so the distance from the building to the property line is estimated on the drawings provided. Staff’s recommendation is to grant approval, subject to the condition that a documented survey be provided.

Mr. Fox asked if the deeds were reviewed. Mr. Halle replied that the deeds are not sufficient to provide an accurate building location.

Mr. Halle indicated that he has also spoken to Code Administrator Mike Santa who is now comfortable with the project and would not require a survey for a building permit.

Councilor Champlin stated that he respects staff’s professionalism and hesitates to overturn staff’s decision; however, understands that there could be extensive costs to the property owner to meet this requirement.

Ms. Fenstermacher noted that correspondence was received from Caren Maynard and Jeff Marsh who are the abutters residing at 10 Blake Street stating that they support the project as submitted in the May 14, 2018 drawings; however, requested that a few issues be addressed, including a diseased tree and fence repairs. Mr. Halle agreed to follow up with the repairs and prune the tree.

Board members discussed the design options, as presented. The general consensus was for option 1 of the renderings dated May 14, 2018.

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

On a motion made by Chairman Woodfin, and seconded by Mr. Fox, the Board voted to grant **Architectural Design Review approval** for the proposed building addition, as referenced as Option 1, dated May 14, 2018. The motion passed 5/1. Ms. Smith-Meyer was opposed.

On a motion made by Councilor Champlin, and seconded by Mr. Fox, the Board voted to grant **the following waivers** to the Site Plan Regulations indicating that unnecessary hardship may result from strict compliance with the regulations because the Board determined that sufficient information was available to determine that the proposed project will be in compliance with the regulations and the variances granted.

- (1) 12.03 to not require a New Hampshire Licensed Land Surveyor prepare, sign, and seal the existing conditions plan, and
- (2) 15.03 Existing Conditions Plan – to not provide an existing conditions plan.

The motion passed 5/1. Ms. Smith-Meyer was opposed.

On a motion made by Mr. Hicks, and seconded by Mr. Fox, the Board voted to grant **Conditional Minor Site Plan Approval** for the 1,389 sf building addition, subject to the following Precedent and Subsequent Conditions:

- (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 abutters’ concerns to repair the fence and prune the tree.
 - (2) Address Technical Review Comments noted in Paragraph (c) below.
 - (3) The final plans shall be signed and sealed by the Licensed Architect.
- (b) **Subsequent Conditions** – to be fulfilled as specified:
 - (1) 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.
- (c) **Technical Review Comments**
 1. Provide the dimension from the proposed addition to the westerly property line.
 2. Under the notes section, revise “Requested Variances” to “Variances Granted”.
 3. The Site Location and Site Vicinity plans are difficult to read, please update so the streets names are legible.
 4. Please provide the following information per Section 15.03(23):

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gross site acreage in square feet and acreage; existing and proposed gross square footage of the building; impervious surface coverage in square feet; and parking required and provided.

- 9B. Perry Petrillo, on behalf of Walmart Real Estate Business Trust, requesting Minor Site Plan approval for construction of a parking canopy structure at 344 Loudon Road in the Gateway Performance (GWP) District. MBL 46/Z 56

Perry Petrillo of Petrillo Architects represented this application. He stated that the improvements are required for Walmart's on-line grocery pick-up services. He described that ordering is online and customers will not leave their vehicle for pick-up. He stated that the proposed design includes new signage, restriping 12 existing parking spaces and enlarging the spaces from eight feet to twelve feet in width, and installing a steel frame canopy with a high wind category curved fabric to cover the parking spaces. He indicated that parking requirements will not be impacted, the parking requirement is 794 spaces; there are 1010 existing.

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

On a motion made by Mr. Hicks, and seconded by Councilor Champlin, the Board voted unanimously to grant **Architectural Design Review approval** for the proposed canopy structure and parking improvements. The motion passed unanimously.

On a motion made by Mr. Hicks, and seconded by Mr. Regan, the Board voted unanimously to grant **Conditional Minor Site Plan Approval**, subject to the following Precedent and Subsequent Conditions:

- (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.
 - (2) The final plans shall be signed and sealed by the Licensed Architect.
- (b) **Subsequent Conditions** – to be fulfilled as specified:
 - (1) 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.

- 9D. Nobis Engineering, on behalf of Concord Litho Group, Inc., requesting Major Site Plan approval for new loading docks and parking lot improvement along with two Conditional Use Permits to allow existing driveway located closer than is required and to allow construction of fewer parking spaces than is required at 92 Old Turnpike Road in the Industrial (IN) District. MBL 11J/1/6

Erin Lambert of Nobis Engineering and Peter Cook of Concord Direct represented the application. Mr. Cook provided an overview of the 1958 property and explained that the floor space is being reduced as technology has changed. He noted that they

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want to move away from Terrill Park Dr. side and will be bringing the parking areas into compliance. He stated that there is space in the building that is leased.

Ms. Lambert spoke to the changes proposed which will bring the site into compliance. She stated that overall two loading docks are being relocated, reducing curb cuts, constructing overhead doors and new docks. A variance was granted by the ZBA on April 4, 2018 to allow for a 109 foot wide driveway. She spoke to the two Conditional Use Permits (CUP, (1) to defer construction of 86 parking spaces in the rear of the building to preserve the existing green space and given 159 spaces will be more than adequate, and (2) to allow for the construction of a driveway within 100 feet of the abutter's existing driveway on Terrill Park Drive.. The proposed driveway, which replaces an existing driveway will be wider and narrows the distance to the abutter's driveway to 41 feet. She stated that this driveway provides the only access to the rear of the building where the loading and parking areas are proposed. The intent is to close the existing open access along most of the frontage. Ms. Lambert noted that the building plan will be done in two phases.

Ms. Lambert stated that the NHDES AOT permit is required as the site disturbance is greater than 100,000 ft.

A discussion was held in regards to landscaping. It was suggested that additional plantings be added along the east boundary to screen the abutting driveway. Mr. Cook noted that they intend to keep as many trees as possible throughout the site. Ms. Smith-Meyer recommended shade trees and not evergreen as a better choice around the parking areas. Ms. Lambert replied that they intend to use a mix of the two for winter. It was noted that the trees need to be documented if they are on the property and a note should be added to the plan that if any trees are removed or die, then they will be replaced. Ms. Lambert stated that the driveway area is very narrow; however, they will work with staff to find adequate spacing for trees.

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

On a motion made by Councilor Champlin, and seconded by Mr. Fox, the Board voted unanimously to grant **Architectural Design Review approval** for the proposed parking lot improvements including new loading docks, drainage controls, and overhead doors in the rear of the building. The motion passed unanimously.

On a motion made by Councilor Champlin, and seconded by Mr. Hicks, the Board voted unanimously to grant **the following Conditional Use Permits:**

- Article 28-7-11(b) of the Zoning Ordinance (ZO) to construct 159 of the 245 required parking spaces, deferring the construction of eighty-six (86) parking spaces in the back of the property, based on the fact that the applicant states the 159 proposed parking spaces will provide more than enough parking for the building's existing uses.
- Article 28-7-11(f) (ZO) to allow driveway separation of less than 100 feet on a local street, based on the fact that the proposed drive will allow the

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maneuvering of trucks on site, rather than on Terrill Park Drive, improving safety on the public street.

On a motion made by Ms. Smith-Meyer, and seconded by Mr. Hicks, the Board voted unanimously to grant **Major Site Plan approval** for the proposed redevelopment, subject to the following precedent and subsequent conditions:

- (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 review comments in Section 3 of the Planning Staff report dated June 20th, 2018 to the satisfaction of the Planning Division.
 - (2) Address review comments from the Engineering staff report dated June 14th, 2018 to the satisfaction of the Engineering Division.
 - (3) Any CUPs granted are to be noted and fully described on the plan including date granted and applicable Section numbers of the Site Plan Regulations.
 - (4) Submit three (3) copies of fully revised plans for sign off by the Clerk and Chair of the Planning Board.

- (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 a 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.
 - (4) 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.

9E. Merrimack County Courthouse - *Continued to July 18, 2018*

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Other Business

10. Main Street Design Guide & Regulatory Proposal

Ms. Shank stated that she plans to put a proposed amendment implementing the recommendation of the Design Guide on the July Council agenda for an August public hearing. She explained that this is an amendment to the City's codes and is not governed by the Planning Board.

A discussion was held regarding permits and fees. The general consensus of the Board was in favor of assessing fees for the permits. Ms. Shank plans to ask for direction from Council on this issue.

11. Any other business which may legally come before the Board

Ms. Shank noted that it was time to either reappoint Mr. Woodfin as the Planning Board Chair, or elect a new Chair. Mr. Woodfin recused himself. On a motion made by Mr. Hicks, and seconded by Councilor Champlin, the Board voted unanimously to reappoint Mr. Woodfin as Planning Board Chair. Mr. Woodfin returned to the meeting.

Adjournment

At the request of Chair Woodfin, Mr. Hicks made a motion to adjourn at 9:01 p.m., seconded by Councilor Champlin. Motion carried unanimously.

A TRUE RECORD ATTEST:

Lisa Fellows-Weaver,
Administrative Specialist