

City of Concord Planning Board
April 17, 2019
Minutes

The regular monthly meeting of the City Planning Board was held on April 17, 2019, in City Council Chambers, in the Municipal Complex, at 37 Green Street, at 7:00 p.m.

Attendees: Chairman Richard Woodfin, Vice-Chair Carol Foss, Councilor Byron Champlin, Teresa Rosenberger (Ex-Officio for City Manager), Members Matthew Hicks, Erle Pierce, John Regan, and Susanne Smith-Meyer, and David Fox.

Absent: Alternate Chiara Dolcino, and Alternate Frank Kenison

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

1. Call to Order

Chairman Woodfin called the meeting to order at 7:00 pm.

2. Roll Call

Chairman Richard Woodfin, Vice-Chair Carol Foss, Councilor Byron Champlin, Teresa Rosenberger (Ex-Officio for City Manager), Members Matthew Hicks, Erle Pierce, John Regan, Susanne Smith-Meyer, and David Fox.

3. Approval of March 20, 2019 Planning Board Meeting Minutes and March 12, 2019 Planning Board/ADRC Joint meeting Minutes

On a motion made by Mr. Regan, and seconded by Mr. Pierce, the Board voted unanimously to approve the March 20, 2019 Planning Board Meeting Minutes and March 12, 2019 Planning Board/ADRC Joint meeting Minutes, as written.

4. Planning Board Chair Overview

Chairman Woodfin announced that there were no changes made to the agenda.

5. Determination of Completeness Items by Consent

On a motion made by Councilor Champlin, and seconded by Mr. Hicks, the Board voted unanimously to determine the applications complete and set the public hearings for May 15, 2019.

5A. Rokeh Consulting, LLC, on behalf of Whittmore Holdings, LLC, requests Minor Site Plan approval for a previously constructed parking lot at 45 Chennell Drive in the Industrial (IN) District.

5B. Nobis Group, on behalf of 125 North State Street, LLC, requests Major Site Plan approval for the construction of a three story office addition, a one story conference room, and a carriage house at 125 North State Street in the Neighborhood Residential (RN) District.

6. Design Review Applications by Consent

Councilor Champlin made a motion, second by Ms. Smith-Meyer, to approve the sign applications for Items 6A-6C by consent. Councilor Champlin amended his motion, to include the recommendations of the Architectural Design Review Committee (ADR) as conditions of approval. The motion passed unanimously.

6A. 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.

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

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- 6B. 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.

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

- 6C. 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.

On a motion made by Councilor Champlin, and seconded by Ms. Smith-Meyer, the Board voted unanimously to approve the design of both signs, as submitted by consent, subject to the ADR condition that the rectangular sign fits into the existing box.

Public Hearings

7. Design Review Applications

- 7A. 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.

Ms. Fenstermacher provided an overview of the project. The City is proposing to construct a fire training facility at 109 Old Turnpike Road in the Industrial (IN) District. The project includes a single-story training building. The Board previously reviewed a Site Plan for 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. The building design was provided to the ADRC who recommended approval as submitted, with the recommendation that the applicant work with Staff to develop a plan for additional landscaping to screen the east side of the fence.

Ms. Smith-Meyer suggested that Staff also focus on trees, not just rhododendrons.

The Board thanked the applicant for coming in and meeting with the ADRC and the Planning Board.

- 7B. Concord Antiques Gallery, on behalf of Granite Center, LLC, request a rehearing for ADR denial of a roof mounted/wall sign, at 137 Storrs Street (14 Dixon Ave.) in the Central Business Performance (CBP) District.

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

Attorney Imse thanked the Planning Board for allowing him and his client the time to speak relative to the reconsideration for the Concord Antiques Gallery sign application. They did appear before the Architectural Design Review Committee (ADRC) again requesting reconsideration of the prior motion and unfortunately were not warmly received. It was clear that the ADRC is not happy with the process and the signs in the City and they motion to reiterate their former decision.

Atty. Imse provided an outline of the application. He explained that the applicant filed the sign application in December of 2018. There is currently no sign at the store and the store is open for business. He stated that they would like to work with the Board and hope to resolve the matter without further activities.

Atty. Imse stated that the applicant is permitted to have a sign, as a variance was granted by the ZBA to mount the sign 40 feet above the grade on brackets. At the last meeting Mr. Balon shared options and tonight there will be two options presented in an effort to find a middle ground.

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Option one shows black channel letters. Option two shows the sign using sans serif as a font. Both signs are proposed to be mounted to the building. Chairman Woodfin asked what option the applicant preferred. Mr. Balon replied that his preference is still the original sign without any lattice. He added that the new renderings show that the letters are 12 inches, the capital letters are 19 inches. These alternate proposals are smaller signs.

Atty. Imse stated that the ADRC was opposed to white; however, the proposed sign is consistent with signs in the area and the use, as an antique shop. At this time both signs have been reduced from 60 sf to 36 sf as compared to 100 sf permitted, in this zone. He explained that the additional comments were made referencing the sign as a billboard; this sign is 1/10 of the size of a billboard and is a very small percentage of the façade of the building.

Atty. Imse stated that the ADRC did not appreciate the sign being mounted by brackets. These new alternatives eliminate the need for brackets. These signs are mounted on wall. With the height, the original proposal was that the sign was 40 feet above the grade, and 2 feet above the roof line. These signs now address the ADRC concerns about being above the roof line and avoid using brackets.

Additional comments were also made relative to the tenancy of the building. Atty. Imse stated that the tenancy does not matter nor does the owner. In this case the owner has permission for the sign to advertise the business. It is consistent with Main St. He added that the ADRC referred to the draft downtown guidelines. Ms. Shank stated that the guidelines were adopted. There are not regulations that apply to any specific district; the guidelines were developed to provide assistance. Atty. Imse stated that visibility was discussed and explained that this building is set back. He added that there is a variance granted for the height and it should not be an issue.

Chairman Woodfin opened the public hearing.

Jon Chorlian, owner of the building, commented that he strongly supports the sign. He stated Mr. Balon's decision to move to this building was a very important piece of the development plan. The location does not see a lot of walking traffic. The State parking garage towers over the building and a sign is an important tool; the bigger the sign is the better. The sign is a good design and is a good fit.

Tom Balon stated that the Concord Antiques Gallery commented that half of his tenants are moved in to the new store. The business brings in a lot of people to the downtown area; however, very few people know where the new store is. There is a need for permanent signs and a sign is the most important item to a new business. He regrets that the ADRC feels that a sign is only for direction to the entrance. He stated that the proposed sign is 1/7 the size of the sign for The Hotel Concord.

Ms. Shank stated that she does not agree with the characterizations of ADRC presented. She explained that the ADRC was clear with wanting to be consistent with other signs they have reviewed regarding white colors. She stated that the concern is with glare and overwhelming amounts of lights from signage, and that the recommendation was for a muted or slightly off white shade to minimize adverse effects. She noted that these are the same recommendations given to The Concord Hotel and other recent sign applicants.

Chairman Woodfin stated that he is struggling with choosing between the three versions. He prefers the first design with no mesh background. He liked the design as it puts Concord at the top; it appears lost on the smaller signs and those do not add enough pop.

Councilor Champlin stated that he preferred the design without the mesh in the background as it stands out more, option 2 with the sans serif font.

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Ms. Rosenberger asked what was presented to the ADRC. Mr. Balon replied that the ADRC was presented with the same materials as the Board tonight.

Ms. Smith-Meyer stated that she does not like the design proposed above the roof. She feels that there is more impact of a sign being in a straight line. A background can get lost on the side of the building. She stated that option 2 is consistent with the style of the building. The evening rendering looks nice on the building with the white lighting. Ms. Rosenberger agreed with Ms. Smith-Meyer.

Ms. Foss commented that layout of option 2 appeared easier to read.

Mr. Pierce thanked the applicant and commented that he appreciates their flexibility.

On a motion made by Councilor Champlin, and seconded by Ms. Foss, the Board voted unanimously to approve sign option 2, the design with all capital letters, and the sans serif font, as presented.

8. Site Plan, Subdivision, and Conditional Use Permit Applications

8A. State of NH Army National Guard requests Major Site Plan review in accordance with RSA 674:54 to relocate and upgrade an entry point, and reconstruct a parking lot at 4 Pembroke Road in the Institutional (IS) District.

Ms. Fenstermacher commented that the project is in accordance with RSA 674:54. The applicant did meet with the ADRC who recommended approval. Staff requests that additional tree plantings be provided around the parking lot as well as at the interior island to reduce heat island effect.

Joseph Persechino of Tighe & Bond represented the application.

Mr. Persechino provided an overview of the proposal explaining 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. He mentioned that he would be willing to address any landscaping items with the National Guard.

Ms. Smith-Meyer suggested that there be a variety of plantings so that they are not all one species.

There being no further comments from staff or members of the public, Chair Woodfin closed the public hearing and thanked the applicant for coming in to meet with the Board.

No action was necessary as the project was under RSA 674:54.

8B. Greg Steverson, on behalf of Ledyard Financial Group, requests Minor Site Plan approval for reconstruction of a parking lot and related building and site improvement at 74 South Main Street in the Urban Commercial (CU) District.

Ms. Rosenberger recused herself and left the table.

Mr. Durfee stated that at the March 20th meeting the Board voted unanimously to table the application pending the receipt of the following information:

- A legal opinion clarifying the applicant's rights relative to the access way between the properties to be reviewed by the City Solicitor
- A revised layout plan that eliminates a curb cut
- A sign package or concepts for signs, and
- A lighting package or concept for lighting if lighting is anticipated.

These items have been obtained including two alternate site layouts.

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Chairman Woodfin re-opened the public hearing.

Greg Steverson of Ledyard Financial Group, represented the application along with Randy Mudge of Randall T. Mudge & Associates, and Mark Sargent of Richard Bartlett & Associates.

Mr. Steverson stated that the four aforementioned items have been provided. He reviewed various statistics relative to the reduction in teller transaction over the past years and commented that these types of visits will continue to be less. They measured client visits at the smallest facility with a drive up location which were 60 visits per day. This was done at a facility that has been in existence over 20 years. He added that the visits are well below what was cited by the traffic report. He added that this location, when open, will be considered a startup location. The expected growth will be extremely minimal. He added that the pace of technology is affecting banking.

Mr. Steverson explained that they have provided a plan set with and without the ATM. The preferred plan would be with the ATM. In addition, a revised layout has been provided that will eliminate one curb cut off of Perley Street by combing it into a single curb cut. The location will be as far away from the intersection as possible.

Rob Kirsch, of Runnells Road, noted that it is difficult to comment when the materials are not provided in a timely manner. He expressed much concern with the increase in traffic that the project will create. This is an operation that will at some point receive 29 cars per hour; it is a lot of traffic for this site. A pharmacy has a much less impact. Overall this is a 130 % increase in traffic for this area. He stated that it is not clear that the traffic study provided addresses all of the circumstance with a bank with an ATM. He noted that since this is an interactive ATM anyone will be able to access this bank. He added that he understood that it was not likely for this branch to draw more traffic. The Board needs to take this into consideration. He stated that this area is a gateway to the City and is an important location. He asked if it is prudent to act without more data. This is an important intersection and the additional traffic will impact the area. Real information is necessary not an assessment of similar types. Mr. Kirsch stated that on January 14, 2019, 29 cars per hour went through the area. 14 per hour entered the pharmacy. This is a 300% increase for a bank.

Mr. Steverson stated that he does not anticipate 29 visits per hour. He noted that the fully mature branch locations are not at that much activity. He believes it will be only 8-10 visits per hour and will be less at a new location.

Chairman Woodfin stated that he had concerns with the three curb cuts and that has since been alleviated. He added that the easement issue is not an issue that the Planning Board can solve. They can only go by the word of the applicant's lawyer. Any further dispute regarding the appropriateness of the proposed use over the easement area will need to be pursued by the abutter.

Mr. Mudge briefly reviewed the sign package indicating that there will be one sign over the main entrance and at the gable end. Another sign will be added to the pole similar to the existing sign.

Councilor Champlin commented that it is good to have investment and commitment in Concord. He added that he appreciated the attention and patience of the applicant to make a development in Concord.

Mr. Anderson expressed concern with the alternate plan as there may be an issue with the turning radius when taking a right turn at 180 degrees onto Perley Street. Engineering had not had a chance to review the plans since they were submitted so late. He would like the approval to be conditioned on Engineering having a chance to review the plans and subject to any additional changes needed as a result of that review.

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

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On a motion made by Councilor Champlin, and seconded by Ms. Foss, the Board voted unanimously to **grant a conditional use permit** to Article 28-7-11(f) of the zoning ordinance to allow for two driveways to be constructed within 200 feet of an intersection

On a motion made by Ms. Foss, and seconded by Councilor Champlin, the Board voted unanimously to **grant Minor Site Plan approval** for the proposed redevelopment at 74 S. Main Street subject to the following precedent and subsequent conditions noted below:

- a) Precedent Conditions – to be fulfilled within one (1) year and prior to issuance of any building permits, or the commencement of site construction, unless otherwise specified:
 - (1) Address Technical Review Comments noted in the April 17, 2019 staff report to the satisfaction of the Planning Division.
 - (2) Address Review Comments from Bryant Anderson, P.E., dated April 5, 2019 to the satisfaction of the Engineering Division.
 - (3) A Professional Engineer shall sign and seal final plans.
 - (4) A New Hampshire Licensed Land Surveyor will sign and seal the Existing Conditions Plan.
 - (5) Conditional Use Permit(s) granted are to be noted and fully described on the plan including date granted and applicable Article number(s) of the Zoning Ordinance. Should the Board vote to deny the CUP(s), applicant shall comply with said submission requirement(s).
 - (6) 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.
 - (7) Work with Engineering Services to ensure the turning radius for taking a right out of the site onto Perley Street is appropriate.
- b) Subsequent Conditions – to be fulfilled as specified:
 - (1) Planning Board approval is based upon the applicant's representation that the access easement is valid for the proposed use in accordance with applicable law.
 - (2) Prior to commencement of construction activity, payment of any required inspection fees in an amount approved by the City Engineer shall be made.
 - (3) A pre-construction meeting shall be required prior to the start of any construction activities onsite if requested by the City Engineer.

Ms. Rosenberger returned to the Board.

- 8C. Richard D. Bartlett & Associates Inc., on behalf of the City of Concord, requests Minor Subdivision approvals for a 2-lot subdivision and a 2-unit land condominium conversion at 11-35 Canal Street in the Opportunity Corridor Performance (OCP) District.

On a motion made by Councilor Champlin, and seconded by Mr. Hicks, the Board voted unanimously to determine the application complete and open the public hearing.

Mark Sargent of Richard D. Bartlett & Associates Inc., and Rob Hitchcock of SVE represented the application.

Mr. Sargent stated that the proposal is to subdivide a 4.03 acre lot into two lots. One lot will be a 1.18 acre lot, which will be retained by the City and lot two will become a 2.74 acre lot and be

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retained by Caleb Developers. In addition, a two unit land condominium will be created with associated limited common areas.

A discussion was held regarding an existing building on site. Mr. Hitchcock stated that there are some financing issues with the grant that the building must come down before the transfer of land; however, the subdivision approval needs to be given before the building can be demolished. Mr. Durfee stated that a condition of approval, in accordance with previous agreements with the City, is that this building would be torn down before the recording of the plan.

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

On a motion made by Ms. Smith-Meyer, and seconded by Mr. Pierce, the Board voted unanimously to **grant Minor Subdivision approval** for the minor subdivision **and** the condominium minor subdivision, subject to the following conditions to be fulfilled within one year and prior to endorsement of the final plan by the Planning Board Chairman and Clerk, unless otherwise specified:

- (1) Address Technical Review Comments, noted above, to the satisfaction of the Planning Division.
- (2) Address Review Comments from Bryant Anderson, P.E., dated April 2019 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) Prior to the recording of the subdivisions the two buildings currently on site shall be demolished.
- (6) The Applicant shall submit four checks for recording the plans at the Merrimack County Registry of Deeds (including two separate checks 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) of each plan for endorsement by the planning Board Chairman & Clerk and recording at the Registry of Deeds.

8D. TF Moran, Inc., on behalf of Merrimack County Savings Bank, requests Major Site Plan approval for the construction of 2 new buildings for the purpose of 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 that application along with property owner Rik Yeames and Robert Myott representing Aroma Joes.

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 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. There will be a drive-up window. The Aroma

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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.

A variance was granted to permit six cars where 11 is required for queuing for the drive thru and driveway. There is only one entrance/exit onto Fisherville Road. Mr. Hill stated that the ZBA denied the variance request for an additional access off of Manor Road.

Mr. Hill stated that the site provides a thick landscaped buffer along Manor Road that is about 15 feet. It is year round and will provide ample screening.

Mr. Hill stated that they did meet with the ADRC and must go back 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. Hill spoke to the CUP for the driveway location, which is within 200 feet of the intersection and another abutting business. He added that he has worked with the City to create a dual left turning lane. The driveway is supported by the City Traffic Engineer.

Mr. Hicks asked about the hours of operation and noise relative to garbage removal and lighting. Mr. Hill explained the hours of operation for Aroma Joes are from 5 AM to 9 PM, seven days per week. Dominoes is open at 10 AM to 12-1 AM M-F and Sunday till 1-2 AM. Mr. Hill mentioned that the surrounding businesses, a convenient store and car wash, are also open to either 1 AM or 24 hours. He added that this is a commercial district and a large buffer has been provided to mitigate and minimize impacts.

With the lighting proposed there will be no light spill as the lights will be cut off by the heavy buffer. This has been noted on the revised site plans. Delivery times are typically not going to generate a lot of noise. Mr. Yeames stated that Aroma Joes has a 53 foot truck that delivers once per week. Dominoes delivery times vary; however, are not in the middle of the night. He noted that there is no squawk box, which will also minimize noise.

Ms. Smith-Meyer stated that there is some intrusiveness with early deliveries and she feels that there could be some controls set on delivery schedules. She added that this should also be considered with trash pick-up. Although she appreciates the efforts with the landscaping, trees take a long time to mature and are not robust enough to make a substantial difference. She added that the trees should address the heat island of the parking lot and perhaps additional should be proposed. She stated that the shade trees are at the corner and will never impact the pavement. Mr. Hill stated that there are no shade requirements. Ms. Shank clarified that there are both buffer and parking lot area landscaping requirements. Discussion ensued regarding landscaping requirements. The applicant agreed to work with staff to provide adequate landscaping.

Mr. Hill stated that the ADRC suggested that the driveway be one-way rather than two-way traffic. They were concerned with queuing for the coffee shop. He stated that the applicant would request that the Planning Board support the proposed two-way traffic.

Mr. Hill stated that signs are not included with this application. He will provide a sign package a later date.

Ms. Foss asked about trash pick-up. Mr. Yeames replied that the trash would be picked up once or twice per week and he could arrange for pick-up to be during regular operating hours.

Mr. Pierce asked about snow storage. Mr. Hill replied that there is ample snow storage space around the site. He noted that they could place snow along the Manor Rd side of the site.

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Thomas Goodness, 18 Manor Road, expressed concern with the deteriorating pine trees along the property line. He stated that a tree company should look at them and determine if they need to come down before there is a problem. He added that there are apartments along the back side of the property. He suggested a fire entrance be added as a secondary entrance and egress on Manor Rd

Mary Aranosian, 92 Manor Rd. stated that she supports the proposal. She explained that the Dominoes Company has been a good business to have in Concord and will be an asset for the Penacook community.

Mr. Durfee stated that the ZBA denied a variance request for an access on to Manor Rd. Ms. Foss asked about the suggestion for an emergency access. Mr. Durfee stated that the variance request was for a full functioning driveway. The applicant would need to reappear before the ZBA for an emergency entrance.

Mr. Hill stated that the trees along the property line are mature pines. They are trying to preserve some trees in the northeast corner if possible. The property owner offered to have someone evaluate the existing trees.

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

On a motion made by Mr. Pierce, and seconded by Mr. Hicks, the Board voted unanimously to **grant conditional approval** for the construction of two new buildings and associated site improvements at 212 Fisherville Road.

On a motion made by Mr. Pierce, and seconded by Mr. Hicks, the Board voted unanimously to **grant ADR approval** on the condition that the applicant appears before ADR at the April 30, 2019 meeting to present material and color samples of building materials.

On a motion made by Councilor Champlin, and seconded by Ms. Smith-Meyer, the Board voted unanimously to **grant a waiver** to Section 22.07(3) of the site plan regulations to allow for an increase in peak development runoff into the existing catch basins on Fisherville Road and Manor Road, utilizing the criteria from RSA 674:36(II)(N)(2) as guidance, and based on the fact that strict conformity would pose an unnecessary hardship to the applicant and the waiver would not be contrary to the spirit and intent of the regulations.

On a motion made by Mr. Pierce, and seconded by Councilor Champlin, the Board voted unanimously to **grant a conditional use permit** to Article 28-7-11(f) of the zoning ordinance to allow for the construction of a driveway within 200 feet of an intersection and an abutting driveway.

On a motion made by Ms. Smith-Meyer, and seconded by Councilor Champlin, the Board voted to **grant Major Site Plan approval** for the proposed development at 212 Fisherville Road 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 Engineering review comments to the satisfaction of the Engineering Division.
 - (2) The applicant shall attend the April 30, 2019 ADR meeting to present materials samples.
 - (3) Waiver(s) granted are to be noted and fully described on the plan including date granted and applicable Section number(s) of the Site Plan Regulations. Should the Board vote to deny the waiver(s), applicant shall comply with said submission requirement(s).

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- (4) Conditional Use Permit(s) granted are to be noted and fully described on the plan including date granted and applicable Article number(s) of the Zoning Ordinance. Should the Board vote to deny the CUP(s), applicant shall comply with said submission requirement(s).
 - (5) Submit three (3) copies of fully revised plans for sign off by the Clerk and Chair of the Planning Board.
 - (6) Work with staff to ensure landscaping adequately shades the parking lot and complies with all site landscaping regulations.
- (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.
 - (5) Prior to the issuance of a Certificate of Occupancy, the applicant will have a certified arborist assess the health of the trees in the eastern corner of the lot and clear potentially hazardous trees as necessary.
- 8E. TF Moran on behalf of Capital Hotel Company VI, LLC, requests major Site Plan approval for the redevelopment of 406 S. Main Street to construct a 9,900 square foot restaurant with associated parking, drainage, and landscaping improvements in the General Commercial (CG) District.

Mr. Durfee provided an overview of the project. He explained that the applicant has submitted a waiver request to Section 6.03 (2)(c) requesting the Board hold the public hearing at the same meeting as the determination of completeness. The applicant is requesting the waiver on the claim that the Planning Board and abutters have been aware that this proposal for a restaurant would be coming before the Board in the near future. As part of the hotel site plan submittal (approved January 16, 2019) a Traffic Impact and Access Study (TIAS) was submitted that included forecasted traffic impacts associated with the restaurant. Staff supports the waiver.

On a motion made by Councilor Champlin, and seconded by Mr. Hicks, the Board voted unanimously to determine the application complete and open the public hearing.

On a motion made by Mr. Hicks, and seconded by Mr. Fox, the Board voted unanimously to **grant the waiver** from the site plan regulations to Section 6.03(2)(c) to hold the public hearing in the same meeting as the determination of completeness based on the criteria of RSA 674:44 III (e)(1), which states that specific circumstances relative to the site plan, or conditions of the land in such site plan, indicate that the waiver(s) will properly carry out the spirit and intent of the regulations.

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Nicholas Golon of TF Moran, Laura Hartz from Orr & Reno, and property owner Steve Duprey represented the application.

Mr. Duprey explained that the proposal is a redevelopment project involving the razing of the existing structures, building a 9,900 square foot restaurant with a 547 square foot patio with all associated accesses, parking, drainage, landscaping improvements, and utility infrastructure. Five variances were granted by the ZBA last year. He briefly explained the lease with the State of NH, which is for five years. If the lease was to be terminated he would need to return to the ZBA. Mr. Duprey reviewed the waivers requested.

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

On a motion made by Councilor Champlin, and seconded by Mr. Pierce, the Board voted unanimously to **grant ADR approval on the condition** that the applicant appears before ADR at the April 30, 2019 meeting to present materials and color samples of building and dumpster screening materials.

On a motion made by Councilor Champlin, and seconded by Ms. Foss, the Board voted unanimously to **grant a conditional use permit** to Article 28-7-11(a) of the zoning ordinance to allow for required parking to be provided off-site.

On a motion made by Ms. Foss, and seconded by Councilor Champlin, the Board voted unanimously to **grant the following waivers** from the site plan regulations utilizing the criteria of RSA 674:44 III (e) (1), which states that specific circumstances relative to the site plan, or conditions of the land in such site plan, indicate that the waiver(s) will properly carry out the spirit and intent of the regulations:

- (1) Section 6.03(2)(c) – previously approved;
- (2) Section 16.03(11) to provide a sign package as a separate submission at a later date;
- (3) Section 22.07(2) to allow a separation of 3-feet where 4-feet is required between the bottom of an infiltration system and the groundwater;

On a motion made by Mr. Fox, and seconded by Mr. Hicks, the Board voted unanimously to **grant Major Site Plan approval** for the proposed redevelopment at 406 South Main 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 Technical Review and Landscape comments to the satisfaction of the Planning Division as outline in the staff report dated April 17, 2019.
 - (2) Address Engineering review comments to the satisfaction of the Engineering Division as outline in the memo dated April 10, 2019.
 - (3) Return to the April 30, 2019 ADR meeting to present material and color samples of building materials and screening materials and colors for the dumpster area.
 - (4) The minor subdivision shall be recorded at the Merrimack County Registry of Deeds.
 - (5) Notice of lease for the three leases providing off-site parking shall be submitted for review by City staff, and recorded at the Merrimack County Registry of Deeds.
 - (6) Conditional Use Permit(s) granted are to be noted and fully described on the plan including date granted and applicable Article number(s) of the Zoning Ordinance. Should the Board vote to deny the Conditional Use Permit(s), the applicant shall comply with said submission requirement(s).

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- (7) Waiver(s) granted are to be noted and fully described on the plan including date granted and applicable Section number(s) of the Site Plan Regulations. Should the Board vote to deny the waiver(s), the applicant shall comply with said submission requirement(s).
- (8) 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 the issuance of any building permits, the applicant must receive variance relief to the requirement set forth in Article 28-7-11(a) Off-site Parking, whereas the off-site parking must be permanently related to the principal use by easement, or other recordable binding legal instrument that co-terminates with the principal use, in order to enter into three lease agreements with maximum terms of 10, 15, and 25 years.
- (2) Prior to commencement of construction activity, payment of inspection fees in an amount approved by the City Engineer shall be made.
- (3) 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.
- (4) 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.
- (5) 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.

9. Amendments

9A. The City of Concord requests to rezone property off Village Street from Medium Density Residential (RM) to General Commercial (CG).

Chairman Woodfin opened the public hearing.

No one was present for this application.

Ms. Shank explained that the City of Concord is requesting Council to rezone approximately 2.1 acres off of Village Street from Medium Density Residential (RM) to General Commercial (CG). In 2015, the City entered into a purchase and sale agreement with the Penacook Community Center (PCC) for the City's former water tower lot behind 97 Village Street. PCC intended to merge lot 95 and 97 Village Street to allow for the construction of a new community center. The project never materialized and the City lot was never sold.

PCC has now sold 95 and 97 Village Street to CATCH Neighborhood Housing for the development of multifamily housing. CATCH subsequently entered into a P&S with the City to purchase the lot; however, the lot is zoned Medium Density Residential (RM), which does not permit multifamily housing. The City has agreed to seek rezoning of the lot as a condition of the sale to allow the use.

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Since the use proposed is similar to what would be permitted in the RM District, and since the access for the property is off of Village Street, and where the Master Plan supports the proposed use for Village Street, Staff recommends that the Board recommend Council approval of the request to rezone the subject property from RM to CG.

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

On a motion made by Ms. Foss, and seconded by Mr. Pierce, the Board voted unanimously to recommend Council approves the request to rezone the 95 & 97 Village Street from RM to CG.

9B. Kelsey Peterson, on behalf of Jeff and Nicole Kipphut, request to rezone 15 Frost Road from Single Family Residential (RS) District to the Medium Density Residential (RM) District.

Mr. Durfee stated that the request to rezone 15 Frost Road from Single Family Residential (RS) District to the Medium Density Residential (RM) District is to allow a conditionally approved one lot, single-family subdivision without the requirement of connecting to municipal sewer and water.

Chairman Woodfin opened the public hearing.

Kelsey Peterson represented the request along with Mr. and Mrs. Kipphut. She explained that the property is 14.43 acres and is bounded by RS, RO, and RM. The nature of the property is primarily wooded and is proposed to remain as such with a Christmas tree farm. The Planning Board granted a conditional approval for a subdivision in July 2018, with the condition that the applicant receive zoning relief from the requirement to extend municipal sewer and water to the new lot, an extension of approximately 2,300 feet. The Zoning Board of Adjustment denied the variance in August 2018, based on the fact that a precedent would be set and that the hardship of extending services such a length is self-imposed because the proposed lot is in the corner of the parent lot, farthest from municipal services.

Mr. Durfee stated that he received a call from an abutter concerned with the proposed rezoning and the possibility of further subdivision. Once the proposal was explained that the property was going to be maintained with the intention to keep rural, keeping a portion in current use, and no further subdivision was proposed, the abutter did not have any further comments.

Ms. Shank stated that the proposal is staying consistent with the Master Plan and does not change the urban growth boundary and is consistent with the development character of Curtisville Road.

Staff recommends that Planning Board recommend approval of the applicant's request to Council to rezone 15 Frost Road from Single Family Residential (RS) to Medium Density Residential (RM).

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

On a motion made by Mr. Hicks, and seconded by Mr. Regan, the Board voted unanimously to recommend Council approves rezoning 15 Frost Road from Single Family Residential (RS) to Medium Density Residential (RM).

9C. Proposed amendment to Section 33, Architectural Design Review, Section 33.06 Membership, of the Site Plan Regulations to add two (2) alternates to the membership of the ADR Committee.

Ms. Shank explained that there have been some issues with quorums and the ADRC would like to have the ability to add two alternate members.

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

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On a motion made by Ms. Smith-Meyer, and seconded by Ms. Foss, the Board voted unanimously to approve the proposed changes to Section 33.06 Membership, of the Site Plan Regulations to add two (2) alternates to the membership of the ADR Committee.

9D. Proposed Site Plan Regulation amendments to address Solar Collection Systems.

Ms. Fenstermacher explained that amendments are being proposed to the Site Plan Regulations in conjunction to the Zoning Ordinance amendments for Solar Collection Systems. These amendments will add criteria for Conditional Use Permits and Site Plan Applications for Solar Collection Systems. She explained that the stormwater regulations were drafted by the engineering division based on input from NH DES AoT and will provide Best Management Practices for existing land cover and topography.

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

On a motion made by Ms. Foss, and seconded by Mr. Fox, the Board voted unanimously to adopt the amendments relative to Solar Collection Systems and the Site Plan Regulations, Section 22 Stormwater Management, Section 26 Buffers and Screening, Section 27 Landscaping and Erosion Control, and Section 29 Lighting to add regulations for Community and Commercial Solar Collection Systems.

10. 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.

The applicant was not present. No new information has been received.

On a motion made by Councilor Champlin, and seconded by Mr. Hicks, the Board voted unanimously to table this application.

11. Jonathan Chorlian, on behalf of Roman Catholic Bishop of Manchester, requesting Major Site Plan approval for the construction of 3 attached residential structures totaling 10 dwelling unit and renovation of an existing structure for the purpose of a community building at 135 N. State Street in the Neighborhood Residential (RN) District.

12. Reminder - Annual Planning and Zoning Conference

Adjournment

At the request of Chair Woodfin, Councilor Champlin made a motion to adjourn at 9:42 PM, seconded by Ms. Foss. Motion carried unanimously.

A TRUE RECORD ATTEST:

Lisa Fellows-Weaver,
Administrative Specialist