

**CITY OF CONCORD PLANNING BOARD  
September 16, 2015 MEETING**

The regular monthly meeting of the City Planning Board was held on September 16, 2015, in City Council Chambers, in the Municipal Complex, at 37 Green Street, at 7:00 p.m.

Present at the meeting were Chair Drypolcher, Members Champlin, Foss, Hicks, Rosenberger, Smith-Meyer, and Woodfin. City Planner Larson, Ms. Shank, and Ms. Murray of the City's Planning Division were also present.

At 7:00 p.m., a quorum was present and the Chair called the meeting to order.

**PUBLIC HEARINGS**

**Determination of Completeness**

1. **Application by HL Turner Group on behalf of Penacook Community Center for the construction of a 40,000 sf single story building at 99 Village Street within the Medium Density Residential (RM) and the General Commercial (CG) Districts. The applicant is also requesting Conditional Use Permits for the construction of fewer parking spaces [28-7-11(b)] and driveway separation alternatives [28-7-11(f)]. MBL: 143P/29, 143P/30, 143P/31 (2015-0029)**

**a. Determination of Completeness**

Ms. Shank recommended that the application be determined complete and the public hearing set for October 21, 2015.

Ms. Smith-Meyer moved to determine the application complete and to set the public hearing for October 21, 2015. Councilor Champlin seconded the motion. Motion carried unanimously.

**Architectural Design Review Applications**

**Consideration of requests for Architectural Design Review Approval by the following applicants, for signs, buildings and/or site plans at the noted locations, under the provisions of Section 28-9-4(f), Architectural Design Review, of the Code of Ordinances:**

2. **Signs (Consent Agenda Items)**

The Chair asked if members of the public had any comments or questions. There were no comments from the audience.

Mr. Woodfin moved approval of the consent agenda, as amended, with items (a) and (f) being removed for discussion. Ms. Rosenberger seconded the motion. Motion carried unanimously.

- a. **Application by Arthur W. Aznive Trustees of the Snaphuance Real Estate Trust, on behalf of Buffi Dudley, requesting ADR approval to reface an existing 16 sf internally illuminated projecting sign at 15 Pleasant Street in the Central Business Performance (CBP) District. MBL: 35/6/21**

**Action:** Item removed from the consent agenda for discussion

- b. Application by Hodges Development Corp, on behalf of J&J Party dba Halloween Annex, requesting ADR approval to reface an existing 72 sf externally illuminated freestanding sign with a temporary vinyl banner at 196 Loudon Road in the General Commercial (CG) District. *MBL: 117D/2/10***

Item approved as submitted with consent agenda.

- c. Application by Associated Enterprises Inc., on behalf of Ann Clark, requesting ADR approval to install one (1) new 15.5 sf non-illuminated wall sign, and one (1) new 3.5 sf non-illuminated projecting sign at 134 N. Main Street in the Central Business Performance (CBP) District. *MBL: 45/6/13***

Item approved as submitted with consent agenda.

- d. Application by Siena Investments, LLC, on behalf of AT&T, requesting ADR approval to install one (1) 6 sf internally illuminated tenant panel in a previously approved ground sign, and one (1) new 22.5 sf internally illuminated wall sign at 273 Loudon Road in the Gateway Performance (GWP) District. *MBL: 111E/1/12***

Item approved as submitted with consent agenda, with the understanding that the sign will be aligned horizontally and scaled vertically to match previously approved signs for this building.

- e. Application by Siena Investments, LLC, on behalf of Visionworks, requesting ADR approval to install two (2) new 30 sf internally illuminated wall signs at 273 Loudon Road in the Gateway Performance (GWP) District. *MBL: 111E/1/12***

Item approved as submitted with consent agenda, with the understanding that the sign will be aligned horizontally and scaled vertically to match previously approved signs for this building.

- f. Application by Rite Aid Corporation requesting ADR approval to reface an existing 36 sf internally illuminated freestanding sign, install two (2) new 8.06 sf internally illuminated wall signs, and two (2) new 31.31 sf internally illuminated wall signs at 92 South Street in the Neighborhood Commercial (CN) District. Please note that the 8.06 sf shield logo and the 31.31 sf "Rite Aid" combine to create a single sign of 39.37 sf for each wall. *MBL: 22/7/1***

**Action:** Item removed from the consent agenda for discussion

- g. Public Hearings – For any item(s) pulled from the Consent Agenda**

The Chair opened the public hearing for sign applications pulled from the consent agenda.

- **(a.) Application by Arthur W. Aznive Trustees of the Snaphuance Real Estate Trust, on behalf of Buffi Dudley, requesting ADR approval to reface an existing 16 sf internally illuminated projecting sign at 15 Pleasant Street in the Central Business Performance (CBP) District. *MBL: 35/6/21***

Ms. Smith-Meyer stated the application did not include all the checklist items with their application. She does not know where the address is; the application should include a site plan. Ms. Larson explained that the Code office accepts sign applications. She stated she has had the conversation that applications need to be complete before acceptance. She stated Planning is limited to what Code is requiring.

The applicant was present and explained that they are replacing the existing sign and confirmed the location of the building.

Ms. Rosenberger moved to grant ADR approval as submitted with the notation that all sign applications be submitted to the Planning Division fully complete including all checklist items. Councilor Champlin seconded the motion. Motion carried unanimously.

- **(f.) Application by Rite Aid Corporation requesting ADR approval to reface an existing 36 sf internally illuminated freestanding sign, install two (2) new 8.06 sf internally illuminated wall signs, and two (2) new 31.31 sf internally illuminated wall signs at 92 South Street in the Neighborhood Commercial (CN) District. Please note that the 8.06 sf shield logo and the 31.31 sf “Rite Aid” combine to create a single sign of 39.37 sf for each wall. MBL: 22/7/1**

Mr. Woodfin noted discrepancies between the application and the information in the packets asking about the numbering on the copies of the application. Ms. Shank clarified the numbering and noted that sign number 6 was labeled incorrectly by the applicant and that these are directional signs which do not require ADR approval. She stated we included them in the Planning Board packets because they were with the completed application. Discussion ensued to further clarify the numbering for Mr. Woodfin.

Mr. Hicks moved to grant ADR approval as submitted. Ms. Smith-Meyer seconded the motion. Motion carried unanimously.

### **3. Building and/or Site Plans:**

- a. **Application by Concord Housing Authority requesting ADR approval to make architectural changes to the building entrance at 1 Thompson Street in the Central Business Performance (CBP) District. MBL: 34/2/3**

The Chair opened the public hearing.

Mr. John Hoyt and Mr. Craig Dunning, Concord Housing Authority, were present to speak to the application. Mr. Hoyt stated the application is to reconfigure access to the front door which is not ADA compliant.

The Chair asked if members of the public had any comments or questions on the application. There being no comments from the members of the public, the Chair closed the public hearing.

Mr. Hicks moved to grant ADR as submitted. Ms. Smith-Meyer seconded the motion. Motion carried unanimously.

### **Site Plan Applications**

4. **Application by Hayner/Swanson Inc., on behalf of Dartmouth Hitchcock for building renovations to existing 2-story 21,300 sf office building including a new building façade and installation of a freestanding canopy at the main entrance. Also proposed are renovations to the existing 122 space parking lot at 279 Pleasant Street within the Institutional (IS) and the Medium Density Residential (RM) Districts. The applicant is also requesting a Conditional Use Permit (CUP) for disturbance to a wetland buffer [28-4-3(d)]. MBL: 95/2/7 (2015-0037)**

- a. **Public Hearing**
- b. **Deliberations and Action on the Application**

The Chair opened the public hearing.

Mr. Earle Blatchford, Hayner/Swanson, Mr. Bob Depinquertaine, Dartmouth Hitchcock, and Scott Delorme, Dignard Architectural, were present to speak to the application. Dartmouth-Hitchcock requests Minor Site Plan Approval to renovate an existing 21,300 square foot, 2-story medical office building, including site improvements to re-grade and existing parking lot. No increase in building area is proposed, and total impervious area will be reduced by approximately 6,600 square feet. A CUP to allow approximately 2,790 square feet of disturbance to the previously disturbed wetland buffer is required. The proposed wetland buffer encroachment is proposed for the installation of new guardrail, granite curbing, and to replace an area of existing parking lot already located within the buffer. The proposed project received CUP recommendation

from the Conservation Commission. The building will receive a new roof, new façade, and an update to the building systems to bring to current standards including a new elevator and sprinkler system. The proposed site changes include a freestanding canopy structure at the rear patient entrance, relocating the center island in the parking lot, and changes to traffic flow. The reconfiguration of the parking lot will include 113 parking spaces and will address two issues; a two way patient traffic flow allowing rear exit and to reduce the effect of the steep grade. New landscaping will be added around the building and at the front of the building. Buffer plantings will also be added at appropriate locations. New curbing will be added which will assist with drainage and aesthetics.

Ms. Foss asked for clarification of the traffic flow. Councilor Champlin asked for clarification of the retaining wall and grading. Mr. Woodfin asked about snow removal; Mr. Blatchford stated there were several places for snow storage and it would be hauled off site if an extreme problem arose but would be handled as in the past. Ms. Smith-Meyer stated the island in the interior parking lot has no trees proposed. She suggests putting a tree in the island and another in the larger planting bed. Mr. Blatchford stated the landscape architect will work with Planning staff to finalize the landscape plan.

The Chair asked if members of the public had any comments or questions on the application. There being no comments from the members of the public, the Chair closed the public hearing.

Ms. Foss moved to grant Conditional Use Permit approval under 28-4-3(d) ZO to allow approximately 2,790 square feet of disturbance to the wetland buffer for the installation of new guardrail, granite curbing, and to replace an area of existing parking lot already located within the buffer. Ms. Smith-Meyer seconded the motion. Motion carried unanimously.

Ms. Smith-Meyer moved to grant Minor Site Plan approval subject to the following conditions:

- (a) **Precedent Conditions** – to be fulfilled prior to issuance of any building permits or the commencement of site construction, unless otherwise specified:
  - a. The Professional Engineer, Land Surveyor and Certified Wetland Scientist shall sign and seal final plans.
  - b. Upon confirmation from the Zoning Administrator that the site is subject to current requirements, revise the Landscape Plan in accordance with comments (c)1 through (c)4 below.
  - c. Address to the satisfaction of the Planning Division technical comments (c)5 through (c)8 below.
  - d. Address to the satisfaction of the Engineering Division review comments received in a Memo from Laura Aibel, PE and Jeffrey Warner, PE dated September 10, 2015 (see attached).
  - e. Any Conditional Use Permit granted shall be fully described on the plan including date granted.
  - f. Submit one (1) copy of final plans for signing by the Chair and Clerk of the Planning Board. Pick up one set of signed plans to make copies for filing and the pre-construction meeting.
- (b) **Subsequent Conditions** – to be fulfilled as follows:
  - (1) Prior to commencement of construction activity, payment of inspection fees in an amount approved by the City Engineer shall be made.
  - (2) The applicant shall provide to the City Solicitor a financial guarantee for all improvements and a guarantee for the site stabilization in an amount approved by the City Engineer, and in a form acceptable to the City Solicitor.

- (3) A pre-construction meeting shall be required prior to the start of any construction activities onsite. Seven copies of the final approved plan set, signed by the Clerk and Chairman of the Planning Board, shall be provided by the applicant at the pre-construction meeting.
  - (4) Final approval of all proposed improvements shall not be given until substantially completed to the satisfaction of the City Engineer and City Planner.
  - (5) Prior to the release of the financial guarantee, an as built plan shall be provided to the City Engineer in a form and content acceptable to the City Engineer.
- (c) **Planning Staff Technical Comments**
- (1) Per the Zoning Ordinance (ZO) Section 28-7-1(a) and 28-7-10(d), Applicant shall revise the parking in that area to provide the 5' minimum width landscaped area along the entire length between the parking row and the property line, and provide landscaping plans to the satisfaction of the Planning Staff.
  - (2) Per ZO 28-7-10(b), Applicant shall provide interior parking islands at least every 120' along the western and southern parking row. Proposed plantings within the interior landscaped areas shall be provided to the satisfaction of the Planning Staff and in accordance with ZO requirements stated above.
  - (3) Per ZO Section 28-7-10(d), Applicant shall revise the landscape plan to provide additional proposed plantings to meet the requirements of one shade or ornamental tree for every 1000 sf planted not more than 50' apart within each contiguous landscaped area. Should the applicant propose the use of existing plantings to meet the landscape requirements, additional information, including size, species, and location, shall be provided.
  - (4) Per Section 27.06 of the SPR, staff recommends that the proposed trees along the Pleasant Street frontage be spaced to meet these requirements.
  - (5) Revise the Planning Board Approval signature block, replacing "Secretary" with "Clerk".
  - (6) On the Cover Sheet, revise "Vicinity Plan" to "Location Plan". On this same plan, please provide Assessors Map/Block/Lot for the subject property and adjacent parcels, as well as the name of the stream (per SPR Section 12.04).
  - (7) Per SPR 15.03, please include full names of all abutters.
  - (8) Please list the slope easement and restriction references under "Plan Reference" on Sheet 1.

Ms. Foss seconded the motion. Motion carried unanimously.

### **Subdivision Plan Applications**

5. **Application by TF Bernier on behalf of Anne M. Haller Revocable Trust of 1993 to adjust lot lines between lot 33 and lot 35, transferring 0.84 acres from lot 33 to lot 35 at 9 & 25 West Parish Road within the Open Space Residential (RO) District. No new lots will be created and no development is proposed. MBL: 38Z/33, 38Z/35 (2015-0036)**
  - a. **Determination of Completeness**
  - b. **Public Hearing**
  - c. **Deliberations and Action on the Application**

Ms. Larson recommended that the application be determined complete and the public hearing opened.

Ms. Smith-Meyer moved to determine the application by TF Bernier on behalf of Anne M. Haller Revocable Trust of 1993 to adjust lot lines between lot 33 and lot 35, transferring 0.84 acres from lot 33 to lot 35 at 9 & 25

West Parish Road within the Open Space Residential (RO) District, MBL: 38Z/33, 38Z/35, complete and to open the public hearing. Councilor Champlin seconded the motion. Motion carried unanimously.

The Chair opened the public hearing.

Mr. Tim Bernier, TF Bernier, Inc. was present to speak to the application. The applicants request a lot line adjustment between #9 & #25 West Parish Road. Parcel "A" (0.668 acres), and Parcel B (0.172 acres), totaling 0.84 acres of land will be transferred from Lot 33 (#9 West Parish Road) to Lot 35 (#25 West Parish Road). Both parcels are developed with single-family homes and are zoned RO (Open Space Residential). Both lots are served by individual septic systems and wells.

The Chair asked if members of the public had any comments or questions on the application. There being no comments from the members of the public, the Chair closed the public hearing.

Ms. Smith-Meyer moved to grant the following waivers under the criterion "Specific circumstances relative to the subdivision..." under RSA 674:36:

Section 12.08(3) of the Subdivision Regulations requiring a survey of existing topography

Section 12.08(4) of the Subdivision Regulations requiring soils mapping

Section 12.08(5) of the Subdivision Regulations requiring the location of all significant natural features including, but not limited to, ledge outcroppings, streams and water bodies, wetlands, bluffs and ravines, and steep slopes in excess of 15%

Section 12.08(19) of the Subdivision Regulations requiring all setbacks and buffers to be shown and dimensioned

Section 12.08(20) of the Subdivision Regulations requiring location, type, and size of existing trees on the site, or in the case of heavily wooded portions of the site, the edge of clearing

Section 12.08(22) of the Subdivision Regulations requiring location of buildings, driveways, wells, etc. on abutting properties to be shown

Section 12.08(23) of the Subdivision Regulations requiring tabulations for proposed impervious surface coverage, useable area rectangles, etc.

Section 15.03(1) of the Subdivision Regulations requiring existing abutting properties information

Section 15.03(2) of the Subdivision Regulations requiring dimensions and bearings of all existing property lines

Section 15.03(3) of the Subdivision Regulations requiring tabulations of each lot for new and existing lots

Section 15.03(4) of the Subdivision Regulations requiring dimensioned survey of existing topography and all proposed changes

Section 15.03(5) of the Subdivision Regulations requiring type and location of existing and required monuments (bounds)

Section 15.03(6) of the Subdivision Regulations requiring location of all significant natural features

Section 15.03(8) of the Subdivision Regulations requiring all setbacks and buffers to be shown and dimensioned

Section 15.03(9) of the Subdivision Regulations requiring location existing and proposed driveways on the frontage, on abutting properties and on opposite sides of the street

Section 15.03(10) of the Subdivision Regulations requiring the location of existing and proposed improvements on the site and on abutting properties

Mr. Hicks seconded the motion. Motion carried unanimously.

Ms. Smith-Meyer moved to grant Conditional Final Subdivision Plan Approval with the following precedent conditions to be fulfilled within 2 years and prior to endorsement of the final plans by the Planning Board Chair and Clerk, unless otherwise specified:

- (b) Precedent Conditions – to be fulfilled prior to issuance of any building permits or the commencement of site construction, unless otherwise specified:
  - (1) The Licensed Land Surveyor shall sign and seal final plans and mylar.
  - (2) Applicant to submit two checks for recording the plan at the Merrimack County Registry of Deeds (including a separate check in the amount of \$25.00 for the LCHIP fee). Both checks are to be made payable to the Merrimack County Registry of Deeds.
  - (3) Any waiver(s) granted are to be noted and fully described on the plan including date granted and applicable Section number(s) of the Subdivision Regulations. Should the Board vote to deny the waiver request(s), applicant shall comply with said submission requirement(s).
  - (4) Address to the satisfaction of the Engineering Division, review comments received in a Memo from Paul Gendron, LLS dated August 27, 2015 (see attached).
  - (5) Address to the satisfaction of the Planning Division technical review comments below.
- (b) Subsequent Conditions – to be fulfilled as follows:
  - (1) A corrected plan for the previously recorded lot line adjustment plan for the Anne. M. Haller Revocable Trust and Harriett M. Ferns (MCRD Plan #201500003014) to be filed with the Planning Division for recording (recording fee to be paid by the City of Concord). The correct plan shall revise the references for the waiver requests to Section 15 of the Subdivision Regulations.
- (c) Planning Staff Technical Comments
  - (1) Revise notes on the Resubdivision Plan to reflect the correct waiver section titles for Sections 15.03(1), 15.03(2), 15.03(3), 15.03(4), 15.03(5), 15.03(6), 15.03(9), and 15.03(10). Titles should correctly reflect the Subdivision Regulations, as referenced in the Waivers listed above.
  - (2) Include reference to the 2014 Resubdivision Plan under “Plan References”.

Ms. Foss seconded the motion. Motion carried unanimously.

#### **State of New Hampshire Projects under RSA 674:54**

- 6. **Application by State of NH Department of Transportation (NHDOT) to demolish 3 buildings for the expansion of a parking lot at 11 Stickney Avenue within the Opportunity Corridor Performance (OCP) District. The applicant requests a waiver from Section 11.05 of the Site Plan Regulations to allow the public hearing for a Major Site Plan application to be held at the same meeting as the Determination of Completeness. MBL: 46A/02/01 (2015-0035)**
  - a. **Determination of Completeness**
  - b. **Public Hearing**
  - c. **Deliberations and Action on the Application**

Ms. Shank recommended that the application be determined complete and the public hearing opened by granting a waiver from Section 11.05 of the Site Plan Regulations to allow the public hearing for a Major Site Plan application to be held at the same meeting as the Determination of Completeness.

Mr. Hicks moved to grant a waiver from Section 11.05 of the Site Plan Regulations to allow the public hearing for a Major Site Plan application to be held at the same meeting as the Determination of Completeness.

Councilor Champlin seconded the motion. Motion carried unanimously.

Mr. Hicks moved to determine the application by State of NH Department of Transportation (NHDOT) to demolish 3 buildings for the expansion of a parking lot at 11 Stickney Avenue within the Opportunity Corridor Performance (OCP) District, MBL: 38Z/33, 38Z/35, complete and to open the public hearing. Councilor Champlin seconded the motion. Motion carried unanimously.

The Chair opened the public hearing.

Mr. Don Lyford and Ms. Cheryl Rasmusen, NHDOT, were present to speak to the application. The State of New Hampshire DOT plans to demolish three buildings and expand the parking lot at 11 Stickney Avenue, the former highway garage property. The project will provide 238 parking spaces for the Intermodal Transportation Center. The applicant anticipates that the majority of construction will occur in May 2016, with a substantially complete date of June 24, 2016.

The Chair asked if members of the public had any comments or questions on the application. There being no comments from the members of the public, the Chair closed the public hearing.

The following is a summary of comments made during the meeting:

- A number of ornamental Crabapple and Callery Pear trees were proposed; staff asked that these be replaced with larger shade trees.
- It was requested that shade trees be provided within the drainage areas, and/or within other interior parking lot grassed areas.
- It was requested that 50 shade trees be provided as recommended by staff, which is approximately half of what would be required for a private development (1 tree/1,000 sf of impervious area).

### **Official Map**

#### **7. Consideration of an amendment to the Official Map of the City of Concord to relinquish a portion of the mapped lines of a future street between Bog Road and Kyle Road.**

##### **a. Public Hearing**

##### **b. Deliberations and Action**

The Chair opened the public hearing.

Ms. Larson stated that at the May 20, 2015 Planning Board meeting, staff recommended that the Planning Board reconsider the mapped line of future street located between Bog Road and Kyle Road. Planning and Engineering staff visited the site to verify wetland boundaries. Based upon the limits of wetlands within the proposed corridor of the mapped lines, the Planning and Engineering Divisions had determined that the impact to wetlands would be greater than previously assumed, and that the certified mapped line would not be feasible



without significant impacts to the wetland resources. The total discontinuance of this mapped line would eliminate impacts to a large wetland complex and the abandonment of the existing map line would not alter the development possibilities of the residential lots on Bog Road. Board members requested that staff investigate alternatives and return to the Board with their findings. The current recommendation is a result of that investigation and discussions between Engineering and Planning.

The Chair asked if members of the public had any comments or questions on the application. There being no comments from the members of the public, the Chair closed the public hearing.

Ms. Smith-Meyer moved to recommend the amendment to City Council.

Ms. Foss seconded the motion. Motion carried unanimously.

### **REGULAR MEETING**

**8. The Planning Board will consider and receive public comments relative to the following proposed Zoning Amendments to the Cluster Development Regulations:**

**Proposed Zoning Amendments to the Cluster Development Regulations: Workshop & Public Hearing** – Staff will present a proposed amendment to Section 28-4-7, Cluster Development, Section 28-5-46, Single Family Dwellings in a Standard (non-cluster) Subdivision, and Section 28-2-4(j), Table of Principal Uses. The amendment proposes to allow minor subdivisions to occur using conventional development standards instead of the cluster development regulations.

Ms. Shank presented the revised proposed Zoning Amendments to the Cluster Development Regulations via slideshow.

The Chair asked if members of the public had any comments or questions on the application.

Mr. Tim Bernier spoke. He thanked the staff for putting the proposal together and stated the existing ordinance caused problems in rural areas of town. He also stated the revisions will be good for Concord residents.

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

Ms. Foss moved to recommend the Proposed Zoning Amendments to City Council.

Mr. Woodfin seconded the motion. Motion carried unanimously.

**6. Approval of the minutes of the August 19, 2015 Planning Board Meeting.**

Councilor Champlin moved to approve the August 19, 2015 meeting minutes as written. Ms. Smith-Meyer seconded the motion. Motion carried unanimously.

**7. Any other business which may legally come before the Board.**

### **INFORMATION**

- Minutes of the September 8, 2015 Design Review Committee meeting
- Next regular monthly meeting on Wednesday, October 21, 2015

There was no further business to come before the Planning Board and the Chair adjourned the meeting at 9:30pm.

A TRUE RECORD ATTEST:

Nancy Larson  
City Planner