

City of Concord Planning Board
November 18, 2020
Minutes

The regular monthly meeting of the City Planning Board was held on November 18, 2020, via Zoom, at 7:00 p.m.

Attendees: Chairman Richard Woodfin, Councilor Erle Pierce, Teresa Rosenberger (Ex-Officio for City Manager), Members Susanne Smith-Meyer, David Fox, John Regan, Matthew Hicks, and Alternate Frank Kenison.

Absent: Vice-Chair Carol Foss, and Alternate Chiara Dolcino.

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

Chairman Woodfin read the following statement: As Chair of the Planning Board, due to the COVID-19/Coronavirus crisis and in accordance with Governor Sununu's Emergency Order #12 pursuant to Executive Order 2020-04, this Board is authorized to meet electronically.

Please note that there is no physical location to observe and listen contemporaneously to the meeting, which was authorized pursuant to the Governor's Emergency Order. However, in accordance with the Emergency Order, this is to confirm that we are:

a) Providing public access to the meeting by telephone, with additional access possibilities by video or other electronic means;

We are utilizing the Zoom platform for this electronic meeting. All members of the Board have the ability to communicate contemporaneously during this meeting through the Zoom platform, and the public has access to contemporaneously listen and, if necessary, participate in this meeting through clicking on the following website address: <https://zoom.us/j/754076629>, or by dialing the following phone # 1-929-205-6099 and entering the password 754076629. For those calling in who want to provide public testimony, dial *9 to alert the host that you want to speak. The host will unmute you during the public hearing portion of the meeting.

b) Providing public notice of the necessary information for accessing the meeting;

We previously gave notice to the public of how to access the meeting using Zoom, and instructions are provided on the City of Concord's website at: <http://concordnh.gov/273/Planning-Board>

c) Providing a mechanism for the public to alert the public body during the meeting if there are problems with access;

If anybody has a problem, please call 603-225-8515 or email at: planning@concordnh.gov.

d) Adjourning the meeting if the public is unable to access the meeting.

In the event the public is unable to access the meeting; we will adjourn the meeting and have it rescheduled at that time.

Please note that all votes taken during this meeting shall be done by Roll Call vote.

1. Call to Order

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

2. Roll Call

Chairman Richard Woodfin, Councilor Erle Pierce, Teresa Rosenberger, Members Susanne Smith Meyer, David Fox, John Regan, and Matthew Hicks. Chairman Woodfin announced that Alternate Frank Kenison would be seated for Vice-Chair Carol Foss.

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3. Approval of Planning Board Meeting Minutes

October 21, 2020 Minutes

On a motion made by Councilor Pierce, and seconded by Mr. Hicks, the Board voted to approve the October 21, 2020, Planning Board Meeting Minutes, as written, by a Roll Call vote as follows:

Mr. Woodfin – in favor, Councilor Pierce – in favor, Ms. Rosenberger – in favor, Mr. Hicks – in favor, Mr. Fox – in favor, Ms. Smith-Meyer – in favor, Mr. Regan – in favor, and Mr. Kenison – in favor.

4. Planning Board Chair Agenda Overview

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

5. Determination of Completeness

Items 5A & 5B were addressed together.

- 5A. TF Moran, on behalf of Bradley Whitney, Jennifer Habel, & Interchange Development, is requesting Major Site Plan approval and an amendment to a Comprehensive Development Plan (CDP) for a 3 phased development consisting of a grocery store, liquor store, medical offices, financial services, retail stores, restaurants, and industrial uses; also requested is a Conditional Use Permit (CUP) to allow a driveway closer than is otherwise permitted, for property off of Whitney Road in the Gateway Performance (GWP) District.

- 5B. TF Moran, on behalf of Bradley Whitney, Jennifer Habel, & Interchange Development, is requesting a Major Subdivision approval to create 6 condominium units for property off of Whitney Road in the Gateway Performance (GWP) District.

On a motion made by Mr. Hicks, and second by Mr. Fox, the Board voted unanimously by a Roll Call Vote to determine both applications complete and that both applications meet the criteria for a Development of Regional Impact, and set the public hearing for December 16, 2020.

Mr. Woodfin – in favor, Councilor Pierce – in favor, Ms. Rosenberger – in favor, Mr. Hicks – in favor, Mr. Fox – in favor, Ms. Smith-Meyer – in favor, Mr. Regan – in favor, and Mr. Kenison – in favor.

6. Design Review Applications by Consent

- 6A. Rite Aid requests ADR approval for the replacement of 4 internally illuminated wall signs and one internally illuminated freestanding sign at 165 North State Street in the Urban Commercial (CU) District.

On a motion made by Ms. Smith-Meyer, and seconded by Councilor Pierce, the Board approved the design as submitted by consent, by a Roll Call Vote as follows:

Mr. Woodfin – in favor, Councilor Pierce – in favor, Ms. Rosenberger – in favor, Mr. Hicks – in favor, Mr. Fox – in favor, Ms. Smith-Meyer – in favor, Mr. Regan – in favor, and Mr. Kenison – in favor.

- 6B. Rite Aid requests ADR approval for the replacement of 2 internally illuminated wall signs at 24 Fort Eddy Road in the Gateway Performance (GWP) District.

On a motion made by Ms. Smith-Meyer, and seconded by Councilor Pierce, the Board approved the design as submitted by consent, by a Roll Call Vote as follows:

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Mr. Woodfin – in favor, Councilor Pierce – in favor, Ms. Rosenberger – in favor, Mr. Hicks – in favor, Mr. Fox – in favor, Ms. Smith-Meyer – in favor, Mr. Regan – in favor, and Mr. Kenison – in favor.

- 6C. Caring Family Dentistry requests ADR approval for an amendment to two previously approved wall signs and a freestanding sign at 327 Loudon Road in the Gateway Performance (GWP) District.

On a motion made by Ms. Smith-Meyer, and seconded by Councilor Pierce, the Board approved the design as submitted by consent, by a Roll Call Vote as follows:

Mr. Woodfin – in favor, Councilor Pierce – in favor, Ms. Rosenberger – in favor, Mr. Hicks – in favor, Mr. Fox – in favor, Ms. Smith-Meyer – in favor, Mr. Regan – in favor, and Mr. Kenison – in favor.

- 6D. Greenlands OEP Corp. requests ADR approval for the replacement of an internally illuminated freestanding sign at 25 Manchester Street in the Gateway Performance (GWP) District.

On a motion made by Ms. Smith-Meyer, and seconded by Councilor Pierce, the Board approved the design as submitted by consent, by a Roll Call Vote as follows:

Mr. Woodfin – in favor, Councilor Pierce – in favor, Ms. Rosenberger – in favor, Mr. Hicks – in favor, Mr. Fox – in favor, Ms. Smith-Meyer – in favor, Mr. Regan – in favor, and Mr. Kenison – in favor.

Public Hearings

7. Site Plan, Subdivision and Conditional Use Permit Applications

- 7A. T.F. Bernier, Inc. on behalf of New Hampshire Good Roads Association, Inc. requests Minor Subdivision approval to create a two-unit condominium at 261 Sheep Davis Road, Suite E, in the Gateway Performance (GWP) District.

On a motion made by Councilor Pierce, and second by Ms. Smith-Meyer, the Board voted unanimously by a Roll Call Vote to determine the application complete and that the application does not meet the criteria for a Development of Regional Impact, and open the public hearing.

Mr. Woodfin – in favor, Councilor Pierce – in favor, Ms. Rosenberger – in favor, Mr. Hicks – in favor, Mr. Fox – in favor, Ms. Smith-Meyer – in favor, Mr. Regan – in favor, and Mr. Kenison – in favor.

Mr. Durfee gave a brief overview of the proposal stating that this is a subdivision of Unit E into a two-unit condominium. This project was continued from last month due to the condo documents requiring each unit to be a minimum of 800 square feet; Unit E-2 is proposed as approximately 600 square feet. The documentation has been revised to allow for the smaller condominium unit size and will be recorded at the Registry of Deeds.

Mr. Durfee reviewed the three requests for waivers, for a location and vicinity plan and for the scale. Staff is in support of all of the waiver requests.

Tim Bernier of TF Bernier, represented the application.

Mr. Bernier stated that Unit E-2 was always intended to be a separate unit; it does have a separate entrance. The condo documents have been amended.

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

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On a motion made by Mr. Fox, and second by Councilor Pierce, the Board voted unanimously by a Roll Call Vote, to **grant the waivers** from the Subdivision Regulations utilizing the criteria from RSA 674:36(II)(N)(2): Specific circumstances relative to the subdivision, or conditions of the land in such subdivision, indicate that the waiver will properly carry out the spirit and intent of the regulations:

1. 12.04 Location Plan
2. 12.05 Vicinity Plan
3. 15.03(3) Scale

Mr. Woodfin – in favor, Councilor Pierce – in favor, Ms. Rosenberger – in favor, Mr. Hicks – in favor, Mr. Fox – in favor, Ms. Smith-Meyer – in favor, Mr. Regan – in favor, and Mr. Kenison – in favor.

On a motion made by Ms. Smith-Meyer, and second by Mr. Fox, the Board voted unanimously by a Roll Call Vote, to **grant Minor Site Plan** approval for the 2-unit condominium subdivision at 261 Sheep Davis Road, subject to the following precedent and subsequent conditions noted below:

1. Address all review comments to the satisfaction of the Planning and Engineering Divisions. For all subsequent submissions, the applicant shall provide a response memo addressing/acknowledging all comments.
2. 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).
3. The Applicant shall record the amendment to the declaration of condominium allowing unit E-2 to have a minimum floor area of at least 600 square feet at the Merrimack County Registry of Deeds.
4. Prior to the final plat being signed by the Planning Board Chair and Clerk, digital information shall be provided to the City Engineer for incorporation into the City of Concord Geographic Information System (GIS) and tax maps. The information shall be submitted in accordance with Section 12.09 of the Subdivision Regulations.
5. The Licensed Land Surveyor shall sign and seal final plans and mylars.
6. The Applicant shall submit two checks for recording the plan at the Merrimack County Registry of Deeds (including a separate check in the amount of \$25.00 for the LCHIP fee). Both checks are to be made payable to the Merrimack County Registry of Deeds.
7. The Applicant shall deliver to Planning one (1) plan set(s) and one (1) mylar(s) for endorsement by the planning Board Chairman & Clerk and recording at the Registry of Deeds.

Mr. Woodfin – in favor, Councilor Pierce – in favor, Ms. Rosenberger – in favor, Mr. Hicks – in favor, Mr. Fox – in favor, Ms. Smith-Meyer – in favor, Mr. Regan – in favor, and Mr. Kenison – in favor.

- 7B. Foxfire Property Management, Inc, on behalf of 2 Pillsbury Street LLC, requesting Minor Subdivision approval to adjust lot lines between existing condominium units at 2 Pillsbury Street in the Institutional (IS) District.

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

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Mr. Woodfin – in favor, Councilor Pierce – in favor, Ms. Rosenberger – in favor, Mr. Hicks – in favor, Mr. Fox – in favor, Ms. Smith-Meyer – in favor, Mr. Regan – in favor, and Mr. Kenison – in favor.

Mr. Durfee gave a brief overview of the proposal explaining this is to re-adjust lot lines between the existing condominium units; 5A, 5C, and 5D. After the adjustments, Unit 5A will take over the area previously occupied by Unit 5D and approximately half the area occupied by Unit 5C.

Aaron Holt of 2 Pillsbury Street, LLC, represented the application.

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

On a motion made by Mr. Regan and second by Councilor Pierce, the Board voted unanimously by a Roll Call Vote, to **grant Minor Site Plan** approval for the 2-unit condominium subdivision at 261 Sheep Davis Road, subject to the following precedent and subsequent conditions noted below:

1. Address Planning Review comments to the satisfaction of the Planning Division.
2. Condominium documents, including declaration of condominium and by-laws, to be reviewed and approved by the City Solicitor, City Assessor, and Clerk of the Board.
3. A New Hampshire Licensed Land Surveyor or NH Licensed Architect, or NH Licensed Professional Engineer shall sign and seal final plans and mylars.
4. The Applicant shall deliver to Planning, one plan set and one mylar(s) of the condominium plan for endorsement by the Planning Board Chairman & Clerk and recording at the Registry of Deeds.
5. 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) tax maps. The information shall be submitted in accordance with Section 12.09 of the Subdivision Regulations.
6. Applicant shall submit two checks for recording the plan at the Merrimack County Registry of Deeds (including a separate check in the amount of \$25.00 for the LCHIP fee). Both checks are to be made payable to the Merrimack County Registry of Deeds.

Mr. Woodfin – in favor, Councilor Pierce – in favor, Ms. Rosenberger – in favor, Mr. Hicks – in favor, Mr. Fox – in favor, Ms. Smith-Meyer – in favor, Mr. Regan – in favor, and Mr. Kenison – in favor.

- 7C. Wilcox & Barton, on behalf of Daval Realty Associates, LP, requests an amendment to a previously approved Major Site Plan for the addition of 4,900 sf impervious area for vehicle storage at Banks Chevrolet, 129 Manchester Street in the Highway Commercial (HC) District.

Ms. Fenstermacher explained that this project was approved earlier this year for an outdoor vehicle storage area. During construction, it was determined that it would look better if the curb cut was lined up with the existing pavement along the northern boundary. One parking lot island on the southwest side of the lot will now be larger to make up for the additional impervious area. This is an additional 4,900 square feet of impervious area; however, the site is still under the maximum impervious area. All other requirements have been met.

Erin Lambert, of Wilcox & Barton represented the application.

Ms. Lambert explained that the proposed change is aesthetically pleasing. She stated that the change also aides with snow storage, grounds maintenance and overall inventory. The design is still

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under the lot coverage. Two more trees have been added and they have provided an updated landscaping plan. Ms. Lambert stated that a few light poles needed to be shifted and an updated lighting plan has been provided. She noted that the underground drainage has also been updated and the project has reduced the run off from the site and will still handle the additional runoff.

Ms. Smith-Meyer asked if the smaller trees on the plan are counted as required trees. Ms. Fenstermacher replied yes. Ms. Smith-Meyer suggested adding additional trees and use more shade trees on the west side. She added that the crabapple trees do not appear to be the right size. Ms. Lambert stated that she will check into the landscaping of the site and will follow up with staff.

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

On a motion made by Councilor Pierce, and second by Mr. Hicks, the Board voted unanimously by a Roll Call Vote, to **grant the amendment** to the previously approved Major Site Plan for an additional 4,900 sf of impervious surface in the outdoor vehicle storage area at 129 Manchester Street, subject to the following precedent conditions:

1. Address Planning Review comments to the satisfaction of the Planning Division.
2. Submit three (3) copies of fully revised plans for sign off by the Clerk and Chair of the Planning Board.

Mr. Woodfin – in favor, Councilor Pierce – in favor, Ms. Rosenberger – in favor, Mr. Hicks – in favor, Mr. Fox – in favor, Ms. Smith-Meyer – in favor, Mr. Regan – in favor, and Mr. Kenison – in favor.

- 7D. Wilcox & Barton, on behalf of Salvation Army, requests Minor Site Plan approval for the construction of a building addition, associated site grading and drainage improvements, and Conditional Use Permit approval for the construction of fewer parking spaces, at 227 Sheep Davis Road in the Industrial (IN) District. 7D

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

Mr. Woodfin – in favor, Councilor Pierce – in favor, Ms. Rosenberger – in favor, Mr. Hicks – in favor, Mr. Fox – in favor, Ms. Smith-Meyer – in favor, Mr. Regan – in favor, and Mr. Kenison – in favor.

Erin Lambert of Wilcox & Barton represented the application along with Architect Chris Carly and Rick Starky from the Salvation Army.

Mr. Durfee provided an overview of the proposal to construct an addition to the existing building along with grading and drainage required for the addition as well as a CUP for fewer parking spaces as the CUP was granted when the site was first developed and the applicant states that given the proposed addition is for shipping and receiving only, there will not be an increase in parking demand.

Gary Lemay spoke to engineering concerns relative to the drainage and run off from the site and for both buildings. Ms. Lambert replied that they will continue to work with engineering relative to the drainage and infiltrate the runoff.

A discussion was held regarding the parking. Ms., Lambert stated that the CUP is requested to differ 15 parking spaces. There is ample parking on the site at this time. The drainage was done for

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the full buildout in the event the use changes or the parking is needed it would be able to handle the increase.

Mr. Woodfin asked about the existing garage door and mentioned the aesthetics of the door. Chris Carly stated that all of the doors will remain and added that the garage door is not particularly in view from the road. He added that the proposed colors are similar; however, the materials will be different. Ms. Lambert added that the overhead door will be a new door.

Rick Starky explained the proposed project is to add a full warehouse and a better functioning space. This design will allow for a more efficient loading area for semi-trucks, which come once per month and the existing garage door will allow for a public drop off location.

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

On a motion made by Ms. Smith-Meyer, and second by Mr. Fox, the Board voted unanimously by a Roll Call Vote, to **grant the Conditional Use Permit** per Article 28-7-11(b) *Construction of Fewer Parking Spaces*.

Mr. Woodfin – in favor, Councilor Pierce – in favor, Ms. Rosenberger – in favor, Mr. Hicks – in favor, Mr. Fox – in favor, Ms. Smith-Meyer – in favor, Mr. Regan – in favor, and Mr. Kenison – in favor.

On a motion made by Ms. Smith-Meyer, and second by Councilor Pierce, the Board voted unanimously by a Roll Call Vote, to **grant Minor Site Plan** approval for the 3,600 sf addition to the existing Salvation Army thrift Store, and associated site improvements, subject to the following precedent and subsequent conditions noted below:

Precedent Conditions – to be fulfilled within one (1) year and prior to sign off by the Clerk and Chair of the Planning Board and issuance of any building permits, or the commencement of site construction, unless otherwise specified:

1. Address all Review comments to the satisfaction of the Planning and Engineering Divisions. For all subsequent submissions, applicant shall provide a response memo addressing/acknowledging all comments.
2. Final plans shall be signed and sealed by the NH Licensed Land Surveyor, Landscape Architect, and Professional Engineer.
3. Submit three (3) copies of fully revised plans for sign off by the Clerk and Chair of the Planning Board.

Subsequent Conditions – to be fulfilled as specified:

1. Prior to commencement of construction activity, payment of inspection fees in an amount approved by the City Engineer shall be made.
2. A pre-construction meeting shall be required prior to the start of any construction activities onsite. The applicant shall pick up one (1) set of signed plans at the Planning Office to make copies for the pre-construction meeting. A total of five (5) copies of the signed plan set shall be provided by the applicant at the pre-construction meeting.
3. Prior to issuance of the final Certificate of Occupancy or final construction sign-off, as-built drawings shall be provided to the City Engineer in accordance with Section 12.09 of the Site Plan Regulations. The as-built drawings shall be surveyed on NH State Plane coordinates and NAVD 88 Datum.

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Mr. Woodfin – in favor, Councilor Pierce – in favor, Ms. Rosenberger – in favor, Mr. Hicks – in favor, Mr. Fox – in favor, Ms. Smith-Meyer – in favor, Mr. Regan – in favor, and Mr. Kenison – in favor.

- 7E. Jon Rokeh, on behalf of Whittmore Holdings, requests Major Site Plan approval for the expansion of a vehicular storage area, the construction of a new storage yard, and a second driveway at 45 Chenell Drive in the Industrial (IN) District.

Mr. Durfee provide an overview of the project explaining that the applicant is looking to expand a vehicle storage area and develop a new storage yard with a second driveway. Upon further review and discussions with engineering, it has been determined that there are significant grading and drainage concerns that need to be addressed as well as the determination for either a Conditional Use Permit application for the driveway width or the redesign of the second driveway to accommodate the minimum required width of 24 feet. Mr. Durfee noted that the second driveway is not for public access; it is for a drop off location for storage.

Mr. Lemay stated that the plan has changed from his initial review done last month and he requested time for an additional review. He added that his primary concern is with the retention pond; an emergency overflow, and size.

Ms. Shank stated that the application was determined complete at the October meeting and should not have been, due to the fact that a CUP is required. She recommended that the Board not make any approvals at this time and the application should be continued to next month to allow the applicant to submit the additional application.

Chairman Woodfin opened the public hearing.

Jon Rokeh was present and stated that he would like to amend the driveway size to 24 feet and not submit a CUP. He explained that the side yard is for deliveries and the entrance of the parts area. He explained that the back pond has been redesigned and sized to hold a 100-year storm event during the winter months. He further noted that stormwater and drainage changes. He commented that he did not realize how the building would be used until it was function and now they have come up with this plan after the building was occupied.

On a motion made by Chairman Woodfin, and second by Councilor Pierce, the Board voted unanimously by a Roll Call Vote, to continue this item to the December 16, 2020 meeting to allow additional time for Engineering review and comments.

Mr. Woodfin – in favor, Councilor Pierce – in favor, Ms. Rosenberger – in favor, Mr. Hicks – in favor, Mr. Fox – in favor, Ms. Smith-Meyer – in favor, Mr. Regan – in favor, and Mr. Kenison – in favor.

Other Business

8. Discussion regarding proposed residential design standards - ConcordNEXT

Ms. Shank gave a presentation regarding residential design standards. Pictures of residential homes were shown using three proposals for design changes that included window glazing; the location of garages attached to homes and what districts this could be regulated in, and the location of front entrances/front entrance features.

General discussions were held as members expressed their opinions of the proposed standards. Members were not in support of the glazing requirement. Some felt that it was too much regulation over aesthetics, others felt that it would not meet the objective to encourage attractive design.

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With regard to the garages, members commented that garages should not be located in front of the house, as it then becomes a prominent feature that takes away from the house. They were in support of the regulation to locate garages behind, next to or otherwise not in front of the house.

As far as the placement of front doors or front entrance features, Board members were split on whether they wanted to support the requirement to have a door on the front street facing façade of the structure. They requested more information and examples be provided.

Ms. Shank stated that there is not a lot of form base codes in NH yet. She stated that she would continue to work on this and reach out to local architects for comments. She thanked the Board for their time and comments. She is hoping to have a draft for next month's meeting.

Adjournment

At the request of Chairman Woodfin, Mr. Fox made a motion to adjourn at 9:16 PM, seconded by Councilor Pierce.

Mr. Woodfin – in favor, Councilor Pierce – in favor, Ms. Rosenberger – in favor, Mr. Hicks – in favor, Mr. Fox – in favor, Ms. Smith-Meyer – in favor, Mr. Regan – in favor, and Mr. Kenison – in favor.

The motion passed unanimously; 8/0.

A TRUE RECORD ATTEST:

Lisa Fellows-Weaver,
Administrative Specialist