

City of Concord Planning Board
January 20, 2021
Minutes

The regular monthly meeting of the City Planning Board was held on January 21, 2021, 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, John Regan, Matthew Hicks, David Fox, and Jeff Santacruce.

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

Staff: Heather Shank (City Planner), Beth Fenstermacher (Assistant City Planner), Sam Durfee (Senior Planner), Lisa Fellows-Weaver (Administrative Specialist), 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, John Regan, Matthew Hicks, David Fox, and Jeff Santacruce.

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3. Approval of Planning Board Meeting Minutes

December 16, 2020 Minutes

On a motion made by Councilor Pierce, and seconded by Mr. Hicks, the Board voted unanimously to approve the December 16, 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, Ms. Smith-Meyer – in favor, Mr. Regan – in favor, Mr. Hicks – in favor, Mr. Fox – in favor, and Mr. Santacruce – in favor.

4. Planning Board Chair Agenda Overview

Chairman Woodfin noted that Item 6F should be removed from the consent agenda and addressed separately, as the Architectural Design Review Committee recommended that the application be tabled.

5. Determination of Completeness

5A. CP Concord, LLC, requests Major Site Plan approval for the construction of a new restaurant and drive-through facility with associated site improvements at 310 Loudon Road in the Gateway Performance (GWP) District.

On a motion made by Ms. Smith-Meyer, and second by Mr. Fox, the Board voted 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 set the public hearing for February 17, 2021.

Mr. Woodfin – in favor, Councilor Pierce – in favor, Ms. Rosenberger – in favor, Ms. Smith-Meyer – in favor, Mr. Hicks – in favor, Mr. Fox – in favor, and Mr. Santacruce – in favor. Mr. Regan was not available for the vote due to technical difficulties.

6. Design Review Applications by Consent

6A. Caring Family Dentistry requests ADR approval for the replacement of two internally illuminated wall signs at 327 Loudon Road in the Gateway Performance (GWP) District.

On a motion made by Ms. Smith-Meyer, and seconded by Mr. Fox, the Board unanimously 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, Ms. Smith-Meyer – in favor, Mr. Regan – in favor, Mr. Hicks – in favor, Mr. Fox – in favor, and Mr. Santacruce – in favor.

6B. Rite Aid requests ADR approval for the replacement of six internally illuminated wall signs and the replacement of an internally illuminated freestanding sign at 92 South Street in the Neighborhood Commercial (CN) District.

On a motion made by Ms. Smith-Meyer, and seconded by Mr. Fox, the Board unanimously 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, Ms. Smith-Meyer – in favor, Mr. Regan – in favor, Mr. Hicks – in favor, Mr. Fox – in favor, and Mr. Santacruce – in favor.

6C. Market Street Settlement Group requests ADR approval for the installation of a new non-illuminated wall sign at 91-93 North State Street in the Civic Performance (CVP) District.

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On a motion made by Ms. Smith-Meyer, and seconded by Mr. Fox, the Board unanimously 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, Ms. Smith-Meyer – in favor, Mr. Regan – in favor, Mr. Hicks – in favor, Mr. Fox – in favor, and Mr. Santacruce – in favor.

- 6D. Hodges Development Corp., on behalf of the US Army Corps. Of Engineers, requests ADR approval for the replacement of a non-illuminated wall sign and an externally illuminated panel on a freestanding sign at 211 Loudon Road in the Gateway Performance (GWP) District.

On a motion made by Ms. Smith-Meyer, and seconded by Mr. Fox, the Board unanimously 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, Ms. Smith-Meyer – in favor, Mr. Regan – in favor, Mr. Hicks – in favor, Mr. Fox – in favor, and Mr. Santacruce – in favor.

- 6E. Hodges Development Corp., on behalf of Rick Smith, requests ADR approval for the replacement of a non-illuminated wall sign, the replacement of two internally illuminated window signs, and the replacement of an externally illuminated panel on a freestanding sign at 211 Loudon Road in the Gateway Performance (GWP) District.

On a motion made by Ms. Smith-Meyer, and seconded by Mr. Fox, the Board unanimously 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, Ms. Smith-Meyer – in favor, Mr. Regan – in favor, Mr. Hicks – in favor, Mr. Fox – in favor, and Mr. Santacruce – in favor.

- 6F. Hodges Development Corp., on behalf of Rick Smith, requests ADR approval for the installation of a new externally illuminated wall sign at 211 Loudon Road in the Gateway Performance (GWP) District.

On a motion made by Councilor Pierce, and seconded by Mr. Santacruce, the Board voted unanimously to table the application, by a Roll Call Vote as follows:

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

Public Hearings

7. Site Plan, Subdivision and Conditional Use Permit Applications

- 7A. Jarbel Realty, LLC requests Major Site Plan approval for conversion of an existing nonresidential structure to a five unit residential and commercial use at 189 N. Main Street in the Urban Commercial (CU) District.

Ms. Fenstermacher stated that the Board accepted this application as complete last month. She provided an overview of the project stating that the applicant is requesting an approval to convert the former medical office building to a mixed-use office with professional space on the first floor and five apartment units on the second floor. She noted that there are waivers requested, which are all supported by staff because no site work is proposed with the exception of a new water line. She added that there is existing vegetation and mature shade coverage for the parking lot; therefore, no landscape changes are needed for the parking lot. The applicant is also working with Engineering regarding sizing of the new water line to support the required fire suppression system.

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Chairman Woodfin opened the public hearing.

Ben Kelley represented the application.

Mr. Kelley stated that the property was for sale and he has since decided to develop the building himself. He stated that the proposal is a change of use to mixed commercial and residential and is the reason for the application. He further explained the proposal of the conversion and the overall plan to preserve the interior. He noted that he will be replacing the storm windows and he will be paying close attention to the history of the building.

Mr. Santacruce expressed concern with the parking. He mentioned that the proposed dumpster location is taking up one of the ten parking spaces. He added that the parking spaces appear to be smaller than the requirements and noted that small drive lane. Mr. Kelley explained that the parking lot will be restriped and added that there will be changes made to add a wider drive lane.

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. Rosenberger, and seconded by Ms. Smith-Meyer, the Board unanimously voted, by a roll call vote, to **grant the following waivers** to the Site Plan Regulations utilizing the criteria of RSA 674:44(1) which states that strict conformity would pose an unnecessary hardship to the applicant and waiver would not be contrary to the spirit and intent of the regulations:

- Section 16.02(12) to not submit a Grading & Drainage Plan, since no site work is proposed.
- Section 16.02(13) to not submit an Erosion Control Plan, since no site work is proposed.
- Section 16.02(15) and 22.03 to not submit a Landscape Plan, since landscaping requirements are not triggered and the existing mature trees are sufficient to meet requirements.

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

On a motion made by Ms. Smith-Meyer, and seconded by Councilor Pierce, the Board unanimously voted, by a roll call vote, to **grant ADR approval** with the condition that any colors chosen for the exterior components that differ from the existing color scheme, along with any materials changes such as storm windows, be submitted to staff for the record.

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

On a motion made by Ms. Smith-Meyer, and seconded by Councilor Pierce, the Board unanimously voted, by a roll call vote, to **grant Major Site Plan** approval for the proposed conversion of a medical office building to professional offices on the first floor and 5 apartment units above at 189 N. 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 all Review comments to the satisfaction of the Planning and Engineering Divisions.

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- (2) Waivers(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 waivers(s), applicant shall comply with said submission requirement(s).
 - (3) Final plans shall be signed and sealed by the NH Registered Land Surveyor.
 - (4) Submit three (3) copies of fully revised plans for sign off by the Clerk and Chair of the Planning Board.
- (b) Subsequent Conditions – to be fulfilled as specified:
- (1) Prior to the issuance of a building permit, a Fire Protection Engineer shall provide, on their letterhead, a document certifying that the new proposed fire service water line is appropriately designed (including size and material) for the proposed site conditions.
 - (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. Number of copies to be determined by Engineering Services Division.
 - (4) 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.

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

Other Business

8. Annual Review of Impact Fee Inflationary Rates

The Board held a discussion to determine whether to recommend an inflationary adjustment to the City Council to amend the impact fee table for Chapter 29.2, Public Capital Facilities Impact Fee Ordinance, to reflect an adjusted schedule of fees.

Mr. Durfee explained that the Transportation Facility Impact Fee Table and the Recreation Facility Impact Fee Table were last updated in July 2015 and July 2014 respectively. Fees are used towards the cost of Capital Improvement Projects (CIP) related to expanding the capacity of City managed transportation or recreation facilities. The collected fees are then allocated to different projects based on the location of the subject property and the location of the City project.

Mr. Santacruce asked how long it has been without an increase and how much more behind the City of Concord is willing to be. He added that it may be beneficial to have a moderate increase. Mr. Woodfin explained that the Board has previously decreased fees and a few years ago other fees were removed. Ms. Shank stated that there are currently no non-residential impact fees, only recreation and transportation at this time. She added that the entire budget is not solely based on impact fees. Typically, Staff recommends an increase; however, not this year due to the pandemic.

On a motion made by Councilor Pierce, and seconded by Mr. Hicks, the Board voted unanimously, by a roll call vote, to recommend no changes to the fees that are currently being collected of the Public Capital Facilities Impact Fee Ordinance, Section 29.2-1-2(b).

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

9. Code Studio

Lee Einsweiler of Code Studio met with the Board regarding the rewrite of the City's Design Standards. Proposed design changes originally included window glazing; location of garages; and the location of front doors.

Mr. Einsweiler explained that, based on discussions and comments from the Board, the window glazing proposal has been removed. He added that with the energy codes, windows are now a much higher quality, which is more expensive and driving people to have less square footage of glass. However, he noted that based on the quality and style of architecture that is currently typical of Concord, he agrees that it is appropriate at this time to remove that proposal.

With regard to front door features, the proposed ordinance requires a front door feature on the front façade of the house; however, applicants can go before the Architectural Design Review Committee (ADR) if they have an alternative proposal. A variance would not be needed if they had a need or acceptable alternative to the door facing the front façade.

Regarding garage standards, Mr. Einsweiler stated that the easiest way to avoid the appearance of a blank flat plane on the front of a house is to set the garage back. The original proposal required a 20-foot setback. This was revised to 6 feet in the latest draft, with the ability to go before ADR for an alternative, similar to the front door standard. Mr. Einsweiler noted that the minimum set back that would provide effective relief is 4 to 8 feet, and that the 6-foot proposal staff suggested would work fine. Discussion continued as to other features of garages that offset adverse visual impacts, including changing out the doors from one to two doors and adding windows to the doors.

Ms. Shank noted that large subdivisions already require elevations to be approved by the Board, and that this would be the case for those architectural features proposed. In other words, each house would not need to go through design review if the developer wanted to construct an alternative, rather the development types proposed for the whole site would be approved on the front end.

The Board thanked Mr. Einsweiler for attending the meeting and for the continued discussions as the Design Standards are developed.

10. Zoning Map

Ms. Shank presented a draft of the proposed Urban Growth Boundary Layer to the Zoning Map. A discussion was held regarding the intent of the layer. Ms. Shank explained that currently there is no purpose statement or definition of this boundary in any of the regulatory documents; however, the intent is to limit sprawl and plan for the City's needs and future development relative to water and sewer.

The change is intended to expand the functions to enhance planning for recreation, and transportation, and make the map more intelligible in conjunction with reducing split zoned lots where possible. She stated that the boundary would not be expanding outwards, but would include the area through the center of the City along the rivers, much of which is already protected through easements, state regulations, or by virtue of being municipally owned. She stressed that municipal infrastructure would still not be required to extend into any RO zoned land. She plans to meet with Administration, Engineering, and General Services to ensure any changes are compatible with all department goals.

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11. Election of Officers

Chairman:

Mr. Fox made a motion nominating Mr. Woodfin for Chair of the Planning Board through December 2021. Mr. Hicks seconded the motion. With no other nominations, the motion passed by a roll call vote as follows:

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

Vice-Chairman:

Ms. Smith-Meyer made a motion nominating Ms. Foss as Vice-Chair of the Planning Board through December 2021. Mr. Hicks seconded the motion. With no other nominations, the motion passed unanimously, by a roll call vote as follows:

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

Adjournment

At the request of Chairman Woodfin, Mr. Fox made a motion to adjourn at 8:41 PM, seconded by Councilor Pierce.

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

The motion passed unanimously; 8/0.

A TRUE RECORD ATTEST:

Lisa Fellows-Weaver,
Administrative Specialist