

**CITY OF CONCORD PLANNING BOARD
April 16, 2014 MEETING**

The regular monthly meeting of the City Planning Board was held on April 16, 2014, in City Council Chambers, in the Municipal Complex, at 37 Green Street, at 7:00 p.m.

Present at the meeting were Chair Drypolcher and Members Hicks, Foss, Lavers, Woodfin and Councilor Champlin. City Planner Nancy Larson, Mr. Henninger, Ms. Hebert 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. Chair Drypolcher introduced Member Richard Woodfin who is a newly appointed member to the Planning Board.

PUBLIC HEARINGS

Architectural Design Review Applications

1. Applications by the following for approval of signs at the following locations under the provisions of Section 28-9-4 (f), Architectural Design Review, of the City of Concord's Code of Ordinances:

The Chair opened the public hearings for all the sign applications.

- a. **Application by Remi Hinxhia, on behalf of Jeanine Sylvester, requesting Architectural Design Review Approval for a new awning with signage at 142 N. Main Street, within the Central Business Performance (CBP) District.**

Mr. Henninger informed the Board that he stated that the font on the colored drawing would be the one used and the Architectural Design Committee noted that they thought this was the best choice.

There were no other comments or discussions.

Mr. Hicks moved to grant Architectural Design Approval for a new awning with signage at 142 N. Main Street as submitted by the applicant. Mr. Lavers seconded the motion. Motion carried unanimously.

- b. **Application by Rev. Fr. Mike Wilson, on behalf of Holy Trinity Greek Orthodox Church, requesting Architectural Design Review Approval for a replacement of a freestanding sign at 68 N. State Street, within the Civic Performance (CVP) District.**

Mr. Henninger spoke to the application. The sign will be constructed with "woodbury gray thermal" granite and the lettering will be black litho paint. He noted the ADRC suggested moving the lettering "Greek Orthodox Church" up closer to "Holy Trinity" to improve the layout of the lettering.

There were no further comments or discussions.

Ms. Foss moved to grant Architectural Design Approval as recommended by the Architectural Design Review Committee for a replacement of a freestanding sign at 68 N. State Street as submitted by the applicant. Mr. Lavers seconded the motion. Motion passed unanimously.

c. Application by Concord 93 Limited Partnership, on behalf of Uno Restaurants, requesting Architectural Design Review Approval for four (4) replacement wall signs and a replacement panel within an existing freestanding sign at 15 Fort Eddy Road, within the Gateway Performance (GWP) District.

Mr. Henninger noted that Uno's is rebranding and the signs reflect the new design. The logo will be blue instead of the existing red.

Mr. Lavers moved to grant Architectural Design Approval as recommended by the Architectural Design Review Committee for four (4) replacement wall signs and a replacement panel within an existing freestanding sign at 15 Fort Eddy Road as submitted by the applicant. Ms. Foss seconded the motion. Motion passed unanimously.

d. Application by Merrimack County Savings Bank requesting Architectural Design Review Approval for building renovations at 93 N. Main Street, within the Central Business Performance (CBP) District.

Mr. Henninger stated that the application consists of sealing an unused doorway and applying brick to the new surface. The brick is as close a match to existing as possible and a granite base will be provided which will match the base under the existing windows along the frontage. Mr. Henninger also noted that the existing door opening being enclosed is already recessed and that they will be recessing the new brick to match.

Councilor Champlin moved to grant Architectural Design Approval as recommended by the Architectural Design Review Committee for building renovations at 93 N. Main Street as submitted. Ms. Foss seconded the motion. The motion passed unanimously.

Subdivision Applications

2. Application by Johnathan A. Chorlian for property located at 72 School Street, requesting Minor Subdivision Approval, to create a three (3) unit residential condominium. (2014-0013)

- 1. Determination of Completeness**
- 2. Public Hearing**
- 3. Deliberations and Action on the Application**

Mr. Henninger recommended that the application be determined complete and the public hearing opened.

Ms. Foss moved to determine the application complete. Mr. Hicks seconded the motion. Motion passed unanimously.

The Chair opened the public hearing.

Mr. Jonathan Chorlian was present to discuss the project. He stated that he received a Conditional Use Permit on December 18, 2013 to construct a second driveway onto School Street which provides a single parking space for Unit 1. This application involves the conversion to condominium ownership of an existing three unit apartment building located at the northwest corner of School Street and Rumford Street. This property was damaged by fire and is currently undergoing a comprehensive renovation.

Two of the six proposed parking spaces will be assigned to each unit as Limited Common Areas. In addition, a backyard behind each unit will be assigned as Limited Common Area, along with entrances and porches on the east side of the units. The rest of the property will be Common Area. The subdivision conforms to the City's Subdivision Regulations and Zoning Ordinance. A new sewer service is being provided. The units will be provided with separately metered water service which will ensure that these meters will be accessible to the General Services Department. The applicant has requested a waiver to Section 15.02(3) of the Subdivision Regulations to prepare the condominium site plan at a scale of 1"=10" due to the small size of the property and the need to provide graphics acceptable to the Merrimack county Registry of Deeds.

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 a waiver to Section 15.02(3) to allow for the preparation of a plat at a scale of 1"=10.

Councilor Champlin seconded the motion. Motion passed unanimously.

Councilor Champlin moved to grant conditional final subdivision approval for the "CONDOMINIUM PLAT PREPARED FOR JONATHAN A. CHORLIAN, 80 SCHOOL STREET, CONCORD, NH" subject to the following standard and special conditions:

Standard Conditions

1. Prior to the final plat being signed by the Planning Board Chair and Clerk, the applicant shall revise the plat drawings to address the minor corrections and omissions noted by City staff.
2. 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 12.08 of the Subdivision Regulations.

Special Conditions

3. The condominium documents and the physical layout shall provide for access acceptable to the General Services Department to individual meters and individual water shut off valves proposed to be installed in the basement of Unit 1.

Ms. Foss seconded the motion. Motion carried unanimously.

3. **Application by Concord School District for property at 40 Thorndike Street, Eaton Tarbell, Jr. Esquire for property located at 41 South Street, and James Bailey & Laura Englehardt for property located at 27 Monroe Street, requesting Minor Subdivision Approval for lot line adjustments creating no new lots. (2014-0014)**

1. **Determination of Completeness**
2. **Public Hearing**
3. **Deliberations and Action on the Application**

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

Ms. Foss moved to determine the application complete. Mr. Lavers seconded the motion. Motion passed unanimously.

The Chair opened the public hearing.

Mr. Tim Bernier was present to discuss the application. The purpose of this subdivision is to adjust the lot lines between the Rumford School property at 40 Thorndike Street and two adjacent properties at 41 South Street and 27 Monroe Street. The lot line adjustment is needed to correct existing encroachments and discrepancies with the boundary of the school parcel. The subdivision involves adjusting the easterly side lot line between the parcel at 27 Monroe Street to annex 142 sq. ft. of land from the school parcel to the property of James Bailey and Laura Englehardt at 27 Monroe Street. The plan also includes adjusting the westerly side lot line to annex 529 sq. ft. from the school parcel to the property of Easton W. Tarbell, Jr. at 41 South Street. The applicant has requested a waiver to Sections 12.08(3) & 15.03(4) of the Subdivision Regulations, to not include the topographic information for the both properties on the subdivision plan. The applicant has also requested a waiver to Sections 15.02(6) & 15.03(2) of the Subdivision Regulations, to not provide boundary surveys for the parcels at 27 Monroe Street and 41 South Street. A boundary plan has been provided for the Rumford School property. Ms. Hebert stated staff does not object to the waiver requests.

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.

Councilor Champlin moved to grant a waiver to Sections 12.08(3) & 15.03(4) of the Subdivision Regulations to not provide the topographic information on the subdivision plat. The parcels are developed and the lot line adjustment corrects encroachments onto the Rumford School property.

Ms. Foss seconded the motion. Motion passed unanimously.

Ms. Foss moved to grant a waiver to Sections 15.02(6) & 15.03(2) of Subdivision Regulations to not provide updated boundary surveys for the parcels at 27 Monroe Street and 41 South Street. The area of land to be transferred to each of the parcels is very small. A boundary plan has been provided for the Rumford School property.

Mr. Hicks seconded the motion. Motion passed unanimously.

Ms. Foss moved to grant final subdivision approval for the Minor Subdivision application entitled “Resubdivision Plan Land Of Concord Union School District Assessors Map 32 Block 1 Lot 7 and James Bailey & Laura Englehardt Assessors Map 32 Block 1 Lot 13” and “Resubdivision Plan Land Of Concord Union School District Assessors Map 32 Block 1 Lot 7 and Eaton W. Tarbell, Jr. Assessors Map 32 Block 1 Lot 12” prepared by T.F. Bernier, Inc. with a revision date of March 19, 2014, subject to the following conditions:

Conditions

1. The street numbers for the three subject parcels to be added to the title blocks on each plan sheet;
2. Label existing walkway and grass strip for Assessors Map 32 Block 1 Lot 13;
3. The recording number for the Rumford School property to be added to Plan Reference 1;
4. Individual sheets to be numbered sequentially;

5. Lot size before and after the subdivision to be added to each subject parcel. If the waiver of a full boundary survey for subject parcels abutting the Rumford School property is granted, the source of said lot areas shall be noted on the plan sheets;
6. The sheet labeled "Boundary Plan Land of Concord Union School District, Assessors Map 32 Block 1 Lots 7 & 8" to be revised to reflect the proposed subdivision with the two adjacent parcels; and
7. Prior to the final plat being signed by the Planning Board Chair and Clerk, the applicant shall revise the plat drawings to address any additional minor corrections and omissions noted by City staff.

Mr. Lavers seconded the motion. Motion carried unanimously.

Conditional Use Permit Applications

4. **Application by RJ Moreau Communities, LLC, requesting a Conditional Use Permit (CUP), pursuant to Article 28-4-3(d), Wetland Buffers, for the disturbance of wetland buffers for the construction of a portion of Cabernet Drive as a public road. The CUP is to replace a previously approved CUP, which expires on April 20, 2014, for the previously approved Vintage Estates Subdivision. (2014-0016)**
 - a. **Determination of Completeness**
 - b. **Public Hearing**
 - c. **Deliberations and Action on the Application**

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

Ms. Foss moved to determine the application complete. Mr. Lavers seconded the motion. Motion passed unanimously.

The Chair opened the public hearing.

Mr. Reggie Moreau was present to speak to the application. The Conditional Use Permit (CUP) is for impacts to the wetland buffer associated with the construction of the roadway for the Vintage Estates Subdivision. Ms. Hebert explained that the Planning Board granted a CUP for the proposed impacts at their meeting held on April 20, 2011. The Board granted a one-year extension for the CUP on April 10, 2013. She stated that the applicant has re-applied and that the plans have not changed and the impact is the same as in 2011.

The subdivision is located in Penacook, off of Emily Way and Kyle Road, northerly of The Vineyards housing development. The property includes 88.25 acres of land and involves subdividing 22 new single family residential lots, and reserving one 77.38 acre parcel for future development. There is an existing paved private road within the buffer area, connecting The Vineyards housing development with the Sandwood Crossing neighborhood. The Vintage Estates Subdivision includes the reconstruction of a portion of the private road to accommodate a new roundabout and to upgrade the road to city standards for public streets. The total proposed buffer impact is 2,050 sq. ft. and approximately 750 sq. ft. of impact has occurred as a result of the developer having completed construction of a portion of the new roadway. The remaining impact totals 1,300 sq. ft. and will be limited to only what is necessary to construct the roadway improvements.

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. Lavers moved to approve the Conditional Use Permit (CUP) pursuant to Article 28-4-3(d) of the Zoning Ordinance to allow for the disturbance within the wetland buffer for the construction of the proposed road improvements. Impacts to the wetland buffer have been minimized but the improvements associated with the construction of Sonoma Lane will result in a total impact of approximately 2,050 sq. ft. of buffer area.

Ms. Foss seconded the motion. Motion passed unanimously.

Site Plan Review

5. Application by Duprey Associates, LLC, on behalf of 2 Pillsbury Street LLC, requesting Major Site Plan Approval and Architectural Design Review Approval for the expansion of an existing parking lot at 46 Pillsbury Street; including drainage, lighting and landscaping improvements. (2014-0003) Postponed from the April 2, 2014 meeting.

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

The Chair opened the public hearing.

Atty. Richard Uchida; Hinckley, Allen and Snyder, Mr. Steve Duprey; Duprey Associates, Mr. Aaron Holt and Mr. Mark McLeod; HL Turner were present to speak to the application. Atty. Uchida gave an overview of the project. The application consists of the construction of a parking lot at 46 Pillsbury Street. The parking lot contains 32 spaces and will provide overflow parking for the office buildings at 2 Pillsbury Street and 30 Pillsbury Street. There is an existing residence on the property. The building will be demolished and the site will be redeveloped into a surface parking lot with driveway access through the adjacent parking lot off of Dakin Street. The site improvements include porous asphalt pavement, exterior lighting, new fence, and plantings along the western side lot line to screen the adjacent residential property. The site is located in the Neighborhood Residential District (RN) and the applicant has received variances for the use and design of the parking lot. Mr. Duprey gave a history of the parking needs at the site. He stated that at the time of acquisition the neighbors gave recommendations and concerns. They did not want an increase of traffic on Allison Street which is an entrance only for the parking lot and they did not want an increase of street side parking. Ms. Foss asked of the lot would be used at night. Mr. Duprey said it would be very limited use at night. Mr. McLeod gave an overview of the soil reports and test pits performed and the benefits of a porous asphalt pavement surface. He stated that after the February Planning Board, they met, at the Board's recommendation, with abutters to address concerns and to review the landscape proposal. A screen of arborvitaes will be planted along the side of the lot. They will also replace the existing stockade fence which is in a state of disrepair with an 8 foot tall white vinyl fence which will continue to the back of the property line per neighbor request. The landscape consultant has received input from the Planning staff to refine the plant selection. Additional street trees will be included in the final landscape. Ms. Hebert stated that the ADRC recommended speaking with the neighbor when installing plantings along the buffer and perhaps reducing the length of the fence at the Pillsbury Street right of way area to be less enclosed. The applicant is willing to work with the neighbors and staff. Chair Drypolcher questioned the maintenance plan for the pervious pavement. Ms. Hebert stated that it is a condition of approval that the applicant shall submit a maintenance plan for the porous asphalt.

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. Hebert pointed out that one condition is that the applicant provide to the City Solicitor a financial guarantee for the repair of the existing storm drain line, in the event it is damaged during the

construction of the parking lot. The guarantee would be in place for 2 years to ensure that any damage during or immediately following construction would be covered.

Ms. Foss moved to grant Architectural Design Review Approval for the site plan, landscape plan and lighting plan for the construction of the new parking lot at 46 Pillsbury Street subject to the condition that the applicant work with Planning Staff - to revise the landscape plan to replace the proposed Sugar Maple trees with a more shade tolerant species and replace the Swiss Stone Pine with Arborvitae. The applicant shall also coordinate the installation of the fence with the abutting property owner at 52 Pillsbury Street.

Mr. Lavers seconded the motion. Motion carried unanimously.

Ms. Foss moved to grant conditional Site Plan approval for the construction of the new parking lot at 46 Pillsbury Street, as prepared by the H.L. Turner Group, Inc., subject to the following conditions:

1. Prior to the issuance of a certificate of approval by the Planning Board Chair (and issuance of any building permits for construction activity on the site), approvals of construction drawings and specifications for all public and private improvements shall be obtained from the Engineering and Planning Divisions.
2. Prior to the issuance of a certificate of approval by the Planning Board Chair (and issuance of any building permits for construction activity on the site), the applicant will provide to the City Solicitor a financial guarantee for the repair of the existing storm drain line, in the event it is damaged during the construction of the parking lot. The financial guarantee shall be in an amount approved by the City Engineer, in a form acceptable to the City Solicitor, and shall be in place for a period of two years following the completion of construction.
3. Prior to the issuance of a certificate of approval by the Planning Board and issuance of any building permits for construction, the applicant shall file a Voluntary Merger application with the City to merge parcels 23/5/6, 23/5/7 & 23/5/3.
4. Prior to the issuance of a certificate of approval by the Planning Board and issuance of any building permits for construction, the applicant shall submit to the Planning Division for review and approval, a maintenance plan for the porous asphalt.
5. Prior to the issuance of a certificate of approval by the Planning Board Chair (and issuance of any building permits for construction activity on the site), the following easement document and plan, in a form acceptable to the City Solicitor and suitable for recording in the Merrimack County Registry of Deeds, will be provided to the Planning Division:
 - a) Utility Easement for existing storm sewer line across parcel 23/5/3 and parcel 23/5/7.
6. A pre-construction meeting shall be required prior to the start of any construction activities onsite. Prior to the pre-construction meeting, seven copies of the final approved site plan shall be provided to the Planning Division for endorsement by the City Engineer as "approved for construction."
7. No construction activity may commence prior to the payment of inspection fees in an amount approved by the City Engineer.

8. No certificate of occupancy for any building or use shall be issued until all public and private improvements have been substantially completed to the satisfaction of the City Engineer and City Planner.
9. Prior to the release of a financial guarantee for any public improvement, an as built plan shall be provided to the City Engineer in form and content acceptable to the City Engineer.

Mr. Lavers seconded the motion. Motion carried unanimously.

Determination of Completeness (no public testimony will be taken):

6. **Application by Richard J. Day, on behalf of Sugar River Bank, requesting Major Site Plan Approval to construct a 3,350± square foot building to contain a branch bank with four (4) drive up lanes, parking, landscaping, drainage and lighting at 198 Loudon Road, and requesting a Conditional Use Permit (CUP) pursuant Article 28-7-8(c), Separation of Driveways in Non-residential Districts, to allow for a single driveway onto Loudon Road with less than 200' of spacing from adjacent driveways. (2014-0012)**

1. Determination of Completeness

Mr. Henninger recommended that the application be determined complete and the public hearing set for May 21, 2014.

Mr. Hicks moved to determine the application to construct a 3,350± square foot building to contain a branch bank with four (4) drive up lanes, parking, landscaping, drainage and lighting at 198 Loudon Road, and requesting a Conditional Use Permit (CUP) pursuant Article 28-7-8(c), Separation of Driveways in Non-residential Districts, to allow for a single driveway onto Loudon Road with less than 200' of spacing from adjacent driveways complete and to set the public hearing on May 21, 2014.

Ms. Foss seconded the motion. Motion passed unanimously.

REGULAR MEETING

7. **Request by R.J. Moreau Communities, LLC for a second one-year extension of the period of validity of the conditional approval of the Major Subdivision application granted by the Planning Board on April 20, 2011 for the Vintage Estates Subdivision, located on Kyle Road. (2011-0007)**

The Chair opened the public hearing.

Reggie Moreau was present to speak to the application. The Planning Board granted Major Subdivision approval to R. J. Moreau Communities, LLC on April 20, 2011, for the creation of Vintage Estates which includes 22 new single family residential lots and a 77.38 acre parcel reserved for future development. In related actions, the Board also granted approval to one Conditional Use Permit pursuant to Section 28-4-3(d) of the Zoning Ordinance, to allow for minor disturbance within the wetland buffer for the construction of the proposed road. The Board also granted waivers to Sections 16.01(4), 16.03(4) and 13.01(8) of the Subdivision Regulations.

The Board granted a one year extension to the original approval of the Subdivision Application and Conditional Use Permit on April 17, 2013. These approvals will expire on April 20, 2014, unless the Board grants the extension.

Mr. Lavers moved to grant a second one-year extension, as requested, for the Conditional Major

Subdivision Approval and related waivers, subject to the stipulation that all conditions of approval as set forth in the decisions of the Planning Board on April 20, 2011, shall remain in full force and effect.

Mr. Hicks seconded the motion. Motion passed unanimously.

8. Approval of the minutes of the April 2, 2014 Planning Board meeting.

Mr. Hicks moved to accept the minutes of the April 2, 2014 Planning Board Meeting as written. Mr. Lavers seconded. Motion passed unanimously.

9. Consideration of amendments to Section 28-7-7, Signs of the City of Concord Zoning Ordinance related to the installation of mechanical scrolling message signs.

Ms. Larson indicated that staff would like to continue their research of other municipalities. She is hopeful that final research will be available for the May meeting.
Continued.

10. Consideration of the draft Utility Section (XI) for the Master Plan 2030.

Continued.

11. Annual Organization Meeting

a. Election of Chair for 2014

The Chair turned the meeting over to the Clerk to accept nominations for Planning Board Chair. The Clerk opened the floor to accept nominations. Mr. Hicks nominated Mr. Drypolcher, who stated he was interested in continuing in the role of Chair. Hearing no other nominations, the Clerk closed the floor and requested a vote. The Planning Board voted unanimously for Mr. Drypolcher to be Chair of the Planning Board. The Clerk turned the meeting back over to the Chair.

b. Election of Vice Chair for 2014

The Chair opened the floor to accept nominations for the Vice Chair of the Planning Board. Mr. Hicks nominated Ms. Foss, who stated he was interested in the role of Vice Chair. Hearing no other nominations, the Chair closed the floor and requested a vote. The Planning Board voted unanimously for Ms. Foss to be Vice Chair of the Planning Board.

c. Designation of two representatives to the Central New Hampshire Regional Planning Commission (CNHRPC)

The Chair asked whether Mr. Hicks and Ms. Foss wanted to continue as Planning Board designees to the Central New Hampshire Regional Planning Commission. They both answered in the affirmative.

d. Designation of a representative to the Heritage Commission

The Chair received an e-mail from Mr. Regan, who was absent, indicating his interest in continuing as Planning Board designee to the Heritage Commission.

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

INFORMATION

13. Minutes of the April 8, 2014 Design Review Committee meeting.

- Next regular monthly meeting on Wednesday, May 21, 2014.

There was no further business to come before the Planning Board and the Chair adjourned the meeting at 8:06 pm.

A TRUE RECORD ATTEST:

Nancy Larson
Clerk