

The regular monthly meeting of the City Planning Board was held on February 15, 2012, in City Council Chambers, in the Municipal Complex, at 37 Green Street, at 7:00 p.m.

Present at the meeting were Members Regan, Lavers, Hicks, Foss, Smith Meyer, Swope, and Kenison. City Planner McPherson, Mr. Henninger, Ms. Hebert, and Ms. Muir of the City's Planning Division were also present, as was Ms. Aibel, the City's Associate Engineer.

At 7:00 p.m., a quorum was present. Chair Drypolcher was not in attendance so Vice Chair Swope called the meeting to order and seated Alternate Kenison.

## **APPLICATIONS**

### **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 Code of Ordinances.**
  - **Abbott Bennett Group, LLC, for a new hanging sign at 41 South Main Street.**
  - **Capital Physical Therapy for revisions to one hanging sign and two affixed signs at 40 Centre Street.**
  - **Ocean State Job Lot for revisions to two affixed signs and one freestanding sign at 68 D'Amante Drive.**

Mr. Swope opened the public hearings for the three sign applications.

- **Abbott Bennett Group, LLC, for a new hanging sign at 41 South Main Street.**

Ms. McPherson reported that this application was tabled at the last Planning Board meeting. The Architectural Design Review Committee (ADRC), at their December meeting, expressed concerns with the moveable type portion of the sign and at the January ADRC meeting, it was reported to the ADRC by the Planning Division that there were no new moveable type signs previously approved in the Central Business Performance (CBP) District. Ms. McPherson explained that the sign with movable type that the ADRC was thinking of was actually located in the Civic Performance District. The ADRC had no recommendation to the Planning Board.

Ms. Smith Meyer stated that signs should identify businesses and doesn't want to set a precedent by approving a moveable type sign within this district. She stated that signs should identify the business itself.

Ms. Smith Meyer moved to deny this application. Mr. Swope seconded the motion. Motion carried unanimously.

- **Capital Physical Therapy for revisions to one hanging sign and two affixed signs at 40 Centre Street.**

Mr. Henninger stated that this application was for revisions to one hanging sign and two affixed signs. He stated that the ADRC recommended approval of the signs as submitted.

Ms. Hebert added that there was some discussion at ADRC about adding the area code to the phone number so it is more consistent in size with the web address sign.

Ms. Smith Meyer moved to approve the hanging sign as submitted. Ms. Foss seconded the motion. Motion carried unanimously.

Ms. Smith Meyer stated that she did not think that the two affixed signs, showing the website address and the phone number of the business, should be allowed.

Mr. Chip Larson of Capital Physical Therapy was present. He stated that he appreciated the approval for the hanging sign. He doesn't understand the issue with the phone number or website on the two affixed signs, as he has seen a number of signs in Concord with the phone numbers listed on the signs.

Ms. McPherson stated that the ADRC thought having the website and phone number on the two affixed signs was an appropriate use of those signs, especially considering their shape and location on the building below the windows.

Mr. Lavers moved to approve the two affixed signs as submitted. Mr. Hicks seconded the motion. Motion carried with Ms. Smith Meyer and Mr. Regan voting against the motion.

- **Ocean State Job Lot for revisions to two affixed signs and one freestanding sign at 68 D'Amante Drive.**

Ms. Hebert explained that the application was for revisions to two affixed signs and one freestanding sign. She stated that the ADRC recommended approval of the signs as submitted.

Ms. Smith Meyer moved to approve the signs as submitted. Mr. Hicks seconded the motion. Motion carried unanimously.

## **2. Consideration of an application by Twelve North Main Street Realty, LLC – Siam Orchid for changes to the rear façade located at 12 North Main Street, facing Kennedy Lane. (2010-0039)**

Mr. Swope opened the public hearing.

Ms. McPherson explained that only the rear façade portion of the application was under consideration by the Planning Board at this time, as there are still issues remaining with the front of the property on North Main Street. She stated that the applicant is replacing four existing windows, replacing a wooden door with an aluminum door, and replacing a boarded up window with a wooden door. She advised that the ADRC reviewed the plans and recommended approval of the changes to the rear façade.

Mr. Swope closed the public hearing and the Board began deliberations.

Ms. Smith Meyer moved to approve the changes to the rear façade as submitted. Ms. Foss seconded the motion. Motion carried unanimously.

**3. Consideration of an application by Two Pillsbury Street Condominium Association for changes to the façade of the “penthouse” on the roof at 2 Pillsbury Street. (2012-0007)**

Mr. Swope opened the public hearing.

Ms. McPherson explained that the applicant asked that the hearing be postponed.

Ms. Foss moved to continue the hearing to the next monthly meeting of the Planning Board. Mr. Regan seconded the motion. Motion carried unanimously.

**4. Consideration of an application by Alex Ray for the installation of solar panels on the roof of The Common Man Restaurant at 25 Water Street. (2012-0008)**

Mr. Swope opened the public hearing.

Mr. Henninger reported that the application involves the installation of 12 solar collectors on the south facing roof, which are visible from Water Street and from the northbound lanes of I-93. He explained that the panels have been installed but are not connected or operational. He stated that the ADRC reviewed the application and recommended approval as submitted.

Mr. Alex Ray, owner of the Common Man Restaurant was present.

Mr. Swope closed the public hearing and the Board began deliberations.

Ms. Foss moved to approve the application as submitted. Ms. Smith Meyer seconded the motion. Motion carried unanimously.

**Major Site Plan Applications**

**5. Application by Foco, Inc., for the Friendly Kitchen, Inc., for the construction of a new building and parking lot on South Commercial Street. Along with this application is a request for a Conditional Use Permit pursuant to Article 28-7-11(b) of the Zoning Ordinance for the construction of fewer parking spaces. (2012-0005)**

Mr. Swope opened the public hearing.

Ms. Hebert reported that the Friendly Kitchen is proposing to construct a 5,936 square foot facility at 1 South Commercial Street, located in the Opportunity Corridor Performance (OCP) District. The site was previously used as a gas station and car wash and contains groundwater contamination, which is currently being monitored and investigated by the NH Department of Environmental Services. She

explained that the application applied for a Conditional Use Permit to allow for the construction of 23 parking spaces and to defer the construction of 49 additional spaces.

Ms. Hebert stated that the applicant has requested a waiver to Section 22.06(1), Drainage Study and Section 22.07 Storm Water Design Standards for Sites with Significant Impacts. She explained that the property is unique because even at full build out, there will be a significant reduction in the amount of impervious surface, which reduces the amount of storm water leaving the site and also provides for additional infiltration.

Ms. Hebert stated that the applicant has requested flexibility with the proposed building materials. The applicant would like the option of changing the cementitious siding to vinyl siding and the metal roof to architectural shingles. The ADRC recommended this flexibility be allowed. The applicant is also proposing to construct a pathway connecting the facility to South Commercial Street. A bicycle rack will be provided near the main entrance of the building, and the landscape plan includes the planting of 13 trees in the first phase of construction. She stated that the ADRC found the design of the site and landscaping appropriate as submitted and recommended approval of the proposed affixed wall sign as shown.

Ms. Smith Meyer asked how the sidewalk, which will be the primary access route to the soup kitchen, will be maintained in the winter. Ms. Hebert responded that part of the sidewalk is maintained by the State. She stated that the applicant could better respond.

Mr. Richard Uchida, from Orr & Reno, Mr. Phil Wallingford, President of the Friendly Kitchen, and Ms. Erin Reardon, from Nobis Engineering were present on behalf of the applicant.

Mr. Uchida provided an overview and timeline of the project since the fire destroyed the Friendly Kitchen building on Montgomery Street. He addressed Ms. Smith Meyer's question regarding snow removal, stating that the State is amenable to the Friendly Kitchen maintaining the sidewalk from North Main Street to Commercial Street, and they are working on a licensing agreement with the State. Mr. Uchida explained that there has been discussion with Mayor Bouley regarding the City's portion of the sidewalk and having it changed to a priority plowing area.

Mr. Wallingford provided information regarding the various sites that were looked at for this project and some of the challenges faced, such as zoning, location, cost and the availability of bus stop locations. He stated that the organization felt that the site on South Commercial Street was a good compromise, as the lot is flat and allows for a single level building with disability access, parking to include handicapped parking, and offers expansion room for companion services to be located onsite in the future.

Hearing no further comments, Mr. Swope closed the public hearing and the Board began deliberations.

Mr. Regan moved to grant Architectural Design Review approval for the site, sign, landscape, and building design of the Friendly Kitchen, as submitted by Nobis Engineering, Inc., and Warrenstreet

Architects, allowing for flexibility with the siding and roofing materials, but not color. Mr. Hicks seconded the motion. Motion carried unanimously.

Ms. Foss moved to approve the Conditional Use Permit pursuant to Article 28-7-11(b) of the Zoning Ordinance to permit the construction of fewer parking spaces than what is required by the Zoning Ordinance. The site includes the construction of 23 spaces in the first phase of construction and provides for the design and layout of an additional 49 spaces that shall be constructed if determined to be necessary by the Code Administrator. Mr. Hicks seconded the motion. Motion carried unanimously.

Ms. Foss moved to grant the Waiver Request to following Section of the Site Plan Regulations: Section 22.06(1) Drainage Study and Section 22.07 Storm Water Design Standards for Sites with Significant Impacts. The applicant is designing the site to satisfy the standards in Section 22.08 Storm Water Design Standards for Minor Impact Site Plans. The existing site includes primarily impervious surfaces with lot coverage of 82.5 percent, and the project will be reducing the area of impervious surface by approximately 27 percent, if and when it is fully built out, which represents substantial reduction in storm water runoff. Mr. Lavers seconded the motion. Motion carried unanimously.

Ms. Foss moved to grant Conditional Site Plan approval for the construction of a new facility for the Friendly Kitchen at 1 South Commercial Street, subject to the following standard conditions:

- a. Prior to the issuance of a certificate of approval by the Planning Board Chair and the issuance of any building permits for construction activity on the site, approvals of site plan drawings and supporting documents shall be obtained from the Engineering and Planning Divisions. No construction activity may commence prior to the preconstruction conference.
- b. No certificate of occupancy for any building or use shall be issued until all site improvements have been substantially completed to the satisfaction of the City Engineer.
- c. Prior to the issuance of a certificate of approval by the Planning Board Chair and issuances of any building permits for construction activity on the site, the applicant shall obtain approval of private utility plans from Unitil, Fairpoint, and National Grid.
- d. Traffic impact fees shall be assessed for any nonresidential construction contained within the limits of the approved site plan. The impact fees and procedures shall be those in effect at the time of the issuance of a building permit, as set forth in the City of Concord Code of Ordinances, Title IV, Subdivision Code: Chapter 29.2 Public Capital Facilities Impact Fee Ordinance. The specific fees assessed are those contained in Section 29.2.1-1 Assessment and Collection; subsection (b) Computation of the Amount of Impact Fees; Table 3 Transportation Facilities Impact Fee per Variable Unit.
  1. Transportation Facilities – High Turnover Restaurant (5,936 square feet).

Mr. Hicks seconded the motion. Motion carried unanimously.

**6. Application by Rumford Realty Corp., and the Friendly Kitchen, Inc., for the construction of a parking lot at 12-14 & 16 Montgomery Street. (2012-0003)**

Mr. Swope opened the public hearing.

Mr. Henninger explained that the application involves the demolition of a fire-damaged building at 12-14 Montgomery Street and the expansion of an existing parking lot at 16 Montgomery Street. The Zoning Board of Adjustment (ZBA) granted three variances for the proposed parking lot. The first variance allows 100 percent of the spaces to be designated as compact spaces, eliminating the requirement that some of the spaces be handicapped; the second allows for 20 foot wide aisles, where 24 foot wide aisles are required; and the third variance allows for less than the required five foot perimeter landscape buffers at two locations around the perimeter of the parking lot.

Mr. Henninger reported that the runoff from the site will be managed so that the peak and total volume of runoff is reduced over existing conditions for the 10-year storm event and maintained for the 25-year storm event. The expanded storm drain system provides for infiltration through the use of perforated pipes.

Mr. Henninger stated that the proposed landscaping has been reviewed by and is acceptable to City staff. The applicant has submitted a waiver request to Section 12.03(3) of the Site Plan Review Regulations to allow the landscape plan to be submitted without being prepared by a New Hampshire licensed landscape architect.

Mr. Henninger explained that a six-foot solid vinyl fence will be installed along the rear property line at the request of the abutter, and the parking lot will be lit with two night-sky compliant light fixtures with full cut-off.

Mr. Tim Golde, of Golde Planning & Design, Inc., and Matthew Serge of Upton Hatfield were present on behalf of the applicant.

Ms. Smith Meyer asked where the snow would be stored. Mr. Golde stated that the snow would be pushed onto the five foot landscape buffer and along the fence. He stated that the applicant is aware that some snow removal may need to be done.

Ms. Smith Meyer explained that she was not in favor of waiving the requirement to have the plan stamped by a New Hampshire licensed landscape architect. She stated that the arborvitaes planned along the back border should be replaced with shade trees. Ms. Hebert stated that the abutting neighbor requested the evergreen border. Ms. McPherson stated that the landscaping requirement for shade trees has been met or exceeded on this landscape plan.

Hearing no further comment, Mr. Swope closed the public hearing and the Board began deliberations.

Ms. Smith Meyer moved to grant architectural design review approval for the site and landscaping plan for a parking lot to be constructed by Rumford Realty Corporation at 12-14 & 16 Montgomery, with the condition that the arborvitaes be replaced with 3 shade trees. Ms. Foss seconded the motion. Motion carried unanimously.

Ms. Smith Meyer moved to deny the waiver to Section 12.03(3) of the Site Plan Review Regulations to allow the landscape plan to be submitted without being prepared by a New Hampshire licensed landscape architect. Ms. Foss seconded the motion.

Mr. Lavers stated that he appreciates Ms. Smith Meyer's concerns; however, this project is for a parking lot with minor landscaping, and with the motion to change the arborvitaes to shade trees, he feels that the applicant meets the concerns.

The motion to deny the waiver failed with Ms. Foss and Ms. Smith Meyer voting for the denial of the waiver and the remaining five Planning Board members voting against the denial.

Mr. Lavers moved to grant the waiver to Section 12.03(3) of the Site Plan Review Regulations to allow the landscape plan to be submitted without being prepared by a NH licensed landscape architect. Mr. Regan seconded them motion.

The motion to grant the waiver passed with five members of the Planning Board voting for granting the waiver, and Ms. Foss and Ms. Smith Meyer voting against granting the waiver.

Mr. Lavers moved to grant Conditional Site Plan approval for a parking lot to be constructed as proposed by Rumford Realty Corporation at 12-14 & 16 Montgomery Street, subject to the following standard and special conditions:

Standard Conditions:

- a. Prior to the issuance of a certificate of approval by the Planning Board Chair and the issuance of any permits for construction activity on the site, approvals of construction drawings for on-site improvements shall be obtained from the Engineering and Planning Divisions.
- b. No construction activity may commence prior to the Engineering Division's preconstruction conference and payment of inspection fees.
- c. Prior to the issuance of a certificate of approval by the Planning Board Chair and the issuance of any building permits for construction activity on the site, the following local approvals and permits shall be obtained and copies provided to the Planning Division:
  1. Driveway Alteration Permit from the Engineering Division.

Special Conditions:

- a. Prior to the issuance of a certificate of approval by the Planning Board Chair and the issuance of any permits for construction activity on the site, a voluntary merger application for the two lots making up this site shall be submitted, approved, and recorded in the Merrimack County Registry of Deeds.

Mr. Kenison seconded the motion. Motion carried unanimously.

**7. Application by the NH Department of Administrative Services requesting consideration under the provisions of RSA 674:54, for consideration of State fueling facilities to a location on Hazen Drive. (2012-0006)**

Mr. Swope opened the public hearing.

Ms. McPherson stated that because this is a state project, the Planning Board does not have permit-granting authority, but that it has the right to provide comments on the project. She reported that the applicant proposes to consolidate the NH Department of Transportation (NHDOT) fleet fuel facility to a single location from the current sites at Stickney Avenue and the NH Department of Safety (NHDOS), located on Hazen Drive in a wooded area immediately east of the NHDOS complex.

Mr. Ronald Grandmaison, from the NHDOT, Mr. Michael Connor, from the NH Department of Administrative Services, and Engineer Ronald Laurence, Jr., from Stantec, were present to present the application.

Mr. Grandmaison reported that the consolidated fueling facility will be an unmanned, automated facility with restricted access. It will be used 24 hours a day, seven days a week, including the occasional use by NHDOT snow plows. Both gasoline and diesel at both the Stickney Avenue and NHDOS sites will be decommissioned. He stated that the State has for several years been looking for a site to consolidate the NHDOT fleet fuel facility. Two sites were recommended by the City for consideration – a State-owned site on Gully Hill Road and this site on Hazen Drive.

The Planning Board discussed with the applicants the provisions for spills and runoff, provisions for excavating for the tanks without disturbing the bluff or its buffer, the canopy, lighting, landscaping, and traffic, as well as minimizing the potential impacts to residential neighbors.

Hearing no further comment, Mr. Swope closed the hearing and the Board deliberated.

The Board requested that Ms. McPherson send a letter outlining the Planning Board's comments and concerns to the State.

#### **REGULAR MEETING**

**8. Consideration of the minutes of the Planning Board meeting for January 18, 2012.**

Mr. Hicks moved to approve the minutes of the Planning Board meeting for January 18, 2012, as written. Mr. Lavers seconded the motion. Motion carried unanimously.

#### **New Business**

**9. Request for a 60-day extension of the period of validity of the conditional approvals of the Major Cluster Subdivision Application of Scott Bussiere, formerly known as the Emerald Abode Subdivision, on Graham Road. (2010-0024)**

Ms. Hebert reported that the Planning Board granted conditional final approval of a revised subdivision plan on September 15, 2010 for this project. On July 20, 2011, the Planning Board granted a six-month extension of the conditional approval, which is set to expire on March 15, 2012.

Ms. Hebert explained that the City Council just approved the release of easements for the old plans, and the applicant has obtained a new NH Department of Environmental Services Subdivision Approval and Alteration of Terrain Permit. Final plans and legal documents have been submitted to the Planning Division and Legal Department for review. She stated that the applicant intends to record the plan as soon as possible, but would like to avoid risking the loss of the subdivision approval during the final review of the application and legal documents.

Mr. Hicks moved to grant the request, pursuant to Section 10.09(9) Extension of Approvals of the Subdivision Regulations, for a sixty-day extension for this application, extending the period of validity through May 14, 2012, indicating that all conditions of the original subdivision approval shall remain in full force and effect. Ms. Smith Meyer seconded the motion.

Mr. Hicks stated that he would be reluctant to grant additional extensions on this project.

Motion carried unanimously.

There was no further business to come before the Planning Board, and the meeting adjourned at 8:19 p.m.

A TRUE RECORD ATTEST:

Gloria McPherson  
Clerk

djm