

The regular monthly meeting of the City Planning Board was held on February 16, 2011, in the City Council Chambers in the City Hall Annex at 7:00 PM.

Present at the meeting were Members Drypolcher, Dolcino, Foss, Hicks (who arrived at 7:31 PM), Meyer, Shurtleff (City Council representative), and Alternate Member Kenison (who was seated for absent Member Swope). Mr. Woodward, Ms. Hebert and Ms. Osgood of the City Planning Division were also present, as was Ms. Aibel, the City's Associate Engineer.

At 7:00 PM a quorum was present, the Chair called the meeting to order and seated Alternate Member Kenison for Member Swope who was not expected.

## APPLICATIONS

### Minor Subdivisions

1. Application by **Paul Lillios, and James M. and Nancy W. Moran, Sr.** for approval of a resubdivision of property located at **17 Tower Circle and 69-73 Village Street. (#2011-05)**

#### Determination of Completeness

Ms. Hebert explained this proposal to adjust a lot line between an 18,943 square foot lot at 17 Tower Circle and a 6.45 acre parcel with frontage on Village Street.

She reported the application is complete and ready for public hearing.

Mr. Kenison moved and Ms. Meyer seconded that the Planning Board determine this application to be complete and open the public hearing. Motion carried.

#### Public Hearing

Ms. Hebert explained this proposal to adjust a lot line between an 18,943 square foot lot at 17 Tower Circle and a 6.45 acre parcel with frontage on Village Street. The applicant proposes to convey 395 square feet of land to the parcel on Tower Circle. A portion of the recently constructed home on Tower Circle was accidentally built within the rear yard setback. The lot line adjustment will correct the encroachment in the rear setback and eliminate the nonconformity with the Zoning Ordinance.

She reported that the applicant has requested a waiver to Section 15.03(4), Topography, of the Subdivision Regulations to not provide the topographic information on the subdivision plat. Staff supports the waiver request, given the small area affected by this minor subdivision and the flat open terrain of the site.

Timothy Bernier from T. F. Bernier, Inc. was present on behalf of the applicant to answer questions from the Board.

There was no one else present who wished to speak for or against this application and the Chair declared the hearing closed at 7:02 PM.

### Deliberations and Action on the Application

Ms. Meyer moved that the Planning Board grant a waiver to Section 15.03(4), Topography, of the Subdivision Regulations to not provide topographic information. The Board found that this information is not needed in order for the Board to review and act on this lot line adjustment. Ms. Foss seconded. Motion carried.

Mr. Kenison moved that the Planning Board grant final subdivision approval for the minor subdivision application of James M. Sr. & Nancy W. Moran and Paul C. Lillios, as prepared by T.F. Bernier, Inc., plan entitled "Lot Line Adjustment Plan Prepared for Preferred Homes, Inc. - Assessors Map P23 Block 1 Lot 40 & Assessors Map 192-P Lot 100 - #17 Tower Circle & #69-73 Village Street - Concord, New Hampshire" subject to the following standard condition:

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.

Ms. Foss seconded. Motion carried.

### Major Subdivisions

2. Application by **R.J. Moreau Communities Inc.** for approval of a subdivision of property located westerly of **Emily Way and Kyle Road**. Along with this application is a request for a Conditional Use Permit pursuant to Section 28-4-3(d), Disturbance to a Wetland Buffer, of the Zoning Ordinance. (#2011-07)

### Determination of Completeness

Ms. Hebert explained this proposal to subdivide 22 new single family residential lots, reserving one 77.38 acre parcel for future development.

She reported this application is complete and ready to set for public hearing.

Ms. Meyer moved and Ms. Dolcino seconded that the Planning Board determine this application to be complete and to set it for public hearing on March 16, 2011. Motion carried.

### Minor Site Plan and Conditional Use Permit Applications

3. Application by the **NH Real Estate Investment Corporation on behalf of Gregory Lessard** for a site plan of property located at **113 Storrs Street**. (#2011-02)

### Determination of Completeness

Mr. Woodward explained this proposal for a change of use requiring minor site plan approval to convert a portion of the ground floor of an existing building from warehousing to retail.

He reported the application is complete and ready for public hearing.

Mr. Kenison moved and Ms. Foss seconded that the Planning Board determine this application to be complete and open the public hearing. Motion carried.

### Public Hearing

Mr. Woodward explained this proposal for a change of use requiring minor site plan approval to convert 1,320 square feet of the ground floor of an existing multi-story, multi-tenant building with building entries on both Storrs Street and Low Avenue in downtown Concord from warehousing to retail. No changes are proposed to the site, and off-street parking is not required for uses in the Central Business Performance District. The proposed use will be accessed from Storrs Street but is set back from the main building façade on Storrs Street.

A portion of the proposed tenant space has been used in the last two years for retail space. Hence, the proposed change of use involves less floor area than the total area of the tenant space. In addition, a 264 square-foot area within the retail space will be enclosed to separate the building's mechanical heating and water heating systems from the retail space. No change of use is involved for this 264 square-foot area as well.

He reported that the applicant is considering revisions to the exterior wall which will become the store front, and will return in the coming months for Architectural Design Review approval for changes to the exterior façade and for signage.

Greg Lessard was present as applicant to answer questions from the Board.

There was no one else present who wished to speak for or against this application and the Chair declared the hearing closed at 7:07 PM.

### Deliberations and Action on the Application

Mr. Kenison moved that the Planning Board grant conditional site plan approval for the proposed change of use for a 1,320 square foot conversion from warehousing to retail use on the ground floor at 113 Storrs Street, subject to the following condition:

1. Traffic impact fees shall be assessed for the change of use for 1,320 square feet from Warehousing to Small Retail (0-5,000 square feet). 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.

- a. Transportation Facilities - Change of use from Warehousing to Small Retail (0-5,000 square feet). An Impact Fee of \$1,460 will be assessed as shown on the Impact Fee Worksheet provided to the Board this evening.

Ms. Foss seconded. Motion carried.

4. Application by **Tropic Star Development on behalf of Burger King Corporation, the Hall 2001 Family Revocable Trust, and Jean B. Chase** for a Conditional Use Permit pursuant to Section 28-7-11(b), Construction of Fewer Parking Spaces, of the Zoning Ordinance, at 155 and 157 Loudon Road. (#2009-04)

#### Determination of Completeness

Ms. Hebert explained this proposal for a revision to the previously approved Conditional Use Permit to construct 87 parking spaces and increase the number of deferred parking spaces to fourteen spaces to achieve the required 101 parking spaces. The proposal also includes the relocation of two dumpsters on site. The new dumpster location requires a small change to the design of the parking area.

She reported the application is complete and ready for public hearing.

Mr. Shurtleff moved and Ms. Meyer seconded that the Planning Board determine this application to be complete and open the public hearing. Motion carried.

#### Public Hearing

Ms. Hebert explained this proposal for a revision to the previously approved Conditional Use Permit to construct 87 parking spaces and increase the number of deferred parking spaces to fourteen spaces to achieve the required 101 parking spaces. The proposal also includes the relocation of two dumpsters on site. The new dumpster location requires a small change to the design of the parking area.

She explained that on September 15, 2010, the Planning Board granted conditional Site Plan approval, Architectural Design Review approval for the site and buildings, and two Conditional Use Permits for the construction of a CVS Pharmacy and Burger King Restaurant at 155 and 157 Loudon Road. The Board granted Architectural Design Review approval for revised building elevations and signs for the proposed Burger King at its meeting on January 19, 2011.

During the original approval in September 2010, the Board granted a Conditional Use Permit pursuant to Article 28-7-11(b), Construction of Fewer Parking Spaces, of the City of Concord Zoning Ordinance, to construct 89 parking spaces where 101 spaces are required. The approved site plan shows the location of the twelve spaces to be

constructed if the Zoning Administrator determines that parking demand warrants the additional spaces. City staff supported the previous request and had recommended that up to five additional spaces be deferred in prior deliberations. Staff is also supportive of the request to revise the Conditional Use Permit to increase the deferred parking spaces from twelve to fourteen spaces.

She reported that the applicant has submitted a revised landscaping plan in support of the relocated dumpsters and parking.

Wayne Morrill from Jones and Beach was present on behalf of the applicant and explained that the dumpster enclosure is the same as that approved for CVS. It will be concrete with wood gates. He also reported that they have added more and taller plant material around the enclosure and have added landscaping to the landscape island at the Loudon Road access.

There was no one else present who wished to speak for or against this application and the Chair declared the hearing closed at 7:14 PM.

#### Deliberations and Action on the Application

Ms. Meyer moved that the Planning Board grant a revision to the Conditional Use Permit previously approved on September 9, 2010, pursuant to Article 28-7-11 (b) Construction of Fewer Parking Spaces to construct 87 parking spaces where 101 spaces are required for Tropic Star Development, LLC at 155 and 157 Loudon Road. The revised site plan includes the location of the fourteen spaces to be constructed if the Zoning Administrator determines that parking demand warrants the additional spaces. Ms. Foss seconded. Motion carried.

#### Major Site Plan Applications

5. Application of **Milano Real Estate Associates LLC** for a site plan of property located at **313-317 Loudon Road**. Along with this application is a request for a Conditional Use Permit pursuant to Section 28-4-3(d), Disturbance to a Wetland Buffer, of the Zoning Ordinance. (**#2011-04**)

#### Determination of Completeness

Mr. Woodward explained this proposal to construct an 11,650 square-foot multi-tenant retail building on the last vacant lot at the Milano-Vincenza commercial condominium development on Loudon Road.

He reported the application is complete and ready for public hearing.

Mr. Kenison moved and Mr. Shurtleff seconded that the Planning Board determine this application to be complete and set it for public hearing on March 16, 2011. Motion carried.

6. Application of **Public Service Company of New Hampshire (PSNH)** for a site plan of property located at the end of **Farmwood Road**. Along with this application are requests for Conditional Use Permits pursuant to Section 28-2-4(j) Table of Principal Uses, Use K-11, Essential Public Utilities and Appurtenances, and 28-4-3(d) Disturbance to a Wetland Buffer, of the Zoning Ordinance. (**#2011-06**)

#### Determination of Completeness

Ms. Hebert explained this proposal to expand the existing gravel substation yard at the end of Farmwood Road by 16,550 square feet. The applicant has also applied for a Conditional Use Permit to impact 19,000 square feet of wetland buffer area at the end of Farmwood Road.

She reported the application is complete and ready for public hearing.

Ms. Meyer moved and Ms. Foss seconded that the Planning Board determine this application to be complete and set it for public hearing on March 16, 2011. Motion carried.

#### Architectural Design Review

7. 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.

- **Claudia's** for one new affixed sign at **113 Storrs Street**
- **Claudia's** for a new panel on an existing freestanding sign located on City property adjacent to **113 Storrs Street**. This sign will require a license from the City Council.

The Chair opened the public hearings for both signs.

Mr. Woodward explained this proposal to move an affixed sign from the current location on South Main Street to their new location on Storrs Street. He explained that there is also an existing freestanding sign in front of the building which has panel space for three tenants. The applicant has also submitted an application for a new panel on the freestanding sign. However, when the existing sign was installed, it was licensed to one tenant. When that tenant moved out of the building, the license and the insurance were not renewed.

There was no one present on behalf of the applicant.

Ms. Meyer moved approval of both the affixed sign and the new panel in the existing freestanding sign as submitted, with the recommendation that licensing for the freestanding sign be acquired by the owner of the building. Mr. Kenison seconded. Motion carried.

8. Consideration of an application by **Concord Food Cooperative Inc.** for changes to the building façades as well as a 384 square-foot addition at **24-26 South Main Street. (#2011-08)**

Public Hearing

Mr. Woodward explained this proposal to reconstruct the easterly façade, create a green wall on the southerly elevation, and construct a 384 square-foot addition with the green wall on its easterly façade, together with interior renovations at 24-26 South Main Street. The new addition will provide an area for unloading of deliveries on-site rather than on the sidewalk. While off-street parking is not required for uses in the Central Business Performance District, the applicants have an existing parking lot and will be relocating the dumpsters to a back corner of the parking lot to allow for the small addition. An exiting utility pole with transformers that is currently located at the southeast corner of the building will be removed and power will be brought underground from the street to the building.

The front façade will be brick in a color to match the existing brick on the north elevation. A metal roof, in a color referred to as boysenberry, is proposed for the new entry vestibule and along the front parapet. On the south elevation, just west of the entry, there will be a wall mural, with the balance of the wall (80%) covered with the green wall. The green wall will have plantings at ground level which will be selected so as to grow up the wall on a metal grid attached to the wall.

He reported that the Design Review Committee had reviewed the application at their meeting on February 8, 2011, and recommended approval as submitted.

(Mr. Hicks arrived at 7:31 PM and was seated.)

David Baer from Milestone Engineering was present on behalf of the applicant to answer questions from the Board.

Ms. Meyer expressed disappointment about the treatment of the southeast corner of the building. She found it reminiscent of the big box drug stores and felt it did not speak to the architecture of the downtown. It is a lovely design but not necessarily appropriate in this location. She did not think the tower element needed to be there, given what it would cost to construct it. She did not feel the tower was necessary.

There was no one else present who wished to speak for or against this application and the Chair declared the hearing closed at 7:41 PM.

Ms. Dolcino moved that the Planning Board grant Architectural Design Review approval for the proposed reconstruction of the easterly façade, creation of a green wall on the southerly elevation, and construction of a 384 square-foot addition with a continuation of the green wall on its easterly facade at 24-26 South Main Street, subject to the following condition:

1. Traffic impact fees shall be assessed for the added floor area to the ground level retail space and the change of use for a portion of the basement from warehousing to office. 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.
  - a. Transportation Facilities - New small retail floor space plus change of use from Warehousing to general office use. An Impact Fee of \$1,303 will be assessed as shown on the Impact Fee Worksheet provided to the Board this evening.

Ms. Foss seconded. Motion carried, 6-1, with Ms. Meyer voting against.

### REGULAR MEETING

#### Minutes

Mr. Kenison moved approval of the minutes of the meeting of January 19, 2011, as submitted. Mr. Shurtleff seconded. Motion carried.

#### Further Consideration

10. Further consideration of an application for approval of a development on which a public hearing has previously been held:
  - a. Application by **Seelye and David Longnecker on behalf of the Concord Housing and Redevelopment Authority** for a site plan of located at **23-25 Green Street**. Along with this application is a request for a Conditional Use Permit pursuant to Section 28-7-11(c), Driveway Separation Alternatives, of the Zoning Ordinance. (#2010-47)

#### Deliberations and Action on the Conditional Use Permit Application

#### Deliberations and Action on the Minor Site Plan Application

#### Deliberations and Action on Architectural Design Review

The Chair noted that the Planning Board held a public hearing and, following testimony, tabled action at the December meeting and gave the applicants direction to engage in conversation with the Heritage Commission to determine the cost of renovating the subject property as an alternative to demolition.

Mr. Woodward explained that the parties were asked to meet and confer about the advisability and financial feasibility of the adaptive re-use or renovation of this property, and to fund the investigation through an available grant with an appropriate

matching contribution from the Concord Housing and Redevelopment Authority. The Planning Board had offered the services of the City Planner to convene the parties and facilitate discussion.

He reported that the parties met on several occasions, the CHRA availed themselves of the grant and retained the services of Milestone Engineering. The consultant developed concepts for ADA accessibility and for addressing structural deficits to allow for an office use that CHRA required, while providing for maintenance of the front section of the building including removal of lead paint from the clapboards and shingles. Both parties found the consultant's efforts to be fruitful and fair.

He reported that, after due consideration, Concord Housing and Redevelopment Authority concluded that the additional cost of saving the portion of the building was beyond their means.

He noted that the Planning Board had received a communication from W. David and Seelye Longnecker who spelled out the difficulties they had had with this rental property both in the unexpected expenses they had incurred and the difficulty in renting the residential units. They asked that the Board take into consideration in its deliberations their rights as property owners.

Mr. Woodward also pointed out that the Board had received a letter from the Heritage Commission in which they report they are satisfied with the process taken to determine the costs for each proposal and their belief that all parties acted in good faith throughout the process. However, the Commission remained steadfast in its opposition to the proposed demolition as it is a historic, contributing property situated within a historic district determined to be eligible for the National Register. The Commission further believes demolition is contrary to the intent of the City's Master Plan policies and goals, which speak to the importance of preserving the city's historic buildings and streetscapes as well as maintenance of existing housing stock and retention of housing in close proximity to downtown.

Ms. Meyer agreed with the Heritage Commission in that the estimate was based on renovating the building to conform to the proposal rather than going back to square one. She felt that demolishing this building was not in keeping with the Master Plan's goal of preserving the historic fabric of the city. It seemed to her that there were many other buildings worthy of demolition but this was one that she could not justify allowing to be demolished. The two trees in the front would probably not survive and the city would have lost another historic home, all part of the architectural fabric of the community. She did not think that was necessary. As much as she appreciated the letter from the property owner, that should not play into the Board's decision. She was very discouraged and disappointed.

Mr. Drypolcher felt the Planning Board got the results it asked for and he did not fault them for preferring new construction that replicates the existing house. Maybe this was not the right property for them. Demolition should not be the Board's standard.

Mr. Hicks discussed preserving the property owner's rights as well as preserving historic properties. The CHRA did what the Planning Board asked. They had taken great pains to make this as comfortable as possible for all involved. He did not think the Planning Board had the authority to deny them since they had gone through the process.

Mr. Hicks moved that the Planning Board grant Architectural Design Review approval for the site and landscape plans, and building design, of Concord Housing & Redevelopment Authority as submitted by Robert F. Rook, P.E. and Warrenstreet Architects; approve the Conditional Use Permit pursuant to Article 28-7-11(f) of the Zoning Ordinance to permit a driveway separation between the adjacent driveway to the north and the Green Street/School Street intersection that is less than what is required by the Zoning Ordinance; grant the waiver request to Section 8.06 of the Site Plan Regulations to permit the installation of utilities including electric, telephone and cable utilities above ground, inasmuch as the Board finds the waiver request to be in keeping with the character of the neighborhood; and grant conditional site plan approval for the construction of an office building at 23-25 Green Street, as submitted by Robert F. Rook, P.E. and Warrenstreet Architects subject to the following standard 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), the applicant shall revise the site plan drawings to address the minor corrections and omissions noted by city staff.
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), approval shall be obtained for the construction drawings and specifications for all public and private improvements from the Engineering and Planning Divisions. No construction activity may commence prior to the preconstruction conference.
3. No certificate of occupancy shall be issued until all public and private improvements have been substantially completed to the satisfaction of the City Engineer.
4. 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 shall obtain approval of private utility plans from Unitil, Fairpoint, and National Grid.
5. Traffic impact fees shall be assessed for any non-residential 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.

- a. Transportation Facilities - Single Tenant Office with 3,097 square feet. An Impact Fee of \$1,303 will be assessed as shown on the Impact Fee Worksheet provided to the Board this evening.

Ms. Dolcino seconded.

Mr. Shurtleff agreed with Ms. Meyer that it is another sad day for Concord. The city will be losing another building that was constructed before the Mexican War. It is too bad this could not be kept a part of our heritage.

Motion carried, 6-1, with Ms. Meyer voting against.

Mr. Shurtleff thanked the Heritage Commission for all the work they had done on this.

Mr. Drypolcher added that he understood that it was a good process and commended all the parties involved.

#### New Business

11. Consideration of a request for a waiver of the Subdivision Regulations by **Whispering Heights** for another one year extension of the period of validity of a conditionally approved cluster subdivision, for property on **Portsmouth Street and Curtisville Road. (#2005-10)**

Mr. Woodward explained this request for an extension of the conditional subdivision approval of the application, seeking to extend the period of validity through April 16, 2012.

He explained that the Planning Board, at a meeting on April 16, 2008, granted conditional final approval of the major subdivision application of Links Realty Trust, Lucille P. Bollinger Trust, Robert & Lucille Bollinger Trustees, and Mark and Carolyn Blasko for an 87-lot cluster subdivision of property on Portsmouth Street and Curtisville Road. The original approval was valid for a period of one year or until April 16, 2009. The applicants filed a request for an extension in February 2009, and at a meeting on March 18, 2009, the Board granted a waiver of the Subdivision Regulations for a one-year extension to the conditional final approval extending the period of validity through April 16, 2010. The applicants filed a request for an extension in February 2010, and at a meeting on March 18, 2010, the Board granted a waiver of the Subdivision Regulations for a one-year extension to the conditional final approval extending the period of validity through April 16, 2011, subject to receipt of an extension or a new Alteration of Terrain permit from NHDES, and that all conditions of the original subdivision approval shall remain in full force and effect..

He reported that the applicants had requested extension of the issued Alteration of Terrain permit but were too late in doing so and have spent a good deal of time working with Department of Environmental Services to redesign some elements of the project in order to file for a new AOT permit within the next few months.

Mr. Woodward explained that any extensions of a final subdivision approval may be granted by the Board as a waiver of the Subdivision Regulations, and the Board has often granted one-year extensions, but has generally required that an applicant present requests for anything more than that at the end of the one year extension. The Board has evaluated the request at that time to determine if conditions related to the subdivision have changed or otherwise warrant another one-year extension. If conditions have changed, the Board has denied the waiver for a further extension, and after several extensions, the Board has also indicated to applicants that a requested extension will be the final one as the passage of time alone creates an issue in terms of new abutters having no recorded plat as a means of learning of the existence of the application and the pending change in their neighborhood.

In this case, the applicant has indicated that economic conditions have continued to prevent them from initiating the construction of the improvements. Also, one of the partners passed away which caused a restructuring of relationships with the estate, and lastly, they met with NHDES relative to a new application for an Alteration of Terrain permit but have not received one at this time.

The Chair clarified that the applicants cannot proceed without a new Alteration of Terrain permit.

Mr. Kenison moved that the Planning Board grant a waiver of the Subdivision Regulations for an extension for the subdivision approvals, extending the period of validity through April 16, 2012. Mr. Shurtleff seconded. Motion carried.

12. Consideration of a request for a waiver of the Subdivision Regulations by **Susan Taylor** for another one year extension of the period of validity of a conditionally approved minor subdivision, for property on **Shaker Road. (#2009-06)**

Mr. Woodward explained this request for another extension of the conditional subdivision approval of the above referenced application seeking to extend the period of validity through May 18, 2011.

He explained that the Planning Board, at a meeting on February 18, 2009, granted conditional final approval of the minor subdivision application of Susan Taylor for a two-lot subdivision of property on Shaker Road. At the same time the Board also granted a Conditional Use Permit pursuant to Section 28-5-46, Single-Family Dwellings in a Standard (Non-cluster) Subdivision, of the Concord Zoning ordinance. CUPs are valid for a period of two years from the date of approval. However, the conditional minor subdivision approval is valid for a period of one year only, or until February 18, 2010. At its regular meeting on January 20, 2010, the Board granted a one year extension of the approval through February 18, 2011.

He reported that any extensions of a final subdivision approval may be granted by the Board as a waiver of the Subdivision Regulations, and the Board has often granted one-year extensions, but has generally required that an applicant present requests for anything more than that at the end of the one year extension. The Board has evaluated the request at that time to determine if conditions related to the subdivision have changed or otherwise warrant another one-year extension. If conditions have changed, the Board has denied the waiver for a further extension, and after several extensions, the Board has also indicated to applicants that a requested extension will be the final one as the passage of time alone creates an issue in terms of new abutters having no recorded plat as a means of learning of the existence of the application and the pending change in their neighborhood.

He reported that, in this case, the applicant has indicated that they are working to finalize the boundary marking of the conservation easement. There are no changes to the Regulations that affect this site, and the NHDES Approval for Subdivision remains valid until May 19, 2011. Therefore, an extension until May 18, 2011 appears to be reasonable for the Board to grant, and this time must necessarily include the Conditional Use Permit which will also expire on February 18, 2011.

Mr. Shurtleff moved that the Planning Board grant a waiver of the Subdivision Regulations for an extension for the subdivision and Conditional Use Permit approvals, extending the period of validity through May 18, 2011. Ms. Meyer seconded. Motion carried.

### INFORMATION

- Communication from Jonathan S. Springer relative to postponing consideration of the application by **St. Paul's School on behalf of Florida Tower Partners LLC**

Mr. Woodward reported that the Planning Board had received a request from Attorney Jonathan Springer on behalf of the applicants requesting postponement of consideration of this application until the March 16, 2011 meeting.

No action was necessary at this time.

- Reminder of upcoming meetings:
  - Special meeting on **Wednesday February 23, 2011** to hear a presentation on the Draft Bicycle Master Plan prepared by the CNHRPC; to hear a presentation on a feasibility study for a Merrimack River Greenway Path prepared by Fay, Spofford, and Thorndike; and to continue the review of the draft Site Plan Regulations.

Mr. Woodward reminded members of the special meeting on February 23, 2011.

Since there will be a review of the draft Site Plan Review Regulations at this meeting, Mr. Woodward also discussed the earlier deliberations this evening regarding the demolition of a historic building and how the Planning Board could address that kind of situation in its Regulations. He noted that Mr. Lemay had commented to him that historic buildings should be identified so that prospective investors would know that there would be more public process and concern over the demolition of such buildings. He felt it might be worth providing requirements for a process similar to the one just completed for 23-25 Green Street for identified historic properties that are proposed for demolition. The only other possibility for truly regulating demolition of historic buildings in the manner in which other communities do it is through the expansion of historic districts to include other historic areas of the city.

In terms of tools and strategies for encouraging adaptive reuse, Ms. Foss was not sure that additional historic districts would be the answer. She felt the process should apply to buildings that are worthy of review rather than restricted to a geographic area.

There was no further business to come before the Board and the meeting adjourned at 8:40 PM.

A TRUE RECORD ATTEST:

Douglas G. Woodward  
Clerk

o