

The regular monthly meeting of the City Planning Board was held on April 20, 2011, in the City Council Chambers in the City Hall Annex at 7:00 PM.

Present at the meeting were Members Drypolcher, Swope, Foss, Meyer, Shurtleff (City Council representative), and Alternate Member Kenison (who was seated for Member Dolcino). Messrs. Woodward and Henninger and Ms. Osgood of the City Planning Division were also present, as was Mr. Roberge, the City Engineer.

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

APPLICATIONS

Review of Governmental Land Uses Pursuant to RSA 674:54

1. The **New Hampshire Technical Institute** proposes to implement a comprehensive plan for identification and wayfinding signage for the campus at **31 College Drive. (#2011-18)**

Public Hearing

(Ms. Meyer recused herself and left the table.)

Mr. Woodward explained that NHTI proposed to establish a system of wayfinding and directional signage for the campus. Of particular interest is the inclusion of an electronic message center sign on the campus intended to display the time, title, and location of an event or activity on the campus. The other signs are all of an identification and directional nature inclusive of the McAuliffe-Shepard Discovery Center. He indicated that the Design Review Committee had considered the plans and asked Mr. Henninger to relate the discussion and findings of the Committee.

Mr. Henninger reported that the Design Review Committee had considered found the sign package as presented to be an attractive coordinated signage plan for this campus. They did express concern that the electronic message center sign not be set to flash or scroll or have a bright colored background, even though the sign is internal to the campus and not on a public street.

He reported that the Design Review Committee had recommended that the Planning Board advise the New Hampshire Technical Institute that they find the overall sign program to be an improvement for the campus, with suggestions that NHTI not use a colored background for the electronic variable message sign and not have the sign change rapidly.

Stephen Caccia, Vice President for Student Affairs at NHTI, explained that they had undergone a comprehensive audit of their campus signage and wayfinding program. He explained they had a three year plan to phase in the updated signage, starting by

concentrating on vehicular directional signage, main and secondary entrance identification signs, building identification signs, pedestrian directional signs, and campus directory signs.

He explained that NHTI had determined that many of their students, prospective students, and guests had a difficult time navigating their campus. Whether it is driving onto campus from Fort Eddy Road or driving onto campus from Delta Drive, many people have expressed the challenge of finding the right parking lot or the right building for their visit.

He explained that the Student Government would like to see an LED variable message sign in the heart of the campus to be used particularly for events and directing guests to those events. The Student Government has offered to fund this sign. When guests unfamiliar with the campus drive to NHTI via Fort Eddy Road and come to the three-way stop, they are currently met with a billboard type sign directing them to their particular event. These signs are not particularly visible or aesthetically pleasing to the eye and sometimes not very helpful. The proposed sign would have the same architectural design as all of the signage that will be installed. This sign would also have an electronic static message panel which would allow them to inform students and guests of special events. They expect to remotely change the message on a daily basis to stay current with NHTI events. This sign will be installed in the interior of the campus and will not be visible to any traffic on I-393 or other public roadway. NHTI wants this information sign to be non-intrusive and aesthetically pleasing and to meet the needs of the thousands of students and guests that visit daily.

There was no one else who wished to speak for or against this proposal and the Chair declared the hearing closed at 7:09 PM.

Deliberations and Action

Mr. Swope felt this was a well thought out program and the Planning Board should pat them on the back and thank them for their efforts.

Mr. Swope moved that the Planning Board advise the New Hampshire Technical Institute that the Board finds the overall sign program to be an improvement for the campus, with the suggestion that the NHTI not use a colored background for the electronic variable message sign, and that the messages on the sign change only after a period of static display of several hours, so that the sign does not appear to scroll or flash. Mr. Shurtleff seconded. Motion carried with Ms. Meyer abstaining from discussion and vote.

Minor Subdivisions

2. Application by **Susan Benson** for approval of a subdivision of property located at **9 Rolinda Avenue. (#2011-15)**

Determination of Completeness

Mr. Woodward explained this proposal to subdivide an existing 1.58 acre parcel, on which there is an existing residential dwelling, to create one additional building lot.

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

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

Public Hearing

Mr. Woodward explained this proposal to subdivide an existing 1.58 acre parcel, on which there is an existing residential dwelling, to create one additional building lot. The new parcel will be 29,841 square feet and the existing house will remain on a 39,236 square foot parcel. An existing 20-foot wide access and utility easement is located on the adjacent property at 13 Rolinda Avenue. The easement is parallel to the westerly side lot line of the proposed new lot. The City retained this easement to provide a pedestrian connection to Russell Martin Park from the neighborhood to the north.

There was no one present on behalf of the applicant and no one present who wished to speak for or against the application and the Chair declared the hearing closed at 7:12 PM.

Mr. Swope moved that the Planning Board grant conditional final subdivision approval for the minor subdivision application of Susan E. Benson as prepared by Holden Engineering & Surveying, Inc. subject to the following 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. Traffic, recreation and school impact fees shall be assessed for any construction on the new lot contained within this approved subdivision. 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, and 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 1, School Facilities Impact Fee per variable unit; and Table 2, Recreational Facilities Impact Fee per Variable Unit; and Table 3, Transportation Facilities Impact Fee per Variable Unit.
 - a. School Facilities - Single Family Residence
 - b. Recreational Facilities - Single Family Residence
 - c. Transportation Facilities - Single Family Residence

Mr. Shurtleff seconded. Motion carried.

3. **P & M Realty of Concord LLC** for approval of a subdivision of by virtue of creation of a land condominium on property located at **South Main Street and Langdon Avenue. (#2011-09)**

Recessed Public Hearing

The Chair re-opened the public hearing which had been recessed at the March meeting.

Mr. Henninger explained this proposal to create a condominium with two land units on a 35.93 acre property with frontage at two locations on South Main Street and along a private street known as Langdon Avenue. A condominium Land Unit 1 containing 1.50 acres is proposed at the northwest corner of the property at the intersection of Langdon Avenue and South Main Street. A 1.17 acre common area is proposed for that portion of Langdon Avenue controlled by the applicant and for a portion of a future common private drive. The remaining 33.26 acres is included in Land Unit 2. This unit will contain the approved, but not yet constructed, Concord Steam co-generation facility. A Limited Common Area Conservation Easement is proposed to encumber 13.54 acres consisting of a portion of the South End Marsh, leaving 19.72 acres for future development, of which 0.42 acres along South Main Street is separated from the main development site off Langdon Avenue by the proposed conservation easement. The draft condominium documents indicate that up to six future land units may be subdivided from Land Unit 2.

He reported that a site plan for Unit 1 has been submitted for Evolution Rock and is on the Planning Board agenda this evening. Land Unit 2 has previously received site plan approval from the Board for a co-generation facility for Concord Steam. The Concord Steam site plan was approved with the following easements which need to be included and executed as part of this subdivision:

- A drainage easement for the existing 36-inch diameter municipal storm drain which runs across the property.
- An agreement to convey a conservation easement for the South End Marsh, together with steep slopes and wetland buffers located on this site.
- An agreement to convey an easement for Langdon Avenue as a future City street.
- A trail easement from the conservation easement area to South Main Street at Langdon Avenue.
- An agreement to convey two drainage easements for Land Unit 1 on Land Unit 2.

Mr. Henninger reported that City staff has recommended a general utility easement be conveyed to the City over Common Area A, including that portion of Langdon Avenue controlled by the applicant. This would help address issues with many public and private utilities which exist in this area. A number of utility lines do not have defined easements or, where easements are defined, the actual improvements may be partially outside the defined easement area. It will likely be a number of years before the City will be in a position to accept Langdon Avenue as a City street. The general utility

easement will facilitate any utility work which may need to be undertaken in the interim period before Langdon Avenue is reconstructed and becomes a municipal street. This easement has been so noted on the subdivision plat.

He reported that the Conservation Commission had a number of comments on the conservation easement language which need to be addressed by the applicant. The Commission has asked for information on any existing Brownfield studies and has requested that any debris or materials dumped within the conservation easement be removed and the disturbed areas re-vegetated. The applicant proposes to remove the remaining debris in the conservation area prior to conveyance. The latest environmental study of the property, completed in November 2010, found limited contamination on the site and no remedial action is required within the conservation easement area.

He reported that it had been agreed that recording the conservation easement would be deferred until the exercise of the site plan approval of the steam plant, issuance of a building permit for the steam plant, or by December 31, 2011, whichever occurs first. This will allow for the removal of material and debris prior to the establishment of the City's interest in the conservation area.

Timothy Golde, from Golde Planning & Design, was present on behalf of the applicant.

There was no one who wished to speak for or against this proposal and the Chair declared the hearing closed at 7:24 PM.

Deliberations and Action on Application

Mr. Swope moved that the Planning Board grant conditional final subdivision approval for the "Condominium Plat Prepared for P & M Realty of Concord, LLC", 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, the following easement documents, 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. A drainage easement for the municipal, 36-inch diameter storm drain easement.
 - b. An agreement to convey a conservation easement for the South End Marsh, together with steep slopes and wetland buffers located on this site. The agreement shall stipulate that the conservation easement shall either be conveyed as part of the exercise of the site plan approval of the steam plant

(2008-11) or by December 31, 2011, whichever occurs first. The conservation easement shall clearly state that the City shall incur no liability or responsibility for any pre-existing contamination on site.

- c. An agreement to convey Langdon Avenue as a City Street.
 - d. A general municipal utility easement on Common Area "A".
 - e. A 10-foot wide trail easement over the site from the conservation easement area on Land Unit 2 through Land Unit 1 to South Main Street at Langdon Avenue.
3. 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's Geographic Information System (GIS) and tax maps. The information shall be submitted in accordance with Section 12.08 of the Subdivision Regulations.

Special Conditions

4. Prior to the final plat being signed by the Planning Board Chair and Clerk, the applicant shall revise the conservation easement to the satisfaction of the Conservation Commission and the Clerk of the Board.
5. Prior to the final plat being signed by the Planning Board Chair and Clerk, the applicant shall revise the proposed drainage easement, the general municipal utility easement for Common Area "A", and the agreement to convey an easement to be acceptable to the Clerk of the Board and the City Engineer.
6. Prior to the final plat being signed by the Planning Board Chair and Clerk, the applicant shall revoke an existing license to utilize a portion of the proposed conservation easement to Ernest and Lisa Mills. The conservation easement shall incorporate language that the conservation restrictions and responsibilities shall not come into full force and effect for the license area until any trash, material, and debris which may have been placed within the conservation easement is removed and the disturbed area restored.

Mr. Shurtleff seconded. Motion carried.

Major Subdivisions

4. 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)

Recessed Public Hearing

The Chair re-opened the public hearing which had been recessed at the March meeting.

Mr. Woodward explained this proposal to create 22 new single family residential lots, and reserve one 77.38 acre parcel for future development. The applicant has also requested a Conditional Use Permit for impacts to the wetland buffer. There is a small area of wetland buffer impact caused by the grading associated with the roadway construction. The impact is necessary in order for the proposed roadway to connect with The Vineyards.

He reported that the Planning Board had opened a public hearing, taken testimony, and then voted to recess the public hearing to allow R.J. Moreau Communities additional time to address comments and concerns identified by staff during the review of the subdivision application and to provide the applicant time to further investigate the presence of ponded water onsite, as shown on the 2010 aerial photograph. The Board also advised the applicant that the proposed street trees should be placed within the five-foot grass panel between the sidewalk and roadway and further advised the applicant that if the existing well at 77 Blueberry Lane is damaged as a result of the proposed construction, the applicant will be responsible for the replacement and/or repair of this well.

Mr. Woodward reported that the applicant had submitted a waiver request to Sections 16.01(4) and 16.03(4) of the Subdivision Regulations to not include the contour lines at 2-foot intervals and existing wetland boundary on proposed Lot 117. There is no development proposed at this time on lot 117 which is the 77.83-acre remainder lot reserved for a future phase.

He reported that the applicant has also requested a waiver to Section 13.01(8) to not provide a traffic study. The proposed subdivision is estimated to generate 211 new vehicle trip ends per day. The Subdivision Regulations require a traffic study when a project is expected to generate greater than 20 peak hour vehicle trip ends or more than 200 vehicle trip ends per day. The applicant believes that the study is unnecessary because the project will be connecting Emily Way and Kyle Road to Cabernet Drive, which will provide residents with more options for entering and exiting the project. They also feel the project will benefit from a number of traffic improvements that were funded and built by R.J. Moreau Communities during the construction of The Vineyards. Although these improvements will benefit the future residents of the Vintage Estates subdivision, they cannot be applied as off-site improvements constructed for this development.

He reported that the Merrimack Valley School District/Concord School District boundary line crosses through the property. The proposed subdivision has been designed so that all of the proposed lots fall within the Merrimack Valley School District. However, small portions of Lots 115 and 116 are located in the Concord School District. The plan has been annotated to include a note restricting the construction of a home within the portion of the lot located in the Concord School District.

Mr. Woodward reported that the Planning Board reviewed and approved a companion subdivision on August 18, 2010. The minor subdivision adjusted the lot line between The Vineyards of Concord property and the property to the north to create the 88.25 acre

parcel which consists of the project area for this subdivision application. The minor subdivision will need to be recorded as a condition of approval for the Vineyards Estates subdivision.

He reported that this project involves extending a new road from the terminus of the roundabout at the Emily Way/Ty Lane intersection, approximately 1,000 feet to intersect with a short extension of Kyle Road at a proposed new roundabout. The new road continues through the roundabout to connect with Cabernet Drive, which is a private road within The Vineyards development. The right-of-way for the public street terminates at proposed Lot 117 and an existing access easement crosses through proposed Lot 117 to connect with Cabernet Drive. Overall, the project involves the construction of approximately 1,600 linear feet of new road. The roadway has been designed to meet the typical cross section for a Residential Urban Street with 30 feet of pavement, 5-foot grass panel, and 5-foot sidewalk on both sides of the street.

He reported that the section of public road south of the proposed roundabout would be difficult for the General Services Department to safely maintain during the winter months because there is no place for the trucks to turn around. R.J. Moreau Communities has proposed to plow this short section of road in conjunction with the winter maintenance of the access easement to Cabernet Drive. A recommended condition of approval will be for the City to enter into a maintenance agreement with R.J. Moreau Communities for the plowing of this short section of road. The City Council will need to approve the maintenance agreement.

The subdivision plan includes the layout of approximately 140 feet of right-of-way for a future extension of Kyle Road in a westerly direction, into the 77 acre parcel reserved for future development (lot 117). The mapped line of a future street connecting Bog Road to Kyle Road has been shown on the plan. This was approved by the Planning Board in 2009 during the review of a rezoning request. The proposed extension of Kyle Road and the construction of the roundabout are consistent with the mapped line of a future street.

He reported that a number of traffic improvements were implemented during the construction of the Sandwood Crossing project and the Vineyards of Concord, including sidewalk improvements along Bog Road and improvements to the intersection of Bog Road/Fisherville Road and Borough Road/Fisherville Road. However, the proposed subdivision will increase the traffic through the Alice Drive neighborhood. The Engineering Division has determined that the existing roundabouts at the Alice Drive/Kyle Road and Alice Drive/Emily Way intersections are not functioning properly. The roundabouts were constructed under an earlier standard with a smaller diameter for the inside landscaped island and do not slow traffic as intended. Cars tend to drive straight through the intersection, creating a dangerous situation for the neighborhood. The Engineering Division has recommended modifying the roundabouts to enlarge the diameter of the center landscape island by removing pavement and resetting the granite curbing. The applicant has indicated he is willing to contribute funds for the improvement of the roundabout at the Alice Drive/Kyle Road intersection, and would contribute additional monies for the Alice Drive/Emily Way roundabout as part of any future development of lot 117 (77 acre parcel).

He reported that the Engineering Division has prepared a cost estimate for the recommended improvements to both of the Alice Drive roundabouts. The cost is approximately \$22,800, or \$1,036 per lot. The Engineering Division is also recommending that the improvements be constructed by the applicant rather than the contribution of funds inasmuch as the City is not currently working on road improvement projects in this neighborhood.

Mr. Woodward explained that a Water Study Analysis was prepared by Janet Levy to determine whether or not the proposed subdivision would be adequately served by the City's public water system. The study indicated that the homes would have inadequate water pressure on the second floor under certain scenarios of peak water use. There is an adequate quantity of water to serve the neighborhood, but due to pressure loss through the City's standard back flow prevention check valves, the water pressure on the second floor would be below the recommended 30 to 50 PSI. The water pressure deficiencies can be overcome with a combination of increased pipe size and installation of pumps for each dwelling unit. A recommended condition of approval is a requirement that each home have a 1-inch service line, 5/8-inch meter and an actuated booster pump, and that the plat be so annotated.

Proposed Lots 95 and 96 will be served by a private force main sewer system, located outside of the City's right-of-way. The subdivision plan includes a note stating that the City will not be responsible for the maintenance of the force main system.

He reported that the stormwater treatment involves the construction of a closed drainage system outletting into a wetland extended detention treatment pond which will hold water for a longer period of time following a rain event. This allows pollutants to settle out of the water, providing treatment before discharging into the existing storm drain system on Emily Way, which discharges into the existing detention pond within the Sandwood Crossing development. The drainage plan also includes the construction of a pocket pond and treatment swale on proposed Lot 117. Individual lot grading has also been shown on proposed Lot 96 to ensure that stormwater run off will not flow towards the properties on Ty Lane.

He reported that the applicant has agreed to provide a "no cut" vegetative buffer behind the proposed lots on the east side of Vintage Row to protect the existing properties along Ty Lane from stormwater run off. The plat has been annotated to restrict the removal of vegetation and re-grading of land within the "no cut" areas and it is a recommended condition of approval that an easement be conveyed for the benefit of the neighboring property owners on Ty Lane, to ensure that the vegetative buffer remains intact.

He reported that the applicant had been requested to provide the location and existing condition of the existing wells on the adjacent properties if they are located within 100 feet of the project boundary. The area within the NH Department of Environmental Services 75-foot protective well radius for private wells is included in the City's Aquifer Protection District, and the extent to which a neighboring well's protective radius may cross into the project area needs to be identified. There is an existing well at 77

Blueberry Lane, and the protective well radius extends onto the Vintage Estates property. A condition of approval has been added requiring the repair and/or replacement of the well if damage should occur as a result of the construction of the Vintage Estates subdivision.

He reported that the applicant has asked if the street trees could be planted in an easement within 10 feet of the edge of the right-of-way. The City's standard cross section for a Residential Urban Street includes a 5-foot grass strip and street tree plantings within this grass panel. Section 28.04(6) allows the applicant to plant the trees in a 10-foot easement with the approval of the Planning Board. At the request of the Planning Board, the street trees have been located in a grassed panel strip, and the electric, cable, and phone utilities will be located in a 10-foot wide easement adjacent to the right-of-way to enable the installation of the private utilities.

Mr. Woodward reported that the Conservation Commission reviewed the proposed wetland buffer impacts and did not object to the Conditional Use Permit request, but did recommend that the applicant consider moving the proposed future access road northerly to avoid wetland impacts during the second phase of construction.

He reported that a soil scientist/wetland scientist has prepared a letter addressing the Board's concerns regarding the standing water visible in the 2010 aerial photograph.

Marc Vanson and Bob Baskerville were present from Bedford Design Consultants on behalf of the applicant.

Mr. Vanson addressed the suggested condition of a no-cut buffer between Sandwood Crossing and this development. Instead of an easement with the abutters, the applicant would prefer a deed restriction in order to prevent conflict between future lot owners and their abutters. The idea of not cutting the trees was a voluntary act on the part of the developer.

Ms. Meyer asked if this was intended to be a condition that protected drainage and not necessarily to be used as a buffer. Mr. Swope felt drainage was the purpose.

Ms. Foss asked how a deed restriction would be enforced. That was her only concern inasmuch as an easement had provisions for a number of parties who would be monitoring it whereas a deed restriction could eventually be forgotten.

Mr. Baskerville responded that if a building permit were requested, the Building Department would note a deed restriction. Mr. Woodward informed the Board that the City Solicitor had ruled that the City could have no involvement in enforcement of private deed restrictions, and even if they could, the likelihood of any City department keeping track of such a restriction was pretty limited. Mr. Henninger also noted that the Building Department does not review any deeds when issuing building permits.

Mr. Swope asked if the applicants would be agreeable to providing an easement focused on drainage control to the City instead of to the abutters and Mr. Vanson responded that they would be agreeable to that.

Arjuna Dusheria, abutter who owns a home at 44 Taylor Lane behind this property, discussed the pooling of water to the rear of his property. He reported that the developer's representative had met with him and explained that they had committed to create a swale that they felt would eliminate the pooling problem. If that is the case, he had no problem with the application.

There was no one else who wished to speak for or against this application and the Chair declared the hearing closed at 8:00 PM.

Deliberations and Action on Application

Regarding the proposed no-cut area, Mr. Swope felt that requiring that the developer provide an easement to the abutters was unfair to both the developer and the abutter. He had not heard any reason given for the Planning Board to discuss a no-cut area if this is only for drainage. Essentially, the Planning Board would not want any re-grading or filling to occur in that area.

Mr. Swope moved that the Planning Board grant the waiver request to Section 16.01(4) and Section 16.03(4) to not include the contour lines at 2-foot intervals and the existing wetland boundary on proposed Lot 117. There is no development proposed at this time on Lot 117 which is the 77.83-acre remainder lot reserved for a future phase. The applicant has provided enough information to demonstrate that Lot 117 meets the standards of residential building lot. Mr. Shurtleff seconded. Motion carried.

Mr. Swope moved that the Planning Board grant the waiver request to Section 13.01(8) to not provide a traffic study. The proposed subdivision is estimated to generate 211 new vehicle trip ends per day. The Subdivision Regulations require a traffic study when a project is expected to generate greater than 20 peak hour vehicle trip ends or more than 200 vehicle trip ends per day. The applicant is also proposing to construct improvements to the southernmost roundabout at Alice Drive. Given the low volume of traffic, connectivity of the proposed development to the surrounding neighborhood, and the proposed off-site improvements, the waiver is reasonable. Ms. Meyer seconded. Motion carried.

Mr. Swope moved that the Planning Board approve the Conditional Use Permit pursuant to Article 28-4-3(d) of the Zoning Ordinance to allow for the minor 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 impact approximately 2,050 square feet of buffer area. Ms. Meyer seconded. Motion carried.

Mr. Swope felt that giving the abutters the ability to turn to the City to address a drainage situation is the best the Planning Board can do to address potential drainage

problems. He felt the Planning Board needed to balance the rights of both the abutters and the developer.

Ms. Meyer suggested that the easement read that the easement area be maintained in its existing state.

Mr. Swope felt that the easement needed to state that the purpose of the easement was to prevent drainage problems and that the City had the right, not the obligation, to fix the problem if one occurred.

Mr. Swope moved that the Planning Board grant conditional Subdivision Approval of the "Vintage Estates - Phase 1" subdivision as prepared by Bedford Design Consultants, Inc. 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, approvals shall be obtained for the construction drawings and specifications for all proposed improvements from the Engineering Division and Planning Division. No construction activity may commence prior to the pre-construction conference.
2. Prior to the final plat being signed by the Planning Board Chair and Clerk, the applicant shall provide to the City Solicitor a financial guarantee for all public improvements both on- and off-site and a guarantee for the site stabilization, in an amount approved by the City Engineer, and in a form acceptable to the City Solicitor.
3. Prior to the final plat being signed by the Planning Board Chair and Clerk, the following easement documents, 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. Conveyance of public drainage easements on proposed Lots 96, 105, 113, 114, 115, 116, and 117;
 - b. Conveyance of public rights-of-way easements for Sonoma Lane and the extension of Kyle Road;
 - c. Conveyance of a public 10-foot wide utility easement for the electric, telephone and cable utilities along the frontage of Sonoma Lane and Kyle Road;
 - d. Agreement to convey a private sewer easement across proposed Lot 96 for the benefit of proposed Lot 95;
 - e. Agreement to convey a private utility easement across proposed Lot 95 for the benefit of proposed Lot 96 ;
 - f. Conveyance of a public drainage and utility easement on proposed Lots 101, 102 and 117;

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.
10. Prior to the final acceptance of the public improvements by the City of Concord, the applicant shall provide to the City Solicitor a two year maintenance guarantee in an amount approved by the City Engineer, and in a form acceptable to the City Solicitor.
11. The wetland buffers within the vicinity of the road construction shall be clearly and permanently marked before, during, and after construction of the sites. Building permits will not be issued until the buffers are marked.

Special Conditions

1. Prior to the final plat being signed by the Planning Board Chair and Clerk, approval shall be obtained from the City Council for the Winter Road Maintenance Agreement for the portion of Sonoma Lane southerly of the proposed roundabout at the Sonoma Lane/Kyle Road intersection. This approval will stand as the Planning Board's favorable recommendation to the City Council in regard to the Road Maintenance Agreement.
2. Prior to the recording of the final plat at the Merrimack County Registry of Deeds, the minor subdivision plat of R.J. Moreau Communities approved by the Planning Board on August 18, 2010 shall be recorded at the Merrimack County Registry of Deeds.
3. Prior to the issuance of a Certificate of Occupancy for any structure or use within the Vintage Estates Subdivision, a pressure actuated booster pump shall be installed.
4. Prior to the issuance of a Certificate of Occupancy for any structure or use within the Vintage Estates Subdivision, the following off-site improvement shall be substantially complete:
 - a. The existing southern roundabout on Alice Drive shall be improved by relocating the existing vertical granite curb to the crown of the roundabout located at the outer edge of the truck apron. The existing truck apron pavement shall be removed and loamed and seeded to enlarge the landscaped area. The frames and grates on the catch basins currently located at the inside edge of the roundabout need to be raised to allow for the landscaped area to drain. This work shall be performed in accordance with the City of Concord Construction Standards and Details, to the satisfaction of the City Engineer.

5. If the existing well at 77 Blueberry Lane is damaged due to the construction of the proposed Vintage Estates Subdivision, R.J. Moreau Communities shall be responsible for the replacement and/or repair of this well.
6. A restriction shall be included in the deeds for Lots 115 and 116 to restrict the construction of a house within the portion of land located within the Concord School District.

Mr. Shurtleff seconded. Motion carried.

Minor Site Plan and Conditional Use Permit Applications

5. Application by **St. Paul's School on behalf of Florida Tower Partners LLC** for a conditional use permit pursuant to Section 28-5-23, Wireless Telecommunications Equipment, of the Concord Zoning Ordinance, on **Silk Farm Road on the campus of St. Paul's School at 325 Pleasant Street. (#2010-42)**

Recessed Public Hearing

(Ms. Foss and Mr. Kenison recused themselves and left the table.)

In view of the fact that two members had recused themselves, Mr. Woodward explained that any motion would need a positive vote of at least three of the remaining seated members.

The Chair pointed out to the applicants that they had the right to request postponement of the public hearing until there are more members available to vote. The applicants indicated that they wished to proceed this evening.

Mr. Woodward explained this proposal to construct a "monopine" wireless telecommunications tower on the campus of St. Paul's School at 325 Pleasant Street. FTP would lease a 10,000-square foot area off Silk Farm Road. The property is currently undeveloped with an open area that is maintained as a hay field. The proposal includes a 100 foot by 100 foot fenced enclosure for the proposed tower and associated equipment storage shelters and utilities.

He reported that on March 16, 2011, the Board opened the public hearing, heard testimony from the applicant, and then voted to recess the hearing to allow IDK Communications time to complete their review of the Conditional Use Permit application and Radio Frequency Study, and also requested that Florida Tower Partners contact Concord Hospital to discuss opportunities for improving AT&T wireless telecommunication service at the hospital campus. The Planning Board further moved to offer the services of the City Planner to convene the parties and facilitate discussion.

He reported that on August 4, 2010, the Zoning Board of Adjustment granted a variance to Article 28-5-23, Wireless Telecommunications Equipment, Section (h)(1), to permit a tower height of up to 170 feet where the height limitations would only permit a tower

with a maximum height of 97 feet. The variance allows the Planning Board the latitude to approve a tower between the heights of 97 and 170 feet.

Florida Tower Partners plans to lease one antenna to AT&T and the tower would have five additional opportunities for other carriers to co-locate. The tower would be able to accommodate six telecommunication carriers. This satisfies the City's requirement to maximize the opportunities for co-location, in theory minimizing the need for additional towers. The leased 100 foot by 100 foot area will be enclosed with a 6-foot high chain link fence topped with barbed wire. Within the fenced compound, AT& T will construct an 11.5 foot by 20 foot equipment shelter at the base of the tower. Space has also been reserved or additional carriers to install small equipment shelters or cabinets.

Article 28-5-23(e) (4) of the City's Zoning Ordinance states that a description and plan of landscaping and other screening shall be submitted to demonstrate how the visibility of the installation will be minimized as part of the Conditional Use Permit application. Although Silk Farm Road is a discontinued street, the City retained a pedestrian, bicycle, and emergency access easement along the roadway. The applicant needs to provide sufficient landscaping to screen the 100 foot by 100 foot compound from trail users. The applicant has provided a plan illustrating evergreen trees surrounding the perimeter of the compound, but does not indicate the type or size of tree proposed.

In support of the Florida Towers application, AT&T has provided a Radio Frequency Study to demonstrate the need for the tower and also to confirm that there are no other existing structures that would provide adequate AT&T coverage to the targeted service area. The Study also reviewed five alternative locations for the construction of a new tower. These locations included possible sites for new tower installations as well as opportunities to co-locate on an existing tower or structure. The report includes a series of maps illustrating AT&T coverage under the various scenarios for service, including the alternative locations and alternative heights of the tower at Silk Farm Road. AT&T has determined that there are gaps in its service to the west of Fruit Street, and along Route 202, Interstate 89 and Route 13 in Concord. There are also gaps in service at the St. Paul's School campus and Concord Hospital. The RF Frequency report concluded that there were no existing towers or structures that would be suitable to fill in the AT&T service gaps, and also concluded that the proposed tower height of 170 feet is necessary to provide in-building coverage at Concord Hospital.

He reported that the Planning Board contracted with IDK Communications to provide a third party review of the Radio Frequency Report and Conditional Use Permit application. The cost of the review has been paid for by the applicant pursuant to RSA 676:4-b. The findings of IDK's review indicate that there is an AT&T coverage gap in Concord in the vicinity of I-89, Route 202 and Concord Hospital. The proposed tower at a height of 167 feet provides coverage to I-89 and Route 202 and also provides coverage at Concord Hospital. The analysis included modeling the coverage if the tower were lowered to 147 feet and 127 feet. Lowering the height of the tower to 147 feet proved to have a minimal effect on the coverage area with only a minimal loss of coverage at Concord Hospital. The coverage was impacted more significantly at a height of 127 feet.

Mr. Woodward reported that the Concord Hospital campus could also be served by exterior antennas and the existing indoor repeater system and/or micro cell. It is the Planning Division's understanding that AT&T is currently planning to install equipment within the main hospital building. The analysis included a scenario with the proposed tower at 147 feet and an exterior antenna at Concord Hospital installed at a height of 70 feet. This scenario provided the in-building coverage and coverage of the Concord Hospital campus. If the height of the tower were lowered to 147 feet there would still be at least four additional co-location opportunities for a non-stealth tower and two co-locations for a stealth tower. The technology used to place the antennas within the pole of the stealth tower reduces the opportunities for co-location.

He reported that the applicant had also provided a Visual Resource Evaluation Report summarizing the results of balloon tests conducted on July 27, 2010 and December 16, 2010. The photographic log notes eleven locations where the tower was partially visible. City staff also took photographs of the balloon in July and December and noted that the balloon was also visible from various locations on Interstate 89, Langley Parkway, Concord Hospital, and Clinton Street. The Report includes photo simulations of a monopine tower at the various locations where the balloon was visible. The applicant has also provided photo simulations of a non-stealth monopole tower, one of standard design, and one referred to as a "low profile" tower.

He reported that the Architectural Design Review Committee had reviewed the application and advised the applicant that they would prefer to see a stealth monopole structure similar to the existing tower on Integra Drive. The Planning Board has previously approved monopole stealth towers on Integra Drive and Industrial Park Drive, as well as a roof top unit that acts as a flag pole. This type of tower places the antenna equipment inside the tower, and does not have cages of equipment on the exterior of the pole.

Mr. Woodward explained he had been invited to meet with officials at Concord Hospital for a conversation about their telecommunications needs as well as the needs of the Planning Board. He explained that the hospital had indicated that they did not wish to be considered as a commercial provider. They did, however, indicate that they were open to facilitating service by all providers on their campus.

Mr. Woodward introduced Ivan Pagacik, from IDK Communications, who was retained on behalf of the Planning Board to review and provide a report relative to the application. Mr. Pagacik explained that when analyzing a site for radio frequency propagation, several factors such as height above average terrain, tree density, building density and construction, frequency and equipment performance specification are of great importance.

Mr. Pagacik reported that his study had concluded that there are existing coverage gaps in the City for AT&T. The planned site at St. Paul's School provides coverage along I-89 and Route 202. There is only incidental coverage from this location outside the city limits. Lowering the antenna height to 127 feet affects the coverage along Route 202, I-89 somewhat, as well as the in-building coverage to the hospital campus. Using a height of

147 feet, the coverage impact to AT&T's targeted areas is minimal at best, with the area in question being the Concord Hospital campus. An installation at Concord Hospital using outdoor antennas would provide coverage to the campus. Co-location opportunities will still exist if the tower is lowered to 147 feet as there are at least four additional slots which will remain above the tree canopy with ten feet of separation between installations. This assumes a non-stealth or non-flush mount installation, as the stealth or flush mount would likely reduce the amount of co-location to two additional slots.

He explained that the hospital currently has an indoor repeater system that cell carriers can connect to in order to provide coverage in the main building. There are a few alternatives for this interconnection. When a cell company uses an amplifier to connect to this repeater system, it does not offer additional capacity for the area covered in the building. The capacity is shared with users outside the facility that would be using an outdoor cell site. If, however, a cell company wished to dedicate capacity for inside a facility, they would install what can be termed a micro cell. During the review process it was determined that AT&T was looking to install equipment within the hospital's main facility and connect to the repeater system. It appears that this equipment is more than just amplifiers and thus if it is a micro cell, then AT&T may be able to install outdoor panel antennas in addition to the connection to the internal repeater system which would give them coverage in the main building as well as the campus. This would also provide the additional capacity to this area that would otherwise be taken from the St. Paul's site. The determination of the exact configuration of a site at the hospital could take place once a site was constructed at St. Paul's and field measurements could be taken on the campus to determine the deficient areas.

Mr. Swope asked for further information from Mr. Pagacik relative to a flush-mount installation versus a stealth pole.

Randy Howse from Florida Tower Partners and Kevin Breuer from AT&T were present on behalf of the applicant.

Mr. Howse reported he had asked the Zoning Administrator to review a revised tower design and he had ruled that if they decided to proceed with that design, they would need to return to the Zoning Board of Adjustment for reconsideration as the ZBA had approved the variance for a monopine. Mr. Howse also reported on his conversations with Concord Hospital.

Mr. Breuer explained the difference between a low-profile pole and a non-flush mount pole. The low-profile pole would be about 5-6 feet wide while the non-flush mount is typically 14 feet. The low profile pole allows co-location of more co-locators than a flush mount of the same height.

There was no one else who wished to speak for or against this application and the Chair declared the hearing closed at 9:14 PM.

Deliberations and Action on the Application

Deliberations and Action on Architectural Design Review

Mr. Swope indicated he was prepared to approve a 150 foot low-profile installation. He did not feel that requiring a stealth or flush mount was necessary. He felt there was no need to camouflage the pole. People know what this structure is.

It was noted that this was determined by IDK Communications to be the height necessary to provide coverage to the gaps in AT&T service in the vicinity of Interstate 89, Route 202, and Concord Hospital. AT&T has the opportunity to install wireless telecommunications equipment at Concord Hospital to provide the in-building and campus coverage. The additional height as requested by the applicant is not necessary to provide coverage to the target service area.

Mr. Meyer reported she was less interested in the number of co-locations that could be available on a pole. She was more concerned with a large structure that nobody needed.

Mr. Swope moved that the Planning Board approve the Conditional Use Permit (CUP) pursuant to Article 28-5-23(b)(1) of the City's Zoning Ordinance for the installation of a wireless telecommunications facility and grant Architectural Design Review for the proposed wireless telecommunications facility subject to the following conditions:

1. The wireless telecommunications towers shall be a low profile monopole design and shall not exceed the height of 150 feet.
2. A Knox box shall be provided for access to the premises by the Concord Fire Department.
3. The applicant shall provide a financial guarantee under the terms of Article 28-5-23(i) of the City's Zoning Ordinance. The financial guarantee shall be in an amount as approved by the City Engineer and in a form acceptable to the City Solicitor. The term of the guarantee shall extend one year past the period of validity of the permit.
4. A planting plan shall be submitted identifying the type of vegetation to be planted including the size and species of plants specified. The plan shall be reviewed and approved by the Clerk of the Board.
5. Architectural elevations for the proposed low profile monopole tower shall be submitted and shall be reviewed and approved by the Clerk.
6. All future co-locations shall conform to the low profile design.
7. In accordance with Article 28-5-23 of the Zoning Ordinance, the Conditional Use Permit shall be valid for a period of three years from the date of the vote of the Board. The permit may be renewed pursuant to Article 28-5-23(b)(2).

Mr. Shurtleff seconded. Motion carried with Ms. Foss and Mr. Kenison abstaining from discussion and vote.

Major Site Plan Applications

6. Application by **Concord Hospital Inc.** for a site plan of property located at **250 Pleasant Street. (#2011-11)**

Public Hearing

Mr. Henninger explained this proposal to construct two additions to Concord Hospital adding a total of 10,096 square feet of new hospital space in the rear of the main hospital building in the service area. The purpose of the additions is to expand the operating rooms, to provide a private connection from day surgery to the operating rooms, to upgrade the loading dock, and to consolidate recycling and waste dumpsters into one location. The operating room additions are located above the existing loading dock or above existing operating room space. The parking area in the center of the service area is being restriped resulting in a net loss of four parking spaces. A small landscape area in the service bay is being impacted, resulting in an increase in impervious area of 598 square feet.

He reported that the hospital complex meets and exceeds the required parking for all uses at the complex.

He reported that the hospital has an existing impact fee agreement which exempts the main hospital from traffic impact fees. The hospital has partnered with the City on major traffic improvements, including Langley Parkway. This year the hospital contributed \$75,000 to assist the City in the planning and conceptual design of the northern leg of Langley Parkway from Pleasant Street to North State Street. This contribution is well in excess of any impact fee which could have been assessed for this addition. The study of Langley Parkway North has commenced.

Mr. Henninger reported that the Architectural Design Review Committee reviewed the site and building plans and recommended approval of the plans as submitted.

Dominic Ciavarrro from Concord Hospital and Naomi Praul from Nobis Engineering were present on behalf of the applicant.

There was no one who wished to speak for or against this application and the Chair declared the hearing closed at 9:34 PM.

Deliberations and Action on the Application

Deliberations and Action on Architectural Design Review

Mr. Swope moved that the Planning Board grant Architectural Design Review and Site Plan approval for the Operating Room and Loading Dock Addition proposed by CRHCC at 250 Pleasant Street as submitted. Mr. Shurtleff seconded. Motion carried.

7. Application of **Concord Housing Authority** for a site plan of property located at **15 Pitman Street. (#2011-12)**

Determination of Completeness

Mr. Woodward explained this proposal to create eleven new dwelling units at the Crutchfield Apartments building.

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

Mr. Swope moved that the Planning Board determine this application to be complete and set it for public hearing at the next regular meeting of the Board on May 18, 2011. Ms. Foss seconded. Motion carried.

8. Application of **Kevin Long and Johanne Holmes** for a site plan of property located at **8 Integra Drive. (#2011-14)**

Determination of Completeness

Mr. Woodward explained this proposal to construct a 7,480 square foot light manufacturing building at 8 Integra Drive.

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

Mr. Swope moved that the Planning Board determine this application to be complete and set it for public hearing at the next regular meeting of the Board on May 18, 2011. Ms. Foss seconded. Motion carried.

9. Application by **P & M Realty of Concord LLC on behalf of Evolution Rock and Fitness LLC** for a site plan of property located at the corner of **South Main Street and Langdon Avenue**. Along with this application is a request for a Conditional Use Permit pursuant to Section 28-7-11(b), Construction of Fewer Parking Spaces, of the Zoning Ordinance. (#2011-10)

Public Hearing

Mr. Henninger explained this proposal to construct a 13,032 square foot indoor competitive rock climbing facility and fitness center on a 1.50 acre proposed condominium land unit at the corner of South Main Street and Langdon Avenue. 52 parking spaces are proposed to be constructed south of the building. The applicant has also requested a Conditional Use Permit to defer the construction of 14 parking spaces pursuant to Article 28-7-11 (b), Construction of Fewer Parking Spaces, of the Zoning Ordinance. A companion condominium subdivision plan creating this condominium land unit was granted conditional approval earlier this evening.

He reported that the site is accessed by Langdon Avenue and a common private drive to

be named later. Langdon Avenue is intended to become a public street once it is reconstructed as part of the Storrs Street southerly extension project. A portion of the common private drive will need to be constructed to serve this land unit, and the remainder will be required for the Concord Steam co-generation facility. The common private drive will remain private.

He reported that a portion of the site is encumbered by a 35-foot wide Unitil electrical utility right-of-way. Two electrical distribution lines are located in this right-of-way and lead from the abutting electrical substation northerly.

There is a wooded area on the site next to South Main Street. No clearing is proposed in the wooded area unless additional parking is required by the Zoning Administer under the terms of the proposed deferred parking CUP.

He reported that the site is encumbered by two City of Concord storm drains which cross the site from east to west. One has been discontinued, but the existing 36-inch RCP main handles much of the drainage from the South End. A 30-foot wide drainage easement has been shown southerly of the new building.

The Fire Department has advised that the building will need to be fully sprinkler protected. The applicant has shown the water line connections suitable for a fire protection sprinkler system.

Mr. Henninger reported that the Architectural Design Review Committee had reviewed the site and building plans, as well as a perspective from Langdon Avenue. While they had several suggestions, the Committee found the design of the building site and proposed affixed signs to be acceptable as submitted.

He explained that a mezzanine in the building containing 2,880 square feet is a conventional fitness facility with space for spinning classes, a weight and cardio room, and space for group instruction including yoga and pilates. City staff expressed concern that more parking may be required than indicated by the applicant. The applicant has added a parking space and has provided a conceptual site layout for additional development between this site and the proposed cooling pond. This future development could share access and parking with Evolution Rock. It would be desirable that the condominium bylaws allow for shared parking between land units within the condominium plan.

The proposed site landscaping has been revised to largely eliminate conflicts with existing and proposed underground drainage, steam lines, and service connections.

He reported that the City Engineer has recommended that Langdon Avenue be shimmed and overlaid from South Main Street to the common private drive. In discussion with the applicant, it was deemed expedient to defer this resurfacing until pending construction of the steam plant. The overlay of Langdon Avenue will occur either after the steam plant is built or if the site plan approval is not initiated by year's end, it will be done as soon as possible thereafter, weather permitting. The overlay will

need to be secured by a financial guarantee. The common drive is proposed to be paved to the binder levels for the frontage of the climbing gym, with the finish coat deferred and secured by a financial guarantee for completion either when the steam plant is constructed or, if the site plan approval for the steam plant has not been initiated by the end of 2011, it will be done as soon as possible thereafter, weather permitting. A parallel construction road will be used for the steam plant construction.

A traffic impact fee calculation has been prepared. The calculated fee is based on 2,880 square feet of fitness center and 10,152 square feet of climbing gym generating 237 new trips, yielding a traffic impact fee of \$43,608.

He reported that a five-foot paved sidewalk will have to be provided from the building entrance to South Main Street. A segment of the sidewalk could follow the public trail easement proposed from Langdon Avenue to the Conservation Area on Land Unit 2.

Timothy Golde, from Golde Planning and Design, and Hillary Harris, architect and owner of Evolution Rock, were present to answer questions from the Board.

Ms. Harris submitted a petition that a high school student had submitted with over 200 signatures in support of this application.

There was no one else who wished to speak for or against this application and the Chair declared the hearing closed at 9:56 PM.

Deliberations and Action on the Application
Deliberations and Action on Architectural Design Review

Ms. Meyer moved that the Planning Board grant Architectural Design Review approval of the site, building, and two affixed signs for Evolution Rock at 10 Langdon Avenue, subject to the following condition:

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), approval of the landscape plan shall be obtained from Clerk.

Ms. Foss seconded. Motion carried.

Ms. Meyer moved that the Planning Board grant a Conditional Use Permit pursuant to Article 28-7-11 (b), Construction of Fewer Parking Spaces, of the Zoning Ordinance to construct a total of 52 spaces where 62 spaces are required subject to the following condition:

1. The condominium documents creating the Land Unit which this project is located upon, shall provide for cross access for vehicular and pedestrian circulation within the proposed private driveways and parking areas within the proposed land units along the proposed common drive leading to the Concord

Steam Plant, and shall allow for the provision of shared parking where permitted in the City's Zoning Ordinance and approved by the Planning Board.

Mr. Shurtleff seconded. Motion carried.

Ms. Meyer moved that the Planning Board grant Conditional Site Plan approval of the site, building, and signage for Evolution Rock at 10 Langdon Avenue, subject to the following standard and special conditions:

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), approvals of construction drawings for on-site improvements including Langdon Avenue and the common private drive shall be obtained from the Engineering and Planning Divisions. No construction activity may commence prior to the preconstruction conference.
2. Traffic impact fees shall be assessed for any 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 - Fitness Center and Climbing Gym in the amount of \$43,608.
3. 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 State and Federal permits shall be obtained and copies provided to the Planning Division:
 - a. NH Department of Environmental Services Water Quality and Sewer Discharge Permits
 - b. NH Department of Environmental Services Alteration of Terrain Permit (RSA 485-A:17). An amendment is required to the existing AOT permit for Concord Steam.
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 following local approvals and permits shall be obtained and copies provided to the Planning Division:
 - a. Driveway Alteration Permit from the Engineering Division

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 applicant will provide to the City Solicitor a financial guarantee for improvements to Langdon Avenue as specified in condition 8 below, the five-foot paved sidewalk as specified in condition 9, and the final pavement for the common private drive along the frontage of Land Unit 1, in an amount approved by the City Engineer and in a form acceptable to the City Solicitor.
6. 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.
7. 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 Communications, and National Grid.

Special Conditions

8. A shim and overlay of Langdon Avenue from South Main Street to the proposed common drive for the Concord Steam plant shall be required at a minimum of 26 feet in width and in a manner acceptable to the City Engineer. The overlay of Langdon Avenue shall occur either after the Concord Steam Plant is substantially complete on Land Unit 2 or, if a building permit has not been issued by December 23, 2011, for the Concord Steam Plant, it will be done as soon as possible thereafter, weather permitting. This work shall be secured by a financial guarantee.
9. A five-foot paved sidewalk shall be provided from the building entrance to South Main Street. A segment of the sidewalk could follow the public trail easement proposed from Langdon Avenue to the Conservation Area on Land Unit 2. The five-foot wide paved sidewalk construction will occur either after the Concord Steam Plant is substantially complete on Land Unit 2 or, if a building permit has not been issued by December 23, 2011, for the Concord Steam Plant, it will be done as soon as possible thereafter weather permitting. This work shall be secured by a financial guarantee.
10. 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 companion condominium subdivision plan creating Land Unit 1 shall be recorded in the Merrimack County Registry of Deeds.

Mr. Shurtleff seconded. Motion carried.

Architectural Design Review

10. 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.

- **Carlson Motors** for three new affixed signs at **13 Manchester Street**.
- **Concentra Urgent Care** for a replacement free standing sign at **One Pillsbury Street**.
- **Enterprise Rent A Car** for two replacement affixed signs and one replacement panel for an existing free standing sign at **28 Manchester Street**.
- **Christian Science Reading Room** for a replacement affixed sign at **34 North Main Street**.
- **United Shoe Repair** for a new hanging sign at **8 South Main Street**

The Chair opened the hearings on all of the above sign applications.

- **Carlson Motors** for three new affixed signs at **13 Manchester Street**.

Mr. Henninger explained this sign application for three new affixed signs facing Branch Turnpike. He reported that members of the Design Review Committee had commented regarding the two white panels on the right with the left panel being blue and had been informed that the colors were part of the trademark.

He reported that the Design Review Committee had found the proposed design and placement of the signage to be appropriate for the location and use, and recommended approval as submitted.

There was no one present on behalf of the applicant.

Mr. Swope moved approval as submitted and Ms. Foss seconded. Motion carried.

- **Concentra Urgent Care** for a replacement free standing sign at **One Pillsbury Street**.

Mr. Henninger explained this application for a replacement freestanding sign. The existing brick post will be used for the new sign. The existing sign is green with white lettering and the new sign will be blue, orange, and gray. The orange sign with white lettering will utilize the colors now being used for urgent care facilities in the region.

He reported that the Design Review Committee had found the proposed design and placement of the signage to be appropriate for the location and use, and recommended approval as submitted.

There was no one present on behalf of the applicant.

Mr. Swope moved approval as submitted and Ms. Meyer seconded. Motion carried.

- **Enterprise Rent A Car** for two replacement affixed signs and one replacement panel for an existing free standing sign at **28 Manchester Street**.

Mr. Henninger explained that one of the signs on the front and one of the signs on the side were replacements and the free-standing sign was previously grandfathered. Enterprise is changing out the boxes and bringing everything into compliance.

He reported that the Design Review Committee had found the proposed design and placement of the signage to be appropriate for the location and use, and recommended approval as submitted.

There was no one present on behalf of the applicant.

Mr. Swope moved approval as submitted and Ms. Meyer seconded. Motion carried.

- **Christian Science Reading Room** for a replacement affixed sign at **34 North Main Street**.

Mr. Henninger explained this application for a replacement affixed sign. The Design Review Committee suggested that the sign be placed a little higher so as not to be interfered with by the awning.

He reported that the Design Review Committee had found the proposed design and placement of the signage to be appropriate for the location and use, and recommended approval as submitted, with the suggestion that the sign be raised up higher.

There was no one present on behalf of the applicant.

Mr. Swope moved approval as submitted, with the suggestion that the sign be raised up higher. Mr. Shurtleff seconded. Motion carried.

- **United Shoe Repair** for a new hanging sign at **8 South Main Street**

Mr. Henninger explained this application for a new hanging sign. The United Shoe Repair sign is being constructed to complement an already existing Simply Birkenstock sign. It will be two pieces connected together with braces to make it one solid structure.

He reported that the Design Review Committee had found the proposed design and placement of the signage to be appropriate for the location and use, and recommended approval as submitted.

There was no one present on behalf of the applicant.

Ms. Meyer moved approval as submitted and Ms. Foss seconded. Motion carried.

11. Consideration of an application by **NH Real Estate Investment Corporation on behalf of Gregory Lessard** for modifications to the easterly and southerly building

elevations and the installation of an affixed sign for the intended occupant at **113 Storrs Street. (#2011-17)**

Public Hearing

Mr. Henninger explained this proposal to modify the easterly and southerly building elevations and install an affixed sign. Design Review Committee members noted that the font on the affixed sign was not unattractive, but would be difficult to read from a vehicle traveling along Storrs Street. However, the font is part of the trademark.

He reported that the Design Review Committee had recommended approval of the proposal as submitted, with the recommendation that the trim on the windows and the door be darker to match the remainder of the building, and a suggestion that a font without script be used for the tag line description of the business.

Greg Lessard was present as applicant and indicated he would be willing to comply with the condition recommended by the Design Review Committee.

Ms. Meyer moved approval as submitted, with the recommendation that the trim on the windows and the door be darker to match the remainder of the building, and a suggestion that a font without script be used for the tag line description of the business. Mr. Swope seconded. Motion carried.

Amendment of the Master Plan 2030

12. Consideration of a proposed **amendment to the Transportation Section of the Master Plan 2030** so as to incorporate references to the recently published bicycle planning documents.

Public Hearing

Mr. Woodward explained that at the special meeting of the Planning Board on February 23, 2011, the Board received copies of two bicycle planning reports (City of Concord Bicycle Master Plan and the Merrimack River Greenway Path Feasibility Study - Concord, NH), and heard presentations relative to the reports. At the conclusion of the presentation and discussion, the Board voted to direct the Planning Division to prepare an amendment to the Transportation Section of the Master Plan 2030 that would be set for public hearing. The amendment would incorporate appropriate references to the documents presented.

He reported that the Planning Division had prepared a proposed amendment to the Transportation Section as well as edited the Master Plan Exhibit VI-3, Bicycle Plan. Some of the proposed edits simply add a phrase about the inclusion of bicycle lanes to certain project descriptions to mirror what is shown in the Exhibit

He reported that the edits to the Exhibit call for the addition of some new links in the Bicycle Plan as well as deletion of some that had been previously included. In some

cases, the Exhibit had links which were not included in the new reports, but are retained in the Exhibit. The general intent of the connections envisioned for the Merrimack River Greenway Path is displayed to the extent that links were not already shown, although links proposed for the high-speed rail corridor in the Opportunity Corridor are not included as this would conflict with the rail planning initiatives contained elsewhere in the Transportation Section of the Master Plan as well as the aspects of the Opportunity Corridor Plan which are also integrated within Master Plan 2030.

At the special meeting of the Planning Board on March 30, 2011, the Board scheduled a public hearing for this evening to take testimony and consider adoption of an amendment to the Transportation Section of Master Plan 2030.

Craig Tufts from the TPAC Bicycle Committee and Jennifer Kretovic from Concord 2020 were present to speak in support of the amendment. Ms. Kretovic listed the various groups who had worked toward the adoption of this report and noted that it was a sign of the larger interest in the community in bicycle transportation.

There was no one else who wished to speak for or against this amendment and the Chair declared the hearing closed at 10:17 PM.

Mr. Swope moved that the Planning Board adopt the proposed amendments to the Transportation Section of the Master Plan as submitted. Ms. Foss seconded. Motion carried.

REGULAR MEETING

Minutes

Mr. Shurtleff moved approval of the minutes of the meetings of March 16, 2011 and March 30, 2011 as submitted. Mr. Swope seconded. Motion carried.

New Business

14. Consideration of a request for a one year extension of the period of validity of the conditional approval of the Major Site Plan and Conditional Use Permit applications of the **Concord Regional Solid Waste/Resource Recovery Cooperative on Whitney Road. (#2009-12)**

Mr. Woodward reported that the applicant's agent had forwarded a request for a one-year extension of the approval of the above referenced applications, seeking validity through May 20, 2012.

He reported that the Planning Board granted major site plan approval to the Concord Regional Solid Waste/Resource Recovery Cooperative on May 20, 2009, to construct a 55,600 square-foot regional recycling facility on a 43.43-acre site on Whitney Road. In related actions, the Board also granted approval to five Conditional Use Permits as follows: one pursuant to Section 28-2-4(j), Table of Principal Uses, L-4, Materials

Recycling and Processing; a second pursuant to 28-7-11(b), Construction of fewer parking spaces; a third pursuant to Section 28-4-3(d), Disturbance of Wetland Buffers; a fourth pursuant to Section 28-4-4(d), Conditional Use Permits Required for Certain Disturbance of Bluffs and Buffers; and the fifth pursuant to Section 28-3-3(f), Conditional Use Permit Required for Disturbance of Buffers in the SP District, of the Concord Zoning Ordinance. The Board also granted a waiver to Sections 8.02(C)(1), Site Access, of the Site Plan Regulations, and granted approval pursuant to Section 28-9-4() Architectural Design Review, of the City's Zoning Ordinance. These approvals will expire on May 20, 2011 unless the Board grants the waiver for an extension.

Any extensions of a final approval may be granted by the Board as a waiver of the Site Plan Review 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 site plan 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 means of learning of the existence of the application and the pending change in their neighborhood.

He reported that, in this case, the applicants indicate that the delay in exercising their conditional Site Plan and Conditional Use Permit approvals relates to final decisions by the Cooperative as to whether the project will proceed. They believe that they will be in a position to make those decisions this year.

Mr. Swope moved that the Planning Board grant a waiver of the Site Plan Review Regulations for a one-year extension for these applications with the provision that all conditions of approval as set forth in the decisions of the Board on May 20, 2009, shall remain in full force and effect. Mr. Shurtleff seconded. Motion carried.

Old Business

15. Further consideration of a request for a one year extension of the period of validity of the conditional approval of the Major Site Plan and Conditional Use Permit applications of the **LAT Holding Company LLC and ZED Properties LLC at 20 Break 'O Day Drive. (#2008-62)**

Mr. Woodward reported that the applicant's agent had forwarded a request for a one-year extension of the approval of the above referenced applications, seeking validity through April 15, 2012.

The Planning Board granted major site plan approval to LAT Holding Company LLC on April 15, 2009, to construct a 44,215 square-foot office building on a 5.25-acre site at 20 Break 'O Day Drive. In related actions, the Board also granted approval to three Conditional Use Permits as follows: one pursuant to Section 28-7-11(b), Construction of fewer parking spaces, another pursuant to Section 28-7-11(d), Additional Compact

Parking Spaces, and a third pursuant to Section 28-4-3(d), Disturbance of Wetland Buffers, of the Concord Zoning Ordinance. The Board also granted waivers to Sections 8.04, Sanitary Sewer Disposal, and 8.05, Water Supply, of the Site Plan Regulations, and granted approval pursuant to Section 28-9-4() Architectural Design Review, of the City's Zoning Ordinance. These approvals will expire on April 15, 2011 unless the Board grants the waiver for an extension.

Any extensions of a final approval may be granted by the Board as a waiver of the Site Plan Review 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 site plan 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 means of learning of the existence of the application and the pending change in their neighborhood.

He reported that, in this case, the applicants indicated that the delay in exercising their conditional Site Plan and Conditional Use Permit approvals relates to the "economic and lending climates". They believe that they will be in a position to proceed with the project once the economy improves.

He reported that in April of 2010, the applicants had received a one-year extension from the Zoning Board of Adjustment for the period of validity of variances originally granted on April 2, 2008, and which were precedent to the Planning Board vote on April 15, 2009. However, the one year extension was set to expire on April 2, 2011, and could not be renewed again under the terms of the Zoning Ordinance. Therefore, the Planning Board tabled this matter on March 16, 2011, pending the action of the Zoning Board of Adjustment on requests for new variances. On April 6, 2011, the applicant received new variances which allow for the development of the site without municipal water and sewer, and grant a reduction in the rear yard setback.

Mr. Swope moved that the Planning Board grant a waiver of the Site Plan Review Regulations for a one-year extension for the Site Plan and Conditional Use Permit applications and related waivers and Architectural Design Review actions, subject to the stipulation that all conditions of approval as set forth in the decisions of the Planning Board on April 15, 2009, shall remain in full force and effect. Mr. Kenison seconded. Motion carried.

INFORMATION

- **NHOEP Annual Planning and Zoning Conference** on Saturday, June 11, 2011

Mr. Woodward noted that there was some money in the budget for members of the Board to attend the annual Planning and Zoning Conference. He asked that any members interested in attending the conference contact him to facilitate registration.

- Copy of a communication from the Clerk of the Board to the Pembroke Planning Board relative to a Development of Regional Impact for a proposed asphalt plant on **Ricker Road in Pembroke** by **Continental Paving Inc.**

Mr. Woodward noted that he had no further information at this time about this application.

Members were reminded of the special meeting of the Planning Board to be held on May 4, 2011 at 7:00 PM in the Second Floor Conference Room in City Hall to continue the review of the draft Site Plan Regulations, continue review of changes to the City's Land Use Regulations, and consider any other business which may legally come before the Board.

There was no further business to come before the Board and the meeting adjourned at 10:23 PM.

A TRUE RECORD ATTEST:

Douglas G. Woodward
Clerk

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