

**CITY OF CONCORD PLANNING BOARD
May 16, 2012 MEETING**

The regular monthly meeting of the City Planning Board was held on May 16, 2012, in City Council Chambers, in the Municipal Complex, at 37 Green Street, at 7:00 p.m.

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

At 7:00 p.m., a quorum was present, and Chair Drypolcher called the meeting to order.

PUBLIC HEARINGS

Architectural Design Review Applications

1. Application by the following for approval of signs at the following location under the provisions of Section 28-9-4 (f), Architectural Design Review, of the Code of Ordinances:

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

- **Concord Nissan (Forget and Boucher, LLC) for three new affixed signs to be installed on the Manchester Street frontage, located at 175 Manchester Street**

Mr. Henninger explained that the application was for three new affixed signs to be installed on the Manchester Street frontage of the property. He stated that the Architectural Design Review Committee (ADRC) recommended approval of the signs with the recommendation that the signs be relocated in order to avoid the conflict with the building lights. Mr. Henninger reported that the applicant had submitted a revised graphic showing the recommended signage elevation.

Mr. Swope moved to grant Architectural Design Review approval for the three new affixed signs at 175 Manchester Street, as revised by the applicant. Ms. Foss seconded the motion. Motion carried unanimously.

- **Tom Lemieux / The Purple Pit Jazz Club for a new affixed sign, located at 3 Pleasant Street Extension**

Ms. Hebert explained that the application was for a new affixed neon sign in an enclosed box, at 3 Pleasant Street. She stated that at their April meeting, the ADRC recommended that the background board be omitted and the name of the business either be arched to mimic the arch of the doorway, or the lettering be installed as a straight line centered above the door. At the May ADRC meeting, Mr. Garara, the owner of the Jazz Club, advised that the sign had been fabricated based on a misunderstanding on his part. Mr. Walker, the Zoning Administrator, stated that the sign had been

installed on a temporary 45-day permit. After discussion, the ADRC recommended approval of the sign on a temporary basis for six months, allowing time for the applicant to redesign the box reinforcing the brick arch. The ADRC also recommended the applicant either immediately paint the electrical conduit below the sign to match the brick or relocate the electric conduit so it is not visible.

The Chair noted that the applicant was not present. The Planning Board discussed the difference between the sign that was originally submitted and the current sign. The Board was displeased that the applicant has not attended the Planning Board meeting, and that the CODE Division approved a 45-day temporary sign. The Chair asked Planning staff to speak with Mr. Walker about this issue.

Mr. Swope moved to table the application. Mr. Shurtleff seconded the motion. Motion carried unanimously.

- **Nicole Vera / New to You for a new hanging sign and a replacement panel in an existing affixed sign, located at 15 Pleasant Street**

Mr. Hebert reported that the application was for a new hanging sign and a replacement panel in an existing affixed sign. She stated that the ADRC recommended approval of the affixed sign as submitted and recommended approval of the hanging sign with the recommendation that the replacement panel be provided with logo and text to match the affixed sign, and that the graphics on the double-sided hanging sign be centered in the panel.

Mr. Swope moved approval of the application with the recommendation that the replacement panel be provided with matching logo and text, and that the graphics on the double-sided hanging sign be centered in the panel. Ms. Smith Meyer seconded the motion. Motion carried unanimously.

- **The Concord Cooperative Market for three new affixed signs, located at 24 South Main Street**

Ms. Hebert explained that the application was for three new affixed signs to be mounted on the building facades. She stated that the proposed channel letters are to be halo lit. The ADRC recommended approval of the three signs as submitted by the applicant.

Mr. Swope moved approval of the application for the three new affixed signs as submitted by the applicant. Mr. Lavers seconded the motion. Motion carried unanimously.

- **Robert Hall / American Brake Service for two new awning signs, located at 59 Pleasant Street**

Ms. Hebert reported that the application is for two new awning signs, which will not be illuminated. She stated that the ADRC recommended approval of the signs as submitted.

Ms. Foss noted that according to the graphic submitted by the applicant, the awnings would be backlit.

Glenn Schadlick, from NE-OP-CO Signs was present on behalf of the applicant. He stated that there was existing recessed lighting on the overhang of the building which will shine down on the top of the awning, but there is no new lighting proposed, either backlighting or under the awning.

Mr. Swope moved approval of the two new awning signs, without any additional lighting than what currently exists on the building. Ms. Smith Meyer seconded the motion. Motion carried unanimously.

- **CVS Realty for five new affixed signs, located at 155 Loudon Road**

Mr. Henninger reported that this application is for five affixed new signs for the CVS Pharmacy, and that the architectural elevations for the site were previously approved by the Planning Board; however, the signs had not been approved and that the applicant had been asked to reduce the size of the signs shown in the original elevations. He explained that the ADRC recommended approval for two "CVS Pharmacy" signs and the "Drive Thru Pharmacy" sign as submitted by the applicant and further recommended the two canopy signs be approved without any internal illumination.

Mr. Henninger stated that this is a shared site for Burger King and CVS Pharmacy, and that next month an application for a freestanding sign for the site would be submitted. The Planning Board requested that the applicant provide an overall perspective of the site showing the buildings and signage as approved, as well as the freestanding sign to be requested.

Ms. Smith Meyer moved approval of the three new affixed signs for CVS Pharmacy as submitted by the applicant and moved approval of the two canopy signs without any internal illumination, and requested that the applicant provide an overall perspective of the site showing the buildings and signage as approved, as well as the freestanding sign to be requested. Mr. Swope seconded the motion. Motion carried unanimously.

2. Application by NAMI New Hampshire requesting Architectural Design Review approval for a building addition and site improvements related to accessibility, located at 85 North State Street (2012-0017)

Mr. Henninger explained that the application involves an approximately 70 square foot addition on the side of an existing building to provide a new entrance and space for an internal accessible lift. He stated that also included in the renovations are replacement windows and a small concrete walk leading from the parking area to the new entrance.

Mr. Henninger reported that the ADRC, at its May 8, 2012, meeting reviewed the application and found the proposed revisions to the building to be appropriate for the use and location.

Mr. Swope moved to grant Architectural Design Review approval for a 70-square foot addition and minor renovations at 85 North State Street as submitted by NAMI New Hampshire. Ms. Foss seconded the motion. Motion carried unanimously.

Minor Site Plan and Conditional Use Permit Applications

3. Application by Goodhart Associates, LLC for property located at 70 Commercial Street, requesting Architectural Design Review approval and a Conditional Use Permit pursuant to Section 28-6-9(b)(2) of the Zoning Ordinance, for a sign located at a height in excess of 25 feet above grade and two additional affixed signs (2012-0018)

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

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

The Chair opened the public hearing.

Mr. Henninger explained that the applicant applied for a Conditional Use Permit to allow a building identification sign to be installed higher than 25 feet above grade for an existing multi-story office building. The requested sign, identifying the building as "70 Commercial Street", will be placed between the windows of the third and fourth floors. He stated that the two other requested affixed signs are in conformity with the Zoning Ordinance.

Mr. Henninger reported that the ADRC reviewed the signs at their May 8th meeting and recommended approval of the signs as revised by the applicant.

Hearing no additional comments from the applicant or the public, the Chair closed the public hearing and the Board began deliberations.

Mr. Swope moved to grant a Conditional Use Permit allowing a building identification sign to be installed higher than 25 feet above grade for an existing multi-story office building at 70 Commercial Street, pursuant to Article 28-6-9(b)(2), Permitted Building Signs, as submitted by the applicant. Ms. Foss seconded the motion. Motion carried unanimously.

Mr. Lavers moved to grant Architectural Design Review approval of the signs at 70 Commercial Street, as submitted by the applicant and as revised on May 8, 2012. Ms. Smith Meyer seconded the motion. Motion carried unanimously.

4. Application by Warren and Claudia Morrow, for property located at 85 Currier Road, requesting a Conditional Use Permit pursuant to Section 28-4-3(d) of the Zoning Ordinance, for disturbances of a wetland buffer for the construction of a driveway to serve a new single family residence (2012-0020)

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

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

The Chair opened the public hearing.

Ms. Hebert explained reported that the application is for a Conditional Use Permit for disturbances to a wetland buffer, located in the Open Space Residential District. She stated that there are two jurisdictional wetland areas on the property, an intermittent stream crosses the property along the western side lot line in a northerly direction, and there is a second wetland area along the eastern property boundary.

Ms. Hebert explained that the buffer impacts are limited to what is necessary for the driveway construction, as the grading for the house does not encroach into the wetland buffer. In 2005, the applicants applied for and received a New Hampshire Department of Environmental Services (NHDES) wetlands permit and a New Hampshire Department of Transportation (NHDOT) driveway permit for the construction of the driveway. The first section of the driveway has been constructed, and there are no additional wetland impacts proposed. She stated that the Conservation Commission reviewed the Conditional Use Permit at their April 11th meeting and did not object to the buffer impacts for the driveway. The applicants originally planned to fill a small area of wetland for the driveway construction, and the Conservation Commission requested that the driveway be realigned to avoid additional wetland impacts. This change was made before the Conditional Use Permit was submitted to the Planning Board.

Hearing no additional comments from the applicant or the public, the Chair closed the public hearing and the Board began deliberations.

Mr. Swope moved approval of the Conditional Use Permit of Warren & Claudia Morrow, at 85 Currier Road, for disturbances to a wetland buffer for the construction of a residential driveway, as presented in the application prepared by Moser Engineering, subject to the following standard condition:

1. Prior to the issuance of a building on the property, the limits of the 50-foot wetland buffer shall be identified with the Concord Conservation Commission's wetland buffer discs to prevent future encroachments. The discs shall be placed approximately every 50 feet apart along the perimeter of the buffer.

Mr. Hicks seconded the motion. Motion carried unanimously.

5. Application by The Church of Jesus Christ of Latter-Day Saints, for property located at 90 Clinton Street, requesting Minor Site Plan approval for an expansion of an existing parking lot and requesting Architectural Design Review approval and a Conditional Use Permit pursuant to Section 28-9-4(b) of the Zoning Ordinance, for construction of a steeple at a height in excess of 45 feet above grade (2012-0021)

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

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

The Chair opened the public hearing.

Mr. Henninger explained that the proposal is to expand an existing parking lot by 31 spaces, and modify the site to include additional landscaping and an under-drain system for stormwater. The under-drain system in the front of the site will result in a reduction in the rate and amount of stormwater run-off even with a four percent increase in impervious surface area. The landscaping will include ten additional trees. Planning staff has worked with the applicant to preserve six large Maple trees located along the Clinton Street frontage and the existing large shade and evergreen trees around the parking area.

The applicant has also requested a Conditional Use Permit to install a new steeple, which will be 67 feet 7 inches high, where the maximum height allowed in this district is 45 feet. The Church's existing steeple is approximately 57 feet tall.

Mr. Henninger stated that the ADRC reviewed the site plan and building elevation at its May 8th meeting and recommended approval of the site and landscape plan, as proposed by the applicant. The ADRC found the massing of the steeple to be appropriate, but recommended tabling the Architectural Design Review approval and Conditional Use Permit for the steeple until the design details can be presented and discussed with the applicant, who was not in attendance at the ADRC meeting.

Mr. Henninger reported that revised plans, including additional architectural detail on the proposed steeple, were submitted on May 14th by the applicant. He stated that the plans addressed the concerns of the Planning Staff.

Tim Warnick, the architect for the project, was in attendance, representing the applicant.

Ms. Smith Meyer was concerned about the ornamental trees rather than large shade trees being used around the parking lot, as the purpose of the trees is to shade the asphalt. She suggested that the Planning staff review the selection of trees proposed.

Mr. Hicks stated that the height of the existing steeple is more than allowed in this district, and the applicant is proposing an even taller steeple. He asked the applicant what the purpose for the increased height of the steeple was.

Mr. Warnick responded that the now deceased head of the Church mandated four years ago that all Latter-day houses of worship needed to have steeples. The Church on Clinton Street currently has a spire.

Hearing no additional comments from the applicant or the public, the Chair closed the public hearing and the Board began deliberations.

Mr. Swope moved to grant a Conditional Use Permit pursuant to Article 28-4-1(f) (3), Maximum Height of Buildings or Structures, to allow for the construction of a church steeple 67 feet 7 inches tall for the Church of Jesus Christ of Latter-day Saints at 90 Clinton Street, where 45 feet is the maximum building height allowed in the Institutional District. Mr. Shurtleff seconded the motion. Motion carried, with Mr. Hicks dissenting.

Mr. Swope moved to grant conditional Architectural Design Review approval for a replacement church steeple for the Church of Jesus Christ of Latter-day Saints as proposed by the applicant at 90 Clinton Street, subject to the condition that the applicant receive approval from the ADRC for details of the design of the proposed steeple. Mr. Shurtleff seconded the motion. Motion carried unanimously.

Mr. Swope moved to grant conditional Site Plan approval for modifications to an existing parking lot to add 31 parking spaces for the Church of Jesus Christ of Latter-day Saints at 90 Clinton Street, subject to the following conditions:

1. Prior to the issuance of any permits for construction activity on the site, approvals of construction drawings for on-site improvements shall be obtained from the Engineering and Planning Divisions.
2. Prior to the issuance of any permits for construction activity on the site, approvals of the species and location of parking lot trees shall be obtained from the Planning Division.
3. No construction activity may commence prior to the Engineering Division's preconstruction conference and payment of inspection fees.
4. Prior to the issuance of any 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 City's Engineering Division.

Ms. Foss seconded the motion. Motion carried unanimously.

6. Application by Granite State College, for property located at 25 Hall Street, requesting Architectural Design Review approval and a Conditional Use Permit pursuant to Section 28-6-9(b)(2) of the Zoning Ordinance, for a sign located at a height in excess of 25 feet above grade and two replacement sign panels in an existing freestanding sign (2012-0022)

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

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

The Chair opened the public hearing.

Mr. Henninger reported that the applicant has applied for a Conditional Use Permit to allow a building identification sign to be installed higher than 25 feet above grade for an existing multi-story office building. The applicant proposes to place the sign, identifying the building as "Granite State College," between the top of the building and the highest row of windows on the third story of the building. Two replacement panels in the existing non-conforming freestanding sign for the complex are proposed to be replaced, identifying "Granite State College" and the "Gateway Center."

Mr. Henninger stated that the ADRC discussed the placement of the affixed sign with the applicant's agent and it was recommended that the sign be centered over the three southernmost windows on the third floor.

Scott Aubertin, of First Sign & Corporate Image, was present on behalf of the applicant. He stated that he brought copies of the revised sign graphics showing the centering of the affixed sign over the three southernmost windows on the third floor.

Mr. Henninger stated that the ADRC recommended approval of the Conditional Use Permit for the building identification sign to be installed higher than 25 feet above grade and recommended approval of the two replacement panels in the existing non-conforming freestanding sign, as submitted.

Hearing no additional comments from the applicant or the public, the Chair closed the public hearing and the Board began deliberations.

Ms. Foss moved to grant a Conditional Use Permit to allow a building identification sign to be installed higher than 25 feet above grade for an existing multi-story office building at 25 Hall Street, pursuant to Article 28-6-9(b) (2), Permitted Building Signs, as submitted by the applicant, with the stipulation that the sign be centered over the three southernmost windows on the third floor, as shown on the revised plan. Mr. Lavers seconded the motion. Motion carried unanimously.

Mr. Swope moved to grant Architectural Design Review approval for one new affixed signs and two replacement panels for Granite State College and the Gateway Center in an existing freestanding sign,

as submitted by the applicant for 25 Hall Street. Ms. Foss seconded the motion. Motion carried unanimously.

Major Site Plan Applications

- 7. Consideration of an application by Fellowship Housing Opportunities, for property located at 10 Jackson Street, requesting Major Site Plan approval and Architectural Design Review approval for the conversion of an existing three-unit residential structure to a five-unit residential structure, façade renovations, and the redesign of the parking layout with related paving, landscaping, drainage, and associated site improvements. (20120-0015)**

The Chair opened the public hearing.

Ms. McPherson reported that Fellowship Housing Opportunities, Inc. is proposing to convert an existing three-unit residential apartment building at 10 Jackson Street, into five one-bedroom apartments. She stated that the applicant has applied for and received from the Zoning Board of Adjustment, the following five variances:

1. to permit a five-unit conversion on a lot of 4,367 square feet, when a minimum lot size of 12,500 square feet is required
2. to permit a five-unit conversion on a lot with 70 feet of frontage, where 75 feet is required, and to permit lot coverage of 60 percent, where a maximum lot coverage of 60 percent is allowed
3. to reduce the number of parking spaces to two, where ten spaces are required
4. to maintain the existing parking area without full conformance with parking area design standards in the Zoning Ordinance
5. to permit a parking lot layout that requires vehicles to exit the parking area by backing into Jackson Street, where such action would otherwise be prohibited.

Ms. McPherson explained that this project has been the subject of a Section 106 Review because the building was determined eligible as a contributing element to a potential North End Historic District. The originally proposed building renovations would have destroyed character-defining details, but the applicant has submitted revised architectural elevations in response to comments from the Concord Heritage Commission and the New Hampshire Division of Historical Resources (NHDHR). The NHDHR Section 106 Review resulted in a recommendation that the project will have “no adverse effect” with the following stipulations:

1. the cupola be retained
2. the proposed infill porch area be set back from the current balustrade and post to provide a perception of depth in this area – further the original posts and stick-style balustrade will be restored and remain in place

3. the new entry porch near the rear of the building will have a simple post balustrade and its roof shall be pitched in as close a ratio as possible to the existing roofline of the building
4. new windows shall match the 2/2 configuration of the existing windows
5. the Queen Anne style, fixed windows will be reutilized on the south elevation

Ms. McPherson stated that the application also includes a complete remodel of the interior of the building, changes to the exterior of the building, revisions to the parking lot layout to incorporate a designated van accessible space, a new pervious paver courtyard area, the addition of curbing and landscaped areas, and a solid wood fence to enclose the rear and south side yard. The applicant is including landscape improvements and fencing to provide screening to the adjacent properties. The project also includes the planting of two additional shade trees.

Page Cannon, Executive Director of Fellowship Housing, and Eric Buck, of Pollock Land Planning, LLC, were present.

Ms. Cannon spoke of her years in the community working with the mentally ill. She stated that currently Fellowship Housing has 50 residential units, with only five cars among all the residents. She said that the neighbors at Jackson Street are pleased with the project, which will reduce density, as the building now houses 14 individuals and with the proposed five one-bedroom units, she expects only five residents.

The Chair stated his concern with the parking arrangements and wondered if the building changes ownership, would the Planning Board have the ability to render the parking variance null and void. He asked that the Planning staff research this issue. Ms. Smith Meyer responded that it would be a constraint on the current owner of the building to have five units with only two parking spaces.

Ms. Smith Meyer asked whether there would be any place to store snow on site and/or whether Fellowship Housing had snow removal capabilities. Mr. Buck responded that they would be able to store snow on the pervious pavers. Ms. Cannon added that Fellowship Housing does have snow removal capabilities.

Hearing no additional comments from the applicant or the public, the Chair closed the public hearing and the Board began deliberations.

Mr. Swope moved to grant Architectural Design Review approval for the site, landscaping, and design of the proposed five-unit apartment building at 10 Jackson Street, as submitted by Team Engineering, PLLC, for Fellowship Housing Opportunities, Inc., subject to the stipulations of the NHDHR Section 106 Review and the recommendation of the ADRC that where the vinyl siding is being removed and replaced, the appropriate trim be provided, including arching, water boards, and corner boards. Ms. Smith Meyer seconded the motion. Motion carried unanimously.

Ms. Smith Meyer moved to grant conditional Site Plan approval for the Major Site Plan application of Fellowship Housing Opportunities, Inc., at 10 Jackson Street, as prepared by Team Engineering, PLLC, subject to the following standard conditions:

Standard Conditions:

1. Prior to the issuance of any building permits for construction activity on the site, approvals of site plan drawings and supporting documents shall be obtained from the Engineering and Planning Divisions.
2. No construction activity may commence prior to the Engineering Division's preconstruction conference and the payment of all required construction inspection fees.
3. No certificate of occupancy for any building or use shall be issued until all site improvements have been substantially completed to the satisfaction of the City Planner and City Engineer.
4. Traffic, recreation, and school 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 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 – Multi-unit/Apartment (2 new units)
 - b. Recreational Facilities – Multi-unit/Apartment (2 new units)
 - c. Transportation Facilities – Multi-unit/Apartment (2 new units)

Mr. Swope seconded the motion. Motion carried unanimously.

Minor Subdivision Plan Applications

- 8. Application by Arthur Ellison, Richard Morrill, and Kathleen Muldowney Morrill, for property located at 81 and 89 West Parish Road, requesting Minor Subdivision approval for a boundary line adjustment (2012-0019)**

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

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

The Chair opened the public hearing.

Ms. Hebert reported that the purpose of this subdivision is to adjust the lot lines between the properties at 81, 83 and 89 West Parish Road, in order to correct two existing non-conforming setback issues. All three properties are located in the Open Space Residential District. The barn at 89 West Parish Road is partially located on the property at 83 West Parish Road and the lot line bisects the building. To allow the barn to be entirely located on the property at 89 West Parish Road, 1.08 acres of land will be annexed from 83 West Parish Road. The deck at 81 West Parish Road encroaches into the existing setback and will be corrected by the annexation of 0.16 acres of land from 83 West Parish Road to 81 West Parish Road. Ms. Herbert stated that the Zoning Board of Adjustment granted a request for an equitable waiver for the deck at 81 West Parish Road to have a setback of 38.4 feet, where 40 feet is required. Once the subdivision application is approved, the equitable waiver will no longer be required.

Hearing no additional comments from the applicant or the public, the Chair closed the public hearing and the Board began deliberations.

Ms. Smith Meyer moved to grant final subdivision approval for the Minor Subdivision application of Arthur S. Ellison and Richard L. and Kathleen M. Morrill at 81, 83 and 89 West Parish Road, as prepared by Richard E. Turner, LLS, for the plan entitled "Boundary Line Adjustment Plan Tax Map 104 Parcels 2-62, 2-63, and 2-15, Arthur S. Ellison & Richard L. Morrill & Kathleen Muldowney Morrill" subject to the following standard condition:

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.

Mr. Swope seconded the motion. Motion carried unanimously.

Major Subdivision Applications

- 9. Consideration of an application by Donald W. Cloutier Revocable Trust, for property located at 153 Hoit Road, requesting reconsideration of a Major Subdivision approval in order to amend the original single-phase approval to a three-phase approval for the Glen Ellen Cluster Subdivision (2008-008)**

The Chair opened the public hearing.

Mr. Henninger explained that the applicant has requested a revision to the previously approved cluster subdivision to modify the project from a single-phase to a three-phase project to allow additional time to complete each phase of the subdivision. The applicant has maintained all required state permits, and the project remains in compliance with the City's Zoning and Subdivision Regulations.

The Fire Department had requested the Planning Board require residential sprinklers for homes in this development. The applicant noted this requirement on the subdivision plan, and the Board made this a condition of its approval on September 17, 2008. In 2011, the NH Legislation passed into law provisions prohibiting planning boards from requiring residential sprinklers as a condition of approval; it also appears that the City would not be able to enforce a sprinkler requirement on previously approved subdivisions. As a result, in order to meet fire protection standards, the Planning Board, on recommendation from the Fire Department, may require that this subdivision include dry hydrants, cisterns, and/or fire ponds as part of the Subdivision Amendment. Instead, the owner, David Cloutier, has voluntarily agreed to install residential sprinkler systems for the 30-unit condominium portion of the project in Phases 2 & 3, in a letter dated May 7, 2012.

Phase 1 would consist of five single family frontage lots along Hoit Road, including a lot for the existing farmhouse and four new building lots. The future development areas for Phases 2 & 3 and the required open space will be located on the remaining parcel. A conservation easement for all of the required open space would be conveyed at Phase 1. The applicant would have two years from the date of approval of this amendment to complete Phase 1.

Phase 2 would create two additional lots, one for the area to be developed into condominium single family units and a separate lot for the open space. The second phase would also include the creation of 13 detached single family condominium units and a common private drive to provide access to the homes. Provided Phase 1 was completed within the first two years of approval of this amendment, the applicant would have two additional years, or four years from the date of approval, to complete the second phase.

Phase 3 would include the creation of the remaining 17 single family condominium units and two common private drives to access these units. Provided Phase 2 has satisfied the requirements for active and substantial development within the allowed timeframe, the third phase would be valid for an additional 2 years, or for a period of six years from the date of approval.

Donald Cloutier, owner of the property, was present to discuss the project and answer questions.

The Planning Board had some concerns regarding the legality of Mr. Cloutier's May 7th letter outlining his willingness to install residential sprinkler systems for the 30-unit condominium portion of the project in Phases 2 & 3, if the property was sold. They discussed that requiring fire ponds, cisterns, and the like for fire prevention is allowable and enforceable, it is only sprinklers in residential single family home that cannot be required by planning boards. The Board agreed that they would like to require something for fire protection.

Hearing no additional comments from the applicant or the public, the Chair closed the public hearing and the Board began deliberations.

Mr. Swope moved to grant conditional approval of an amendment to the previously approved major cluster subdivision, entitled "Glen Ellen" at 153 Hoit Road, as prepared by Woodland Design Group, Inc., subject to the following special and standard conditions:

Special Conditions

1. Phase 1 of the Subdivision shall be valid for a two-year period from the date of this approval of the amendment, May 16, 2012. If Phase 1 has been recorded, Phase 2 shall be approved for an additional two-year period, or a total of four years from the date of this approval. If Phase 2 has commenced and active and substantial development has been achieved within the four-year approval period, then Phase 3 shall be approved for an additional two years, or a total of six years from the date of this approval. Active and substantial development for Phase 2 shall be the completion of the common drive in Phase 2 and the recording of the Phase 2 condominium plat.
2. Prior to the Phase 1 plat being signed by the Planning Board Chair and Clerk, the companion subdivision (2008-21) adjusting the lot lines between Map 123 Block 1 Lots 7, 10 & 28, creating the base lot for the Glenn Ellen Subdivision, shall be recorded in the Merrimack County Registry of Deeds.
3. This approval shall include extensions of the following approvals granted on August 20, 2008:
 - a. A waiver to Section 9.04(3)(c) Street Surfacing and Table 9-1 of the City of Concord Subdivision Regulations to allow Taft Way to be constructed as a one-way street with an 18' pavement width where a minor street in a low density residential district is required to have 26'. The City Subdivision standards have no provisions for a one-way street and consequently a waiver from the City's Minor Street standard is necessary to approve the construction of a one-way residential street.
 - b. A Conditional Use Permit pursuant to the City of Concord Zoning Ordinance, Article 28-5-26 - Single Family Dwellings in a Standard (non-cluster) Subdivision, to allow for five conventional single family residential lots in conjunction with a major cluster residential subdivision entitled "Glen Ellen" at 153 Hoit Road. The applicant has met the open space requirements outlined within Section 28-5-26 for a conventional subdivision in the RO – Open Space Residential District.
 - c. A Conditional Use Permit pursuant to the City of Concord Zoning Ordinance, Article 28-4-3(d) Wetland Buffer Disturbances for wetland buffer disturbances of 830 square feet and 5,594 square feet to support lot development subject to the stipulation that a certified erosion control specialist monitor construction until all cut/fill slopes on the site are fully stabilized.

- d. A Conditional Use Permit pursuant to the City of Concord Zoning Ordinance, Article 28-4-3(d) Wetland Buffer Disturbances for a wetland buffer disturbance of 1,196 square feet for a drainage outfall for Hoit Road and Gorham Way.
4. Prior to the Phase 2 and Phase 3 plats being signed by the Planning Board Chair and Clerk, fire protection measures, which may include fire ponds, cisterns or other measures which are deemed acceptable by the Clerk of the Board and the Fire Department, shall be provided for and incorporated into the plans as necessary. This condition is not applicable to Phase 1.

Standard Conditions

5. Prior to the plat being signed by the Planning Board Chair and Clerk for each phase, the applicant shall revise the plat drawings in that phase to address the minor corrections and omissions noted by City staff.
6. Prior to the plat being signed by the Planning Board Chair and Clerk for each phase, approvals of construction drawings for on-site improvements in that phase shall be obtained from the Engineering and Planning Divisions.
7. Prior to the plat being signed by the Planning Board Chair and Clerk for each phase, the applicant shall obtain approval of private utility plans for that phase from Unitil and Fairpoint Communications.
8. Prior to the plat being signed by the Planning Board Chair and Clerk for each phase, the applicant will provide to the City Solicitor a financial guarantee for all public improvements in that phase in an amount approved by the City Engineer and in a form acceptable to the City Solicitor.
9. Prior to the Phase 1 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) Conservation Easement Deed for the 77.278 acres of open space;
 - b) Agreement to convey an access, slope and utility easement for the benefit of the owner of property known as Map123 Block 1 Lot 28 at the end of Gorham Drive;
 - c) Two agreements to convey driveway easements – one for the benefit of new lots #1 and #2 and one for the benefit of new lots #3 and #4;
 - d) Agreement to convey a private drainage and slope easement on proposed lot #5; and
 - e) Public drainage and slope easement to the City of Concord on proposed lot #5.

10. Prior to the Phase 2 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) Public drainage and slope easement to the City of Concord; and
 - b) Drainage and slope easements for the benefit of the Condominium Association.
11. Prior to the Phase 2 and Phase 3 plats being signed the Planning Board Chair and Clerk, the condominium documents shall be reviewed and approved by the City Planner and City Solicitor.
12. The wetland buffers and the boundary of the conservation easement 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.
13. 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.
14. Traffic, recreation and school impact fees shall be assessed for any construction on lots 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, 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

Ms. Smith Meyer seconded the motion. Motion carried unanimously.

REGULAR MEETING

10. Consideration of Minutes of the April 18, 2012, Planning Board meeting

Mr. Swope moved to approve the minutes of the Planning Board meeting for April 18, 2012, as written. Mr. Shurtleff seconded the motion. Motion carried unanimously.

11. Discussion of the Design Review Guidelines

Ms. McPherson stated that the kick-off meeting and tour for the Design Review Guidelines would be held on Friday, May 18th. The Chair requested any interested Planning Board members attend. He also stated that this would be a continuing process, with which members should be involved. He explained that the Planning Board would be reviewing the draft guidelines collectively.

There was no further business to come before the Planning Board, and the meeting adjourned at 9:30 p.m.

A TRUE RECORD ATTEST:

Gloria McPherson
Clerk

djm