

The regular monthly meeting of the City Planning Board was held on June 15, 2011, in the City Council Chambers in the City Hall Annex at 7:00 PM.

Present at the meeting were Members Drypolcher, Swope, Foss (who arrived at 7:08 PM and was seated), Gross, Hicks, and Meyer. Messrs. Woodward and Henninger, Ms. Hebert and Ms. Osgood of the City Planning Division were also present, as was Ms. Aibel, the City's Associate Engineer.

At 7:05 PM a quorum was present, and the Chair called the meeting to order.

APPLICATIONS

Major Subdivisions

1. Application by **Lorna Gagnon** for approval of a Major Subdivision of property located at **121 Portsmouth Street. (#2011-22)**

Public Hearing

Ms. Hebert explained this proposal to subdivide an existing 3.47 acre residential lot on which there is a single family residence into five additional building lots. The existing home will be removed and the six new parcels will be accessed from a proposed road that will terminate in a cul-de-sac.

(Ms. Foss arrived at 7:08 PM and was seated.)

Ms. Hebert reported that the Planning Board had discussed this application at a public hearing on June 20, 2007. The original layout of the subdivision included seven residential parcels and included a waiver request to allow the creation of six residential parcels that did not meet the usable land area requirement pursuant to Section 9.03(3)(b)(i) of the Subdivision Regulations. Each new parcel needs to contain a usable land area rectangle that equals at least 5,000 square feet with a minimum horizontal dimension of 60 feet. Although the six proposed lots contained the required 5,000 square feet, they did not satisfy the minimum dimensional requirement of 60 feet. At the public hearing a motion to approve the waiver failed, and the Planning Board voted to table action on the application to allow the applicant time to address a number of concerns, including reconfiguring the subdivision layout to provide each proposed lot the required usable land area rectangle as specified in Section 9.03(3)(b)(i) of the Subdivision Regulations.

In April 2010, the applicant submitted a concept plan for a revised subdivision layout which included reducing the number of proposed lots from seven to six. The Board moved to advise the applicant to move forward with the design as proposed; that fully engineered plans would need to be submitted prior to the scheduling of a public hearing; the revised plans would need to address the previous concerns of the Board regarding the screening to the adjacent residential properties; and that the applicant

should consider modifying the design of the cul-de-sac and layout of the sidewalk to meet the new standards in the revised Subdivision Regulations.

She explained that the Subdivision Regulations impose a one year limit on the amount of time an application can remain inactive before the application will lapse. This application was inactive for more than a year and the applicant has now reapplied for subdivision approval.

Ms. Hebert reported that the revised layout satisfied the requirements of the City's Subdivision Regulations in regards to the usable land area rectangle.

She reported that the roadway is approximately 435 feet long measured to the end of the cul-de-sac and has been designed as a Residential Urban Street, with a pavement width of 30 feet and right-of-way width of 50 feet. The Residential Urban Street standard in the Subdivision Regulations requires sidewalks, a grass panel strip, and street trees on both sides of the street. The cul-de-sac has been redesigned with a right-of-way diameter of 120 feet, a pavement diameter of 100 feet, and a center island diameter of 48 feet to meet the standards of the newly adopted Subdivision Regulations. She reported that the applicant had requested a waiver to not include curbing around the interior landscaped island of the cul-de-sac. The landscaped island contains three drywell catch basins designed to receive and infiltrate stormwater.

She reported that a landscape plan with the required number of street tree plantings had been submitted, but the plan was not prepared by a Licensed Landscape Architect. The applicant had originally sought a waiver for this requirement but subsequently withdrew the waiver request.

She reported that the Board had previously advised the applicant that screening should be provided to the adjacent property owners. The plan does not specifically identify a no-cut vegetative buffer, but the subdivision has been redesigned to reduce the number of lots from seven to six and the size of the cul-de-sac has also been reduced. These changes have made the area of the parcels larger.

Mr. Gross had questions relative to the proposed road. Since this will be a public street, he wondered why City staff had recommended that the Planning Board not require granite curbing. Ms. Hebert responded that, for snow load and drainage, a smaller interior island with no curbing was being recommended by the Engineering Division.

Jason Hill, from Holden Engineering & Surveying, Inc., was present on behalf of the applicant and explained that the road has shifted to the south since the submittal in 2010. There is one less lot so the proposed lots are larger in size.

Mike Varley, 44 North Curtisville Road, reminded the Board of a discussion at its meeting in June of 2007 relative to screening. He was concerned about maintaining screening between these new lots and the existing neighborhood. He asked that the Board renew the requirement for adequate screening by providing a covenant in the deeds for these new parcels.

There was no one else who wished to speak for or against this application and the Chair declared the hearing closed at 7:21 PM.

Deliberations and Action on Application

Regarding the requested no-cut area, Ms. Meyer felt requiring screening was excessive. It is a residential neighborhood, and not commercial or industrial. She felt it would be the responsibility of the existing property owner to start to increase his own visual buffer.

Mr. Swope moved that the Planning Board grant the waiver request to Section 21.07, Curbs, to not provide vertical granite curbing around the cul-de-sac island. The drainage design proposes sheet flow across the cul-de-sac island to dry wells located at the center of the cul-de-sac. The sheet flow will provide some pre-treatment of the stormwater and the soil conditions at the site are appropriate for the proposed use of dry wells to control the stormwater runoff. Ms. Foss seconded. Motion carried.

Mr. Swope moved that the Planning Board grant conditional subdivision approval of the "Terra Vista Subdivision" as prepared by Holden Engineering & Surveying, 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 and a financial 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 easement to the City of Concord on proposed lots # 1 and 6;
 - b. Conveyance of water hydrant easement to the City of Concord on proposed lot # 1;
 - c. Conveyance of public right-of-way easement for Vista Lane;
 - d. Conveyance of a utility easement on proposed lots # 1, 2, 3, 4, 5 & 6; and

- e. Conveyance of a 25 foot wide right-of-way for pedestrian access to Broken Ground School
4. Prior to the final plat being signed by the Planning Board Chair and Clerk, the applicant shall obtain approval of private utility plans from Unitil, Fairpoint Communications, and National Grid.
5. Prior to the final plat being signed by the Planning Board Chair and Clerk, digital information shall be provided to the City Engineer for incorporation into the City of Concord Geographic Information System (GIS) and tax maps. The information shall be submitted in accordance with Section 12.08 of the Subdivision Regulations.
6. Prior to the final plat being signed by the Planning Board Chair and Clerk, the following State permit shall be obtained and a copy provided to the Planning Division:
 - a. NH Department of Environmental Services Water Quality and Sewer Discharge Permits
7. No certificate of occupancy for any building or use shall be issued until the public streets improvements have been conditionally accepted by the City of Concord, in accordance with Section 31 of the Subdivision Regulations, and all off site improvements have been substantially completed to the satisfaction of the City Engineer.
8. 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
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.

Special Condition

11. Prior to the final plat being signed by the Planning Board Chair and Clerk, the applicant shall submit a landscape plan stamped by a NH Licensed Landscape Architect.

Ms. Meyer seconded. Motion carried.

2. Application by **B & D Houston** Enterprises LLC for approval of a Major Subdivision of property on **15 Integra Drive. (#2011-23)**

Public Hearing

Mr. Henninger explained this proposal to subdivide a 21.97 acre parcel from an existing lot of 54.98 acres and to construct an 800 foot extension of Integra Drive as a collector street. Integra Drive will be terminated at a temporary turnaround at the future intersection of Integra Drive and the extension of Old Suncook Road southerly from Manchester Street. Other improvements include a dry sewer line in Integra Drive, the extension of City water in the extended street, and drainage improvements.

He reported that the applicant's agent had requested that this evening's hearing on this item be recessed until the July 20, 2011, Planning Board meeting to allow the applicant to revise the design of the proposed extension of Integra Drive. The applicant wishes to reduce the length of the proposed extension of Integra Drive to the minimum necessary to provide the required frontage for the two proposed lots. The applicant's proposed revisions will result in reduced impacts and less site disturbance.

He reported that the 21.97 acre lot can be served by a sewer force main in Integra Drive. The remaining lot cannot be served until the dry sewer line is extended northerly to Manchester Street and this line is brought into service.

He reported that the applicant had requested a waiver to allow the plat to be submitted at a scale of 1"= 100', and to submit a location plan at a scale of 1"= 800'. The construction plans are all prepared at a scale of 1"= 40'. The Clerk of the Board may allow a subdivision to be submitted at a scale of 1"=100' if the lot sizes involved are greater than ten acres. The lot sizes exceed 10 acres in size, and the information has been legibly provided, hence a waiver is not necessary. Staff has no concerns with the location plan being submitted at a scale of 1"=800'.

Pursuant to Section 28.04(6) of the Subdivision Regulations, a street tree is required for every 30 feet of street frontage. He reported that City staff requested that the applicant show the installation of the proper number of shade trees on both sides of the street, and had further advised that they could request a waiver from the Planning Board to defer

installation of the street trees until future lot development occurs. The applicant has revised the subdivision plan to show the 50 required street trees.

Mr. Henninger explained that Integra Drive is a collector roadway and has been constructed to the City's collector road standard. The extension will be constructed to the same standard. Pursuant to Table 21-2 Non-residential Street Standards of the Subdivision Regulations, sidewalks are required on both sides of the street for an arterial or collector street. The applicant has requested a waiver to not construct any sidewalk. City staff requested that the applicant show the installation of the sidewalk on both sides of the street, and had advised that they could request a waiver from the Planning Board to defer the installation of the sidewalk until future lot development occurs.

He reported that potential future road connections north and south through the site have been shown on the subdivision plan. An agreement has been recorded that preserves this right-of-way through the site. A corridor has been reserved at the Freedom Cycle site at the intersection of Old Suncook Road and Manchester Street. This collector road will continue southerly beyond Integra Drive to Garvins Falls Road near the Passaconaway Club.

Right-of-way has been provided to allow for the construction of a roundabout at the future intersection of Integra Drive and the extension of Old Suncook Road (future road).

He reported that the Planning Board has expressed concern in the past regarding additional development along Integra Drive until improvements are made to the intersection of Integra Drive and Manchester Street. The City's capital project will commence in July of this year with the goal of the proposed traffic signal at the realigned intersection of Airport Road and Integra Drive being operational by December 10, 2011.

Mr. Henninger reported that the applicant intended to extend municipal water and sewer lines along the extension of Integra Drive. The existing sewer line along Integra Drive is not in operation, but is designed to extend north and westerly through this property ultimately to Manchester Street. Existing development on Integra Drive is connected to the Manchester Street gravity sewer line by individual sewer force mains. A note has been added to the plan indicating that the remnant 32.14 acre lot on Integra Drive will not be developable until functioning sewer service is provided.

Mark Sargent from Richard D. Bartlett & Associates Ltd was present on behalf of the applicant.

Deliberations and Action on Application

At 7:36 PM, there was no one else who wished to speak for or against this application, and Mr. Gross moved to recess the hearing until the July 20, 2011, Planning Board meeting to allow the applicant to revise the design of the proposed extension of Integra Drive. Mr. Swope seconded. Motion carried.

Minor Site Plan and Conditional Use Permit Applications

3. Application by **Tracy Nabstedt, Trustee of the Tracy S. Nabstedt Jr., Revocable Trust**, for approval of a Conditional Use Permit pursuant to Section 28-4-3(d), Conditional Use Permit Required for Certain Disturbance of Wetland Buffers, of the Zoning Ordinance, located at **188 Hopkinton Road.. (#2011-25)**

Recessed Public Hearing

Mr. Woodward explained this proposal to construct a two-car garage connected by a new deck to the existing house, and to expand the existing driveway to serve the two bays of the proposed garage at 188 Hopkinton Road opposite Little Turkey Pond. Both the garage and driveway will encroach into a wetland buffer. For the Board's meeting of May 18, 2011, the applicant had submitted two options for site layout indicating a preference for Option 2. In conjunction with this encroachment, the applicant sought a Conditional Use Permit under terms of Section 28-4-3(d), Conditional Use Permit Required for Disturbance to Wetland Buffers, of the City's Zoning Ordinance to disturb 1,194 square feet of a wetland buffer as part of Option 2. Option 1 as presented on a plan indicated that 2,185 square feet of wetland buffer would be impacted. The home on the site was built prior to the establishment of wetland buffers so that the effect of the wetland buffers, yard setbacks, and required setbacks from the septic system is to leave a minimal buildable envelope.

He reported that the existing house is located at the northerly end of the parcel on a high point on the lot, and the existing driveway runs from Hopkinton Road through the wetland buffers to reach the house. Option 2 included a retaining wall to facilitate the widened driveway in front of the garage, whereas Option 1 indicated a proposed re-grading for the same purpose.

At the meeting on May 18, 2011, the Board received a recommendation from the Conservation Commission that the Planning Board not approve the plan as submitted, and to encourage the applicant to reduce the wetland buffer impact. Accordingly, the Board voted to recess the hearing on this application to allow time for the applicant to meet with the Conservation Commission to confer about the plans and the related wetland buffer impacts, and to allow the Commission to report their findings to the Planning Board for the June 15th meeting.

He reported that the Conservation Commission, at their meeting on June 9, 2011, met with the applicant and reviewed revised plans that included a reduction in the garage footprint with a related narrowing of the driveway such that the wetland buffer impact has been reduced to 1,016 square feet. In addition, the applicant has proposed the removal of an existing shed and a portion of the gravel driveway and parking area from wetland buffers on the site, and to restore these areas so as to reduce the existing encroachments in the wetland buffers by 854 square feet. The Conservation Commission found the applicant's revisions to be acceptable and voted unanimously to

indicate to the Planning Board that the Commission had no objection to the granting of the CUP in accordance with the revised proposal.

No one spoke on behalf of the applicant and no one else wished to speak for or against this application, and the Chair declared the hearing closed at 7:43 PM.

Mr. Swope moved that the Planning Board grant the Conditional Use Permit under terms of Section 28-4-3(d), Conditional Use Permit Required for Disturbance to Wetland Buffers, of the City's Zoning Ordinance, subject to the following conditions:

1. Prior to the issuance of a certificate of approval by the Planning Board Chair (and issuance of any building permits for construction activity on the site) the wetland buffers shall be clearly and permanently marked with the City of Concord Conservation Commission's wetland buffer discs. These markers shall remain in place after construction to notify the land owner of the location of the wetland buffer.
2. Prior to the issuance of a Certificate of Occupancy for the new garage, the existing shed shall be removed from the wetland buffer, and the area occupied by the shed and the portion of the driveway and parking area that is currently located in the wetland buffer shall be restored by loaming and seeding with a conservation mix.
3. The Conditional Use Permit is valid for two years from the date of Planning Board action in accordance with the terms of 28-9-4(b)(7) and may be extended in accordance with the provisions of the same.

Ms. Foss seconded. Motion carried.

4. Application by **New Cingular Wireless PCS, by and through AT&T Mobility Corporation, and on behalf of PFP Associates LTD Partnership**, for a conditional use permit pursuant to Section 28-5-23, Wireless Telecommunications Equipment, of the Concord Zoning Ordinance, at **22 Bridge Street. (#2011-29)**

Determination of Completeness

Ms. Hebert explained this proposal to replace three existing antennas on the Ralph Pill Building, and to add six new antennas to expand the existing wireless telecommunications facility.

She reported this application was complete and ready for public hearing.

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

Public Hearing

Ms. Hebert explained this proposal to replace three existing antennas on the Ralph Pill Building, and to add six new antennas to expand the existing wireless telecommunications facility. The expansion of a wireless telecommunications facility requires a Conditional Use Permit from the Planning Board as well as Architectural Design Review of the proposed installation.

She explained that the existing facility includes three panel antennas mounted to the exterior of the tower at the Ralph Pill Marketplace building. The existing antennas protrude above the top of the tower. The applicant proposes to replace and lower the existing antennas to an elevation at or below the top of tower, and to add six new antennas which would also be installed at or below the height of the building. The facility does not provide for co-location opportunities.

She reported that, in support of the application, AT&T has provided a Radio Frequency Study to demonstrate the need for the additional antennas. The report finds that there is currently inadequate network service and capacity along I-93 and the adjacent commercial areas. The expansion of the wireless telecommunication facility will enable AT&T to better handle the volume of calls in this area of the city.

She reported that the Design Review Committee had reviewed the site and building plans and advised the applicant that the antennas should be installed at or below the cornice of the Ralph Pill tower and painted to match the existing brick color as shown on the photographic renderings provided by the applicant.

She reported that the new and replacement antennas will be installed at a centerline height of approximately 72.5 feet which is 2.5 feet lower than the existing antennas and that this will make the top of the antennas level with the top of the building. The applicant has provided revised plans to support the statement that the antennas will be at the same height or lower than the building.

Attorney Will Dodge was present on behalf of AT&T along with Michelle Orr and Deepak Rathore to answer questions from the Board.

There was no one else who wished to speak for or against this application and the Chair declared the hearing closed at 8:50 PM.

Deliberations and Action on Application

Mr. Swope moved that the Planning Board approve the Conditional Use Permit (CUP) pursuant to Article 28-5-23(b)(1) of the City of Concord Zoning Ordinance for the expansion of a wireless telecommunications facility at 22 Bridge Street and grant Architectural Design Review for the proposed wireless telecommunications facility subject to the following conditions:

1. The wireless telecommunications antenna shall be installed so that the highest point of the antenna is at or below the highest point on the cornice of the Ralph Pill building and painted to match the brick red color of the building. 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), revised construction plans shall be submitted to verify the installation height of the antennas in relation to the height of the building.
2. Prior to the issuance of a certificate of approval by the Planning Board Chair (and issuance of any building permits for construction activity on the site), the applicant shall provide a financial guarantee for the removal or demolition and disposal of the antennas pursuant to 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.
 3. 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).

Mr. Gross seconded. Motion carried.

Major Site Plan Applications

5. Application by **The Friendly Kitchen, Inc.** for a site plan of property located at **14 Montgomery Street**. Along with this application is a request for a Conditional Use Permits pursuant to Section 28 7-11(f), Driveway Separation Alternatives, of the Zoning Ordinance (**#2011-28**)

The Chair announced that consideration of this application had been postponed at the request of the applicant's agent.

6. Application of **Dr. Rodney G. Sigua, DDS, on behalf of the Otto Family, LLC**, for a site plan of property located at **10 Commercial Street**. Along with this application is a request for Conditional Use Permit pursuant to Section 28-711(b), Construction of Fewer parking Spaces, of the Zoning Ordinance. (**#2011-26**)

Determination of Completeness

Mr. Henninger explained this proposal to convert a portion of an existing office building to a medical office use.

He reported this application was complete and ready to be scheduled for public hearing.

Mr. Gross moved that the Planning Board determine this application to be complete and schedule a public hearing for July 20, 2011. Mr. Swope seconded. Motion carried.

7. Application of **St. Paul's School** for a Major Site Plan of property located on **Dunbarton Road at Pleasant Street**. Along with this application is a request for a Conditional Use Permit pursuant to Section 28-4-3(d), Conditional Use permit

Required for Disturbance to Buffers in the SP District, of the Zoning Ordinance.
(#2011-19)

Public Hearing

Ms. Hebert explained this proposal to reconstruct approximately 400 linear feet of Dunbarton Road beginning at the Dunbarton Road/Pleasant Street intersection, and to realign approximately 200 linear feet of Rectory Road beginning at the intersection with Dunbarton Road. This would redesign the main entrance to the campus by narrowing the width of Dunbarton Road at the intersection with Pleasant Street and aligning Rectory Road at a 90 degree angle with Dunbarton Road. It would also include landscape improvements at the main entrance, as well as sidewalk construction, relocation of existing overhead utilities along Dunbarton Road and Pleasant Street, and the construction of a 35-space parking area to the south of the red barn. The landscape improvements would also include the installation of a granite post and wood rail fence along Dunbarton Road and new signs at the campus entrance.

She reported that the landscape plan provided street trees along both sides of Dunbarton Road. There are currently overhead utilities along the east side of Dunbarton Road that would prohibit the planting of trees. The applicant originally proposed to relocate three utility poles on the north side of Pleasant Street and one pole on the south side of Pleasant Street. The existing overhead utilities on the east side of Dunbarton Road would have been placed underground. Due to the expense of burying the utilities, St. Paul's School is now looking into a more cost effective alternative to accommodate the street tree plantings, but would like to move forward with the plan as submitted.

She reported that approximately 100 linear feet of the relocated portion of Dunbarton Road, along with the associated utility, landscaping and roadway improvements, are located within the Pleasant Street right-of-way. These improvements will require a license from the City Council to construct and maintain these improvements within the City's right-of-way.

She reported that Dunbarton Road would be constructed with a pavement width of 23 feet to match the recently reconstructed section of Dunbarton Road adjacent to the new Math and Science Center. Rectory Road would be reconstructed with a pavement width of 20 feet.

The new parking lot will serve as overflow parking for visitors during special events and will be constructed with a closed drainage system and underground infiltration system.

Ms. Hebert reported that a portion of the project area is located within the Shoreland Protection Overlay District and the 75-foot setback from Millers Brook. The applicant has applied for a Conditional Use Permit for impacts to the Shoreland setback. Most of the land within the setback is already impacted by the existing roadway. The new impacts include the sidewalk construction, landscape improvements, and underground

utility line. Overall, the work does not involve significant regrading or tree removal within the Shoreland setback.

She reported that the Design Review Committee had reviewed the proposed landscape plans and sign, and recommended approval as submitted.

Theodore Kupper, from Provan and Lorber, was present on behalf of St. Paul's School and explained that this is the second phase of the master plan for improving the grounds through the St. Paul's School campus, primarily at the entrance. The school is going to great lengths to try to change the appearance of the entrance, including the cost of planting mature trees. The idea was to place utilities underground so as to not incur any damage to those mature trees.

There was no one else who wished to speak for or against this proposal and the Chair declared the hearing closed at 8:07 PM.

Deliberations and Action on Applications
Deliberations and Action on Architectural Design Review

Mr. Swope moved that the Planning Board approve the Conditional Use Permit pursuant to Article 28-3-3(f) of the Zoning Ordinance to permit impacts to the 75-foot vegetative buffer in the Shoreland Protection District. The reconstruction of Dunbarton Road and placement of the existing overhead utilities underground will impact the 75-foot vegetative buffer associated with Miller's Brook. The stream crosses Pleasant Street and runs easterly of Dunbarton Road. Impacts to the buffer have been minimized and the overall area of impervious surface within the vicinity of Miller's Brook is reduced by the narrowing and realignment of Dunbarton Road. Mr. Gross seconded. Motion carried.

Mr. Swope moved that the Planning Board grant conditional site plan approval and Architectural Design Review approval for the site plan application of St. Paul's School for the reconstruction of the Dunbarton Road entrance and for the construction of a parking area, as submitted by Provan & Lorber, Inc., subject to the following standard conditions:

1. Prior to the issuance of a certificate of approval by the Planning Board Chair (and issuance of any building permits for construction activity on the site), approvals of construction drawings for all private and public improvements shall be obtained from the Engineering and Planning Divisions. The applicant shall revise the plans to address minor corrections and omissions as noted by staff. No construction activity may commence prior to the preconstruction conference.
2. Prior to the issuance of a certificate of approval by the Planning Board Chair (and issuance of any building permits for construction activity on the site), the applicant shall obtain City Council approval for the improvements within the Pleasant Street right-of-way. This approval will stand as the Planning Board's

- favorable recommendation to the City Council in regard to the license agreement.
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 applicant shall obtain approval of private utility plans from Unitil (Concord Electric), Fairpoint Communications, and National Grid.
 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 State permit shall be obtained and a copy provided to the Planning Division:
 - a. NH Department of Environmental Services Alteration of Terrain Permit

Mr. Hicks seconded. Motion carried.

8. Application of **St. Paul's School** for a Major Site Plan of property located on **Silk Farm Road** at **Dunbarton Road**. Along with this application are requests for Conditional Use Permits pursuant to Section 28-3-3(f), Disturbance to a Wetland Buffer, and Section 28-7-11(b), Construction of Fewer Parking Spaces, of the Zoning Ordinance. **(#2011-24)**

Public Hearing

Mr. Henninger explained this proposal to construct a 420-foot x 380-foot lighted, synthetic turf field with two playing surfaces near the intersection of Dunbarton Road and Silk Farm Road. The application includes a 43-space parking lot, a new pedestrian sidewalk along Dunbarton Road and through the site to the field, as well as storm drainage, utility extensions (private), a restroom/maintenance building, two sets of bleachers, fencing, and 90-foot tall light poles.

The proposed use has been classified as an accessory use to St. Paul's School by the Zoning Administrator.

He reported that the applicant had requested a Conditional Use Permit to defer the construction of 90 parking spaces which would be required based on the seating capacity of the proposed bleachers. The applicant has shown a location in an existing field to the west of the proposed parking where up to an additional 152 spaces could be constructed. City staff is recommending granting this Conditional Use Permit because the existing recreation facilities on campus have not generated the need for this amount of parking. St. Paul's School has provided a comparable amount of seating at other campus recreational facilities for an enrollment of just under 540 resident students.

He reported that a Conditional Use Permit had also been requested to disturb wetland buffers for the drainage improvements and for disturbances to wetland buffers adjacent to the west side of the field.

Mr. Henninger reported that the Conservation Commission considered the Dredge and Fill Application and the wetland buffer disturbance at its meeting on June 8, 2011. After representatives of the applicant made a presentation, the Commission voted to convey to both the NH Department of Environmental Services and the Planning Board that the applicant should explore alternatives to the proposed placement of the new fields in order to reduce wetland impacts. While St. Paul's expressed concern about visibility and security if they shifted the fields further to the south to reduce or avoid wetland impacts, the Commission found that with the substantial amount of land available to the School, the security concerns did not outweigh the environmental concerns, and there appear to be other options available to the School with less impact than the one proposed.

He reported that, as a result of the Conservation Commission's recommendation, the applicant has submitted a conceptual plan showing a reduction of the field to one playing surface resulting in the elimination of any wetland impacts. The proposed parking lot will remain unchanged. The utility and drainage plans will remain unchanged except for the relocation of under drains for the field and the relocation of the irrigation facilities around the field. The proposed building will be shifted slightly north but otherwise remains unchanged. The improvements to Dunbarton Road, including curbing and sidewalk will also remain unchanged. Pedestrian areas around the field will be redesigned and one of the bleachers will be relocated. The lighting plan will need to be redesigned for the reconfigured field.

He reported that the area of wetland buffer disturbance for the field construction has not yet been provided but the actual disturbed area of the existing buffer will be substantially reduced. The applicant originally proposed reducing the wetland to the west of the field below 3,000 square feet, thereby eliminating the regulatory buffer around this wetland. The existing buffer area was to be substantially impacted. The new plan substantially reduces the amount of wetland buffer impacts when compared to the plan originally submitted.

He suggested that the Board either recess the public hearing or table action on the application to allow for a complete review and analysis of the revised plan by the City staff. He suggested that the review could be completed in time for Planning Board action at its special meeting on June 22, 2011.

He reported that the Architectural Design Review Committee had reviewed the site and building plans and had recommended approval as submitted.

He reported that Dunbarton Road and Silk Farm Road are now private streets. An agreement between the City and St. Paul's School retains the right for public passage for both pedestrians and bicyclists along both Dunbarton Road and the discontinued portion of Silk Farm Road, as well as through the campus from Pleasant Street to Clinton Street for emergency vehicle access. An easement was executed and recorded in the Merrimack County Registry of Deeds last year to permanently assure this access. The proposed sidewalk along Dunbarton Road will improve pedestrian circulation on

campus.

He reported that approximately 490 feet of new sidewalk with vertical granite curbing will be constructed along the south side of Dunbarton Road, and an additional 80 feet will be constructed on Silk Farm Road to the project entrance. An additional 350 feet of sidewalk is being proposed on site leading to the support building and the large paved patio area on the north side of the field. About 180 feet of Silk Farm Road should be resurfaced to the project entrance drive.

Ms. Foss suggested that it would be preferable to see sloped curbing in this part of the city rather than vertical curbing, given the abundant wetland area, in order to allow invertebrates to move through the area safely.

Ms. Foss also asked about the actual material of the proposed synthetic turf and what is known about what could leach out of that material.

Richard Webb, landscape architect with CHA Sports, was present on behalf of the applicant and explained that the synthetic turf is not the Astro-turf product with which everyone is familiar. It is a polypropylene fiber about 2½ inches deep. The first 1¾ inch is infill with a composition of rubber and sand to help provide secure footing for athletes as well as shock attenuation for the player. Off-gas and leaching have been studied extensively and have been demonstrated to not cause any significant health hazard. These fields do get warmer in the summertime and they advise that players not practice on these fields when the sun is at its highest.

Regarding curbing, Mr. Webb explained that along Dunbarton Road they propose vertical curbing because that is what is farther to the north and east along Dunbarton Road. They would be simply continuing what is already there.

Mr. Webb promised complete and updated plans by Friday for staff review and asked that the Planning Board consider this at its special meeting scheduled for next week. They would like to have this field on line as soon as possible this Fall.

Mr. Gross asked if it was realistic to expect City staff to review plans by June 22nd if they are submitted on Friday. Mr. Woodward responded that much of the information on the plans had not changed and what had changed needed less review. In a different setting, it would not be likely that the staff would be able to get them reviewed, but in this setting it seems possible.

At 8:38 PM, there was no one else who wished to speak for or against this application, and Mr. Gross moved to recess the public hearing until the Board's special meeting on June 22, 2011 to allow for a complete review and analysis of the revised plan by the City staff. Ms. Foss seconded. Motion carried.

9. Application of **Venezia Realty Associates LLC** for a site plan of property located at **60 D'Amante Drive. (#2011-21)**

Public Hearing

Mr. Henninger explained this proposal to construct an 8,250 square foot multi-tenant retail building on a land unit in the condominium development anchored by Target and Michael's. The retail building will be built immediately adjacent to the 99 Restaurant and will utilize the existing project circulation and drainage system. The development includes the construction of additional parking spaces and loading area for this building. All utilities are in place and stubbed to the site. The project drainage system was designed for the overall development and has been constructed.

He reported that a traffic study was previously provided for the overall development, and offsite improvements have been completed to address access issues along Loudon Road, Sheep Davis Road, and D'Amante Drive. No new curb cuts or driveways will be required. All access will be from the existing internal circulation system for this commercial development leading to D'Amante Drive, Triangle Park Drive, and Sheep Davis Road.

He explained that when this site was initially developed in 1999, an area was left next to the 99 Restaurant for future development. This area is currently a flat, grassed vacant lot. This proposal results in less impervious surface than was originally proposed for this site when the 99 Restaurant was approved.

He reported that the drainage system for the overall development has been completed and sized for this building and parking area as part of the five unit condominium made up of land units for Target, Best Buy, Michael's, Linens & Things (closed) and this land unit. A large retention/detention pond exists on site. In addition, storm water is directed to the D'Amante Drive drainage system to the treatment and retention area to the east of the Steeplegate Mall and adjacent to Sheep Davis Road. This entire drainage system was reviewed and approved by NH Department of Environmental Services. NH DES will need to review and approve this additional construction.

He explained that all off-site improvements required for this development have been completed including the installation of a traffic signal and turn lanes at the D'Amante Drive and Triangle Park Drive intersection; the completion of Triangle Park Drive; the widening of D'Amante Drive; and the provision of turn lanes into the development on both Sheep Davis Road and D'Amante Drive. An existing traffic impact fee agreement is in place for this condominium development. This building is the last construction covered by this impact fee agreement. The impact fee agreement executed on June 9, 1999, allowed for a total of 98,900 square feet of retail and restaurant use on condominium units 2, 3 & 4. Condominium unit 2 includes Best Buy and Linens & Things, condominium unit 3 is the current site, and condominium unit 4 is Michael's. Based on the terms of the agreement, a fee of \$0.94 per square foot would be assessed over the 98,900 square feet. Currently, the total square feet of the three condominium units is 98,561 square feet. The amount of development proposed over the 98,900 square feet is 7,911 square feet, resulting in an assessed impact fee of \$7,436.34.

Mr. Henninger reported that the Architectural Design Review Committee had reviewed the site and building plans and found the overall design of the building to be acceptable with a few minor recommendations. The Committee noted that the building is to be placed next to the 99 Restaurant which has a building design different from the retail buildings existing on site and along D'Amante Drive. The Committee recommended that the dryvit finish be tan rather than the yellow shown on the elevations and that the dumpster screen match the façade of the building. The Committee also asked that the Planning staff review and comment on the proposed landscaping plan. City staff has recommended that three additional trees be planted on site and further recommended that replacement trees be installed in the islands immediately across the access aisle at the rear of the site where they have died or been removed. The applicant has revised the plans accordingly.

He reported that the overall condominium is required to have 480 trees and 649 trees have been provided, including seven new trees to be planted on site. Additional tree plantings may be required for the parcel to conform to the City's landscaping requirements.

He reported that City staff has observed that the pavement markings on the internal roads within the condominium leading to the site are faded, and a number of the directional and regulatory signs, such as stop signs, need to be replaced. The applicant has agreed to update the pavement markings near the site.

Mr. Gross observed that the existing parking area at the adjacent condominium units for Target and Best Buy was very confusing and needed redefinition.

Matt Peterson from Hillside Design Group and Mike D'Amante from Venezia Realty Associates were present to answer questions from the Board.

In answer to a question by Mr. Gross, Mr. D'Amante explained that there will be three small tenants in this building.

There was no one else who wished to speak for or against the application and the Chair declared the hearing closed at 9:00 PM.

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

Mr. Swope moved that the Planning Board grant conditional Architectural Design Review approval of the site and building for Phase II of the Venezia Retail Development at 60 D'Amante subject to the following conditions:

1. The dryvit finish shall be a tan color rather than the yellow color shown on the architectural elevations.
2. The dumpster screen and gate shall match the façade of the building.

3. The landscape plan shall be revised to add replacement trees in the landscape islands immediately across the access aisle at the rear of the site, where the trees have died or have been removed.

Mr. Gross seconded. Motion carried.

Mr. Gross moved that the Planning Board grant conditional Site Plan approval for Phase II of the Venezia Retail Development at 60 D'Amante Drive subject to the following standard and special conditions:

Standard 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), approvals of construction drawings for on-site and off-site improvements shall be obtained from the Engineering and Planning Divisions.

Special Conditions

2. Prior to the issuance of a certificate of approval by the Planning Board Chair (and issuance of any building permits for construction activity on the site), traffic impact fees shall be paid in the amount of \$7,436.34 as set forth in the Agreement Regarding Offsite Improvements for Venezia Realty Associates, L.L.C., Dayton Hudson Corporation and Firenze Realty Associates, L.L.C. 1998-49, dated June 9, 1999.
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 landscape plan shall be revised to add replacement trees in the landscape islands immediately across the access aisle at the rear of the site, where the trees have died or been removed.
4. Prior to the issuance of certificate of occupancy, pavement markings on the adjacent internal access roads to the site shall be striped, as well as regulatory and directional signs replaced where faded.

Mr. Swope 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.
 - **Banks Buick - GMC** for a new panel in an existing freestanding sign **at 137 Manchester Street**

- **Bargain Beds Mattress Outlet** for two (2) replacement affixed signs at **249 Loudon Road**
- **Bond Auto Parts** for two (2) new affixed signs at **61 Hall Street**
- **The Friendly Kitchen** for one (1) new affixed sign at **14 Montgomery Street**
- **Hair Biz Salon** for one (1) new hanging sign and one (1) replacement affixed sign at **4 North Main Street**
- **Steve Demasco's Shaolin Studios** for one (1) replacement affixed sign at **30 Manchester Street**
- **St. Paul's School** for one (1) replacement freestanding sign at **325 Pleasant Street**
- **Your Home Your World** for one (1) new hanging sign at **58 North Main Street**

Public Hearings

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

- **Banks Buick - GMC** for a new panel in an existing freestanding sign at **137 Manchester Street**

Mr. Henninger explained this proposal for a new panel in an existing freestanding sign. The freestanding sign will eventually be relocated due to the widening of Manchester Street.

He reported that the Design Review Committee had found the proposed sign 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. Ms. Foss seconded. Motion carried.

- **Bargain Beds Mattress Outlet** for two replacement affixed signs at **249 Loudon Road**

Mr. Henninger explained that this is an after-the-fact application inasmuch the signage has already been replaced.

He reported that the Committee had found that this was not an inspired design but that it was no worse than the signage being replaced.

Given that this is a face change only, the Design Review Committee found the proposed 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. Gross moved approval as submitted. Mr. Swope seconded. Motion carried.

- **Bond Auto Parts** for two new affixed signs at **61 Hall Street**

Mr. Henninger explained that the light gray and white stucco checkerboard design on the gable of the building would be the background for the affixed signs. He reported the proposed signage is smaller than the existing signage.

He reported that the Design Review Committee had found the proposed 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. Gross moved approval as submitted. Mr. Swope seconded. Motion carried.

- **The Friendly Kitchen** for one new affixed sign at **14 Montgomery Street**

Mr. Hicks moved to recess the hearing on this sign application until the site plan application is also considered. Ms. Foss seconded. Motion carried.

- **Hair Biz Salon** for one new hanging sign and one replacement affixed sign at **4 North Main Street**

Mr. Henninger explained that the affixed sign will be centered over the storefront and will replace an existing larger sign at the same location. The hanging sign will be placed on the right hand side over the existing doorway. The proposed signage has been reduced in size from the existing signage.

He reported that the Design Review Committee had found the proposed 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. Mr. Gross seconded. Motion carried.

- **Steve Demasco's Shaolin Studios** for one replacement affixed sign at **30 Manchester Street**

Mr. Henninger explained that the Design Review Committee had found the proposed 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 noted there is a telephone number on the proposed replacement panel. She further noted that every other panel on the freestanding sign had no telephone number. She felt very strongly that there should not be a telephone number on the sign and was surprised that the Design Review Committee did not comment on that.

Ms. Meyer moved approval of the proposed replacement panel with the condition that there be no telephone number on the panel. Mr. Gross seconded. Motion carried.

- **St. Paul's School** for one replacement freestanding sign at **325 Pleasant Street**

Mr. Henninger explained this proposal to construct a new sign at the entrance to the campus. The sign will be made of granite block with stone veneer wrapping almost around the granite. There are no plans for lighting the entrance sign.

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

The applicant was represented but did not speak.

Mr. Swope moved approval as submitted. Mr. Gross seconded. Motion carried.

- **Your Home Your World** for one new hanging sign at **58 North Main Street**

Mr. Henninger reported that the Design Review Committee had found this to be a refreshing design and appropriate for the location and use, and recommended approval as submitted.

There was no one present on behalf of the applicant.

Mr. Hicks moved approval as submitted. Mr. Gross seconded. Motion carried.

REGULAR MEETING

Minutes

Mr. Swope moved approval of the minutes of the meeting of May 18, 2011 as submitted. Mr. Gross seconded. Motion carried.

Old Business

12. Further consideration of applications for approval of developments on which public hearings have previously been held:

- a. Application by the **University of New Hampshire School of Law** (formerly Franklin Pierce Law Center) for a site plan of property located at **2 White Street. (#2010-35)**

Ms. Hebert explained that the UNH School of Law received site plan approval on October 20, 2010, to construct a 12,700 square foot addition to the existing building. They have now requested approval to amend their original site plan to include landscaping and site improvements at the corner of White Street and Washington Street, including a plaza space in front of the building, installation of a sign, seat walls, concrete

pavers, and landscaping. The project includes installing concrete pavers along the City sidewalk in the vicinity of the proposed improvements and reconstruction of the accessible concrete ramps at the crosswalk. The existing trees at the corner of White Street and Washington Street will be removed, but twelve new trees will be planted.

She reported that the sidewalk improvements within the Washington Street and White Street right-of-way will require City Council approval. A license agreement was established between UNH School of Law and the City for the parking related improvements associated with the original site plan approval, and this license agreement will need to be modified to include the maintenance of the concrete pavers and associated landscape improvements within the City's right-of-way.

A portion of the sidewalk at the corner of White Street and Washington Street will be located on UNH School of Law property. A public access easement will also need to be conveyed to the City for the public use of the sidewalk.

Ms. Meyer expressed concern about how the trees would be planted in the paved area. Ms. Hebert responded that it was actually intended to be a grassy area, not a paved area.

Ms. Swope moved that the Planning Board grant conditional Site Plan approval for the proposed improvements at the corner of White Street and Washington Street as shown on the plans prepared by Nobis Engineering entitled "Materials & Planting Plan" subject to the following standard conditions:

1. Prior to the issuance of a certificate of occupancy, the following easement document, 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. The conveyance of a public access easement for the portion of the sidewalk that crosses onto UNH School of Law property at the corner of White Street and Washington Street.
2. Prior to the issuance of a certificate of occupancy, the applicant shall obtain City Council approval for the sidewalk improvements within the Washington Street and White Street right-of-way. This approval will stand as the Planning Board's favorable recommendation to the City Council in regard to the on-street parking improvements.

Mr. Gross seconded. Motion carried.

INFORMATION

- Copy of the NH Superior Court decision upholding the denial by the Pembroke ZBA of a Special Exception to Continental Paving Inc. in the matter of *Continental Paving, Inc. v. Town of Pembroke* in which the City was an intervenor

Mr. Woodward reported that the Superior Court had sided with the Town of Pembroke and the City. However, he cautioned that it was still in the window of time for an appeal.

He also noted that relative to the site north of Loudon Road and east of I-393, the Town of Pembroke had decided to commission noise studies. That was the only concern the Concord Planning Board had expressed with that proposal. That application is still moving forward.

- Reminder of upcoming meetings:

The Chair reminded the Board of the special meeting on Wednesday, June 22, 2011, in the City Council Chambers for public hearings on proposed zoning map amendments, and continued consideration of the draft Site Plan Review Regulations, along with consideration of the application by St. Paul's School.

Mr. Woodward also presented a package of information that he had distributed to the Design Review Committee regarding their role in the architectural design review process.

There was no further business to come before the Board and the meeting adjourned at 9:24 PM.

A TRUE RECORD ATTEST:

Douglas G. Woodward
Clerk

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