

**CITY OF CONCORD PLANNING BOARD
June 20, 2012 MEETING**

The regular monthly meeting of the City Planning Board was held on June 20, 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, Councilor Shurtleff, Smith Meyer, Hicks, Foss and Swope. 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.

- **Tom Lemieux / The Purple Pit Jazz Club for a new affixed sign at 3 Pleasant Street Extension, within the Central Business Performance (CBP) District**

Ms. Hebert stated that the applicant had submitted a revised sign with an applied arch at the top of the existing Plexiglas cabinet. The Architectural Design Review Committee (ADRC) reviewed the revised sign and recommended approval.

Steve Garara was present on behalf of the applicant.

The Chair asked about the warranty issues regarding the sign. Mr. Garara stated that the warranty covered vandalism of the sign.

Ms. Smith Meyer moved to grant Architectural Design Review approval for the revised sign as submitted by the applicant. Mr. Shurtleff seconded the motion. Motion carried unanimously.

- **NAMI New Hampshire for a revised and relocated freestanding sign at 85 North State Street, within the Civic Performance (CVP) District**

Mr. Henninger explained that the application is for a revised and relocated freestanding sign. He said the existing sign panel will be placed between new posts, as the old posts are rotted. The ADRC recommended approval as submitted.

Steve Green, of Mr. Green Jeans Handy Man Service, was present on behalf of the applicant to answer questions.

Mr. Swope moved to grant Architectural Design Review approval for the revised and relocated freestanding sign, as submitted. Ms. Smith Meyer seconded the motion, and expressed that this application, with its clear project description and before and after photos, should be used as a model for all sign application. Motion carried unanimously.

- **New Hampshire Department of Resources and Economic Development (DRED) for a revised freestanding sign at 172 Pembroke Road, within the Industrial (IN) Zoning District**

Mr. Henninger stated that the application is for a replacement panel in an existing freestanding sign. The ADRC recommended approval as submitted.

Mr. Swope moved to grant Architectural Design Review approval for the replacement panel in an existing freestanding sign at 172 Pembroke Road, as submitted by the applicant. Ms. Foss seconded the motion. Motion carried unanimously.

- **City of Concord for a new freestanding sign for Broken Ground School at 123 Portsmouth Street, within the Medium Density Residential (RM) District**

Mr. Henninger reported that the application is for a new freestanding sign to be located at the new primary entrance.

The Planning Board discussed possible additional signage requests for the property, which also includes the new Millbrook School, and noted that it appeared that the sign for Broken Ground School appears to be located in front of Millbrook School. The Board generally agreed that there should be a single sign incorporating the names of both schools at the entrance and that a coordinated sign plan should be submitted for the campus.

Bob Perry, from Advantage Signs, was present on behalf of the applicant. He stated that the School District is in the process of designing a sign for Millbrook School.

Mr. Swope moved to table the application until a coordinated sign plan was submitted. Ms. Foss seconded the motion. Motion carried unanimously.

- **Bank of New Hampshire for revisions to an existing freestanding sign and a replacement affixed sign at 11 Triangle Park Drive, within the Gateway Performance (GWP) District**

Mr. Henninger stated that the application was to replace existing signs to represent the bank's name change from Laconia Savings Bank to Bank of New Hampshire. The ADRC recommended approval of the sign as submitted.

Chris Browher, from United Sign Associates, was present on behalf of the applicant.

Ms. Smith Meyer asked why the affixed sign was not going to be made up of individual letters, in the same manner as the existing sign. Mr. Browher reported that, as he had explained to the ARDC, the reason was due to the huge costs to repair the building to cover the holes and damage from the existing sign letters.

Mr. Swope moved to grant Architectural Design Review approval for the revisions to the existing freestanding sign. Ms. Smith Meyer seconded the motion. Motion carried unanimously.

Ms. Smith Meyer moved to grant Architectural Design Review approval for the affixed sign, subject to the condition that the sign be centered under the gable and within the vertical plan under the gable, between the white trim board and blue canopy below. Ms. Foss seconded the motion. Motion carried unanimously.

- **Bank of New Hampshire for two replacement affixed signs and a revised freestanding sign at 165-167 North Main Street, within the Civic Performance (CVP) District**

Mr. Henninger reported that the application was for three signs to replace existing signs to represent the bank's name change from Laconia Savings Bank to Bank of New Hampshire. The ADRC recommended approval as submitted.

Chris Browher, from United Sign Associates, was present on behalf of the applicant.

The Planning Board questioned the addition of the street number to the sign. Mr. Browher stated that first responders are asking the sign makers to add the street numbers to all signs.

Ms. Smith Meyer moved to grant Architectural Design Review approval for the two replacement affixed signs and the revised freestanding sign, as submitted by the applicant. Mr. Swope seconded the motion. Motion carried unanimously.

- **Air Distribution Corporation for a new freestanding sign at 106 Airport Road, within the Central Business Performance (CBP) District**

Ms. Hebert stated that the applicant is requesting a new freestanding sign. The ADRC recommended approval but suggested that additional white space be provided above the "ADC" oval, by either lowering the oval on the sign face or adding a curved top to the white background.

The Planning Board discussed the options recommended by the ADRC and generally agreed that either would be appropriate.

Mr. Swope moved to grant Architectural Design Review approval with the suggestion that additional white space be provided above the "ADC" oval, by either lowering the oval on the sign face or adding a curved top to the white background. Mr. Shurtleff seconded the motion. Motion carried unanimously.

- **Sovereign Consulting, Inc. for a new affixed sign at 9 Hills Avenue, within the Central Business Performance (CBP) District**

Ms. Hebert reported that the application was for a new affixed sign, without illumination. The ADRC recommended approval of the sign as submitted.

Mr. Swope moved to grant Architectural Design Review approval for the sign as submitted. Ms. Foss seconded the motion. Motion carried unanimously.

- **Christopher Gately / Inner Rhythms for a revised hanging sign at 15 South State Street, within the Central Business Performance (CBP) District**

Ms. Hebert explained that this application was for a replacement double-sided hanging sign. The ADRC recommended approval of the sign as submitted.

Glen Schadick, from NE-OP-CO Signs, was present on behalf of the applicant.

Ms. Smith Meyer stated that she doesn't like telephone numbers to appear on signs. Mr. Swope responded that there were no regulations prohibiting telephone numbers on signage.

Mr. Schadick stated that the ADRC didn't have any issues with the telephone number on the sign.

The Board generally agreed that the telephone number should be smaller, and in a font that was more compatible with the rest of the sign.

Mr. Henninger stated that the applicant requested a variance for a freestanding sign, but was denied, and the applicant is utilizing the same sign, which has already been made, hanging on a bracket.

Mr. Swope moved to grant Architectural Design Review approval for the sign as submitted. Mr. Shurtleff seconded the motion. The motion passed by a 6-1 vote, with Ms. Smith Meyer voting to deny the application, explaining that the sign was made prior to Planning Board approval. She stated that the proper protocol was not followed.

- **Amy Akey / American Bodybuilding Supplements for a new affixed sign at 18 South Main Street, within the Central Business Performance (CBP) District**

Ms. Hebert reported that the application is for a new affixed sign. She stated that the applicant originally planned an affixed sign; however, the ADRC recommended a hanging sign instead, which the applicant provided at the ADRC meeting. The applicant provided a revised double-sided hanging sign to the Planning Board with a completely white background, instead of gray and white, as requested by the ADRC.

Mr. Swope moved to grant Architectural Design Review approval for the design and installation of the revised sign showing a white background as submitted by the applicant. Ms. Smith Meyer seconded the motion. Motion carried unanimously.

- **Kristy Taylor / Full Circle Mental Health, Inc., for a new hanging sign at 35A Pleasant Street, within the Civic Performance (CVP) District**

Mr. Henninger stated that the application is for a new hanging sign. The ADRC recommended approval of the sign with the name, telephone number, and curlicue design dropped down and the telephone number less prominent. The applicant provided a revised sign graphic for the Planning Board with the ADRC recommended changes.

Glen Schadick, from NE-OP-CO Signs, was present on behalf of the applicant. He stated that the telephone number was reduced in size and the name and telephone number were dropped down, but that the curlicue design was kept in the same place, as it matched the shape of the sign better.

Mr. Swope moved to grant Architectural Design Review approval for the new hanging sign as revised by the applicant. Mr. Lavers seconded the motion. Motion carried unanimously.

- **Application by the Concord Area Trust for Community Housing (CATCH) for repainting the storefronts, wood doors, windows and trim, and the turret roofs at the Endicott Hotel, 1-5 South Main Street, within the Central Business Performance (CBP) District (2012-0025)**

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 described the exterior painting proposed by the applicant, and indicating the paint colors to be used – “Cottage Red,” Yosemite Sand,” and “Black Forest Green.” The ADRC recommended approval of the application as submitted.

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 repainting of the Endicott Hotel at 1-5 South Main Street, based on the color scheme presented in the application. Ms. Foss seconded the motion. Motion carried unanimously.

Minor Site Plan and Conditional Use Permit Applications

- 2. Consideration of an application by East Side Drive Ventures, LLC, for property located at 155 Loudon Road, requesting Architectural Design Review approval and a Conditional Use Permit pursuant to Section 28-6-9(c)(4) of the Zoning Ordinance, for the installation of two freestanding signs on a single lot. (2012-0025)**

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.

Mr. Henninger explained that the application involves a request to place two freestanding signs on a property located at the northwest corner of the intersection of Loudon Road and East Side Drive. The Planning Board has previously granted Architectural Design Review approval for the affixed signs for both the Burger King and CVS.

Mr. Henninger stated that the two proposed signs are in conformity with the Conditional Use Permit requirements. The ADRC, at its June 12, 2012, meeting reviewed the submitted signs and recommended approval of the sign to be located at Loudon Road as submitted; however, they found the structure proposed for East Side Drive to be out of scale with the proposed sign graphics and recommended that the sign structure be scaled back so that the structure and the signs are better integrated. He added that the applicant submitted revised plans for the freestanding sign to be located on East Side Drive, reducing the width of the structure by approximately 20 percent.

A representative from Poyant Signs was present on behalf of the applicant.

Ms. Smith Meyer asked if the second freestanding sign would be displacing any street trees. Mr. Henninger replied that all the street trees would be able to be installed as per plan.

The Planning Board discussed the internal lighting for the CVS and Burger King panels on the freestanding sign and possible impact to the neighbors to the west. The Chair confirmed with staff that the abutters were notified of this hearing.

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 28-6-9(c)(4) of the Zoning Ordinance to permit two freestanding signs on a single parcel as requested by the applicant. Mr. Lavers seconded the motion. Motion carried unanimously.

Mr. Swope moved to grant Architectural Design Review approval for the proposed freestanding sign on Loudon Road with the Burger King logo at the top position, as submitted by the applicant. Ms. Foss seconded the motion. Motion carried unanimously.

Mr. Swope moved to grant Architectural Design Review approval for the proposed freestanding sign on East Side Drive with the CVS logo at the top position, as revised by the applicant on June 15, 2012. Mr. Lavers seconded the motion. Motion carried unanimously.

3. Consideration of an application by U.S. Cellular, for property located at 136 North Main Street, requesting Architectural Design Review approval and a Conditional Use Permit pursuant to Section 28-5-23(b)(1) of the Zoning Ordinance, to expand its existing rooftop telecommunications colocation facility from three existing antennas to six proposed (2012-0027)

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

Ms. Foss moved and Ms. Smith Meyer 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 stated that the applicant proposes to replace three existing antennas and install three additional antennas, for a total of six antennas, at an existing wireless telecommunication facility at 136 North Main Street. The existing antennas are attached to a rooftop enclosure, which is proposed to be rebuilt. The antennas will be painted black.

Ms. Hebert explained that the wireless telecommunication installation is not visible from the State House, but the antennas are visible from various locations along North Main Street, nearby cross streets, and also from Loudon Road and I-93. Although the antennas are visible from several locations, the overall impact to the viewshed is low because the antennas blend in with the nearby rooftop mechanical equipment and structures.

Ms. Hebert reported that an abutter had concerns with the cabling that runs vertically along the west side of the building. She stated that the cable tray is a shiny metal.

Robert Gashlin, from KJK Wireless, was present on behalf of the applicant. He confirmed that the cable tray for this installation is galvanized steel.

The Chair asked if the applicant had plans to change the cable tray and when Mr. Gashlin responded in the negative, the Chair suggested that the cable tray be painted to match the brick building. Mr. Gashlin was in agreement with the stipulation.

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 approve the Conditional Use Permit pursuant to Article 28-5-23(b)(1) of the City of Concord Zoning Ordinance for the expansion of a wireless telecommunications facility at 136 North Main Street and grant Architectural Design Review approval for the proposed wireless telecommunication facility subject to the following conditions:

1. The rooftop enclosure shall be reconstructed so as to be no larger than the existing enclosure.

2. The six proposed wireless telecommunications antennas shall be installed at a mounting height of 75 feet, as shown on the submitted plans, and shall be painted black.
3. Prior to the 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 of Concord Zoning Ordinance. The financial guarantee shall be in an amount approved by the City Engineer and in a form acceptable to the City Solicitor. The term of the guarantee shall extend one year past the period of validity of the permit.
4. 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).
5. The utility tray for this installation located on the outside of the building at 136 North Main Street shall be painted brick red to match the building.

Ms. Foss seconded the motion. Motion carried unanimously.

Major Site Plan Applications

4. **Consideration of an application by Forest Street Realty / Team KIA for property located at 94 Manchester Street, requesting Major Site Plan approval and Architectural Design Review approval for the construction of a new 14,170 square foot building and redesign of the parking and vehicle display layout, with related paving, landscaping, lighting, drainage, and associated site improvements (2012-0024)**

Mr. Henninger reported that the application is complete and ready to be set for public hearing on July 18, 2012.

Mr. Swope moved and Ms. Foss seconded that the Planning Board determine this application to be complete and to set the public hearing for July 18, 2012. Motion carried unanimously.

Minor Subdivision Applications

5. **Consideration of an application by Apple Hill Properties, LLC, for property located at 101 Penacook Street, requesting Minor Subdivision approval to create three lots where two currently exist (2012-0026)**

The Chair announced that the applicant requested deferment of consideration of this minor subdivision to address a zoning issue.

REGULAR MEETING**6. Consideration of a request by Meisner Brem Corporation for an extension of the period of validity of the conditional approval of the Major Cluster Subdivision known as the Whispering Heights Cluster Subdivision, located on Portsmouth Street and Curtisville Road (2005-0010)**

Ms. McPherson reported that Meisner Brem Corporation requested an extension of their conditional subdivision approvals, as they were in the process of obtaining a New Hampshire Department of Environmental Services (NHDES) for an Alteration of Terrain (AOT) permit. In March 2012, the Planning Board granted a waiver of the Subdivision Regulations to permit a 65-day extension of the conditional approvals originally granted on April 16, 2008, subject to the conditional that all conditions of approval remain in full force and effect and that the applicant receive a new AOT permit from NHDES on or before the June 20th Planning Board meeting.

Ms. McPherson stated that she received information via telephone and email from the NHDES regarding the status of the applicant's AOT permit and described the outstanding NHDES requirements requested from the applicant that are holding up the issuance of the AOT permit.

Jeffrey Brem, of Meisner Brem Corporation, was present. He explained that he has been working to quickly provide the requested information to the NHDES and stated that once the information is received by NHDES, the review time is longer than one would hope.

The Chair noted that the last time an extension was granted it was to give the applicant time to get the AOT permit. He asked if they would have the permit by the next meeting in July.

Mr. Brem stated that they were just a few days away from getting the permit.

Mr. Shurtleff moved to grant a waiver of the Subdivision Regulations to permit a 30-day extension of the conditional approvals originally granted to the subdivision application of April 16, 2008. The extension was granted subject to the stipulation that all conditions of approval as set forth in the decision of the Planning Board on April 16, 2008, shall remain in full force and effect. The Planning Board made it clear that any further extensions would be contingent upon the applicant's receipt of a new AOT permit from the NHDES and that this current extension is granted based on the applicant's representation that the receipt and approval of the AOT permit was just a few days away. Accordingly, if the AOT permit is not approved by the July 18th Planning Board meeting, the approval granted to this cluster subdivision application shall become null and void. Ms. Smith Meyer seconded the motion. Motion carried unanimously.

7. Consideration of a request by John Teague, on behalf of the Concord School Board, to rezone a portion of property owned by the School District, located at 139-143 Old Turnpike Road, from a Medium Density Residential (RM) to an Industrial (IN) District

Ms. McPherson explained that the Concord School District purchased two adjacent parcels of land with frontage on Old Turnpike Road, with the intention of using the site as a school bus maintenance and repair facility. The site totals a little more than three acres, with slightly more than one acre zoned Industrial and slightly less than two acres zoned Medium Density Residential. The adjacent land uses include a residential neighborhood to the north, west, and east, and commercial/industrial uses to the south of the rear portion of the site.

Ms. McPherson reported that the applicant is requesting the Industrial Zoning be expanded to conform to the boundary of the property in order to facilitate the future development of the site. Old Turnpike Road, which provides access to the site, is zoned Industrial on both sides. However, the front portion of the site that is currently zoned Industrial is not large enough to allow for industrial development. It is not reasonable to expect that the rear portion of the site would be developed for residential use, even though it is zoned Medium Density Residential because of the industrial-zoned frontage and uses.

The Board discussed the request and the potential for impacts to abutting residential properties. Mr. Swope noted that in cases like this, the past practice of the Board has been to hold a public hearing to provide an opportunity for the abutters to comment on the proposed zone change.

Mr. Swope moved to set the request for rezoning for a public hearing, with notices sent to abutters, for the July 18th Planning Board. Ms. Foss seconded the motion. Motion carried unanimously.

8. Consideration of a proposed amendment to the Zoning Ordinance, revising Article 28-5-44, Keeping of Bess, and corresponding amendments to the Tables of Principal and Accessory uses to allow the keeping of bees as a principal agricultural use within the Open Space Residential (RO) and Medium Density Residential (RM) Zoning Districts, as an accessory use to a principal single-family detached dwelling within the Open Space Residential (RO), Medium Density Residential (RM), Single Family Residential (RS), Neighborhood Residential (RN), Downtown Residential (RD), and Institutional (IS) Zoning Districts, and as an accessory use to any principal non-residential use within the RO, RM, and IS Zoning Districts

Ms. McPherson explained that a request was made by Nicolas Wallner for City Council consideration of a proposed beekeeping ordinance. She described the current ordinance and how the proposed amendments would be implemented.

Ms. Smith Meyer moved to forward the request to City Council for public hearing, with the favorable recommendation of the Planning Board to the proposed beekeeping amendment to the Zoning Ordinance. Mr. Lavers seconded the motion. Motion carried unanimously.

9. Consideration of Minutes of the May 16, 2012, Planning Board meeting

Mr. Hicks moved to approve the minutes of the Planning Board meeting for May 16, 2012, as written.

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

10. Review of the draft Cluster Zoning Regulations and draft Architectural Design Review Guidelines

Ms. McPherson reported that the Planning Division has been working on some revisions to the Cluster Zoning Ordinance and that it would be beneficial for the Planning Board to review the proposed changes with staff at a work session before setting a public hearing.

The Chair requested that Ms. McPherson send an email to the Planning Board members with available dates to hold a workshop to review the draft, and also to provide the Board with an update on the progress of work on the Design Review Guidelines.

11. Community Planning Grant for Architectural Design Guidelines and Standards for the Historic Downtown and Civic Districts

Mr. Henninger reported that the Planning Division submitted a grant application to the New Hampshire Housing Finance Authority (NHHFA) to develop Architectural Design Standards for the Historic Downtown and Civic Districts. He stated that the NHHFA received 28 grant applications, and the grant awards should be announced by the end of June.

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