

**CITY OF CONCORD PLANNING BOARD  
July 18, 2012 MEETING**

The regular monthly meeting of the City Planning Board was held on July 18, 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 and Members Hicks, Foss, Councilor Shurtleff, Smith Meyer, and Lavers. 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 7:02 p.m., a quorum was present and the Chair called the meeting to order.

**PUBLIC HEARINGS**

**Architectural Design Review Applications**

- 1. 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 City of Concord's Code of Ordinances:**

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

- **Application by Dew Properties, LLC, for a new freestanding sign at 4 Crescent Street, Penacook, within the Opportunity Corridor Performance (OCP) District.**

Mr. Henninger stated that the application is for a new freestanding sign. This application was a condition of the site plan approval for the project. The Architectural Design Review Committee (ADRC) reviewed the sign application and recommended approval as submitted by the applicant.

Mr. Lavers moved to grant Architectural Design Review approval for the new freestanding sign, as submitted by the applicant. Mr. Shurtleff seconded the motion. Motion carried unanimously.

- **Application by Jeff Chaplain / Village Street Garage for two new affixed signs at 336 Village Street, Penacook, within the Central Business Performance (CBP) District.**

Mr. Henninger reported that the application is for two new affixed signs. The ADRC recommended approval of one of the signs as submitted, and approval of the canopy sign with the condition that it have a painted border on the backer board of the canopy sign in the slate blue color of the lettering.

Ms. Foss moved to grant Architectural Design Review approval for the new affixed signs as submitted, with the condition that a painted border be on the backer board of the canopy sign in the slate blue color of the lettering. Mr. Shurtleff seconded the motion. Motion carried unanimously.

- **Application by Total Sports Repair, Inc., for a new affixed sign and a revised panel in an existing freestanding sign at 341 Loudon Road, within the Gateway Performance (GWP) District.**

Mr. Henninger explained that the application is for a new affixed sign and a revised panel in an existing freestanding sign. The ADRC recommended approval of the new signs as submitted.

Ms. Foss moved to grant Architectural Design Review approval for the new affixed sign and a revised panel in an existing freestanding sign, as submitted by the applicant. Ms. Smith Meyer seconded the motion. Motion carried unanimously.

- **Application by Hertz for a revised freestanding sign and two revised affixed signs at 71 Airport Road, within the Industrial (IN) District.**

Mr. Henninger stated that the application was for a revised panel on a freestanding sign and two revised affixed signs. The ADRC recommended approval of the revised signs as submitted.

Ms. Foss moved to grant Architectural Design Review approval for the revised freestanding sign and two revised affixed signs, as submitted. Mr. Hicks seconded the motion. Motion carried unanimously.

**2. Application by Flomac Limited Partnership for renovations to an existing building and Master Sign Plan, located at 8 Loudon Road, within the Gateway Performance (GWP) District. (2012-0009)**

The Chair opened the public hearing.

Mr. Henninger explained that the application is for revised building facades for the existing building and a new freestanding sign for the complex. He stated that Planning Board granted conditional site plan approval on March 21, 2012, for the construction of a new Buffalo Wild Wings Restaurant, renovations to the existing building, and the complete reconstruction of the parking lot, sidewalks, landscaping, drainage, and lighting for the site.

Mr. Henninger stated that revised architectural elevations were submitted on July 16<sup>th</sup> addressing the ADRC comments and recommendations, including adding an additional shadow line at the bottom of the lower signage band; extending the sidewalk canopy from the north elevation around the corner to the west elevation, continuing to a location opposite the abutter's entrance; and adding additional windows below the extended west elevation canopy. The ADRC also voted to recommend approval of the revised freestanding sign as submitted by the applicant on June 27<sup>th</sup>, subject to the recommendation that the blank panels for building tenants be maroon until each tenant receives approval for the individual panels and with the provision that a final review and approval of the size of the sign be made by City Staff.

Mr. Peter Gearhart, of Architectural Renovations, was present on behalf of the applicant. The Chair inquired about the south elevation, which faces the entrance to the neighboring building. His concern was that the wall was fairly plain without any windows or other features. Mr. Gearhart and Ms. Smith Meyer noted that there was an approved landscape plan that will mask the wall on the south elevation.

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 Architectural Design Review approval for the replacement freestanding sign for 8 Loudon Road as submitted on June 27, 2012, with the condition that the blank panels for building tenants be maroon until each tenant receives approval for the individual panels. Mr. Shurtleff seconded the motion. Motion carried unanimously.

Ms. Smith Meyer moved to grant Architectural Design Review approval for the Phase 2 building elevations as revised on July 16, 2012. Ms. Foss seconded the motion. Motion carried unanimously.

### **Minor Site Plan and Conditional Use Permit Applications**

- 3. Consideration of an application by St. Paul's School, for property located at 325 Pleasant Street, requesting minor site plan approval for the reconstruction of approximately 600 feet of Dunbarton Road and its drainage system and requesting a Conditional Use Permit pursuant to Section 28-4-3(d) of the Zoning Ordinance, for disturbance to a wetland buffer to construct a storm drainage outfall. (2012-0030)**

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

Ms. Foss 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 stated that in the last year, St. Paul's School reconstructed Dunbarton Road southerly from Pleasant Street a distance of approximately 1,300 feet. The improvements terminate just south of the school's new Math and Science Building. He explained that the minor site plan application involves the reconstruction of approximately 600 feet of Dunbarton Road from the limits of the recently completed improvements to the road southwesterly to the bridge over the Turkey River. Dunbarton Road will be reconstructed with continuous granite curbing provided along both sides of the street and a sidewalk on the southeast side of the street.

Mr. Henninger reported that the new cross-section of this 600 foot stretch of road will match the new cross-section to the north. The road will be narrowed to 24 feet in width and vertical granite curbing will be installed. No on-street parking will be provided along this section of Dunbarton Road; however a sidewalk is proposed on the southeast side of the road linking the field houses to the playing fields. This improvement will result in a continuous sidewalk along Dunbarton Road from Pleasant Street to Silk Farm Road.

Mr. Henninger explained that the replacement and enlargement of the existing drainage outfall on the north side of Dunbarton Road leading to the Turkey River requires the disturbance of an additional 281 square feet of wetland buffer. The existing outfall, outlet swale, and rip-rap will be replaced as part of the overall drainage improvements. He stated that four hundred feet of closed drainage is to be constructed in Dunbarton Road.

Mr. Theodore Kupper, of Provan & Lorber, and Paul LaChance, of St. Paul's School, were present on behalf of the applicant.

Ms. Foss asked whether the applicant would consider installing sloped curbing to assist the passage of reptiles and amphibians in the riparian corridor along the Turkey River. Mr. LaChance responded that the applicant would replace a fifty-foot section of the curbing on both sides of the road in the vicinity of the Turkey River.

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

Mr. Hicks moved to grant a Conditional Use Permit to St. Paul's School for a disturbance to a wetland buffer, pursuant to Article 28-4-3(d) of the Zoning Ordinance to reconstruct a drainage outfall. The impact is the minimum disturbance needed to reconstruct the existing drainage outfall. Ms. Smith Meyer seconded the motion. Motion carried unanimously.

Mr. Shurtleff moved to grant Conditional Site Plan approval to St. Paul's to reconstruct approximately 600 feet of Dunbarton Road, subject to the following standard and specific conditions:

**Standard Conditions:**

1. Prior to the issuance of a certificate of approval by the Planning Board Chair and 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. No construction activity may commence prior to the on-site preconstruction meeting and payment of the Engineering Division's inspection fees.
3. Prior to the preconstruction meeting, the wetland buffers shall be clearly and permanently marked and erosion control measures protecting the buffer shall be installed.

**Special Condition:**

4. A fifty-foot long section of vertical curbing on both sides of Dunbarton Road near the Turkey River Bridge shall be replaced with sloped granite curbing. The sloped granite curbing is intended to assist the passage of reptiles and amphibians in the riparian corridor along the Turkey River.

The motion was seconded by Ms. Foss. Motion carried unanimously.

- 4. Consideration of an application by Harold Nevers and Carol Foss for property located at 26 Penacook Street, Penacook, requesting a Conditional Use Permit pursuant to Section 28-7-11(f) of the Zoning Ordinance, for the construction of a second driveway on the Penacook Street frontage. (2012-0031)**

Ms. Foss recused herself from the hearing.

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

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

The Chair opened the public hearing.

Ms. Hebert explained that the applicant applied for a Conditional Use Permit to construct a third driveway at 26 Penacook Street, where only two driveways would otherwise be allowed. The property contains a single family residence. There is an existing driveway on the south side of the house off Penacook Street. The new driveway would access a detached garage and relocated barn and would connect Rolfe Street with Penacook Street. The driveway on Rolfe Street is allowed by right, but the additional driveway on Penacook Street requires a Conditional Use Permit.

Ms. Hebert reported that the proposed driveway on Penacook Street would be located approximately 47 feet from the existing driveway and meets the minimum separation requirement from the driveway on the adjacent lot to the south. She stated that the proposed driveway on Rolfe Street also satisfies the minimum separation requirement between the proposed driveway and the driveway on the adjacent lot to the west. Both driveways meet the required setback to the intersection of Rolfe Street and Penacook Street.

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

Mr. Shurtleff moved to approve the Conditional Use Permit to allow for the construction of the third driveway as presented in plans submitted by the applicant, in accordance with Article 28-7-8(b) of the Zoning Ordinance. Ms. Smith Meyer seconded the motion. Motion carried unanimously.

### **Major Site Plan Application**

- 5. Consideration of an application by Forest Street Realty / Team KIA for property located at 94 Manchester Street, requesting major site plan approval and design review approval for the construction of a new 14, 170 square foot building and redesign of the parking lot and vehicle display layout, with related paving, landscaping, lighting, drainage, and associated site improvements. (2012-0024)**

The Chair opened the public hearing.

Mr. Henninger explained that the application involves the construction of a 14, 710 square foot building at the existing KIA automobile dealership on the south side of Manchester Street, along with additional parking, paved display areas, drainage and site landscaping. The building will contain automobile service and sales areas. The existing smaller building on the west side of the site will be converted to service use.

Mr. Henninger reported that this project received site plan approval for the current layout of the site in 2002. A second phase of the project was also approved, but the approval subsequently lapsed.

According to Mr. Henninger, the ADRC initially reviewed this application on June 12<sup>th</sup> and provided comments to the applicant regarding the building design. On July 10<sup>th</sup> the applicant returned to the ADRC with revised elevations incorporating the changes requested by the ADRC. The ADRC did note that the existing building is an off-white or cream color and recommended approval of the site and building plan subject to the condition that the existing building be painted to match the new building.

Ms. Erin Reardon, of Nobis Engineering, and Craig Jewett, from Jewett Construction, were present on behalf of the applicant.

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

Ms. Smith Meyer moved to grant Architectural Design Review approval for the site and building plans for Team KIA at 94 Manchester Street, subject to the conditions that the existing building shall be painted to match the proposed building, the illegal flag signs shall be removed, and the temporary KIA banner sign on the existing building shall be satisfactorily addressed. This action does not include approvals for any existing or proposed signage. Ms. Foss seconded the motion. Motion carried unanimously.

Ms. Foss moved to grant Conditional Site Plan approval for the site and building plans for Team KIA at 94 Manchester Street, subject to the following standard conditions:

**Standard Conditions:**

1. Prior to the issuance of a certificate of approval by the Planning Board Chair (and issuance of any building permits for construction activity on the site), the following State and Federal permits shall be obtained and copies provided to the Planning Division:
  - a. NH Department of Environmental Services Alteration of Terrain Permit (RSA 485-A:17)
  - b. NH Department of Environmental Services Water Quality and Sewer Discharge Permits (if required).
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), approvals of construction drawings and specifications for all public and private improvements shall be obtained from the Engineering and Planning Divisions.
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, 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 applicant will provide to the City Solicitor a financial guarantee for site stabilization in an amount approved by the City Engineer, and in a form acceptable to the City Solicitor.
5. No construction activity may commence prior to the payment of inspection fees in an amount approved by the City Engineer.

6. No certificate of occupancy for any building or use shall be issued until all public and private improvements have been substantially completed to the satisfaction of the City Engineer and City Planner.
7. Traffic impact fees shall be assessed for any non-residential construction contained within the limits of the approved site plan. The impact fees and procedures shall be those in effect at the time of the issuance of a building permit as set forth in the City of Concord Code of Ordinances, Title IV, Subdivision Code: Chapter 29.2, Public Capital Facilities Impact Fee Ordinance. The specific fees assessed are those contained in Section 29.2.1-1 Assessment and Collection; subsection (b) Computation of the Amount of Impact Fees; Table 3, Transportation Facilities Impact Fee per Variable Unit as set forth in the attached Impact Fee Worksheet.
  - a. Transportation Facilities - New Car Sales
  - b. Transportation Facilities – Automobile Service

**6. Application by the Concord Boys & Girls Club, Inc., located at 55 Bradley Street, for the renovations of an existing building and the construction of two additions, redesign of the parking lot and vehicle access, with related paving, drainage, landscaping, lighting, and associated site improvements and the upgrade of Bradley Street. (2012-0033)**

Ms. McPherson reported that the application is complete and ready to be set for public hearing on August 15, 2012.

Ms. Foss moved and Mr. Hicks seconded that the Planning Board determine this application to be complete and to set the public hearing for August 15, 2012. Motion carried unanimously.

**Minor Subdivision Applications**

**7. Consideration of an application by J & S Commercial Condominium, for property located at 287 South Main Street, requesting Minor Subdivision approval for a conversion to a condominium to create two additional land units, for a total of four, with convertible and common areas. (2012-0032)**

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

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

The Chair opened the public hearing.

Mr. Henninger explained that J & S General Leasing Partners is proposing to create two additional condominium land units in an existing condominium development on a 9.935 acre property with frontage on South Main Street and along a private street, Langdon Avenue. The initial two unit condominium was approved by the Planning Board on April 18, 2012, and subsequently recorded.

Mr. Henninger reported that the two new condominium land units are being created from the existing common area or convertible land. The only improvements on the two new units are

driveways accessing the existing buildings on Land Units # 1 and # 2, as well as utilities serving the property. New Land Unit # 3 will contain 29,443 square feet, while Land Unit # 4 will contain 29, 557 square feet. The remaining common area will be reduced to 159,992 square feet.

Mr. Henninger described the various easements and future right-of-ways necessary for the project, for the City's planned extension of Storrs Street, and for the future realignment/reconstruction of the South Main Street/Langdon Avenue/Maitland Street intersection.

Mr. Tim Bernier, of T.F. Bernier, Inc., was present on behalf of the applicant.

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

The Planning Board discussed whether Standard Condition # 4 could be deleted, as it was addressed in Condition # 1. Mr. Henninger stated that it was duplicated and could be deleted.

Ms. Smith Meyer moved to grant final subdivision approval for the "Condominium Site Plan – J & S Commercial Condominium – Concord Industrial Park," prepared by T. F. Bernier, Inc., subject to the following standard conditions:

**Standard Conditions:**

1. Prior to the final plat being signed by the Planning Board Chair and Clerk, the applicant shall revise the plat drawings and condominium documents to address the minor corrections and omissions noted by City staff.
2. Prior to the final plat being signed by the Planning Board Chair and Clerk, the following easement documents, in a form acceptable to the City Solicitor and suitable for recording in the Merrimack County Registry of Deeds, will be provided to the Planning Division:
  - a. An agreement to convey an easement for a city street for the isolated area of the property located along South Main Street to facilitate the realignment/reconstruction and improvements to the South Main Street/Langdon Avenue/Maitland Street intersection.
3. Prior to the final plat being signed by the Planning Board Chair and Clerk, digital information shall be provided to the City Engineer for incorporation into the City of Concord Geographic Information System (GIS) and tax maps. The information shall be submitted in accordance with Section 12.08 of the Subdivision Regulations.
  
- 8. 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) District to an Industrial (IN) District.**

The Chair explained that the Planning Board reviewed this rezoning request at last month's Planning Board meeting and voted to set the request for a public hearing. The Chair opened the public hearing.

Ms. McPherson stated that in 1999, the School District purchased two adjacent parcels of land with frontage on Old Turnpike Road, near the intersection with Airport Road and Regional Drive, intending to use the site as a school bus maintenance and repair facility. The School District is now in the

process of divesting of the property and a potential buyer has asked the District to pursue the zone change.

Ms. McPherson explained that the zoning of the parcels at the time of the purchase was the same as the current zoning. The overall property is bisected by a zoning district line; with the property zoned Industrial (IN) along the Old Turnpike Road frontage and the rear portion of the site zoned Medium Density Residential (RM).

The applicant is requesting that the IN zoning district 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 IN on both sides. However, the front portion of the site that is currently zoned IN 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 RM, because of the industrial-zoned frontage and uses.

Ms. McPherson reported that the proposed zoning change would result in the entire parcel being in a single zoning district, IN, which would provide sufficient area to accommodate a range of industrial uses. The requested zoning change would also push the IN district to the rear property lines of five residences, potentially impacting the adjacent residential neighborhoods. Rezoning to the property line would allow a future developer to remove a significant portion of the existing buffer. However, depending on the height of an industrial building, a buffer of either 15 feet or 30 feet wide is required under the Zoning Ordinance in a nonresidential zoning district where it abuts a residential district.

#### **Public Comments:**

Mr. Dennis Soucy, a resident of 3 Russell Street, Concord, explained that the previous owners of the Old Turnpike Road property clear cut the property and it took almost 25 years for the vegetation to grow back. During that period of time, there were flooding and drainage issues. Mr. Soucy is afraid that new owners would also clear the property and recreate these same issues. He stated that he is very concerned about not having a buffer between the residences and industrial buildings.

The Chair stated that as part of the zoning change, the Planning Board could not recommend any changes to the buffers, as that would be part of the site plan process at the time of development. He stated that the Planning Board does not change zoning, but makes recommendations to the City Council; the City Council may then decide to hold another public hearing.

Mr. Will Anderson, a resident of Russell Street, Concord, explained that the area is primary residential and believes that this request did not happen in a vacuum, so that there must be plans in the works for what will be on the property. He stated that he is worried about a business creating additional air and noise pollution, flooding and drainage issues that could occur, as well as the disruption to the wildlife in the area. Mr. Anderson also expressed concerns about depreciating housing values and that an industrial building could affect the views from the neighborhood. He asked that before any recommendations are made, these issues are looked into.

Ms. Cloutier, a resident of 15 Russell Street, Concord, suggested that noise pollution could be increased. She stated that there is currently a buffer, but she is not sure what will happen to that

buffer. She explained that it is currently a quiet neighborhood, with the exception of the jets that fly over on race days, but she fears that any industrial building will add to the noise on a more permanent basis.

Mr. Scott Walker, from Premier Properties, and Matt Cashman, from the Concord School District were present on behalf of the applicant.

Mr. Walker stated that the property has been available for sale for several years and only since the request for rezoning has been submitted has there been any interest in the property. He explained that the property is approximately three acres in size with about ½ acre of buildable land under the current zoning. If the zoning is changed it would provide for about 1.2 acres of buildable land, with a sloping that creates a bowl type area for building, with a thickly wooded area to serve as a buffer.

Ms. Smith Meyer asked if, when the School District originally bought the property, they were going to be able to use the property in the way they wanted. Mr. Walker responded that the school could do whatever they wanted on the property as they are not affected by City Zoning Ordinances.

Ms. Bonnie Paul, a resident at 15 Russell Street, Concord, stated that she has lived in the area for about 50 years and resided there when the school bought the property. She is concerned that there will only be a small buffer and that it takes time for trees and vegetation to grow back, once the new owners clear the property for their building. She is also concerned about safety issues, as more people may be using the area as a cut through. Another issue that concerns her is the raising of the water levels and flooding in basements caused by changes to the property. Additionally, she stated that increases in traffic, such as cars, buses, mail trucks and emergency vehicles, cause her concerns.

Ms. Carol Soucy, a resident of 3 Russell Street, Concord, stated that if there was a buffer area than she is okay with an industrial building being built on the property, as that would allow the City to get additional tax money. She explained that a while ago, the City talked about using the property for a fire training facility; she would rather have a business than a training facility on the property. She is in favor of the rezoning to IN.

Mr. Cashman explained that there is no interest in the property for residential development and it seems that the property is a good fit for IN Zoning. He is aware of the concerns of the citizens of the areas and wants to ensure that they will create a transition area through the use of buffers.

The Chair stated that the Planning Board tries to keep buffers between IN and residential districts, and even though there is a buffer in the area, it is not contiguous. He asked whether there would be another zone that would create a better transition, such as an office park, to prevent “smoke stack” type industry in the area. The Planning Board discussed various zones that may fit.

Ms. McPherson suggested that all but 30 feet in the back of the property could be rezoned to IN, while the 30 feet remain RM. She also stated that the Legal Department has determined that it is possible to do a Conditional Zone Change, where the requested zone change could be conditioned on a permanent no-disturb buffer being placed on the rear portion of the property that abuts the residences. Various types of easements and/or covenants were discussed by the Planning Board. Mr. Cashman was amenable to placing a buffer easement and/or covenant on the property.

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

Ms. Smith Meyer moved to NOT recommend the rezoning change as requested. Mr. Shurtleff seconded the motion. The motion carried, with Mr. Hicks voting against the motion. Mr. Hicks stated that leaving the property in the current zoning districts will leave the property undeveloped and vacant, which is not in the best interest of the neighbors. It makes logical sense to rezone to be consistent with the rest of the IN zoning on Old Turnpike Road, allowing the parcel to be developed. The rezoning will also keep the property in line with the rest of the area and that the site plan review process can deal with the issues that have be brought to light during the public hearing.

**9. 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. (2005-010)**

Ms. McPherson reported that the applicant received an Alteration of Terrain Permit, and that Planning Staff has reviewed the changes to the two detention basins and several water treatment swales and has calculated a net increase in wetland buffer disturbance of 119 square feet. The revised total amount of wetland buffer disturbance is within the area permitted under the original Condition Use Permit and subdivision approval.

Ms. Smith Meyer moved to grant a waiver of the Subdivision Regulations to extend the conditional approvals of the Subdivision Plan and Conditional Use Permit for the Whispering Heights Cluster Subdivision until April 16, 2013, 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 applicant shall submit two complete sets of the revised plans, containing all sheets, even if there have been no revisions to a particular sheet. This being the fourth one-year extension that the applicant has received from the Planning Board, any further requests for extension would not be compatible with the Subdivision Regulations. Mr. Lavers seconded the motion. Motion carried unanimously.

**10. Consideration of a request by Michael Aitken and Una Folan for an extension of the period of validity of the conditional approval of a Minor Subdivision, located at 246 and 240 Hopkinton Road. (2010-0034)**

Ms. Hebert explained that the Planning Board granted Conditional Final Subdivision approval on August 18, 2010, for a minor subdivision entitled "Land of Una M. Folan/Madlyn F. Whipple, 240/246 Hopkinton Road, Concord, NH." She stated that in 2011, the Planning Board granted a one-year extension to the minor subdivision approval and the approval is set to expire on August 18, 2012.

Ms. Smith Meyer moved to grant a second one-year extension of the final subdivision approval for the resubdivision plat entitled "Land of Una M. Folan/Madlyn F. Whipple, 240/246 Hopkinton Road, Concord, NH" to extend the approval to August 18, 2013, per Section 9.08(8) of the City of Concord Subdivision Regulations. The conditions of the Planning Board's subdivision approval of August 18,

2010, shall remain in full force and effect. Ms. Foss seconded the motion. Motion carried unanimously.

**11. Consideration of the Minutes of the June 20, 2012, Planning Board meeting.**

Mr. Hicks moved to approve the minutes of the June 20, 2012, Planning Board meeting. Mr. Lavers seconded the motion. Motion carried unanimously.

**12. Consideration of the Minutes of the July 10, 2012, Planning Board special meeting.**

Mr. Hicks moved to approve the minutes of the July 10, 2012, Planning Board special meeting. Ms. Foss seconded the motion. Motion carried unanimously.

**13. Scheduling a special meeting of the Planning Board to continue their review of the draft revisions to the Cluster Subdivision Regulations.**

Ms. McPherson stated that at the previous special meeting of the Planning Board on July 10, 2012, the Planning Board began its review of the draft revisions to the Cluster Subdivision Regulations. The Planning Board decided to schedule the special meeting for Monday, August 27, 2012. The Chair requested that Ms. McPherson send out an email regarding this special meeting.

There was no further business to come before the Planning Board, and the meeting adjourned at 9:18 p.m.

A TRUE RECORD ATTEST:

Gloria McPherson  
Clerk

djm