

The regular monthly meeting of the City Planning Board was held on August 24, 2011, in the Second Floor Conference Room, City Hall, 41 Green Street, at 7:00 PM.

Present at the meeting were Members Drypolcher, Shurtleff (City Council Representative), Smith Myer, Swope, and Alternate Member Dolcino. Mr. Henninger, Ms. Hebert, and Ms. Muir of the City Planning Division were also present, as was Ms. Aibel, the City's Associate Engineer.

At 7:02 PM a quorum was present, and the Chair called the meeting to order and seated Alternate Member Dolcino for Member Foss, who was not expected.

APPLICATIONS

Conditional Use Permit Applications

1. Application by **David and Deborah Newell on behalf of Dr. Serdar Ayan**, for a Conditional Use Permit pursuant to Section 28-7-11(b), Construction of Fewer Parking Spaces, of the Zoning Ordinance at **125 Fisherville Road. (2011-0027)**

Determination of Completeness

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

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

Public Hearing

Mr. Henninger reported that the Planning Board granted conditional site plan approval on July 20, 2011, for the conversion of this property to restaurant use, along with Architectural Design Review approval for the landscape plan.

He stated that the applicant has requested a Condition Use Permit (CUP) to not construct one of the required parking spaces, which is located in the front of the building. The existing pavement will be removed and the area landscaped. All remaining parking will be to the rear of the building.

Mr. Henninger explained that the Architectural Design Review Committee (ADRC) noted that the elimination of this paved area in front of the building would allow for foundation plantings, which would enhance the appearance of the site and building from Fisherville Road.

Deliberations and Action on Application

Mr. Swope moved to grant Architectural Design Review approval for the building elevations and proposed freestanding sign for The Newell Post Restaurant at 125 Fisherville Road, proposed by David and Deborah Newell. Mr. Shurtleff seconded. Motion carried.

Mr. Swope moved to grant a Conditional Use Permit pursuant to Article 28-7-11 (b) Construction of Fewer Parking Spaces, to provide parking for 16 vehicles where 17 parking spaces are required. The

Board found that the reduction in the number of parking spaces is minimal and will improve safety and enhance the appearance of the site. Ms. Dolcino seconded. Motion carried.

Minor Site Plan Applications

2. Application by **Forget & Boucher, LLC, on behalf of Concord Nissan** for approval of a revision to a previously approved site plan of property located at **175 Manchester Street. (2010-0044)**

Determination of Completeness

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

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

Public Hearing

Mr. Henninger reported that the applicant is proposing to retain a portion of an existing building onsite as a standalone auto body shop consisting of four repair bays including a paint booth. The dealership was approved for a two phase construction plan with the final phase predicated on the realignment of Airport Road with Integra Drive. The portion of the existing building and a small addition will contain a total of 2,582 square feet. The standalone body shop will reduce the available vehicle display area from approximately 40,000 square feet to approximately 30,000 square feet to provide the additional required parking and circulation around the building. He stated that most of the proposed building already exists, and the applicant is proposing removal of the wings from the building and adding a small addition. The intent is to reface the exterior to match the new dealership.

Mr. Henninger stated that the applicant advised the ADRC that the architectural elevations submitted are being revised and that new elevations would be submitted for review at the September ADRC meeting. The ADRC recommended the architectural design review component related to the building and signage be tabled until the September Planning Board meeting to allow the applicant to complete their revisions and the ADRC to review the proposed elevations.

Deliberations and Action on Application

The Chair asked whether a sprinkler system is being proposed for the auto body shop. Mr. Henninger stated that sprinkler systems are not required for a building that size and that comments had not been received from the Fire Department.

Ms. Smith Meyer moved to table the architectural design review component of the site and landscape plan and defer approval of the building elevations for an additional building at the Concord Nissan dealership at 175 Manchester Street for an auto body service facility. Mr. Swope seconded. Motion carried.

Mr. Swope moved to grant Conditional Site Plan approval for an additional building at the Concord Nissan dealership at 175 Manchester Street for an auto body service facility, subject to the following standard and special conditions:

Standard Conditions

1. Prior to the issuance of a certificate of approval by the Planning Board Chair (and issuance of any building permits for construction activity on the site), approvals of construction drawings for onsite improvements shall be obtained from the Engineering and Planning Divisions and the Fire Department. No construction activity may commence prior to the preconstruction conference.
2. Traffic impact fees shall be assessed for any construction contained within the limits of the approved site plan. The impact fees and procedures shall be those in effect at the time of the issuance of a building permit, as set forth in the City of Concord Code of Ordinances, Title IV, Subdivision Code: Chapter 29.2, Public Capital Facilities Impact Fee Ordinance. The specific fees assessed are those contained in Section 29.2.1-1 Assessment and Collection; subsection (b) Computation of the Amount of Impact Fees; Table 3, Transportation Facilities Impact Fee per Variable Unit.
 - a. Transportation Facilities - Automotive Service (2,582 square feet).

Special Conditions

1. No display or parking of vehicles shall occur in the right-of-way of Manchester Street or Airport Road or within the required landscape strips along Airport Road and Manchester Street. Vehicles shall not be stored or parked outside the areas so designated on the site plan, unless further approvals are obtained by the Planning Board.

Ms. Dolcino seconded. Motion carried.

Major Site Plan Applications

3. Application by the **Bindery Redevelopment, LLC, on behalf of the Duprey Center, LLC, and the New Hampshire Bindery, Inc.**, for a site plan of property located at **43 and 45 South Main Street. (2011-0034)**

Determination of Completeness

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

Mr. Swope moved and Ms. Smith Meyer seconded that the Planning Board determine this application to be complete and set the public hearing for September 21, 2011. Motion carried.

Architectural Design Review

4. 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.
 - **Custom Kups** for one hanging sign at **132 ½ North Main Street**.
 - **Weight Watchers** for one affixed sign and one hanging sign at **108 Fort Eddy Road**.

Public Hearings

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

- **Custom Kups** for one hanging sign at **132 ½ North Main Street**.

Mr. Henninger reported that the applicant is proposing to install a hanging sign and pole bracket at 132 ½ North Main Street.

The Architectural Design Review Committee reviewed the design of the hanging sign and recommended approval as submitted by the applicant.

Ms. Smith Meyer moved approval as submitted and Ms. Dolcino seconded. Motion carried.

- **Weight Watchers** for one affixed sign and one hanging sign at **108 Fort Eddy Road**.

Mr. Henninger explained that this application is for one affixed sign and one hanging sign at 108 Fort Eddy Road, in Fort Eddy Plaza.

The Architectural Design Review Committee reviewed the design of the affixed and hanging signs and recommended approval as submitted by the applicant.

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

5. Consideration of an application by **Supervalu, Inc., for Rite Aid Pharmacy**, for approval of the renovation of the building façade at **24 Fort Eddy Road. (2011-0035)**

Mr. Henninger reported that the façade renovations to the Rite Aid Pharmacy was the last storefront within the Fort Eddy Plaza to be renovated, and that that proposed renovations are consistent with those of the other stores in the plaza. He stated that the only difference in the design is the pillars, which don't come all the way down to the sidewalk, but stop at the edge of the windows. The reason being is that the sidewalk is narrow, and there would be no room for the sidewalk with the pillars extending to the sidewalk.

The Architectural Design Review Committee reviewed the design of the hanging sign and recommended approval as submitted by the applicant.

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

REGULAR MEETING

6. Minutes

Mr. Drypolcher moved to approve the minutes of the meeting of July 20, 2011, as submitted. Mr. Swope seconded. Motion carried.

Mr. Swope moved to approve the minutes of the meeting of August 17, 2011, as submitted. Mr. Drypolcher seconded. Motion carried.

New Business

7. Revisions to the Zoning Ordinance to allow the **placement of bus shelters in front yards.**

Mr. Henninger reported that the proposed revision to the Zoning Ordinance is to alleviate the need to request a separate variance for each property that a bus shelter is to be constructed upon. The current ordinance prohibits the construction of any principal building or structure within the minimum required front, rear, or side yard set-backs. The practical location for public bus shelters is within or adjacent to the right-of-way that the buses travel. In many locations the public right-of-way is too narrow to allow for the construction of bus shelters. Mr. Henninger stated that of the half dozen bus shelters currently in the City, at least four of them are on private property.

Ms. Smith Meyer moved to forward a recommendation to the City Council to approve the proposed ordinance allowing bus shelters for public or quasi-public agencies, such as Concord Area transit (CAT), be adopted to allow for the installation of bus shelters on private property adjacent to the public right-of-way. Ms. Dolcino seconded. Motion carried.

8. Recommendation in regard to the proposed **City of Concord Hazards Mitigation Plan, 2011.**

Mr. Henninger reported that the Federal Disaster Mitigation Act of 2000 requires all municipalities in the United States to develop and adopt a hazard mitigation plan in order to continue to be eligible for funding through the Federal Emergency Management Agency's (FEMA) Hazard Mitigation Grant Program and Pre-Disaster Mitigation Grant Program. The proposed plan will replace the plan developed in 2005 and adopted by City Council in 2006. He stated that the proposed plan addresses natural hazards such as flooding, severe storms, and wildfires. This plan also considers technological hazards and hazards caused by human intervention, both intentionally and unintentionally. The plan identifies over three dozen types of hazards which are feasible to occur within the City of Concord.

Mr. Swope moved to endorse and recommend to City Council that the proposed City of Concord Hazards Mitigation Plan - 2011 be adopted. Ms. Smith Meyer seconded. Motion carried.

9. Request for a **one-year extension** of the period of validity of the conditional approvals of the Major Site Plan for **Forest Street Realty, LLC, at 94 Manchester Street. (2004-0029)**

Mr. Henninger explained that the Planning Board granted Major Site Plan approval to Forest Street Realty on April 17, 2002, for a building addition and outside sales and display area for an auto dealership (Concord Kia) at 94 Manchester Street. On November 19, 2003, the Board extended that approval until April 17, 2005. Subsequent to that action, Forest Street Realty filed a revised application that was considered by the Board on April 21, 2004, which created a two phase development plan with each phase being valid for two years, starting at the time that permits were issued for Phase 1. Phase 1 permits were issued on August 26, 2004, for an expanded service area. The period of validity for Phase 2, for a new showroom and sales facility began on August 26, 2006, and would have expired on April 26, 2008, but the Board granted a one-year extension of Phase 2 through August 26, 2009. The Planning Board in August 2009, considered a request for a one-year extension through August 26, 2010. At that time, it was discovered that the Alteration of Terrain (AOT) "Site Specific" permit issued by the New Hampshire Department of Environmental Services (NHDES) for the second phase had lapsed, and that applicant sought to obtain a new permit. Therefore, the Board granted another one-year extension subject to the receipt of an AOT permit from

NHDES and the requirement that all conditions of the original site plan approval shall remain in full force and effect.

Subsequently, the Planning Board considered another request for a one-year extension in August of 2010. After some discussion the Board voted to grant a waiver of the Site Plan Review Regulations for an additional one-year extension for this application through August 26, 2011, again subject to the receipt of an AOT permit from NHDES. The Board indicated that all conditions of the original approvals shall remain in full force and effect.

Mr. Henninger stated that the applicant has not complied with the condition of the waivers granting extensions in both 2009 and 2010. The area was rezoned on August 8, 2011, from General Commercial (CG) to Highway Commercial (CH) with different dimensional requirements. The current uses are compatible with the new zoning districts; however, the dimensions standards have been revised. The City's recent direct experience with AOT permitting for the Manchester Street improvement project suggests that Forest Street Realty may have to do significant redesign of its drainage system originally permitted under the State's former "Site Specific" regulations. Additionally, the site plan was reviewed and approved seven years ago. Several abutting properties have sold since the last public notice, and many abutters may have forgotten that a significant expansion was proposed for this property or may assume that the project has been abandoned.

Mr. Swope moved to deny the waiver for the extension for failure to comply with the condition set forth by the Board last year and the year before. The Board does not believe that a good faith effort to satisfy the conditions of prior extensions was put forth. Ms. Smith Meyer seconded. Motion carried.

Old Business

10. Request of **Delta Dental on behalf of the Angwin Revocable Trust** for a partial rezoning of property at **107 Commercial Street** from an Open Space Residential (RO) District to an Institutional (IS) District.

Mr. Henninger stated that the Planning Board set this item for a public hearing on September 21, 2011, and that no other action by the Board was necessary at this time.

11. **Revisions to the Subdivision Regulations** to address omissions, oversights, and other minor modifications.

Mr. Henninger stated that after using the new Subdivision Regulations for the past seven months, there were a few omissions, oversights, and other minor modifications noted which the revisions address. He stated that the Vintage Estates project was a good test of the new regulations and brought forth some of these modifications. Ms. Hebert stated that many of the items in the proposed revisions were corrections and minor housekeeping items. Mr. Henninger suggested that the Planning Board set the revision for public hearing.

Mr. Swope moved to set this item for a public hearing on September 21, 2011. Ms. Dolcino seconded. Motion carried.

12. **Continuation of the review of the draft Site Plan Regulations** including a communication from the Heritage Commission with regard to the draft regulations, and a response to the

Heritage Commission's comments from the Deputy City Manager - Development, together with excerpts from the draft regulations related to historic preservation.

The Chair reported that it was not appropriate to go forward with the discussions on the draft Site Plan Regulations with so few Planning Board members in attendance.

Mr. Henninger suggested that the discussion be set for the October 19, 2011, Planning Board meeting, with a possible public hearing date of November 16, 2011, and that no additional action by the Board was necessary at this time.

INFORMATION

- **Technical Review Committee Records of Action reports for Daval Reality Associates, LP for Banks Collision Center**, located at **100 Airport Road**, and **David Albert for Lisa and Michael Andrews** for property located at **288 North State Street**.

Mr. Henninger stated that these reports were provided for the Board's information only, and that no action by the Board was necessary.

- **Memorandum from Edward Roberge**, City Engineer, regarding **Daval Realty LLC, for Banks Chevrolet Underground Storage Tank**, located at **137 Manchester Street**.

Mr. Henninger reported that at last month's Planning Board meeting, a condition of approval for the application from Daval Realty, LLC for Banks Chevrolet, to install an underground storage tank, was that an agreement be reached by the Pembroke Water Works, the State of New Hampshire, and the City Engineering Division regarding the tank design. Mr. Henninger stated that all parties had concurred with the design, as stated in the City Engineer's memorandum. No further action by the Board was necessary.

There was no further business to come before the Board and the meeting adjourned at 7:55 PM.

A TRUE RECORD ATTEST:

Stephen Henninger
Acting Clerk

djm