

**CITY OF CONCORD PLANNING BOARD  
September 19, 2012 MEETING**

The regular monthly meeting of the City Planning Board was held on September 19, 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, Regan, Dolcino, Smith Meyer, Lavers, 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 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 Evolution Realty, LLC, for Design Review approval of a new affixed sign located at 10 Langdon Avenue, within the Industrial (IN) District.**

Mr. Henninger stated that the application was for a new affixed sign. He explained that the applicant received approval during the site plan approval process for two signs and that the applicant is now requesting approval for only one sign, with different graphics as the previously approved sign, and in a different location. The Architectural Design Review Committee (ADRC) recommended approval of the sign as submitted, with the recommendation that the sign is centered on the blank portion of the wall to the right of the four-pane window.

Ms. Smith Meyer moved to grant Architectural Design Review approval for the new affixed sign as submitted by the applicant, with the condition that the sign be centered on the blank portion of the wall to the right of the four-pane window on the south façade. Mr. Swope seconded the motion. Motion carried unanimously.

- **Application by Concord Christian Academy for Design Review approval of revisions to an existing freestanding sign located at 37 Regional Drive, within the Office Park Performance (OFFP) District.**

Mr. Henninger reported that the application is for revisions to an existing freestanding sign. He stated that no one was present to represent the applicant at the ADRC meeting, and as a result, the Committee recommended tabling the application until the applicant was present.

Dean Whiteway, Headmaster at Concord Christian Academy, was present on behalf of the applicant. He stated that he had not been made aware of the ADRC meeting.

The Chair explained that the Planning Board has incomplete information with which to make a decision without the ADRC recommendation, so that tabling would be the best way to proceed with the application. He stated that the next ADRC meeting will be held on October 9<sup>th</sup>.

Mr. Swope moved to table the application to allow the applicant to meet with the ADRC to discuss the sign. Ms. Foss seconded the motion. Motion carried unanimously.

- **Application by Men's Wearhouse for Design Review approval of a new affixed sign located at 60 D'Amante Drive, within the Gateway Performance (GWP) District.**

Mr. Henninger explained that the applicant currently has three approved signs and was granted a variance for a fourth sign to be located on the side of the building facing the entrance to the shopping center. He reported that the ADRC recommended approval of the new affixed sign, with the suggestion that the sign be centered over the windows.

Mr. Tim Sullivan, from Barlo Signs, was present on behalf of the applicant. He stated that the applicant would comply with the suggestion, but would prefer not to center the sign as the sign would be less visible if centered.

The Planning Board discussed the visibility and placement of the fourth sign.

Mr. Swope moved to grant Architectural Design Review approval for the new affixed sign as submitted by the applicant. Ms. Foss seconded the motion. The motion passed by a 7-1 vote, with Ms. Smith Meyer voting against the approval. She felt that the sign should be centered on the building façade.

- **Application by Sprint for Design Review approval of a new affixed sign located at 62 D'Amante Drive within the Gateway Performance (GWP) District.**

Mr. Henninger reported that the application was for a new affixed sign, which had been installed prior to the ADRC meeting. The ADRC recommended approval of the sign as installed.

Ms. Smith Meyer moved to grant Architectural Design approval for the new affixed sign, as installed. Mr. Swope seconded the motion. Motion carried unanimously.

- **Application by the Crust and Crumb Baking Company for Design Review approval of a new hanging sign and a new affixed sign located at 126 North Main Street, within the Central Business Performance (CBP) District.**

Mr. Henninger explained that the application was for a new hanging sign and a new affixed sign. He stated that the ADRC discussed the color of the sign and the bracket for the hanging sign. The ADRC recommended to approve the two signs with the condition that the hanging bracket be black and the same size and proportion as the bracket shown on the application.

Mr. Swope moved to grant Architectural Design Review approval for the new affixed sign and the new hanging sign, with the condition that the hanging bracket be black and the same size and proportion as the bracket shown on the application. Ms. Smith Meyer seconded the motion. Motion carried unanimously.

- **Application by Pain Care / Total Body Therapy for Design Review approval of a new affixed sign located at 22 Bridge Street, within the Opportunity Corridor Performance (OCP) District.**

Mr. Henninger stated that this application is for a new affixed internally laminated box sign. He explained that the ADRC recommended approval of the sign with the condition that the width of the cabinet be reduced to remove some of the white space and to align the cabinet with the door opening.

Ms. Smith Meyer moved to grant Architectural Design Review approval for the new affixed sign, with the condition that the width of the cabinet be reduced to remove some of the white space and to align the sign cabinet with the door opening. Councilor Shurtleff seconded the motion. Motion carried unanimously.

- 2. Application by NAMI New Hampshire for Design Review approval for façade revisions to a previously approved renovation at 85 North State Street, within the Civic Performance (CVP) District. (2012-0017)**

The Chair opened the public hearing.

Mr. Henninger explained that the applicant had previously completed a 70-square foot handicap addition on the side of an existing building, which was approved by the Planning Board in May. He stated that one of the modifications was the removal of the green shutters on the entire south façade. The applicant had proposed, and the Planning Board approved, the removal of the shutters on the second addition of the building where the handicap addition was added.

Steve Green, from Mr. Green Jeans Handyman Service, was present on behalf of the applicant. He stated that the intent was to paint and reapply the shutters after construction, but the existing shutters are unsalvageable and the cost for comparable shutters was prohibitive.

Mr. Henninger reported that the ADRC recommended approval of the revisions as submitted, provided that the wooden shutters are stored onsite and labeled that they came from the building to provide for possible future restoration.

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 revisions as submitted, provided that the wooden shutters are stored onsite and labeled that they came from the building to provide for possible future restoration. Ms. Foss seconded the motion. Motion carried unanimously.

**3. Application by Academy of Applied Sciences for Design Review approval for window replacement at 24 Warren Street, within the Central Business Performance (CBP) District. (2012-0042)**

The Chair opened the public hearing.

Ms. Hebert stated that the applicant is proposing to replace 23 existing wooden windows, which will be white to match the existing windows. She explained that the project also includes staining and repairing the front door, painting of existing window and door trim on the building, and the replacement of existing wooden doors in the rear of the building. She stated that there were no changes proposed to the cut glass storefront windows on the first floor.

Ms. Hebert reported that the ADRC recommended that the application be approved with the condition that glass panes within the new replacement windows are of the same size and proportion as the existing windows and that the replacement windows contain true divided lights with exterior muntins of roughly the same reveal as the existing windows.

Kate Trojano, from Academy of Applied Science, was present. She stated that the project was a result of high heating costs. She explained that the replacement windows they originally looked at had smaller glass, so they looked at a different replacement glass. The applicant received estimates for repairing the wooden windows and the cost was three times that of replacement windows.

The Planning Board discussed the use of true divided light, exterior muntins, and the size of the glass in the replacement windows. The Chair stated that replacement windows normally have smaller glass panes with a wider trim.

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 revisions as submitted, with the recommendation that the replacement windows match the proportion of the original windows as closely as possible, and that the windows are a six-over-six pattern, with true divided lights. Ms. Foss seconded the motion. Motion carried unanimously.

**4. Application by JoAnn Fabric and Craft Store for Design Review approval for front and rear façade renovations, site improvements, a new egress door, and new signage at 80 Storrs Street, within the Opportunity Corridor Performance (OCP) District. (2012-0046)**

The Chair opened the public hearing.

Mr. Henninger reported that the application involves façade renovations at an expanded store in the Capitol Shopping Center, which include the addition of an entry element above the existing entrance, and a new exit door on the rear façade. He stated that all materials and trim will match the existing facades, and a new sign is proposed on the Storrs Street side and the existing affixed sign on the rear of the building will be removed.

Mr. Henninger explained that the ADRC recommended approval of the revised signage and the renovations as submitted, with a tip down added for handicapped access, the cart corral moved to the right of the windows so that it is not in front of the glass, and that the dumpster be screened in black, with a sample of the screening material provided to the Planning staff for final approval.

Anthony Perez, from JoAnn Fabric and Craft Store was present. He provided samples of the proposed dumpster screening and stated that the applicant was open to using either the black or green screening.

The Planning Board discussed the colors and preferred the green screening. Ms. Foss asked whether the cart corral could be moved to the left of the entryway, to have it closer to the store entry. Mr. Perez agreed that would be a better location for the cart corral.

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 revised signage and renovations as submitted, with the conditions that a tip down added for handicapped access, the cart corral moved to the left of the entryway doors, and that the dumpster screening is the material shown to the Planning Board and green in color. Ms. Foss seconded the motion. Motion carried unanimously.

**5. Application by Ed Reilly Subaru for Design Review approval for façade renovations and replacement of signage at 150 Manchester Street, within the Highway Commercial (CH) District. (2012-0047)**

The Chair opened the public hearing.

Ms. Hebert reported that the application is for façade renovations at the car dealership.

Scott Vlasak, from Bruce Ronayne Hamilton Architects, was present on behalf of the applicant. He explained that the project involves installing a new aluminum composite metal finish along the front showroom above the display windows, refinishing the eifs walls using the existing colors, installing a new thin slate veneer on the existing stone-finished column, a new metal roof edge, installing two new doors and one new window panel on the southeast elevation, and changing the color of the existing signs from metallic silver to dark blue, and adding a small sign above the service entrance. Mr. Vlasak showed color and material samples to the Planning Board.

Ms. Hebert stated that the ADRC recommended approval of the façade renovations and the replacement signage 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 façade renovations and replacement signage, as submitted by the applicant. Councilor Shurtleff seconded the motion. Motion carried unanimously.

**6. Application by Bianco Professional Association for Design review approval for a 608 square foot second floor addition, located at 18 Centre Street, within the Civic Performance (CVP) District. (2012-0048)**

The Chair opened the public hearing.

Ms. McPherson explained that the applicant is proposing a 608 square foot, second floor addition to an existing professional office building, located at the rear of the building. She reported that the new addition is to be built on columns to allow for additional office space in the second story of the building, without impacting or reducing the existing parking spaces. She stated that the proposed addition will be in keeping with the existing building.

Rob Harrison, from RJH Builders, and Anna Goulet Zimmerman, from Bianco Professional Associates, were present on behalf of the applicant, to respond to any questions from the Planning Board.

Ms. McPherson stated that 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 addition, as submitted by the applicant. Ms. Smith Meyer seconded the motion. Motion carried unanimously.

**7. Application by Buffalo Wild Wings for Design Review approval for revisions to previously approved exterior finishes and signage for a new restaurant located at 8 Loudon Road, within the Gateway Performance (GWP) District. (2012-0009)**

The Chair opened the public hearing.

Mr. Henninger reported that the applicant is proposing color changes to the exterior façade on all four elevations and has submitted revised plans for an affixed sign facing east, and a revised sign above the front entrance facing Loudon Road. He explained that graphic elements have been added to the proposed window awnings, and the front elevation is a mirror image of the originally approved elevation.

Marti Matheson, from Buffalo Wild Wings, was present to respond to question from the Planning Board.

Mr. Henninger stated that the ADRC recommended approval for the revisions and signs as submitted.

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 revisions to previously approved exterior finishes and signage. Ms. Foss seconded the motion. Motion carried unanimously.

**8. Application by Bindery Redevelopment, LLC, for Design Review approval for façade revisions to a previously approved building to be located at 43-45 South Main Street, within the Central Business Performance (CBP) District. (2011-0034)**

The Chair opened the public hearing.

Ms. Hebert explained that the ADRC, at their September meeting, reviewed and approved façade revisions to the previously approved building, and that the applicant is now presenting a slightly different proposal.

Stephen Duprey, from the Duprey Companies and Jonathan Halle, from Warrenstreet Architects were present on behalf of the applicant.

Mr. Duprey advised the Planning Board that he was concerned that the original building approved by the ADRC was too similar to the Smile Building. He stated that the changes most recently proposed to the ADRC were going to cost an additional \$130,000. He is trying to find a compromise that is better looking than the originally approved façade and the revisions approved by the ADRC the prior week.

Mr. Halle presented the Planning Board with updated renderings of the proposed changes and explained the changes, as listed below:

- The cornice of the building is a three-step brick detail incorporating a soldier course dental pattern. The brick will match in color with the Shouldice Antique Bronze listed below.
- The fourth story is made up of a “Morin old port flashed commonset range 35%” top band and “Belden rum raisin velour A” body. All windows on the fourth floor will have a sloped brick sill. All brick above the shouldice fourth floor window sill is entirely super black mortar.
- The windows on the 4th floor are all EFCO Bosenberry in color. All other windows, storefronts, and curtain wall on other floors will be black frames.
- The square areas/patterns above and below the windows on all four sides will be “Morin old port flashed commonset range 35%” with super black mortar.
- The main body of the building will be “Morin brushed velour narrow flashed range” typical on all four sides set in plain Portland and lime mortar.
- All shouldice shall be set in plain Portland and lime mortar.
- The main “Morin old port flashed commonset range 35%” Arch shall be entirely set in plain Portland and lime mortar.
- The shouldice rock face base of the main arch shall be raised to match the continuous height of the rock base of the full length of the building.
- The spandrel glass color within the main arch, concealing floor structure beyond, shall be the color black (even though the rendering shows Boysenberry). All other glazing shall be clear.
- The roof top screen shall be a standard kynar color “Kingspan Colonial Red” or comparable match to the EFCO Bosenberry color.

- The awning along the front elevation shall be “weathertyte tri vantage Burgandy color #839907” or equal.

The Planning Board discussed the color and materials selections, and questioned whether the brick would be a different color than the brick used on the Smile building. Mr. Halle responded that the brick would more closely resemble the brick used at the Grappone Conference Center, but with a higher percentage of black flash.

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 revisions as presented to the Planning Board at this meeting. Councilor Shurtleff seconded the motion. Motion carried unanimously.

### **Minor Subdivision Applications**

#### **9. Consideration of an application by Dean and Margaret Wilber, for property located at 99 Oak Hill Road, requesting Minor Subdivision approval for a lot line revision between two existing lots. (2012-0041).**

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. Motion carried unanimously.

The Chair opened the public hearing.

Mr. Henninger explained that the applicant is proposing to transfer 25.36 acres from one parcel to an abutting parcel under the same ownership.

Dean Wilber, owner of the properties, Christen Wilber, land surveyor, and Robert J. Saunders, Engineer, were present on behalf of the applicant.

Mr. Christen Wilber explained that the two lots are under the same ownership, with Lot 120-1-18 being a conforming lot containing a single family home with a septic system, and Lot 120-1-17 is an open wooded lot containing a sugar house. A variance was received for the nonconforming set back line for the sugar house. He discussed the wetlands and wetland buffers located on the front of each lot, along with the driveways to each of the properties. Mr. Wilber stated that the road frontage is twice the amount needed. He reported that the NH Department of Environmental Services has approved the septic system.

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 final subdivision approval for the “Resubdivision – Land of Dean E. Wilber 2006 Trust” prepared by Chris Wilber Consulting, subject to the following standard conditions:

- 1) Prior to the final plat being signed by the Planning Board Chair and Clerk, the applicant shall revise the plat drawings to address the minor corrections and omissions noted by City staff.
- 2) 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.

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

**10. Consideration of an application by Nancy Yeaton and Joseph R. Farrelly, Jr., for property located at 25 Bradley Street and 2-4 & 6-8 Highland Street, requesting Minor Subdivision approval for a lot line revision between four existing lots. (2012-0044)**

Ms. Hebert 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. Motion carried unanimously.

The Chair opened the public hearing.

Ms. Hebert reported that the application is to revise the lot lines between four existing lots.

Jeffrey Green, Surveyor, was present to represent the applicants.

Mr. Green explained that the project entails annexing portion of the parcel at 23 Bradley Street to the adjacent properties. He stated that the house at 23 Bradley Street was demolished and the adjacent property owners are purchasing portions of the now vacant lot. Mr. Green discussed the existing and proposed lot areas and street frontage.

Ms. Hebert stated that there is an existing shared driveway between Lots 6 and 7 and a second driveway across Lot 7 accessing a small parking area on Lot 6. The applicants will be required to convey mutual driveway access easements for the use of the existing driveway serving both Lots 6 and 7.

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 final subdivision approval for the minor subdivision application of Nancy Yeaton & Joseph Farrelly, Jr., as prepared by Jeffery L. Green Land Surveying Services, for the plan entitled “Lot Line Adjustment Plat of Nancy Yeaton and Joseph Farrelly, Jr.” subject to the following conditions:

- 1) Prior to the final plat being signed by the Planning Board Chair and Clerk, the applicant shall revise the plat drawings to address the minor corrections and omissions noted by City staff.
- 2) Prior to the final plat being signed by the Planning Board Chair and Clerk, all municipal and private utilities that previously served the building at 23 Bradley Street shall be permanently discontinued to the satisfaction of the City Engineer.
- 3) Prior to the final plat being signed by the Planning Board Chair and Clerk, the following 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. Agreement to Convey a Driveway Access Easement from Lot 7 for the benefit of Lot 6 for the existing driveway located on the northerly side of the building on Lot 7 and the existing shared driveway between Lot 7 and Lot 6; and
  - b. Agreement to Convey a Driveway Access Easement from Lot 6 for the benefit of Lot 7 for the existing shared driveway between Lot 7 and Lot 6.

Mr. Lavers seconded the motion. Motion carried unanimously.

**11. Consideration of an application by the New Hampshire Charitable Foundation, for property located at 37 Pleasant Street and 22 Chesley Street, requesting Minor Subdivision approval for a lot line revision between two existing lots and requesting a Conditional Use Permit pursuant to Section 28-7-8(c)(1) of the Zoning Ordinance to maintain two existing driveways with less than the required frontage. (2012-0043)**

Ms. McPherson stated that the applicant has requested a postponement until the Planning Board meeting on October 17, 2012.

**Minor Site Plan Applications**

**12. Consideration of an application by Metro Treatment of New Hampshire, LP, for property located at 100 Hall Street, requesting Minor Site Plan approval for proposed site improvements in order to accommodate the change of use from professional offices to a methadone clinic, and requesting a Conditional Use Permit to allow up to 50 percent compact parking spaces. (2012-0045)**

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

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

The Chair opened the public hearing.

Ms. McPherson stated that this applicant is proposing to change the use of an existing building from professional offices to methadone clinic. She explained that the increase in vehicle trips generated

triggered the requirement for a minor site plan review. She reported that there are no changes to the exterior of the building proposed and exterior site improvements include restriping the parking lot, relocating two ADA parking spaces, and adding compact parking signs and a sidewalk connection from the building to the existing sidewalk on Hall Street.

Ms. McPherson explained that the applicant is also requesting a Conditional Use Permit to allow 50 percent compact parking spaces where 25% are allowed.

Richard Uchida, from Hinckley Allen & Snyder, Erin Lambert, from Nobis Engineering, and Dr. Chip Roberts and Jamie Lovern, from Colonial Management Group, were present on behalf of the applicant.

Mr. Uchida reported that the clinic is moving from 8 Loudon Road, where it has been located for six years, to 100 Hall Street. He stated that the City zoning allows for this medical use by right in this district.

Mr. Lovern explained that the safety of the residences and clients is very important to the organization. He stated that Steve Duprey had some concerns regarding the clinic, but Mr. Lovern stated that he had met with Mr. Duprey and the concerns had been addressed.

Mr. Lovern reported that the clinic is open from 5:00 a.m. through 2:30 p.m., with the majority of the clients coming in between the hours of 5:00 a.m. and 8:00 a.m. for dosing. He stated that the clinic offers treatment plans, including a counseling component, and referral services, for many of the clients. He stated that the parking lot is monitored to ensure that there are no incidents.

Ms. Foss asked Mr. Lovern to describe some of the incidents that have occurred. Mr. Lovern responded that there are occasional arguments, with the police being called some times.

Councilor Shurtleff asked how many clients utilize the clinic daily. Mr. Lovern reported that there are 380 clients per day.

The Planning Board discussed the mode of transportation for the clientele at the clinic and whether bus service is available.

Ms. Lambert stated that the site is in good shape and the only issues to be address include the restriping of the parking lot, the relocation of ADA parking spaces, connecting the current sidewalk to a right-of-way sidewalk, and the removal of invasive species.

Mr. Uchida explained that the clinic has been in the community and the organization is experienced in what they do. He referenced a letter, which was sent to the Planning Board, from a church which met in the same building as the clinic on Loudon Road, supporting the clinic.

Mr. Lovern stated that he has relocated nine clinics without incident, the largest being a clinic that serves 1, 300 clients.

Mr. Steve Green, a Hall Street resident, stated that he has owned property on Hall Street for more than ten years. He explained that even though the area is zoned for industrial and commercial, the area also includes a number of residential homes. He said there are a number of school-aged children who wait for the bus at the same time that people will be there to get their treatment. He reported that there is a playground on the street. Mr. Green explained that with the current traffic on Hall Street it is extremely difficult to get out of his driveway and to add 400 vehicles in a two-hour period at rush hour will make it even more difficult. Mr. Green agreed that methadone clinics are needed, but doesn't feel that this is the proper location for the facility. He opposes the clinic relocating to the Hall Street location and wants the Planning Board to consider the families who have lived in the area a long time.

Jeffrey Turner, a business owner at 101 Hall Street, explained that his business is directly across the street from the proposed clinic. He stated that this is a nice neighborhood, with a mix of residential, commercial and hotels, and it not a conducive area for a methadone clinic. He stated that the impact of the increased traffic will make it more difficult to access his driveway. Mr. Turner was also concerned that the number of clients accessing the clinic in a short period of time each day will cause parking issues, as the applicant will only be providing a total of 38 parking spaces. He said that parking on the street, especially in the winter months, is very difficult. He stated that he wanted to make some changes on his property but was informed that there were strict parking requirements and he wasn't able to make the changes. Mr. Turner said that he had found out that the clinic had submitted an application to move into Laconia earlier this year. He reported that Laconia approved the proposal with a very strict requirement to have law enforcement on site during the operating times of the clinic and maintain video surveillance of the parking lot. Mr. Turner said that this made the proposal cost prohibitive to the clinic and they decided not to move to Laconia. Mr. Turner was also concerned with the property values going down because of the clinic in the neighborhood.

Mr. Ken Pfitzenmayer, a resident at 10 Madison Street, asked why the currently location on Loudon Road wasn't adequate.

Mr. Uchida responded that it is because the landlord is refitting the building.

Mr. Pfitzenmayer stated that he has been living in the south end for quite some time and has read in the Concord Monitor of the increased incidences of crime in the area. He thought that the proximity of the halfway house on Iron Works Road and the proposed location of the clinic would cause a number of issues.

A current patient at the treatment center spoke anonymously. She stated that she and her husband have been clients of the clinic for the past three years and that she can't begin to describe what the place has done to improve their lives. She explained that both she and her husband have both been clean since they started at the clinic. She emphasized that the people who use the clinic are people with a disease who are trying to obtain treatment for the disease and they want to have a place to go continue their treatment. The clients are not bad people; they just have made some bad choices.

The Chair asked the patient what time she normally goes to the clinic for treatments and whether it is crowded. She responded that she normally goes between 7:00 and 8:00 a.m., and her husband goes

around 10:00 a.m. She stated that it is not crowded during the week, but on the weekends the hours it is more so, as the clinic is only open from 6:00 – 9:00 a.m.

Councilor Shurtleff asked whether she and her husband drove to the clinic and whether she knows of other patient's mode of transportation. She stated that they both drive and that a lot of other clients also drive, but there are some who live in the area who walk or bicycle. She said that she had not noticed anyone using bus transportation.

Mr. Lavers asked how long the patient was at the clinic each day. She stated that it is normally only five to ten minutes a day, unless she has a group meeting or counseling, then it could be an hour.

Ms. Smith Meyer asked if there were other uses in the building on Hall Street. Mr. Uchida responded that the clinic would be the only tenant in the building.

Dr. Roberts said that it is easy to say that with 380 patients there would be that many vehicles, but he knows that many people carpool, walk, or take the bus. He also stated that most of the clients dose by 6:30 a.m., so that most of the traffic will not affect rush hour traffic. Dr. Roberts explained that there are steps that the clinic takes to reduce the number of incidents, such as monitoring the parking lot and utilizing outdoor video surveillance. Additionally, he said that the clients have rights and responsibilities, and if there are problems then dosing times for problem patients can be changed.

Ms. Foss asked how many clients are walkers and from where they coming, and whether this move would make the clinic unavailable for them. Dr. Roberts said that the move would make the clinic closer for some and further away for others, but that the clients would want to continue their treatment will find a way to get to the clinic.

Mr. Uchida explained that there is a bus route in the area with a stop at Hall and Water Streets. He stated that the clinic looked at other sites that were ultimately not feasible. He stated that it was important to have a standalone building without other tenants.

Mr. Turner said that he was hearing conflicting responses from various individuals – one says many walkers, another said more drivers, and another said more public transportation. He reported that the sidewalks are not plowed at that hour of the morning, making walking very difficult.

Ms. McPherson reminded the Board that the use was allowed by right and that this application was before the Planning Board for Minor Site Plan Review because of the increase in vehicle trips generated, and for a Conditional Use Permit for 50 percent compact parking spaces on the site.

Ms. Foss stated that the clinic supports the need for services, but she is concerned because of the traffic disturbances for the residence during the early morning hours, with the safety issues for clients walking in the winter and the distance from public transportation.

Councilor Shurtleff agreed with Ms. Foss and stated that those who spoke had valid concerns – the sidewalks are not plowed at 5:30 a.m., public transportation is at least a mile away, and walking in the street in the winter creates a safety concern.

The Chair explained that he is not sure if any of the conditions raised are different from those raised when the clinic was proposing to move into 8 Loudon Road. He said that after a year or so of the clinic being at Loudon Road, no one really noticed that it was there, as there was no more noticeable traffic. He stated that whether the sidewalks are plowed or not isn't a reason to deny the application. He feels that this may be a not-in-my-backyard issue, and the clinic is a use by right. He stated that the issues raised create a no-win situation wherever the clinic looks to relocate.

Mr. Lavers said that he is in agreement with the Chair on this and that the clinic may never find a site without concerns. He understands and appreciates the concerns of the residents, but it is a valid use of the site. Mr. Lavers applauded the woman/patient who spoke for the clinic. He doesn't think that the concerns raised were sufficient enough to support a denial of the application.

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

The Chair moved to grant approval of the Conditional Use Permit, pursuant to Section 28-7-11(d) of the Concord Zoning Ordinance to allow up to 50 percent compact parking spaces. Ms. Smith Meyer seconded the motion. The motion passed by a 6-2 vote, with Ms. Foss and Councilor Shurtleff voting against the approval.

The Chair moved to grant conditional site plan approval Metro Treatment of New Hampshire, as prepared by Nobis Engineering, subject to the following conditions:

- 1) Prior to the issuance of any building permits for construction activity on the site, approvals of site plan drawings and supporting documents shall be obtained from the Planning and Engineering Divisions. The applicant shall revise the plans to address minor corrections and omissions as noted by Staff.
- 2) No certificate of occupancy shall be issued until all site improvements have been substantially completed to the satisfaction of the City Planner and City Engineer.
- 3) The applicant shall remove all *Celastrus orbiculatus* (Oriental bittersweet) from the trees and shrubs to the south of the parking lot by cutting and treating the vine stumps with a triclopyr containing herbicide, or other accepted technique. The area shall be monitored for three years, with continued invasive removal as necessary.
- 4) Traffic impact fees shall be assessed for the change of use 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

- 5) The applicant shall install and maintain a video surveillance system that covers the entire developed area of the property at 100 Hall Street, including the exterior of the building, sidewalks, parking lots, landscaped areas and the front, side and rear yards. The video surveillance system shall be in continuous use during all hours of operation of the clinic.

Mr. Swope seconded the motion. Motion carried unanimously.

Ms. Foss asked if there was a way to determine how many people would use public transportation if a stop was added. Councilor Shurtleff asked whether a shuttle from the Water Street bus stop to the clinic could be instituted. Mr. Henninger responded that the Concord Area Transit (CAT) currently runs a three-route system, and is looking to move to a five-route system, but not for at least a couple of years.

The Planning Board recommended that the Planning Staff forward these concerns to the City's Transportation Policy Advisory Committee for review and feasibility.

### **Major Site Plan Applications**

- 13. Consideration of an application by Drake Petroleum Company, Inc., for property located at One Whitney Road, requesting Site Plan approval, Design Review approval, and two Conditional Use Permits for the construction of a retail motor fuel facility, including a 3,710 square foot convenience store with a drive-through donut shop, gas and diesel dispensing areas each with an overhead canopy, access driveways, parking, and related paving drainage, landscaping, lighting, and associate site improvements. (2012-0038)**

Mr. Henninger reported that the application is complete and ready to be set for public hearing on October 17, 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 October 17, 2012. Motion carried unanimously.

### **REGULAR MEETING**

- 14. Consideration of a request by Richard Uchida, on behalf of LAT Holding Company, LLC and the Scott Lawson Group, for an extension of the period of validity of the Conditional Site Plan approval and Conditional Use Permits for the development at 20 Break 'O Day Drive. (2008-0062)**

Ms. Hebert reported that the applicant has requested a six-month extension of the approval of the applications. She stated that the Planning Board granted major site plan approval on April 15, 2009, which was valid for a two-year period. In 2011, the applicant received new variances for the development of the site without municipal water and sewer, and a reduction in the rear yard setback.

Richard Uchida, from Hinckley Allen & Snyder, was present on behalf of the applicant. He stated that this six-month extension from the Planning Board would line up with the extension granted by the Zoning Board of Adjustment.

Mr. Swope moved to grant a waiver of the Site Plan Review Regulations for a final six-month extension for the Conditional Site Plan approval, Conditional Use Permit, related waivers, and Design Review approvals, subject to the stipulation that all conditions of approval as set forth in the decisions of the Planning Board on April 15, 2009, shall remain in full force and effect. Councilor Shurtleff seconded the motion. Motion carried unanimously.

#### **15. Design Review Guidelines Project**

Ms. McPherson provided an update to the Planning Board regarding the work of the project consultant. She also provided the Board with a list and description of the design districts.

The Chair requested that the Planning Board members review this information before the next meeting.

#### **16. Consideration of Minutes of the August 15, 2012, Planning Board meeting.**

Councilor Shurtleff moved to approve the minutes of the August 15, 2012, Planning Board meeting as written. Mr. Hicks seconded the motion. Motion carried unanimously.

#### **INFORMATION**

- The Chair informed the Planning Board that a work session to continue the review of proposed changes to the Cluster Regulations will be held on Monday, October 22, 2012, at 7:00 p.m., in the Second Floor Conference Room, at City Hall.
- The Chair reminded the Planning Board that the next regular monthly meeting will be held on Wednesday, October 17, 2012, at 7:00 p.m., in City Council Chambers.

There was no further business to come before the Planning Board, and the meeting adjourned at 9:52 p.m.

A TRUE RECORD ATTEST:

Gloria McPherson  
Clerk

djm