

**CITY OF CONCORD PLANNING BOARD
October 17, 2012 MEETING**

The regular monthly meeting of the City Planning Board was held on October 17, 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 Regan, Smith Meyer, Hicks, Councilor Shurtleff, Swope, Kenison, 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 7:00 p.m., a quorum was present and the Chair called the meeting to order. The Chair sat Alternate Member Kenison for Member Foss, who was not in attendance.

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 Tom Smith / Depot Antiques & Toys for Architectural Design Review approval of a new sign located at 30 North Main Street and a replacement affixed sign and a replacement hanging sign located at 32 North Main Street, within the Central Business Performance (CBP) District.**

Mr. Henninger stated that the Planning Board, at its last meeting, tabled action on the two affixed signs and a hanging sign to allow the applicant to revise the proposed signs to provide graphic unity among the three sign and to allow further review and comment by the Architectural Design Review Committee (ADRC) on the revised signage.

Mr. Henninger reported that the applicant presented the ADRC with revised signage at their October 9th meeting. The ADRC recommended ADR approval for the hanging sign and the larger affixed sign as submitted and recommended Architectural Design Review approval for the smaller affixed sign with the request that the owner review the smaller rectangular affixed sign for possible reduction in text or adjustment of the proportions of the sign either vertically or horizontally for better readability.

Mr. Gregory Slossar, from Saymore Signs, was present on behalf of the applicant. He stated that the applicant looked at the ADRC recommendation and decided that the signs would remain as submitted to the ADRC on October 9th.

Mr. Hicks moved to grant Architectural Design Review approval for the new sign located at 30 North Main Street and a replacement affixed sign and a replacement hanging sign located at 32 North Main

Street, as submitted to the ADRC on October 9th. Councilor Shurtleff seconded the motion. Motion carried unanimously.

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

Mr. Henninger reported that the application is for revisions to an existing freestanding sign. He stated that the applicant is proposing to relocate an existing sign on Pembroke Road and attaching it to the existing Regional Drive sign to form a v-shaped sign.

Mr. Dean Whiteway, Headmaster at Concord Christian Academy, was present on behalf of the applicant. He stated that each panel would be painted individually in its own color creating a striped background for the lettering. He stated that the bottom two panels would be dark blue and the panel above the blue would be yellow. The rest of the panels making up the bottom portion of the sign would remain grey in color rather than partially white as shown. He also stated that the panels would be painted across the entire sign. Mr. Whiteway advised that the "The Academy" lettering would be attached to the surface of the existing panels at the bottom of the sign. Mr. Whiteway advised the committee that the school's colors are blue and yellow.

Mr. Henninger stated that the ADRC recommended approval of the sign as described by the applicant to the ADRC.

Mr. Swope moved to grant Architectural Design Review approval of the sign as described above. Mr. Lavers seconded the motion. Motion carried unanimously.

- **Application by Michelle Lienhart / Just Be Boutique for Architectural Design Review approval of a new affixed sign and a new panel in an existing freestanding sign located at 249 Sheep Davis Road, within the Gateway Performance (GWP) District.**

Mr. Henninger explained that the applicant is proposing a new affixed sign and a new panel in an existing freestanding sign.

Mr. Henninger reported that the ADRC recommended Architectural Design Review approval of the two signs as submitted, with the recommendation that the spacing between the words "Be" and "Boutique" is increased.

Ms. Smith Meyer moved to grant Architectural Design Review approval for the new affixed sign and a new panel in an existing freestanding sign as submitted by the applicant, with the recommendation that the spacing between the words "Be" and "Boutique" is increased. Mr. Shurtleff seconded the motion. Motion carried unanimously.

- **Application by Carlson's Motor Sales for Architectural Design Review approval of a replacement time and temperature sign and a new changeable copy sign all on an existing freestanding sign, within the Gateway Performance (GWP) District.**

Mr. Henninger reported that the application is for a replacement time and temperature sign and a new changeable copy sign.

Mr. Tim Sullivan, from Barlo Signs, was present on behalf of the applicant. He stated that the applicant is proposing to reduce the size of the existing time and temperature sign and substitute below the time and temperature portion of the sign a mechanical changeable copy sign panel with a black background and white lettering.

Ms. Smith Meyer asked whether the variable message portion of the sign would be internally lit. Mr. Sullivan responded that the applicant would be utilizing the LED feature of the existing sign and placing a panel with changeable copy onto the existing sign. He explained to the Planning Board how this would be accomplished.

Mr. Henninger stated that the ADRC recommended approval for the replacement time and temperature sign and the new changeable copy sign as submitted, with the recommendation that the font for the time and temperature sign be either the color that has been submitted on the application graphic (which is a yellowish white) or white.

Mr. Swope moved to grant Architectural Design Review approval for the replacement time and temperature sign and a new changeable copy sign on the existing freestanding sign, with the recommendation that the font for the time and temperature sign be either the color that has been submitted on the application graphic (which is a yellowish white) or white. Mr. Regan seconded the motion. Motion carried unanimously.

Major Site Plan Applications

- 2. Application by New Hampshire Distributors, Inc., for property located at 65 Regional Drive, requesting Site Plan approval, Architectural Design Review approval, and a Conditional Use Permit pursuant to Article 28-7-11(f), Driveway Separation Alternatives, of the Concord Zoning Ordinance, for the construction of a 35,735 square foot addition, a new one-way access driveway for trucks, and related paving, drainage, landscaping, and associated site improvements. (2012-0050)**

Ms. Hebert reported that the application is complete and ready to be set for public hearing on November 28, 2012.

Mr. Swope moved and Mr. Hicks seconded that the Planning Board determine this application to be complete and to set the public hearing for November 28, 2012. Motion carried unanimously.

- 3. Application by the New Hampshire Association of Realtors, for property located at 115A Airport Road, requesting Site Plan approval, Architectural Design Review approval, and a Conditional Use Permit pursuant to Article 28-7-11(f), Driveway Separation Alternatives, of the Concord Zoning Ordinance, for the construction of a new three-story, 23,832 square foot office building and related parking, access driveway, stormwater management, lighting, landscaping, and associated site improvements. (2012-0049)**

Ms. Hebert reported that the application is complete and ready to be set for public hearing on November 28, 2012.

Mr. Swope moved and Councilor Shurtleff seconded that the Planning Board determine this application to be complete and to set the public hearing for November 28, 2012. Motion carried unanimously.

4. Consideration of an application by Drake Petroleum Company, Inc., for property located at 1 Whitney Road, requesting Site Plan approval, Architectural 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, stormwater management, landscaping, lighting, and associated site improvements. (2012-0038)

The Chair opened the public hearing.

Mr. Henninger reported that this is the first development in the ten-acre commercial node located at the intersection of Whitney Road and Hoit Road (US 4). He stated that the application involves the construction of a 3,710 square foot convenience store with a drive-up Dunkin Donuts outlet, with 12 gasoline fueling stations provided underneath a canopy along with two truck diesel fueling stations underneath a second canopy. Mr. Henninger explained that Conditional Use Permits are required for the proposed retail sale of gasoline and diesel fuel, to allow a second exit-only driveway on Whitney Road, and to allow for less than four feet be maintained between the bottom of an infiltration system and the groundwater.

Mr. Richard Uchida, from Hinckley Allen & Snyder, Mr. Frank Monteiro, from MHF Design Consultants, Mr. Stephen Pernaw, from Stephen Pernaw & Company, and Conrad Drekker, from Drake Petroleum, were present on behalf of the applicant.

Mr. Uchida stated that the site of this project, at the intersection of Hoit Road and Whitney Road, is in the Urban Commercial Zoning District. He stated that the Concord Master Plan has envisioned that this site would house a convenience store for the residents in the area and a truck refueling station for interstate travelers.

Mr. Monteiro reviewed the site plan with the Planning Board and explained that the development the first phase of development on the site, with future development plans focusing on the opposite side of the access road. He stated that previously the site had been graded and some work was done regarding relocating the wetland swale. Mr. Monteiro explained that the two driveways would cross the swale and because of the limitations of the site, one driveway would be full access while the other will be a right-out only driveway.

Mr. Monteiro explained that the drive-through donut shop would be located on the left side of the convenience store building and have 15 queuing spaces. He stated that the gas canopy would cover six dispensers with 12 spaces and be located in front of the convenience store. He reported that the truck canopy would be located on the far left of the site, with the trucks entering the site and driving behind

the convenience store and existing from the right-only driveway. Mr. Monteiro explained that there are 26 proposed parking space, including spaces in the front of the store as well as behind the store. He stated that there will be two separate underground double-wall storage tanks, for which permits have been requested from the New Hampshire Division of Environmental Services (NHDES).

Mr. Monteiro explained the drainage issues on the site, including the underground detention and infiltration and the water and sewer utilities which will be extended from the Wheelabrator site. He stated that new utility poles will be installed with underground service to the building and fueling canopies.

Mr. Monteiro reported that the changes to the architectural elevations were done in accordance with the recommendations of the ADRC and that the applicant continues to work with the Planning staff on revisions to the landscaping plan.

Mr. Pernaw explained to the Planning Board that he conducted a traffic impact study in June of 2012 and provided results of that study. He stated that at this time a traffic signal at the intersection of Whitney Road and Hoit Road (US 4) was not warranted at this time and that a stop sign would suffice.

Mr. Hicks asked if Mr. Pernaw reviewed that letter from the Central New Hampshire Regional Planning Commission raising an issue with regard to access concerning the plan for two driveway entrances on Whitney Road. The letter states that the entrance closest to the intersection of Hoit Road (US 4) and Whitney Road is designed as exit only, which would be problematic because it is located at a two-lane portion of Whitney Road which could create potential conflicts as patrons try to negotiate entry into either the left-turn or right-turn lanes. The letter also points out that the exit is located 150 feet from the intersection of Hoit Road (US 4), which make for a driveway quite close to the intersection. Mr. Pernaw responded that site visibility is good; however, the issue would be a long queue that could potentially close off the right-turn only lane, in which case customers could use the main entrance/exit. Mr. Swope asked how many vehicles can queue before blocking the left exit. Mr. Monteiro responded that seven vehicles can queue.

Mr. Pernaw stated that a request could be made to place a "no parking" sign on that portion of Whitney Road. Mr. Henninger replied that a petition to City Council would have to be submitted and input from abutters would be requested at a public hearing. Ms. McPherson stated that this could be one of the conditions of the Planning Board approval.

Mr. Swope asked why a waiver of Section 22.07(2) was needed. Mr. Henninger stated that the applicant was required to maintain the runoff in the pre-development amount. Mr. Monteiro explained that the elevation of the site and the driveways had to be lowered to accommodate the rate of runoff. He stated that the waiver is driven by the topography of the site.

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

Mr. Swope moved to grant a Conditional Use Permit pursuant to Article 28-4-2(c) and Article 28-2-4(J) of the Zoning Ordinance, to allow the retail sale of gasoline in the Urban Commercial (CU) District at 1

Whitney Road for 12 gasoline fueling stations and two diesel fueling stations. Councilor Shurtleff seconded the motion. Motion carried unanimously.

Mr. Swope moved to grant a Conditional Use Permit pursuant to Article 28-7-11 (f) Driveway Separation Alternatives to allow a second exit-only driveway on Whitney Road; driveway to be 170 feet from Hoit Road where a minimum of 200 feet is required, and to allow the same driveway where the applicant has 621'± of frontage on Whitney Road where 700' is required for two driveways. Mr. Lavers seconded the motion. Motion carried unanimously.

Mr. Swope moved to grant a waiver to Section 22.07(2) of the Site Plan Review Regulations to allow for one foot to be maintained between the bottom of an infiltration system and the groundwater where four feet are required. Mr. Hicks seconded the motion. Motion carried unanimously.

Mr. Swope moved to grant Architectural Design Review approval for the site and building plans for Drake Petroleum to construct a 3,710 square foot convenience store with automotive fueling facilities and a drive up Dunkin Donuts outlet, subject to the conditions that (1) the applicant shall obtain approval of the species and placement of the landscaping from the Planning Board Clerk prior to the issuance of a certificate of approval, (2) the applicant shall obtain approval of the final design of mechanical equipment screen on the rear of the building from the Planning Board Clerk prior to the issuance of a certificate of approval, and (3) the applicant shall obtain approval of the freestanding site lighting fixtures from the Planning Board Clerk prior to the issuance of a certificate of approval. Mr. Lavers seconded the motion. Motion carried unanimously.

Mr. Swope moved to grant Conditional Site Plan approval for the site and building plans for Drake Petroleum to construct a 3,710 square foot convenience store with automotive fueling facilities and a drive up Dunkin Donuts outlet, subject to the following conditions:

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).
 - c) Revised Driveway Permit from NH Department of Transportation (access to State highway and alterations to the State highway) for Whitney Road (to be obtained by the City).
- 2) Prior to the issuance of a certificate of approval by the Planning Board Chair and the 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 Planning Division. Revisions to the plans shall include the following:

- a) A detail for the mechanical equipment screen on the rear of the building approved by the Planning Board Clerk shall be added to the Detail Sheet.
 - b) The southernmost hydrant on the project frontage shall be relocated to provide a 13 foot setback from the edge of the curbing to allow for the future construction of a sidewalk on the east side of Whitney Road.
 - c) The easement area for the hydrant needs to be modified per its revised location.
 - d) A note shall be added to the plans that the guardrail being removed along Whitney Road shall be salvaged and returned to the City of Concord and is not to be reused on site.
 - e) The maximum uniformity ratio of the proposed site lighting shall be revised so as not to exceed four-to-one.
 - f) The wheel stops shall be eliminated from the handicapped parking detail.
 - g) A revised detail for the site lighting approved by the Planning Board Clerk shall be added to the Detail and Lighting Sheets.
 - h) The applicant shall submit a final landscape plan in accordance with the Site Plan Regulations.
- 3) Prior to the issuance of a certificate of approval by the Planning Board Chair and the issuance of any building permits for construction activity on the site, 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 Board Clerk:
- a) A deed of easement for additional right-of-way along the frontage of Whitney Road to support the required road widening and future sidewalk.
 - b) An additional sewer right-of-way for the extension of the sewer line on the east side of Whitney Road.
 - c) An easement for a hydrant to be installed, operated, and maintained on the east side of Whitney Road.
- 4) Prior to the issuance of a certificate of approval by the Planning Board Chair and the issuance of any building permits for construction activity on the site, the applicant shall obtain approval of private utility plans from Unitil and Fairpoint Communications.
- 5) Prior to the issuance of a certificate of approval by the Planning Board Chair and the 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.
- 6) No construction activity may commence prior to the payment of inspection fees in an amount approved by the City Engineer.
- 7) 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 Planner and City Engineer.
- 8) Prior to the issuance of a certificate of approval, 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 Site Plan Review Regulations.

- 9) Prior to the issuance of a certificate of occupancy, as-built drawings shall be provided to the City Engineer in accordance with Section 12.09 of the Site Plan Review Regulations.
- 10) 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.
 - a) Transportation Facilities - Small Retail (less than 5,000 SF) (3,153 SF) = \$7,662
 - b) Transportation Facilities – Gas Station/Convenience (14 fueling station) = \$44,817
 - c) Fast Food Restaurant with drive-thru (825 SF) = \$16,121
- 11) Prior to the issuance of a certificate of approval by the Planning Board Chair and the issuance of any building permits for construction activity on the site, the applicant will provide to the Planning Board Clerk, to be placed in escrow with the City, funds in an amount approved by the Planning Board Clerk for the construction of a sidewalk along the frontage of the property on Whitney Road. The amount of funding will be adjusted to address the rate of inflation in construction costs to the satisfaction of the Planning Board Clerk.
- 12) Advise the NH Department of Transportation that the provision of a right-turn deceleration lane at the intersection of Hoit Road and Whitney Road would help mitigate the adverse impacts associated with the substantial increase in turning traffic at the Hoit Road/Whitney Road intersection resulting from the proposed development.
- 13) The applicant will petition City Council requesting that “no parking” signs be placed along the Whitney Road frontage.

Mr. Regan seconded the motion. Motion carried unanimously.

Amendment to the Site Plan Regulations

- 5. Consideration of a proposal by the Concord Planning Division to amend Section 35.01, Technical Review Committee, Establishment, of the Site Plan Regulations by adding to the list of professional staff members and alternates on the committee to include the Code Administrator.**

The Chair opened the public hearing.

Ms. McPherson explained that this is a minor housekeeping amendment, which will include the Code Administrator on the list of professional staff members and alternates on the Technical Review Committee.

Hearing no additional comments from the applicant, and noting that there was no one present from the public to testify for or against the amendment, the Chair closed the public hearing and the Board began deliberations.

Mr. Swope moved to amend Section 35.01, Technical Review Committee, Establishment, of the Site Plan Regulations by adding to the list of professional staff members and alternates on the committee to include the Code Administrator. Mr. Hicks seconded the motion. Motion carried unanimously.

REGULAR MEETING

6. Recommendations to the Downtown Complete Streets Improvement Project Advisory Committee

- a) Presentation by Ed Roberge, City Engineer
- b) Discussion of possible recommendations regarding Complete Streets, Parking, Livability, and Streetscape Design Components.

The Chair introduced Mr. Ed Roberge, the City's Engineer.

Mr. Roberge presented the Planning Board an overview of the Downtown Complete Streets Improvement Project beginning with a summary of previous Downtown project planning efforts that informed the TIGER grant proposal. These included the 1997 Downtown Master Plan, the 2001 Concord 20/20 Vision Report, the 2005 Opportunity Corridor Study, and the 2006 Downtown Streetscape Improvements Plan.

Mr. Roberge summarized the 2011 Rethinking Main Street Report, which focused on integrating multimodal transportation and barrier free access, road conversion for safety, improved capacity, and streetscape improvements.

Mr. Roberge then focused on the road conversion component and presented alternatives, including a "do nothing" scenario of keeping the existing four lanes on Main Street, as well as concept options for three-lane and two-lane alternatives with various parking. All alternatives were presented using computer-generated graphics for clarity.

Mr. Roberge stated that the TIGER 3 program came out in 2012, and the City's grant application that was accepted focuses on improving Main Street by balancing the City's Complete Streets Policy with the TIGER goals. Mr. Roberge went on to summarize the "Complete Streets Policy" and USDOT Secretary LaHood's definitions of "Livable Communities" and "Transportation Choice," all of which are balanced in the Main Street project as presented in the TIGER grant proposal.

Mr. Roberge described the TIGER 2012 grant requirements as:

- Livability and safety (both top priorities of the TIGER 2012 grant program)
- Providing reliable transportation systems and choices including roadways, sidewalks, bike lanes and barrier free access to public transportation
- Primary users and benefits that extend beyond the confines of a single community

Mr. Roberge acknowledged that a big concern of the Downtown Improvement Project is the potential loss of parking, but noted that the parking as it currently exists is inadequate as the spaces are 14 feet long where parking spaces need to be a minimum of 18 feet in length, and that there are barrier problems inhibiting accessibility.

Ms. Smith Meyer stated that she is surprised to hear about a two-lane alternative with the median buffer strip in the center, as she feels this strip becomes a passing lane and therefore doesn't provide as much safety for pedestrians. She explained that she also had issues with the bike lanes and angled parking, because when cars are backing up or turning right the bicyclist are endangered. Mr. Roberge responded that the state regulations prohibit parking and/or backing up into a crosswalk or within so many feet of a crosswalk, which will cause the City to lose some of the parking spaces.

Mr. Lavers asked what material would be used on the median buffer strip lane. Mr. Roberge responded that the material has not yet been specified and that the Transportation Policy Advisory Committee (TPAC) wants to have the strip lane textured to distinguish it from the travel lanes.

Councilor Shurtleff asked how the crosswalks would be made to stand out more. Mr. Roberge stated that he would certainly want to do something to have the crosswalks stand out more and would like input, especially on livability, from the Planning Board.

Mr. Hicks asked if the sidewalk width would be compromised to add width or lanes. He said that he would like to make sure that the sidewalks are useable for the businesses on Main Street. Mr. Roberge explained that nominal widening of the sidewalks would be helpful, but it will come down to what is more important to the community. He suggested that everything can't be done, as there is only 98 feet to work with.

Mr. Regan asked about the loss of parking spaces in the downtown. Mr. Roberge reported that currently North and South Main Street have 226 parking spaces and if the Rethinking Main Street alternative is used, 28 spaces would be lost; if the three-lane option is used, 10 spaces would be lost, and if parallel parking is utilized, 100 spaces would be lost. According to Mr. Roberge, these figures include the need to have handicapped spaces and to be in compliant with all the parking regulations. He explained that parking could be utilized on Storrs Street to mitigate the loss of parking downtown. Mr. Roberge stated that the Planning Division is looking at the parking situation all around the City of Concord. The Chair asked how the use of angled parking compares to parallel parking. Mr. Roberge responded that approximately 60 percent of spaces are retained.

Mr. Roberge again stated that he would like the Planning Board's input on the Downtown Complete Streets Project.

Ms. McPherson stated that the special Planning Board meeting scheduled for Monday, October 22nd, would focus on the Downtown Complete Streets Project. She invited members of the Planning Board to come to the Downtown Complete Streets Project meetings scheduled for October 30th and November 1st, which will provide time for the Planning Board and other boards and committee to present suggestions for the project.

7. Consideration of Minutes of the September 19, 2012, Planning Board meeting.

Mr. Swope moved to approve the minutes of the September 19, 2012, Planning Board meeting as written. Mr. Kenison seconded the motion. Motion carried unanimously.

INFORMATION

- The Chair informed the Planning Board that a work session, to discuss the Downtown Complete Streets Project and, if time permits, to discuss 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, November 28th, at 7:00 p.m., in City Council Chambers. This meeting was rescheduled from the regular third Wednesday of the month to the fourth Wednesday, due to the Thanksgiving Holiday.

There was no further business to come before the Planning Board, and the meeting adjourned at 9:01 p.m.

A TRUE RECORD ATTEST:

Gloria McPherson
Clerk

djm