

The regular monthly meeting of the City Planning Board was held on October 19, 2011, in the City Council Chambers, in the Municipal Complex, at 37 Green Street, at 7:00 p.m.

Present at the meeting were Members Drypolcher, Lavers, Smith Meyer, Swope, and Regan; Alternate Kenison; and City Council Representative Shurtleff. 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; the Chair called the meeting to order and seated Alternate Kenison for Member Foss, who was not expected.

## APPLICATIONS

### Architectural Design Review

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 Code of Ordinances.
  - **Books A Million (BAM) and Joe Muggs Coffee** for two replacement signs and one affixed sign at **76 Fort Eddy Road**
  - **Bekdash Temple** for one freestanding sign at **189 Pembroke Road**
  - **Bravo** for two affixed signs at **97 North Main Street**
  - **Concord Christian Academy** for revisions to two existing freestanding signs at **37 Regional Drive**
  - **Concord Housing Authority** for one freestanding sign at **23 Green Street**
  - **Just Be (JB)** for one hanging sign at **62 North Main Street**
  - **Men's Warehouse** for two affixed signs at **62 D'Amante Drive**

### Public Hearings

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

- **Books A Million (BAM) and Joe Muggs Coffee** for two replacement signs and one affixed sign at **76 Fort Eddy Road**

Mr. Henninger reported that the application was for two replacement signs for Books A Million, using their acronym BAM!, and one small new affixed sign under the canopy for Joe Muggs Coffee. All signs are internally illuminated. He stated that the Architectural Design Review Committee recommended approval of the signs as submitted.

Mr. Swope moved approval as submitted, and Mr. Shurtleff seconded the motion. Motion carried.

- **Bektash Temple** for one freestanding sign at **189 Pembroke Road**

Mr. Henninger explained that the applicant had submitted a revised drawing late this afternoon, and Planning staff has not had a chance to review it, nor has it been reviewed by the Architectural Design Review Committee. The Chair stated that this item would be tabled.

- **Bravo** for two affixed signs at **97 North Main Street**

Mr. Henninger stated that the application is for two new affixed signs for 97 North Main Street and One Capitol Street. The Architectural Design Review Committee recommended approval as submitted by the applicant.

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

- **Concord Christian Academy** for revisions to two existing freestanding signs at **37 Regional Drive**

Mr. Henninger reported that nothing new had been submitted by the applicant. The Chair stated that this item would be tabled.

- **Concord Housing Authority** for one freestanding sign at **23 Green Street**

Mr. Henninger explained that the application is for one freestanding sign at 23 Green Street. He stated that the Architectural Design Review Committee had concerns with the initial presentation of this sign in regard to the bright green background color. In response to the concerns of the Committee, the applicant has prepared two revised freestanding signs keeping the bright green color, but reducing it to trim around the edge of the sign. One of the revisions shows a broader trim, while the other shows a narrower trim. Both of the revisions have white backgrounds. The Committee also requested a larger street number sign, and the applicant has accommodated this request.

Ms. Smith Meyer questioned the location of the sign and whether landscaping would be added around the sign. Mr. Henninger stated that the sign is located between the two trees in the front area. He explained that there is no front walkway from the street. Mr. Henninger reported that the applicant has been working with the Planning staff to determine the best location for the sign.

The Chair asked whether the Board had any preference for either the narrow or wide green border on the revised sign. Mr. Henninger stated that the Board could give the applicant the option for the border of the sign. Several of the Planning Board members expressed a preference for the wider border.

Mr. Swope moved approval of the revised sign, with the applicant having the choice of the narrow or wide border.

Ms. Smith Meyer seconded the motion. Motion carried.

- **Just Be (JB)** for one hanging sign at **62 North Main Street**

Mr. Henninger stated that the application is for one freestanding sign, which will be hung from an existing bracket. He stated that the Architectural Design Review Committee recommended approval as submitted.

Mr. Swope moved approval of the sign as submitted. Ms. Smith Meyer seconded the motion. Motion carried.

- **Men's Warehouse** for two affixed signs at **62 D'Amante Drive**

Mr. Henninger reported that the application is for two affixed signs for a new building proposed near the 99 Restaurant, in the Target shopping center. The signs will be internally illuminated. The Men's Warehouse sign will read black during the day, and at night, the letters will be white. The Architectural Design Review Committee recommended approval as submitted.

Mr. Swope moved approval of the signs as submitted. Ms. Smith Meyer seconded the motion. Motion carried.

## **REGULAR MEETING**

2. Consideration of the minutes of the Planning Board meetings for the following dates:

- **September 21, 2011 and October 5, 2011**

Mr. Shurtleff moved to approve the minutes of the meetings of September 21, 2011 and October 5, 2011, as submitted. Mr. Swope seconded the motion. Motion carried.

## **New Business**

3. Consideration of an amendment to the Zoning Ordinance by adding a new Article 28-5-49, **Keeping of Chickens as Pets Accessory to a Residential Use**, an amendment to the table of Accessory Uses to include the "**Keeping of Chickens**", and an amendment to Article 28-5-33, **Keeping of Pets**.

Ms. Hebert reported that during the public forums for the Concord 20/20 Land Use Regulation study, a concern was raised that Concord residents should be allowed to keep chickens on single family residential properties containing less than one acre of land. The ordinance currently allows

for the keeping of poultry in any district where residential uses are permitted with the condition that the lot contains at least one acre of land. A homeowner is allowed to keep up to five (5) chickens on a single family residential lot at least an acre in size. One additional chicken is permitted for each additional one-fifth ( $1/5$ ) of an acre.

The proposed ordinance would permit the keeping of up to five (5) chickens on lots containing less than one acre, as an accessory use to the principal detached single family residential use in districts where residential uses are permitted. This would include the following districts: Open Space Residential (RO), Medium Density Residential (RM), Single-family Residential (RS), Neighborhood Residential (RN), Downtown Residential (RD), High Density Residential (RH), Urban Commercial (CU), Civic Performance (CVP), Institutional (IS), and Urban Transitional (UT). Article 28-5-33 (d) (2) would continue to regulate the keeping of chickens and poultry on lots greater than one acre.

The major issues associated with the keeping of chickens in denser residential neighborhoods are nuisance related complaints including foul odors, noise, chickens running loose, public health concerns and cleanliness, as well as the general appearance of the chicken coop. The proposed ordinance seeks to manage these potential annoyances with the following restrictions:

- The number of birds per household is limited to five (5);
- Roosters are prohibited;
- The slaughtering of chickens is prohibited;
- No selling of eggs or commercial breeding;
- Chickens need to be kept in a fenced area or henhouse and free roaming chickens are prohibited;
- Henhouses and enclosures need to provide adequate ventilation and be kept in a neat and sanitary condition, so as not to disturb the use or enjoyment of neighboring lots due to noise, odors, or other adverse impacts;
- Chickens need to be kept in the side or rear yards; and
- Fenced areas and henhouses need to be setback at least 30 feet from the lot line.

Ms. Hebert explained that the proposed ordinance does not require the issuance of permits for the keeping of chickens nor does it proposed to regulate the appearance of henhouses and fenced enclosures. The enforcement of the ordinance would be on a complaint basis only. She stated that there has been an increased interest in the keeping of chickens on smaller lots.

The Chair stated that he is not happy that the proposed ordinance doesn't require a permit or design standards. He thinks that if the ordinance is run by complain only, there will be many complaints.

The Chair suggested that the Planning Board recommend that the City Council hold a public hearing on the issue and that the recommendation include having design standards and a permitting process.

Ms. Smith Meyer stated that she doesn't think that design standards or permits are necessary. She thinks that allowing chickens should be done on a test basis, as she believes that people will be responsible.

Mr. Shurtleff stated that there should be design standards for henhouses, as these could become eyesores. He also stated that some residents do not want to complain, as they do not want to cause issues within their neighborhoods.

Mr. Kenison stated that he endorses a trial period of 18 months to give the City time to evaluate the process.

Mr. Swope moved to recommend to the City Council to hold a public hearing on the proposed ordinance; design standards be included for the chicken coop / henhouse and chicken enclosure; and the ordinance be reviewed by City Council approximately 18 months after adoption. Mr. Shurtleff seconded the motion. Motion carried.

4. Consideration of a City Council referral of a request by **Interchange Development, LLC** to relax development constraints for a parcel located at the intersection of **Whitney Road and Hoit Road**.

Mr. Henninger reported this is 9.4 acre area within the industrial park was rezoned in 2008, from Industrial (IN) to Urban Commercial (CU) subject to voluntary covenants limiting the size and amount of retail development to be constructed. The rezoning was recommended for approval by the Planning Board subject to the restrictive covenants which were subsequently recorded. Mr. Henninger stated that the letter dated October 18, 2011, received from the applicant's attorney, requests that the Planning Board hold a public hearing, in the context of a possible amendment to the Master Plan. He stated that neither the Planning Board nor the City Council is required to hold public hearings regarding the relaxation of these development constraints.

Mr. Swope stated that there have been significant enough changes in the area to warrant a public hearing. He also stated that he would like to hear what the people of Penacook feel about this.

Mr. Kenison said that the basic reason for holding a public hearing is to receive as balanced range of views as possible, as this is a significant request.

Mr. Swope moved to hold a public hearing on this request at the next Planning Board meeting. Mr. Shurtleff seconded the motion. Motion carried.

Mr. Henninger asked if the Planning Board wanted to have this hearing advertised in the Concord Monitor. The Board concurred that this hearing should be advertised.

5. Consideration of setting a public hearing for a comprehensive update of the **City of Concord Site Plan Review Regulations** on November 16, 2011.

Mr. Henninger stated that the Planning Board has completed a comprehensive review and update of the Site Plan Review Regulations over the past year and are ready for a public hearing.

Mr. Shurtleff moved to set the Site Plan Review Regulations for public hearing on November 16, 2011. Mr. Swope seconded the motion. Motion carried.

There was no further business to come before the Planning Board, and the meeting adjourned at 7:39 p.m.

A TRUE RECORD ATTEST:

Stephen L. Henninger,  
Acting Clerk

djm