

A special meeting of the City Planning Board was held on November 30, 2011, in the Second Floor Conference Room, City Hall, 41 Green Street, at 7:00 p.m.

Present at the meeting were Members Drypolcher, Gross, Hicks, Smith Meyer, Lavers, Foss, Regan, Kenison, Dolcino and City Council Representative McClure [who arrived at 8:10 pm]. Ms. 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 and seated Alternate Dolcino for Member Swope.

PUBLIC HEARINGS

Site Plan Regulation Amendment

1. Consideration of an update to the City of Concord Site Plan Regulations – Public Hearing Draft – October 19, 2011.

Public Hearing

The Chair opened the hearing that was tabled from the last Planning Board meeting on November 16, 2011. There being no one in the audience to provide testimony, the Chair closed the public hearing.

Deliberations and Actions

Mr. Henninger stated that after six months or so of using the new Site Plan Regulations, the Planning Staff may come back to the Board with modifications, minor changes, or omissions for approval. He stated that the revised Site Plan Regulations are much better than the ones that are currently in use.

Mr. Gross stated that all these changes that are set for adoption this evening are the same as what the Planning Board has been reviewing over the past months, with no new substantive changes. Mr. Henninger affirmed that this was true.

Mr. Gross moved to adopt the Site Plan Regulations with the changes set forth as a result of the Planning Board considerations. Ms. Foss seconded the motion. Motion carried.

REGULAR MEETING

New Business

2. Discussion with Planning Staff regarding the interests and goals of the members of the Planning Board, upcoming planning projects, and Planning Board Subcommittees.

The Chair stated that Ms. McPherson, the new City Planner, expressed an interest in speaking with the Planning Board regarding their goals and interests for the future. Ms. McPherson prepared a memorandum to the Planning Board outlining some of the areas that the Planning staff is or will be working on in the future. Ms. McPherson stated that the list was more of a starting point for discussion,

and said that the items on the list were on the Planning Division work list. She stated she was interested in finding out what the priorities of the Planning Board are, as well. The items discussed included:

Utility Chapter – Master Plan

Mr. Gross stated that one of the items he would like to see is to have a Utility Chapter in the City's Master Plan. He feels that it is important to have an orderly process for considering the installation of cell towers, and that the Planning Board should not be in a situation where the Board considers telecommunications application on an ad hoc basis. The Planning Board should be trying to guide cell phone tower developers to where the Board thinks the sites should be. He thinks that it would nice if when telecommunications companies submit an application to the Planning Board, that there is a clear process for references for locations that are based on rational choices. Ms. Hebert stated that she is working with the Energy Committee and they are planning to have a draft chapter for the Planning Board in February 2012.

Historic Building Preservation

Another item that Mr. Gross stated was high on his list is the orderly approach to the preservation of historic buildings in Concord. He knows that the City Council has agreed to create a study group to discuss this issue, and he hopes that the Planning staff will be relied upon to assist that group in dealing with the issues that surround historic preservation.

Mr. Kenison asked what some of the impediments for the development of the upper floors of downtown building are. Ms. Hebert stated that the most prevalent impediments are the building codes. Mr. Henninger stated that when obtaining financing for redevelopment, one of the requirements by financial institutions is to provide significant parking for the building. He stated that an EPA report will be published soon regarding the reuse of downtown buildings, which will include not only the impediments to developing these spaces, but solutions as well. Mr. Henninger stated that most of the solutions deal with how to obtain creative comprehensive financing.

Ms. Smith Meyer stated that how the City identifies and preserves the City's historic buildings should be a priority. She stated that the City needs to encourage the reuse of these buildings, because if we do not, then the City's heritage is lost.

Mr. Gross stated that this also ties into the need for a broader more systematic approach to preservation in addition to an inventory of the City's historic buildings. Mr. Gross stated that this approach needs to include more than just a review of the demolition delay ordinance.

The Chair stated that he thinks that there should be a fund created, much like the Conservation Fund, which will assist in the preservation of historic buildings.

There was consensus among the Planning Board members that this is a very important issue and that the Planning staff should be instrumental in the study committee that City Council has authorized. Ms. Hebert asked if any Planning Board members would be interested in working on this study committee. Ms. Foss volunteered.

Architectural Design Review Standards

Ms. Smith Meyer stated that architectural design standards and guidelines are needed, because decisions are made at the whim of the current architectural design review committee members. She stated that there needs to be consistency with the standards. Ms. Hebert stated that one of the priorities of the Planning Staff is to have Architectural Design Guidelines professionally done, based on Concord's standards, and that the staff is currently looking for funding for this endeavor. Ms. Smith Meyer stated that she supports this and believes that it should be one of the highest priorities for the Planning staff.

Cluster Zoning

The Chair brought up the cluster zoning item. Ms. McPherson stated that one of the ideas for revisions is to create a payment in lieu of open space in certain situations, such as for two or three lot subdivisions. She said that currently 60 percent of a property must be placed under a conservation easement for open space when the property is subdivided.

Ms. Hebert stated that the Conservation Commission has struggled with the 60 percent requirement for certain smaller subdivisions. It is difficult to monitor the smaller tracks of open space, and that many of these smaller parcels of open space do not connect to larger parcels of open space. She stated that this is very confusing for the landowners as well, as it can be difficult to be sure of the boundaries.

Fire Suppression Legislation

Mr. Gross stated that the Planning Board can no longer enforce the subdivision regulations regarding fire suppression because of state legislation that was passed stating that municipalities could not enforce any type of fire suppression requirements. A couple of years ago, the Planning Board passed a new subdivision regulations requiring that fire suppression be installed outside of the urban growth boundary, once they knew of the upcoming legislation. Now the State has passed two bills – one bill states that no Planning Boards should require sprinklers for one- and two-family buildings. The other bill refers to other fire suppression items such as requiring cisterns or fire plugs. Mr. Gross is wondering if the Planning Board should adopt a policy that continues the portion of the subdivision regulations that states that the City will continue the policy of requiring supplementary fire suppression or water supplies in residential units built outside the urban growth boundary, where there is no water. He isn't sure how the City's Fire Department feels about this issue, but he knows that they were very strongly in favor of sprinklers. He also stated that the Planning Board had passed the fire suppression regulation because of the clear and consistent testimony of our Fire Department, which stated that this saves lives and property.

The Chair asked if the new laws were written so that there was some grandfathering built in. He asked how that was spelled out. Mr. Gross stated that the law states that no Planning Board shall require sprinklers in one- and two-family residential units.

Ms. Hebert stated that the Site Plan Regulations did not apply to single family or duplex units. But the Subdivision Regulations are in jeopardy, as the City can no longer require the fire suppression systems, such as sprinklers; however, they can still be required in multi-family developments, which are subject to Site Plan review, and non-residential developments. Mr. Gross asked whether the Subdivision Regulations contain any fire suppression regulations. Ms. Hebert affirmed that they did.

Mr. Gross stated that the Planning Board should look actively into this, because if the Board believes that sprinklers were appropriate in these residential units, then the Board should try to continue to exercise whatever authority that remains to ensure the public safety, consistent with what the Fire Department

thinks is appropriate. He stated that the Fire Department may say not to bother requiring cisterns because they freeze in the winter. Mr. Gross does not want the City of Concord to simply go quietly into the night on this issue.

Impact Fees

Mr. Henninger stated that he would like the City to adopt changes to not require impact fees for reuse in the downtown area. He stated that this could reduce administrative costs and gain goodwill in the downtown area. Ms. Foss asked whether this change would be appropriate for Penacook. Mr. Henninger stated that it would under the Central Business Performance District.

Mr. Gross stated that changes which take place in the downtown area do not make much difference in the use of parking, schools, etc., but these fees could be used to defray the costs of health/code inspections. Mr. Henninger stated that the changes are taking place are in an extremely dense area, for which the changes do not affect the volume of traffic, as school and recreation fees are not changed in this area.

Mr. Henninger also stated that impact fees for pools and community centers are being considered and recommends that a consultant is hired to develop these impact fees.

Cottage Zoning

Ms. McPherson stated that the Planning staff is beginning to explore ways to make cottage zoning happen within the City. She stated that Ms. Hebert has sent out a request to the American Planning Association and was provided with some good links regarding cottage zoning.

Traffic Volume and Speed on City Roads

Mr. Hicks asked if the Planning Board has the ability to deal with the burdens of traffic volume and speed on many of the City's access roads, such as Fisherville Road, Manchester Street, Broadway, and South Street. He stated that this is a big concern of residents throughout the City and feels that any Planning Board attention would be very helpful.

3. Consideration of ways to reduce the amount of paper used for Planning Board meetings.

Ms. McPherson stated that currently two sets of the Planning Board packets are created—one is mailed to the Planning Board on the Friday prior to the meeting, and the second package is placed in the binders for the Planning Board. She suggested that only one packet be created in order to save time and paper, and that she sees the benefits of having the binders for the meetings. She suggested that the packet could be electronically submitted to the Planning Board members on the Friday prior to the meeting and Donna could make binders for the meeting. Questions were raised about the size of the packets clogging members email accounts. It was suggested that a link could be emailed to the Planning Board on Friday.

Mr. Henninger suggested that a request be made to City Council to have laptops or tablets purchased for the Planning Board members. This could be a test case for all the City boards. Ms. McPherson stated that it is often off-putting to the public to have all board members looking down at the laptops, but maybe if application materials and plans were submitted electronically, presentations could be projected so that they were easier for the Board and the public to see.

It was agreed that an email linking the Planning Board packet be sent to the Planning Board members on the Friday prior to the meeting. The binders would be prepared and available to the members on the day of the meeting, which would include any updates or changes to the reports.

4. Any other business which may legally come before the Board.

Ms. McPherson stated that at the November 16, 2011, Planning Board meeting, the Planning Board denied the master sign plan application for the Duprey building at 49 South Main Street. She stated that Mr. Duprey has applied for a variance with the Zoning Board of Adjustments and wondered if there was a mechanism in place so that the issues raised by the Planning Board may be brought to the attention of the Zoning Board of Adjustment, such as whether members of the Planning Board would be interested in attending the Zoning Board of Adjustment meeting to convey the Planning Board's issues and concerns.

Ms. Smith Meyer stated that normally the Zoning Board of Adjustment meets prior to the Planning Board, and that even though the Zoning Board of Adjustment approves the variance, the Planning Board can still deny the sign application.

Mr. Gross stated that they did not reject the application because Mr. Duprey had not received a variance, but rather the Planning Board rejected the application because the application didn't seem worthy.

Ms. McClure stated that the communication between many of the City's boards and committees is lacking, and that perhaps the Planning Board could initiate that communication by going to the Zoning Board of Adjustment to voice those opinions so that the same situation of the Zoning Board of Adjustment doesn't make a decision without the Planning Board's input.

The Chair stated that he would prefer to have Mr. Walker, the City's Zoning Administrator, inform the Zoning Board of Adjustment of the Planning Board's deliberations. He feels that this should take place between staff, as part of the cohesive department organization that the City has created under one administrator, Carlos Baia. The Chair stated he doesn't see any good coming from Planning Board members attending the Zoning Board of Adjustment to advocate for what the Board has voted on. Ms. McPherson said that she didn't think it would be advocating, but just explaining the decision of the Planning Board. There really is a different way of looking at things from the Planning perspective versus the Code Administration perspective. She stated that staff can relay what happened at a Planning Board meeting, but it really is a different mindset. Mr. Gross said that the Planning Board deals with producing a land use plan, which consists of subdivision regulations and site plan review, working under the Master Plan. The Zoning Board of Adjustment is devoted to relieving an applicant of what they regard as an unreasonable stricture imposed by the land use board. Mr. Gross reiterated that there have been communication issues especially in trying to educate the Zoning Board of Adjustment as to why the land use regulations are in effect. Mr. Gross explained that he has an issue with a member or members of the Planning Board going before the Zoning Board of Adjustment, because the members speak as a board and not as individuals. The decisions of the Board are reflected in the minutes. He fears that if a Planning Board member goes to speak before the Zoning Board of Adjustment, it could be more than what the collective Board said, or less than what was said, and in any event, it would be a single member of the Planning Board making a representation for the whole of the Board.

Ms. McClure asked whether the Planning Board minutes are forwarded to the Zoning Board of Adjustment. Mr. Henninger stated that they are not sent directly, but they are online and available.

Ms. Smith Meyer made a motion that the City Planner send a letter to the Zoning Board of Adjustment along with a copy of the minutes regarding the Master Sign Plan application by Mr. Duprey. Mr. Lavers seconded the motion. Motion carried.

There was no further business to come before the Board, and the meeting adjourned at 9:00 p.m.

A TRUE RECORD ATTEST:

Gloria McPherson,
Clerk

djm