

City of Concord Planning Board
August 17, 2016
Minutes

The regular monthly meeting of the City Planning Board was held on August 17, 2016, in City Council Chambers, in the Municipal Complex, at 37 Green Street, at 7:00 p.m.

1. Call to Order
Chairman Woodfin called the meeting to order at 7:00 pm. Planning staff present included Nancy Larson (City Planner), Heather Shank (Assistant City Planner), Beth Fenstermacher (Senior Planner), and Lisa Fellows-Weaver (Administrative Specialist).
2. Roll Call
Present: 6 – Chairman Richard Woodfin, Councilor Byron Champlin, Ian West, Matthew Hicks, Teresa Rosenberger (Ex-Officio for City Manager), and Susanne Smith-Meyer
Absent: 4 – Vice-Chair Carol Foss, John Regan, Alternate Frank Kenison, and Alternate Chiara Dolcino
3. Approval of July 20, 2016 Planning Board Meeting Minutes
On a motion made by Ms. Rosenberger, and seconded by Ms. Smith-Meyer, the Board voted unanimously to accept the minutes of July 20, 2016, as written.
4. Planning Board Chair Overview
Chairman Woodfin noted that nothing has changed or has been pulled from the agenda.
5. Determination of Completeness for Major Site Plan and Subdivision Applications
Please note: If the application is determined complete by the Planning Board, public testimony will be taken at the next planning board meeting scheduled for September 21, 2016 for which additional notice to abutters will not be sent.
 - 5A. Application by Keach-Nordstrom & Associates on behalf of Aranosian Oil Company and John Aranosian, et al, requesting Major Site Plan, Architectural Design Review, and Conditional Use Permit approvals to raze the existing car wash and Mobil Mart, preserving the existing 12 station fuel dispensary, add four new fueling stations under the existing canopy, construct a 6,116 square foot building consisting of a 2,777 square foot Mobil Mart and a 3,339 square foot restaurant, and associated parking at 110 Loudon Road. The applicant also proposes to raze the existing Sunoco station and remove existing fueling canopy and underground fuel tanks at 116 Loudon Road. Lastly, the applicant proposes to construct additional parking spaces at 118 Loudon Road in the General Commercial (CG) District. 110 and 116 Loudon Road (Lots 18 & 2 respectively) would be merged as a condition of approval (118 Loudon Road [Lot 19] would remain as a separate lot).
Map/Block/Lot: 116/7/18, 116/7/2, and 116/7/19 (2016-44)

The Board voted unanimously to determine the application complete and set the public hearing for September 21, 2016, on a motion made by Councilor Champlin, and seconded by Ms. Smith Meyer.

Consent Agenda Items

6. Architectural Design Review Applications – Signs
The Chair asked whether anyone wished to remove any items from the Consent Agenda for discussion. As there was no request, Ms. Larson read each application into the record.

- 6A. Application Qing Success LLC requesting ADR approval to install one (1) new 25.34 sf internally illuminated wall sign at 79 South Street in the Neighborhood Commercial (CN) District. *MBL: 30/2/15*
- 6B. Application by Bercar LLC requesting ADR approval to install one (1) new 40 sf non-illuminated replacement monument sign at 54 Regional Drive the Office Performance (OFP) District. *MBL: 111/G1/31*

Ms. Smith-Meyer requested that a location map be provided with all ADR applications.

Public Hearings

- 7. Architectural Design Review Applications – For sign permit applications pulled from the consent agenda and for building permit applications for any exterior alterations within the performance districts.

- 7A. Application by Sheldon Pennoyer, on behalf of Remi’s Block, LLC, requesting ADR approval to relocate three (3) balconies from the east side of the building to the north side of the building as part of an ongoing renovation of a 5-story mixed use building at 148-158 N. Main Street in the Central Business Performance (CBP) District. *MBL: 45/6/14*

Mr. Pennoyer was present along with the applicant Remi Hinxhia. Mr. Pennoyer updated the members noting that they are making headway on the project. The building has settled 7 inches in the middle, and they have been jacking up the building to add pilings. He stated that they have been granted approval for six balconies on the Main Street side, three on the Loudon Road side, and three on the Storrs Street side. They have since discovered that the balconies on the Storrs Street side are not going to work and they are now requesting to relocate the 3 balconies to the Loudon Road side. The new balconies will be slightly smaller and will be within the living room of the apartments. He added that they presented the revised proposal to the Architectural Design Review Committee (ADRC) who supported it. Plans were reviewed.

With no further discussion, on a motion made by Mr. Champlin, and seconded by Mr. Hicks, the Board voted unanimously to approve the proposal to relocate three balconies from the east side of the building to the north side of the building.

- 7B. Application by United Church of Penacook requesting ADR approval to replace handicap accessible ramps at 21 Merrimack Street, Penacook in the Central Business Performance (CBP) District. *MBL: 543/P33 (2015-26)*

Representing the United Church of Penacook was Pastor Jerry McCann. He provided an overview of the project to replace the existing 1986 handicap accessible ramps in both the front and back of the building. Plans and sketches were reviewed. Pastor Jerry indicated that the ramp in front would be the same layout as the existing ramp, but would utilize a stone façade to enhance the aesthetics. The ramps are proposed to be concrete with black railings.

Ms. Shank stated that the ADRC was in support of the character of the proposal and the railings. She stated that ADRC members made recommendations regarding the surrounding grading as well as comments regarding the alignment of the ramps to minimize the height of the ramps and avoid

the need for railings with more vertical elements to comply with building codes. She added that ADRC recommended approval; however, requested that Pastor McCann to return to them with final pictures.

Chairman Woodfin opens the public hearing and with no further comments the public hearing was closed.

Further discussion ensued regarding the platform and railing characteristics as well as the planting platforms greater than 36”.

Ms. Smith-Meyer made a motion, second by Mr. West, to approve the replacement of the handicap accessible ramps. The motion passed unanimously.

8. Amendments to Previously Approved Plans

8A. Application by Holden Engineering, on behalf of Paul Morrissette to amend a recent conditionally approved three-lot subdivision plan to include an additional waiver request. The parcel is located at 283 Oak Hill Road in the RO (Open Space Residential) District.
MBL: 120/1/36 (2014-0058)

- a. Public Hearing
- b. Deliberations and Action on the Application

Peter Holden of Holden Engineering was present along with the applicant Paul Morrissette. Mr. Holden provided an overview of the project noting that the three lot subdivision was conditionally approved February 2016. He stated that they are requesting an additional waiver from Section 19.05(4) of the Subdivision Regulations to not provide the Usable Lot Area Rectangle and the minimum contiguous land area for the lot designated for the existing house.

Chairman Woodfin opened the public hearing.

Abutter Ms. Petroves, stated that she is opposed to the overall subdivision because there are issues with the owner developing his own private property, rocks have been removed from rock walls, and there is a survey that has been done and yet there are still issues of ownership.

With no additional comments, the public hearing was closed.

Mr. Hicks made a motion, second by Mr. West, to grant the waiver from Section 19.05(4) of the Subdivision Regulations to not provide the Usable Lot Area Rectangle and the minimum contiguous land area for the lot designated for the existing house, subject to the conditions that:

- a) The Usable Lot Area Rectangle shall be provided for Lot 36-2;
- b) All outstanding conditions of the approval granted 2/17/16 shall apply; and
- c) Review comments from Engineering shall be addressed to the satisfaction of Engineering staff.

The motion passed unanimously.

9. Subdivision Applications

- 9A. Application by Brown Engineering & Surveying on behalf of the Pamela R. Tarbell Trust, Pamela R. Tarbell, Trustee, requesting Minor Subdivision approval to subdivide one residential lot into three at Currier Road and Shenandoah Drive in the Open Space Residential (RO) District. The applicant is also requesting a Conditional Use Permit to impact approximately 1200 square feet of the 50' wetland buffer for the construction of the proposed Lot 2 driveway. Map/Block/Lot: 98/2/1 (2016-40)
- a. Determination of Completeness
 - b. Public Hearing
 - c. Deliberations and Action on the Application

The Board voted unanimously to determine the application complete on a motion made by Ms. Rosenberger, and seconded by Mr. Champlin. Chairman Woodfin opened the public hearing.

Ms. Tarbell was present and provided a brief overview of the proposed 3-lot subdivision on Currier Road and Shenandoah Drive. The plans were reviewed. Ms. Fenstermacher added that the applicant is requesting a Conditional Use Permit to impact 1,200 sq. ft. of the 50' wetland buffer to construct a driveway off of Shenandoah Drive.

Abutter James Whinn asked about the buffer and impacts to the property. Ms. Fenstermacher explained that the buffer is being impacted due to the proposed 12' driveway crossing. She added that the Conservation Commission concurred with the project and had no objections. Additional discussion was held regarding the existing gate, which will remain, but be relocated in a nearby location, as agreed between neighbors.

With no additional comments or discussion, Chairman Woodfin closed the hearing.

Mr. Champlin made a motion, seconded by Ms. Rosenberger, to grant the **Conditional Use Permit** for a wetland crossing with a disturbance of approximately 1,200 sf of wetland buffer in accordance with Section 28-4-3(d) (ZO) for the construction of a driveway on Lot 2. The motion passed unanimously.

Ms. Rosenberger made a motion, second by Mr. West, to **grant the following waivers** from the Subdivision Regulations, in accordance with the criteria of RSA 674:36, II.(n), which states that strict conformity would pose an unnecessary hardship to the applicant, and a waiver would not be contrary to the spirit and intent of the regulations:

- (1) Section 12.08(1) Property Lines, to not survey the entire property boundary for the 47 acre remainder lot only;
- (2) Section 12.08(3) Topography, to not survey topography on the 47 acre remainder lot only;
- (3) Section 12.08(5) Natural Features, to not delineate natural features, including wetlands, on the 47 acre remainder lot only.

The motion passed unanimously.

Ms. Smith-Meyer made a motion, second by Ms. Rosenberger, to **Grant Minor Subdivision approval** for the 3-lot subdivision at Map/Block/Lot 98/2/1 on Currier Road and Shenandoah Drive, subject to the following precedent and subsequent conditions:

- a) **Precedent Conditions** – to be fulfilled within one year and prior to endorsement of the final plan by the Planning Board Chairman and Clerk, unless otherwise specified:
- (1) Any waiver(s) granted are to be noted and fully described on the plan including date granted and applicable Section number(s) of the Subdivision Regulations. Should the Board vote to deny any waiver request, the applicant shall comply with said submission requirement.
 - (2) Address Engineering Review Comments, noted in the Memo from Paul Gendron, dated August 10, 2016, to the satisfaction of the Engineering Division.
 - (3) Address Technical Review Comments, noted in Section 4 above, to the satisfaction of the Planning and Engineering Divisions.
 - (4) 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 12.09 of the Subdivision Regulations.
 - (5) The Licensed Land Surveyor and Certified Wetland Scientist shall sign and seal final plans and mylars.
 - (6) Final language for the Public Utilities and Access Easement documents reviewed and approved by the office of the City Solicitor to be submitted for recording at the Registry of Deeds.
 - (7) Applicant shall submit two checks for recording the plan at the Merrimack County Registry of Deeds (including a separate check in the amount of \$25.00 for the LCHIP fee). Both checks are to be made payable to the Merrimack County Registry of Deeds.
 - (8) The Applicant shall deliver to Planning, one plan set and mylar(s) for endorsement by the Planning Board Chairman & Clerk and recording at the Registry of Deeds. Applicant shall then make four copies of the endorsed plan set to be returned to Planning for recording.
- b) **Subsequent Conditions** – to be fulfilled as specified:
- (1) Prior to issuance of any building permits, the 50 ft. wetland buffer shall be field located by the Licensed Land Surveyor and marked with Planning Division issued signs indicating “Protected Wetland Buffer. Do Not Disturb”, per Section 28.07 (SDR). The signs shall be installed approximately every 50 ft. (maximum) to clearly mark the protected boundary, buffers need not be marked where disturbance is unlikely.

The motion passed unanimously.

10. **Site Plan Applications**

- 10A. Application by Holden Engineering on behalf of Osborne’s Agway requesting Minor Site Plan and Architectural Design Review approval to construct a 1,760 square foot retail addition and extend the existing roof (adjacent to the addition) by 22 ft. to create 1,980 square feet of covered outdoor warehouse space at 258 Sheep Davis Road in the Gateway Performance (GWP) District. Map/Block/Lot: 111/H 3/4 (2016-41)
- a. Determination of Completeness
 - b. Public Hearing
 - c. Deliberations and Action on the Application

Peter Holden of Holden Engineering was present along with the applicant Paul Osborn. Mr. Holden provided an overview of the project explaining that the applicant is requesting Minor Site Plan approval for construction of a 1,760 sf building addition to be used as retail space, and a 1,980 sf warehouse roof overhang. The use of the site will continue to be for the sale of garden and landscape materials.

The Board voted unanimously to determine the application complete on a motion made by Ms. Smith-Meyer, and seconded by Mr. Champlin. Chairman Woodfin opened the public hearing.

Plans were reviewed. Mr. Holden stated that there is more parking than what is needed. Ms. Shank stated that the proposed layout meets all parking requirements. She noted that the applicant met with the ADRC and ADRC recommended approval.

With no further discussion, the public hearing was closed.

Ms. Smith-Meyer made a motion, second by Mr. Champlin, to **grant the following waivers** from the Site Plan Regulations based on the fact that the addition is in an area previously paved, the site is relatively flat, and the drainage of the site will not be altered, and utilizing the criteria of RSA 674:44, III.(e), which states that specific circumstances relative to the site plan, or conditions of the land in such site plan, indicate that the waiver will properly carry out that spirit and intent of the regulations:

- Section 15.03(3) & 15.04(6) to not provide topography of the site.
- Section 15.03(4) to not provide USDA soils for the site.
- Section 15.03(5) & 15.04(8) to not provide natural features.

The motion passed unanimously.

Ms. Smith-Meyer made a motion, second by Mr. Champlin, to **grant Architectural Design Review** approval for construction of a 1,760 sf retail building addition, and a 1,980 sf warehouse roof overhang.

The motion passed unanimously.

Mr. West made a motion, second by Mr. Champlin, to **grant Minor Site Plan approval** for construction of a 1,760 sf retail building addition, and a 1,980 sf warehouse roof overhang, subject to the following precedent and subsequent conditions:

- a) Precedent Conditions** – to be fulfilled within one (1) year and prior to issuance of any building permits, or the commencement of site construction, unless otherwise specified:
- (1) Address Technical Review Comments noted in Section 3 above.

- b) Subsequent Conditions** – to be fulfilled as specified:

- (1) After obtaining final sign off on the plans from the Clerk and Chair of the Planning board, and prior to commencement of construction activities, three (3) copies of the signed plan set shall be returned to the Planning office and seven (7) copies shall be provided by the applicant at the pre-construction meeting.
- (2) Prior to commencement of construction activity, payment of inspection fees in an amount approved by the City Engineer shall be made.

(3) A pre-construction meeting shall be required prior to the start of any construction activities onsite. Seven copies of the signed plan set shall be provided by the applicant at the pre-construction meeting.

(4) 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 Regulations. The asbuilt drawings shall be surveyed on NH State Plane coordinates and NAVD 88 Datum.

(5) Prior to the issuance of a Certificate of Occupancy, 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 and all information shall be converted to a vertical datum of NAVD 88.

(6) 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, 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.

The motion was passed unanimously.

- 10B. Application by RMS Realty on behalf of Agile Magnetics requesting Minor Site Plan approval to construct a 16 space parking lot expansion and associated stormwater controls at 24 Chenell Drive in the Industrial (IN) District. Map/Block/Lot: 111/G 1/47 (2016-42)
- a. Determination of Completeness
 - b. Public Hearing
 - c. Deliberations and Action on the Application

The Board voted unanimously to determine the application complete on a motion made by Mr. Champlin and seconded by Mr. West. Chairman Woodfin opened the public hearing.

Erin Lambert of Nobis Engineering was present representing the applicant. Ms. Lambert provided an overview of the project explaining that this is an existing business and the applicant is requesting approval for the construction of 16 parking spaces that were conceptually shown on the original site plan approved in 1993. She noted the landscaping plan includes planting four shade trees along the frontage of the new parking spaces. In addition, Ms. Lambert explained that at the front of the property there is an existing turnaround easement for Chenell Drive. She stated that at a Development Team meeting it was agreed that the turnaround is not needed. Agile Magnetics has asked for the easement to be removed, which was granted by the City Council pending planning board approval. Ms. Lambert noted that a waiver request has been submitted to allow a reduction in the extent of the survey and information provided because minimal changes are proposed to the site, and the extent and impacts of the proposed improvements to the site, and the city at large, can be satisfactorily reviewed.

Ms. Smith-Meyer asked if the trees could be closer to parking areas to mitigate some of the impacts of the asphalt over time.

With no additional comments, the public hearing was closed.

Mr. Hicks made a motion, second by Ms. Smith-Meyer, to **grant the waiver to** Section 15.03 of the Site Plan Regulations (SPR) requiring full existing conditions plan to allow a reduction in the extent of the survey and information provided because minimal changes are proposed to the site, and the extent and impacts of the proposed improvements to the site, and the city at large, can be satisfactorily reviewed, due to the fact that

- *Strict conformity would pose an unnecessary hardship to the applicant and waiver would not be contrary to the spirit and intent of the regulations; **OR***
- *Specific circumstances relative to the subdivision, or conditions of the land in such site plan, indicate that the waiver will properly carry out the spirit and intent of the regulations.*

The motion passed unanimously.

Ms. Smith-Meyer made a motion, second by Mr. Hicks, to **Grant Minor Site Plan approval** subject to the following conditions:

(a) **Precedent Conditions** – to be fulfilled prior to issuance of any building permits or the commencement of site construction, unless otherwise specified:

- (1) The Professional Engineer shall sign and seal final plans.
- (2) Address to the satisfaction of the Planning and Engineering Division, the Technical Review Comments listed in Section 3, above.
- (3) Any waiver(s) granted are to be noted and fully described on the plan including date granted and applicable Section number(s) of the Site Plan Regulations. Should the Board vote to deny the waiver request(s), applicant shall comply with said submission requirement(s).
- (4) Submit one set of final plans for sign off by the Planning Board Chair and Clerk. Applicant shall then make two (2) copies of the endorsed plan set to be returned to Planning. If necessary, an additional seven (minimum) plan set copies will be required for the pre-construction meeting.

(b) **Subsequent Conditions** – Staff also recommends that the following general and subsequent conditions be placed on the approval:

- (1) Prior to commencement of construction activity, the applicant shall provide to the City Solicitor a financial guarantee for the site stabilization in an amount approved by the City Engineer, and in a form acceptable to the City Solicitor.
- (2) Prior to commencement of construction activity, payment of inspection fees in an amount approved by the City Engineer shall be made.
- (3) A pre-construction meeting shall be required prior to the start of any construction activities onsite.
- (4) Prior to the commencement of construction, the applicant shall complete test pits to confirm that the soils are suitable for infiltration. Information shall be provided to Engineering staff for final approval of the drainage report.
- (5) Engineering and Planning staff shall inspect and approve final construction prior to use.
- (6) Prior to the release of a financial guarantee for site stabilization, as-built drawings shall be provided to the City Engineer in accordance with Section 12.09 of the Site Plan

Review Regulations. The as-built drawings shall be surveyed on NH State Plane coordinates and NAVD 88 Datum.

The motion passed unanimously.

10C. Application by McCourt Engineering Associates on behalf of Efthimios and Mercy Konstantopoulos requesting Minor Site Plan approval to raze an existing 4,640 square foot two-story ell and construct a 3,642 square foot single-story addition, a portion of which will be located along the westerly side of the building, at 239 Loudon Road in the General Commercial (CG) District. The Applicant is also requesting a Conditional Use Permit to allow the use of the two driveways where there is insufficient frontage and separation. Map/Block/Lot: 111/C 1/5 (2016-43)

- a. Determination of Completeness
- b. Public Hearing
- c. Deliberations and Action on the Application

Ms. Smith-Meyer recused herself from this application.

The Board voted unanimously to determine the application complete on a motion made by Mr. Champlin and seconded by Mr. West. Chairman Woodfin opened the public hearing.

Jenifer McCourt of McCourt Engineering Associates was present representing the applicants. Ms. McCourt provided an overview of the project explaining that this application is a request to modify the existing building and construct an addition to make the structure all one story. She stated that the ZBA granted three variances relative to the parking area in the front. In addition, she noted that there is concern in the rear of the property due to the large pine trees, which are all on the adjacent Alton Woods property. She stated that there is not enough residential buffer required; therefore they are shifting the pavement back to create the required buffer, which will require limbing up some of the pine trees to allow for the required plantings. Some parking spaces were removed to conform to the parking lot design regulations. She stated that the owners are trying to renew the site to a more modern look and commercial styled structure with three to four retail tenants.

Additional discussion was held regarding the traffic. Ms. McCourt stated that the current traffic pattern is two way circulations and by reducing the square footage they feel that they are improving the traffic situations. She noted that they are bringing all parking into conformity and are moving the dumpster location away from the residential area.

Drainage was reviewed. Ms. McCourt explained that they are adding more vegetation areas and the drainage calculations will show that there will not be additional off site drainage. Ms. McCourt noted that the lighting of the site will be in compliance with the regulations. The proposal is to use LED lights for night lighting. Ms. McCourt also reviewed the landscape plan and again explained the buffer noting that there is an existing fence and the existing bittersweet will be removed. Ms. McCourt addressed the CUP request to maintain the two existing driveways but designating them as one way entry and exit, recognizing one way traffic would be a safer arrangement. She stated that one entrance is 17' wide and the other is 21'. The applicant feels that the two entrances are better and this is a viable commercial entity and they want it to continue to thrive.

Councilor Champlin asked about the proposed color scheme. Ms. McCourt replied that the façade will be earth tones.

Chairman Woodfin commented about the two driveways stating that Master Plan does not support the need for two driveways regardless if this is a commercial or residential structure. He added that the frontage requirement has not been met for two driveways. He stated that he does not see the need for two driveways and the position of staff and the Loudon Road corridor is to eliminate the second driveway and he suggested removing the easterly driveway.

Discussion ensued. Ms. McCourt stated that the owners are opposed to removing the additional driveway, which is why they have proposed the one way circulation. She stated that it is safer to have the two driveways and the area is small with many larger retail areas nearby. She added that they want to make sure that this area stays as it is and draw in the tenants they need to keep this a viable business; these two entrances are necessary to do so and it is easier to get in and out. She added that they would still like to propose a one way in and one way out.

Councilor Champlin expressed concern regarding the Loudon Rd. construction and resurfacing project. One item that has been discussed was reducing curb cuts for the purposes of safety. He stated that he would be hesitant to approve this plan that may be a conflict to that.

Ms. Larson asked if both driveways could be eliminated and one large driveway added in the center of the lot for access and egress. Ms. McCourt replied that would reduce the parking as well as be a problem for any deliveries. She added that this driveway has existed for 30 years with no major safety issues with the two access points onto Loudon Road. She noted that it would also be difficult for fire truck apparatus if the driveway were in the center only.

With no additional comments, Chairman Woodfin closed the public hearing.

Ms. Fenstermacher stated that should the CUP be denied the applicant would need to meet the site plan regulations and work with engineering staff specific to one driveway.

Councilor Champlin made a motion, second by Mr. West, to **Deny the Conditional Use Permit** based on the fact that the frontage requirement has not been met in order to maintain public safety for access and egress onto city streets as well as the fact that the easterly driveway is only 55' from another driveway into a large residential complex.

Councilor Champlin made a motion, second by Mr. West, to **Grant Minor Site Plan approval** to modify an existing 8,540 square foot building by razing a 4,640 square foot, two-story ell and constructing a total of 3,642 square foot addition with associated site improvements subject to the following conditions:

- (a) **Precedent Conditions** – to be fulfilled prior to issuance of any building permits or the commencement of site construction, unless otherwise specified:
 - (1) The Professional Engineer shall sign and seal final plans.
 - (2) Address to the satisfaction of the Planning and Engineering Division, the Technical Review Comments listed in Section 3, above.
 - (3) Any conditional use permit(s) granted are to be noted and fully described on the plan including date granted and applicable Section number(s) of the Zoning Ordinance.

Should the Board vote to deny the request, Applicant shall comply with the applicable Zoning and Site Plan regulations to the satisfaction of the Planning and Engineering Division.

- (4) Note and fully describe Zoning Variances on the plan including date granted and applicable Section number(s) of the Zoning Ordinance.
- (5) Submit one set of final plans for sign off by the Planning Board Chair and Clerk. Applicant shall then make two (2) copies of the endorsed plan set to be returned to Planning. If necessary, an additional seven (minimum) plan set copies will be required for the pre-construction meeting.

(b) Subsequent Conditions – Staff also recommends that the following general and subsequent conditions be placed on the approval:

- (1) No site work shall commence until the approved site plan is endorsed by the Planning Board Chair and Clerk.
- (2) Prior to commencement of construction activity, the applicant shall provide to the City Solicitor a financial guarantee for the site stabilization in an amount approved by the City Engineer, and in a form acceptable to the City Solicitor.
- (3) Prior to commencement of construction activity, payment of inspection fees in an amount approved by the City Engineer shall be made.
- (4) A pre-construction meeting shall be required prior to the start of any construction activities onsite.
- (5) Engineering and Planning staff shall inspect and approve final construction prior to use.
- (6) Prior to the release of a financial guarantee for site stabilization, as-built drawings shall be provided to the City Engineer in accordance with Section 12.09 of the Site Plan Review Regulations. The as-built drawings shall be surveyed on NH State Plane coordinates and NAVD 88 Datum.

Ms. Smith-Meyer returns to the board as a voting member.

Ms. Larson provided an update relative to the Rhymes project. She explained that the plans were conditionally approved with conditions that the plan would need to be stamped by engineer and surveyor. There was no existing conditions plan provided with the application and Rhymes was using a plan based off of the former business, a motorcycle shop. She added that no final plans have been submitted.

Ms. Fenstermacher continued to explain that the applicant filed a CUP to not construct future parking spaces. They also requested a waiver to not provide a survey as they were not going to develop parking spaces. Staff recommended that the Board deny the waiver as the parking spaces may be developed in the future, and the regulations require engineered plans. The waiver was not granted and revised plans have still not been submitted. Ms. Fenstermacher continued and stated that a paving company was recently on site and called requesting an inspection for subsurface; still no plans have been submitted and the parking area was almost completely constructed, with the exception of pavement. She stated that engineered plans need to be submitted and it was fortunate the waiver request was denied since the parking spaces are being constructed. In addition, the information provided is incorrect and nothing has been noted as to what is being built. Currently

there is no topography information and is the applicant is constructing porous pavement, which requires test pit information, and the test pit provided was only 10” deep. She stated that staff is working with the city engineers. The project has been stopped and they may need to remove the driveway if it is not built to standards. She stated that the applicant may be returning to the board in the future.

Councilor Champlin asked if there were any perspective penalties. Ms. Fenstermacher replied that there is none at this time; they are working at their own risk and will accrue any expenses if applicable. Ms. Larson noted that there are fees that can be assessed if an applicant is in violation to their approval.

Further discussion ensued regarding enforcement and fees.

Regular Meeting

- 12. Any other business which may legally come before the Board.

Information

- 13. Minutes of the August 9, 2016 Design Review Committee meeting.
- 14. Next regular monthly meeting on Wednesday, September 21, 2016.

Chairman Woodfin announced that tonight is the last meeting of the City Planner Nancy Larson. Members thanked Ms. Larson for her service over the past few years; she will be missed.

With no further business before the Board, Councilor Champlin made a motion to adjourn at 8:21; seconded by Mr. West. Motion carried.

A TRUE RECORD ATTEST:

Lisa Fellows-Weaver
Administrative Specialist