

City of Concord Planning Board
August 21, 2019
Minutes

The regular monthly meeting of the City Planning Board was held on August 21, 2019, in City Council Chambers, in the Municipal Complex, at 37 Green Street, at 7:00 p.m.

Attendees: Chairman Richard Woodfin, Mayor Jim Bouley, Teresa Rosenberger (Ex-Officio for City Manager), Members, Susanne Smith-Meyer, Matthew Hicks, Erle Pierce, and John Regan.

Absent: Councilor Byron Champlin, Vice-Chair Carol Foss, David Fox, Alternate Chiara Dolcino, and Alternate Frank Kenison.

Staff: Heather Shank (City Planner), Beth Fenstermacher (Assistant City Planner), Sam Durfee (Senior Planner), Lisa Fellows-Weaver (Administrative Specialist), and Bryant Anderson (Associate Engineer).

1. Call to Order

Chairman Woodfin called the meeting to order at 7:00 pm.

2. Roll Call

Chairman Richard Woodfin, Mayor Jim Bouley, Teresa Rosenberger, Susanne Smith-Meyer, Matthew Hicks, Erle Pierce, and John Regan.

3. Approval of July 17, 2019 Planning Board Meeting Minutes

On a motion made by Mr. Hicks, and seconded by Mr. Pierce, the Board voted unanimously to approve the July 17, 2019 Planning Board Meeting Minutes, as written.

4. Planning Board Chair Overview

Chairman Woodfin announced that item 8B has been withdrawn by the applicants; the applicant for item 8F requested the Board postpone the public hearing until October 16, 2019, and the applicant for item 8G requested the Board table the public hearing until no date certain.

8F. Banks Chevrolet, on behalf of Sanel Realty Company, Inc., requesting Major Site Plan approval to demolish an existing building and construct a new 164,500 sf vehicle storage area and associated site improvements at 129 Manchester Street in the Highway Commercial (CH) District.

On a motion made by Mr. Regan, and seconded by Mr. Pierce, the Board voted unanimously to postpone item 8F, to the October 16, 2019 Planning Board meeting.

8G. Sanel/NAPA, on behalf of Daval Realty Associates, requests Major Site Plan approval to construct a new 36,200 sf building for wholesale storage, distribution, retail, and office uses and associated site improvements at 108 Old Turnpike Road in the Industrial (IN) District.

On a motion made by Mr. Pierce, and seconded by Mr. Regan, the Board voted unanimously to table item 8G to no date certain.

5. Determination of Completeness Items by Consent

5A. The Dubai Group Inc., on behalf of Strategic Contracting Company LLC, requesting Major Subdivision approval and Major Site Plan approval for construction of a 13-unit condominium development and associated site improvements, Phase 2 of the Glen Ellen housing project off of Hoit Road in the Residential Open Space (RO) District.

On a motion made by Ms. Smith-Meyer, and seconded by Mr. Pierce, the Board voted unanimously to determine that this application does not meet the criteria for a Development of Regional Impact, to determine the application complete, and to set the public hearing for September 18, 2019.

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- 5B. Liberty Utilities requesting Major Site Plan approval for construction of a new 15,000 sf structure for the purpose of warehouse and office use and associated site improvements at 14 Broken Bridge Road in the Industrial (IN) District.

Ms. Fenstermacher stated that the application does meet the criteria for a Development of Regional Impact as the property is on the municipal boundary and there is a shared water body on the property boundaries.

On a motion made by Mr. Pierce, and seconded by Mr. Regan, the Board voted unanimously to determine that this application does meet the criteria for a Development of Regional Impact, to determine the application complete, and to set the public hearing for September 18, 2019.

6. Design Review Applications by Consent

- 6A. Spirit Halloween, on behalf of DSM MB LLC, requests ADR approval to install a new wall sign and a new panel in an existing freestanding sign structure at 310 Loudon Road in the Gateway Performance (GWP) District.

On a motion made by Mr. Pierce, and second by Mr. Hicks, the Board voted unanimously to approve the design as submitted by consent.

- 6B. Granite State Pharmacy, on behalf of Geronimo Properties, requests ADR approval to install a new externally illuminated wall sign at 5 Clinton Street in the Central Neighborhood (CN) District.

On a motion made by Mr. Pierce, and second by Mr. Hicks, the Board voted unanimously to approve the design as submitted by consent.

Public Hearings

7. Design Review Applications

- 7A. Chris Bouchard, on behalf of DGS Realty, LLC., requests ADR approval to install a new externally illuminated monument sign at 74 Regional Drive in the Industrial (IN) District.

Chris Bouchard represented the application.

Mr. Bouchard explained the proposal is for one 75"x75" sign, which will be used for Quality Granite and TSI. There will be two 2 slabs used for the base. Lighting is proposed to be on each side of the sign.

Chairman Woodfin opened the public hearing. There being no comments from staff or members of the public, Chair Woodfin closed the public hearing.

On a motion made by Mr. Pierce, and second by Mr. Regan, the Board voted unanimously to approve the design as submitted.

- 7B. Liu Vaine, on behalf of Ciborowski Jacob S. Family Trust, requests ADR approval for a new storage structure at 90 Low Ave in the Central Business Performance (CBP) District.

No one was present to represent this application.

Mr. Durfee stated that the applicant showed images from a cell phone at the ADR meeting. These images have not been provided to the Planning Division.

Chairman Woodfin suggested that the application remain tabled until updated photos and drawings are provided. Board members agreed.

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8. Site Plan, Subdivision, and Conditional Use Permit Applications

- 8A. T.F. Bernier, Inc., on behalf of Harold E. Ekstrom, requesting a one year extension of a Major Site Plan approval for the construction of a multifamily residential development at 56 Warren Street in the Civic Performance (CVP) District.

No one was present to represent this application.

Ms. Fenstermacher stated that the applicant submitted a request for a one year extension. The approval expires in October 2019. The applicant has been working through the design changes to meet the precedent conditions; however, they will not be able to address the conditions of the conditional site plan approval prior to October. The applicant did recently record the subdivision plan, which was one of the conditions. There has been some issued relative to the financing of the project and this has delayed the project. She noted that there may be some amendments forthcoming.

Mayor Bouley expressed frustration with the current status of the site. The demolition permits were obtained and the houses were removed. He asked how a property can be left in the current condition; a blighted area that has negatively affected the neighborhood. He asked what work would be done on this site over the next year.

Mr. Anderson stated that the Engineering Division is tied to the approval of the Planning Board. Ms. Shank noted that it's not clear whether there is a violation on the site or how it is being enforced if so.

Ms. Smith-Meyer stated that the applicant could leave the site in the current state for years. She suggested approving the extension request with a condition that the site be stabilized with something other than dirt; a simple fix could be seeding with a wild flower mix, which is better than the current situation. She stated that it is unfortunate that something like this has happened. She added that there needs to be a plan for the neighborhood so that the neighbors are not feeling like they are in a desert.

Chairman Woodfin explained the Heritage Commission process and the demolition review process. He stated that the applicant is not required to build the project right away.

Mr. Hicks suggested the Board consider tabling the request for an extension until next month. Chairman Woodfin stated that the Board could request the applicant come to the next meeting and explain the hurry to tear down the residences.

Mayor Bouley asked what the effect would be if the Board were to deny the extension request. It was explained that the applicant's approval would expire and they would need to resubmit the application again if they do not meet the conditions prior to the October deadline. Mayor Bouley stated that the project in this state has really transformed the neighborhood, and he does not feel that they should be able to create a situation of blight in a neighborhood and then just leave it for a period of time. Chairman Woodfin stated that a new application may change the site view.

Ms. Rosenberger stated that Concord is a big city with many departments. She stated that there may be violations going on throughout the City and nothing is done. It is unknown if the site is in violation and if so there needs to be fines assessed. She added that the entire area is being redeveloped and this site looks awful. She requested that the applicant attend the September meeting along with someone from the Code Division.

Ms. Shank stated that the Division heads of the Community Development Department meet weekly. She stated that there has not been discussion about this specific project. She added that there has been a change in personnel in the Code Division she hopes to have a better process moving

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forward. In addition, the Board could grant the extension request with a condition that the site must be stabilized within one month or the site plan approval would expire. If the approval expires, the applicant would need to submit a new application; however, if the codes have changed the same application may not work on this site. Ms. Shank stated that the site should be grassed; there must be vegetation on the site in order for it to be considered stabilized.

Mr. Pierce stated that he agrees with the idea to have the applicant stabilize the site. He suggested waiting to make a decision on the request to allow the applicant to stabilize the property. If that does not occur then the approval would expire.

Mr. Anderson stated that there is an ordinance relative to dust that may apply. He will speak to the Code Division. He added that 85% vegetative cover is the requirement for stabilization. A demolition permit is also independent of a site plan approval. He will contact Code to see if there are any other ordinances in effect relative to this type of scenario.

Mr. Regan asked if a project is approved, what recourse the City has and is a bond required. Ms. Shank stated that there are currently no regulations to prevent demolishing a structure; however, a condition of approval can be added so that nothing can be demolished until final approval is obtained.

Chairman Woodfin made a motion to table the request to extend the application for one year to the September Planning Board Meeting with instructions to staff to communicate to the applicant to stabilize the site prior to the September meeting, to attend the September Planning Board meeting, and to provide a report on the status of the property at the meeting. Seconded by Mr. Pierce.

Mayor Bouley stated that this situation is unacceptable and it should have been completed months ago. Ms. Rosenberger requested that Staff follow up regarding fines. Mr. Hicks stated that he is in favor of denying the request and the applicant should be showing some good faith.

The motion and second were withdrawn.

On a motion made by Mr. Hicks, and second by Ms. Smith-Meyer, the Board voted unanimously to deny the request to extend the Site Plan approval for one year.

- 8B. State of New Hampshire Site Plan review under RSA 674:54, for the demolition of the existing Concord Steam Plant and construction of a new parking lot, at 123 Pleasant Street in the Institutional.

This application was withdrawn by the applicant.

- 8C. Jon Chorlian requests a Conditional Use Permit to allow for the construction of twelve parking spaces where fourteen would be required at 135 North State Street in the Neighborhood Residential District.

On a motion made by Mr. Hicks, and seconded by Mr. Pierce, the Board voted unanimously to determine that this application does not meet the criteria for a Development of Regional Impact, determine the application complete, and open the public hearing.

Mr. Durfee provided an overview of the project explaining that the CUP request is to allow two fewer parking spaces than the fourteen required.

Jon Chorlian represented the application. He explained that he does not believe that there will be a need for the two additional parking spaces.

There being no comments from staff or members of the public, Chair Woodfin closed the public hearing.

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On a motion made by Mr. Hicks, and seconded by Mr. Pierce, the Board voted unanimously to grant a Conditional Use Permit per Article 28-7-11(b) of the Zoning Ordinance to allow the construction of two fewer parking spaces where fourteen is required.

- 8D. Nobis Group, on behalf of Swim NH LLC, requests Minor Site Plan approval for an addition to an existing building, construction of a parking lot and associated site improvements, along with a Conditional Use Permit (CUP) to reduce the width of the driveway at 41 Hall Street in the Gateway Performance (GWP) District.

On a motion made by Ms. Smith-Meyer, and seconded by Mr. Pierce, the Board voted unanimously to determine that this application does not meet the criteria for a Development of Regional Impact, determine the application complete, and open the public hearing.

Jonathan Halle of Warrenstreet Architects, and Chris Nadeau of Nobis Group, represented the application along with property owner Karen Genovese.

Mr. Halle explained the project consists of building an addition for a two lane swimming pool to the existing building, which will be used for classes only, maxed out with eight students. Variances have been obtained for setbacks, the amount of parking spaces required, and for the additional variance for the landscaped buffer. Revised plans have been submitted relative to comments received for ADRC and all comments from Engineering have been addressed.

Ms. Smith-Meyer commented that the Canadian Red Cherry tree should not be considered a shade tree and the proposed gingko is not the best choice. She suggested using native trees, adding some shrubs under the tree canopy, and to compensate for the 8 foot landscape buffer where a 10 foot is required with more vegetation around the curbing of the street and sidewalk. Mr. Halle stated that they would agree to consider native tree species and add a shade tree in accordance with the increased parking lot area.

Mr. Halle stated that there is no signage proposed. Proposed lighting was reviewed with no additional comments.

There being no comments from staff or members of the public, Chair Woodfin closed the public hearing.

On a motion made by Mr. Regan, and seconded by Mr. Pierce, the Board voted unanimously to **grant ADR** approval.

On a motion made by Mr. Hicks, and seconded by Mr. Pierce, the Board voted unanimously to **grant the following Conditional Use Permits:**

Article 28-7-11(f) – Driveway Separation Alternatives

Article 28-7-11(g) – Reduction of Drive Width

On a motion made by Mr. Regan, and seconded by Mr. Hicks, the Board voted unanimously to **grant Minor Site Plan approval** for the development at 41 Hall Street, subject to the following 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:

- 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 review comments, noted in the August 21, 2019 staff report, to the satisfaction of the Planning Division.
 - (2) A Professional Engineer shall sign and seal final plans.

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- (3) A New Hampshire Licensed Land Surveyor will sign and seal the Existing Conditions Plan.
 - (4) Any CUP(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 the CUP request(s), applicant shall comply with said submission requirement(s).
 - (5) Submit 3 sets of final plans to be signed by the Clerk and Chair of the Planning Board, prior to issuance of any permits or commencement of construction activities.
- b) **Subsequent Conditions** – to be fulfilled as specified:
- (1) Prior to commencement of construction activity, payment of any required inspection fees in an amount approved by the City Engineer shall be made.
 - (2) A pre-construction meeting shall be required prior to the start of any construction activities onsite if requested by the City Engineer.
 - (3) Prior to the issuance of a Certificate of Occupancy or final construction sign-off, 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.
- 8E. Abbott Farm LLC, requesting an amendment to a previously approved subdivision plan to amend the condition regarding phasing for the Abbott House restoration, for the property at 282 N. State Street in the Neighborhood Residential (RN) District.

Developer Jason Garland, Attorney Elizabeth Nolin of Alfono Law Office representing the developer, and Preservation Specialist Stephen Bedard were present.

Atty. Nolin stated that they are present to continue discussions relative to the status of the Abbott Farm, LLC project. She stated that at the March Planning Board meeting, the Board voted for a second opinion on the structural integrity of the Abbott House to be obtained. Stephen Bedard of Bedard Preservation & Restoration, LLC was hired to conduct an assessment of the Abbott House. She also added that she is submitting a proposal for the property. Chairman Woodfin replied that the proposal would not be addressed at tonight's meeting as it is just being submitted; it would be addressed at the September Planning Board meeting, which would allow members time to review as well as the City Solicitor.

Atty. Nolin explained that a condition of the site plan approval is that the Abbott house be reconstructed. At this time, Mr. Garland is currently working on the structure to stop any further deterioration. Vegetation and brush around the house has been cleared, windows have been boarded up, and the roof is being replaced per the recommendations of Mr. Bedard's report and will be completed by October. They are seeking Certificates of Occupancy (CO) for 8 units in October. In addition, under the supervision of Mr. Bedard, they are working to repair and renovate whatever is necessary to try and bring the house back to what it historically looked like. They are consulting other contractors with hopes that the renovation will be completed by January 2020. They requested the Board release the CO's with the proposed improvements, including a surety to complete the work, and suggest that no further construction be allowed until it is completed.

Mr. Garland stated that they are currently under agreement with the eight other units and are scheduled to close in October. He hopes that the Board will grant the CO's, since Abbott has come back with a proposal for the house, as they agreed.

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Chairman Woodfin asked if the building is restorable. The 2017 structural engineer report stated that the building was not salvageable. Mr. Bedard's report indicated that the main house and carriage shed/barn were salvageable structures and could be improved by the developer; however, the ell was beyond repair and should be demolished. Mr. Bedard noted that most historical homes would not pass an engineering inspection. He added that the foundation is solid. Mr. Garland noted that the basement is a partial basement; the main basement area is fine and the basement of the ell portion of the structure is what is partially washed out as shown in the photograph in the engineer's report.

Mr. Pierce asked what the main factor was for the deterioration of the ell. Mr. Bedard stated that it was due to the lack of roof coverage. He further explained the drainage off of the house, noting that where there has been water on the side of the house and under the ell foundation, there has been some damage, otherwise it is good basement.

Chairman Woodfin opened the public hearing.

Allan Herschlag, speaking as a Concord resident, not as a member of the Heritage Commission or City Council, explained that he has followed this project and recalls the requirements were to rehabilitate the house in order to obtain the CO's. He stated that it was clear at the purchase of the project that Mr. Garland was knowledgeable of the conditions. He stated that there have been two different reports provided regarding the condition of the structures. The deterioration has resulted in the ell no longer being able to be restored making the issue demo of neglect. He believes the ell should be replicated and does not agree that the Board should release any CO's until the ell is renovated; all three sections should be rehabilitated. He stated that nothing should be issued for Phase 5 and the LLC should be required to provide a surety bond to the City.

Dorothy Chicaderis, Concord resident, stated that she has been watching the condition of the house deteriorate over the years. She stated that the requirements were known to the developer when they took over the project. The City should be ashamed that the historic building has fallen into disrepair, especially since it was a condition of approval. She has called the City numerous times and she is frustrated that there are still discussions to add another unit when the original conditions of approval have not been addressed. She commented that it is nice to see that something is happening and there is a plan. She would like to suggest that no CO's be issued until the work is completed.

Ms. Smith-Meyer stated that she is comforted that the roof is being added, that will give the house another 25 years. She believes that residents in the development would be supportive and more optimistic now that there is intent to repair the roof and exterior. She is pleased to know that there are some improvements occurring.

Mr. Herschlag stated that he disagrees with Ms. Smith-Meyer as the original intent was to rehabilitate the house and to be able to utilize it today. He feels that with the historic qualities of the house, to side and add a roof do not meet the intent of the requirement of the original approval from 2006. Additionally, there may now be additional maintenance costs to the condo association members that may not have been anticipated as a part of the original contract.

Ms. Shank stated that the Board could continue the public hearing to September 18 at which time Staff and the City Solicitor will have had time to review the proposal submitted tonight and provide feedback. She indicated that at this time there may be a disagreement as to the conditions of approval. What can be agreed on is that there will be repairs done to the exterior of the property.

Additional discussion ensued as to the original approval and the intent. Mr. Garland stated that Mr. Bedard's recommendation is to address the roof and siding, with removing the ell. He added that

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Mr. Bedard has also mentioned giving the property to an organization or nonprofit. He has been approached by someone who is interested in taking over the project and will refurbish the interior and they will continue to address the exterior. Mr. Garland stated that the 2006 approval required roof repairs and siding only.

Ms. Fenstermacher stated that the original approval for the house was for a single family unit and exterior improvements only, however, it is assumed that the house must be habitable. Mr. Garland agreed with Ms. Fenstermacher as a unit in the development and the only requirement to move on to the next phase was a roof and siding.

Discussion ensued regarding the condition of the house. Mr. Bedard noted with regard to the ell that anything could be restored or repaired, depending on how much money can be invested. He stated that an approximate cost of restoration for the house could be \$400-540,000 not including the ell, which could be an additional \$100,000. He noted that this would also include the interior. Mr. Garland stated that there have been temporary repairs done to the roof of the house. They intend to replace the roof on the house by October and have the siding addressed by January, which will make the structure weather tight. He stated that it is his belief that this is all that was to be done.

On a motion made by Mr. Pierce, and seconded by Ms. Smith-Meyer, the Board voted unanimously to recess the public hearing to September 18th and instruct staff to review the proposal submitted for the next meeting.

- 8F. Banks Chevrolet, on behalf of Sanel Realty Company, Inc., requesting Major Site Plan approval to demolish an existing building and construct a new 164,500 sf vehicle storage area and associated site improvements at 129 Manchester Street in the Highway Commercial (CH) District.

Postponed to October 16, 2019 Planning Board meeting.

- 8G. Sanel/NAPA, on behalf of Daval Realty Associates, requests Major Site Plan approval to construct a new 36,200 sf building for wholesale storage, distribution, retail, and office uses and associated site improvements at 108 Old Turnpike Road in the Industrial (IN) District.

Application was tabled to no date certain.

9. Amendments

- 9A. Council referral regarding a request to amend Article 28-5-50, Keeping of Chickens as Pets, to reduce the 30-foot buffer.

Ms. Shank stated that this referral is the result of a request from a Concord resident who would like to have the ordinance amended to allow henhouses and fenced areas closer to lot lines than is currently permitted by the ordinance, which is 30 feet. At the July Planning Board the Board discussed amending the buffer; 15 feet was proposed by staff, and after discussion the Board recommended reducing the buffer to five feet.

Ms. Smith-Meyer commented that there are some areas in the City where a 5 foot buffer may not be appropriate to have chickens. She referenced a similar ordinance from the City of Nashua and commented that she would like to have some more information. She feels that the proposal is a dramatic change and there are still some issues that have not been considered. She asked how this would be fair for abutters.

Mr. Regan referenced the ordinance from the City of Portland and asked if this is considered as an accessory structure.

Chairman Woodfin opened the public hearing.

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Petitioner Stacy Brown explained her property layout. She spoke to the need for the change as it would allow for a better location for her chickens to have more sunlight. She added that there are no requirements for dogs in the City. She believes that 5 feet is a sufficient buffer as it is enough room for chickens to walk around on her property. Her abutters are within 5 feet and 3 feet. Relative to noise, Ms. Brown explained that chickens are no louder than song birds. She mentioned that there are not many complaints throughout the City regarding chickens.

Francesca Brown thanked the Board for discussing the buffer change and would like the change so that they would be able to have chickens again.

Chairman Woodfin stated that he appreciates the comments and experience; however, the ordinance change would affect every single residential property in the City.

Letters in opposition from abutters were presented for the Board to review along with a letter in support submitted by the petitioner.

Ms. Smith-Meyer stated that up until 2001 this was not allowed and in 2011 there was an amendment to allow resident in denser areas to have chickens. She stated that this would not be throughout the City. Although it is not relative to chicken coops it is its about people's rights. She noted that a standard sidewalk is 5 feet wide and asked if this change is really ample distance from lot lines.

Mayor Bouley asked if ten feet would work. Ms. Brown replied that five feet is what is best for their lot.

Mr. Hicks commented that dogs are more of a nuisance and he does not have any issues with the amendment as proposed. Ms. Rosenberger agreed.

Ms. Smith-Meyer asked why staff looked at Portland, ME not at the City of Nashua. Ms. Shank replied that the City of Portland Maine ordinance was used previously as a reference in drafting Concord's ordinance. Ms. Smith-Meyer stated that perhaps the 30 foot buffer was fine at that time. She feels that it is excessive to go from 30 feet down to five feet and the change could become a nuisance with more complaints as the buffer is reduced. Ms. Shank replied that the City is looking into new standards now and trying to be more consistent with more lots in the urban areas.

There being no further comments from staff or members of the public, Chair Woodfin closed the public hearing.

On a motion made by Mr. Hicks, and seconded by Ms. Rosenberger, the Board voted 5/2 to recommend Council amend Article 28-5-50, Keeping of Chickens as Pets, to reduce the 30-foot buffer to five feet. Chairman Woodfin and Ms. Smith-Meyer were opposed.

- 9B. Ari Pollack, on behalf of ROI Irrevocable Trust, Christine M. Winder, Trustee, requesting amendments to Zoning Ordinance Articles 28-2-4, Allowable Principle and Accessory Uses, 28-4-5, Development of Attached and Multifamily Dwellings, and 28-2-3, The Zoning Map, to allow residential uses in the gateway Performance District, to rezone property in the OpenSpace Residential (RO) District off of Black Hill Road to the Gateway Performance (GWP) District, and to modify the definition of the Flood Hazard (FH) District.

Ari Pollack of Gallagher, Callahan & Gartrell, PC, represented the application.

A conceptual plan was provided for review. Atty. Pollack explained that the proposal includes rezoning two parcels from Residential Open Space (RO) to the Gateway Performance District (GWP), in addition to proposed zoning amendments to allow residential uses in the GWP. These changes would allow for the area to be developed with an assisted living complex, apartment complex, a medical office, retail area, hotel, and restaurants, along the river and future Merrimack

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River Greenway Trail. In addition, with the recent ordinance amendment to change from the Army Corp of Engineers to FEMA maps for flood zone designation, the property is no longer in a floodway, opening up opportunities for development. The property is within a FEMA flood zone; therefore, they would propose to build up the land to be above the flood elevation so that the development is outside of the flood zone. He added that he did meet with the Conservation Commission last week and a site walk will be scheduled in the fall.

Discussion ensued regarding this area and how this proposal would be a step forward for the property. Concern was expressed relative to the amount of parking and the possibility to have more open space and the proximity to the river.

On a motion made by Mr. Pierce, and seconded by Mr. Regan, the Board voted unanimously to recommend Council amend the following Zoning Ordinance Article 28-2-4, Allowable Principle and Accessory Uses, 28-4-5, Development of Attached and Multifamily Dwellings, and 28-2-3, The Zoning Map, to allow residential uses in the gateway Performance District, to rezone property in the OpenSpace Residential (RO) District off of Black Hill Road to the Gateway Performance (GWP) District, and to modify the definition of the Flood Hazard (FH) District.

10. Other Business

- 10A. Proposed revisions to the Ordinance Amending the Code of Ordinances to address solar collection systems.

Ms. Shank stated that Staff has revised the ordinance and report to council for solar. Changes proposed are to recommend a 50-acre cap instead of a 25-acre cap for any solar facility for all districts in the City. A public hearing was set for the September City Council meeting.

Adjournment

At the request of Chair Woodfin, Mr. Regan made a motion to adjourn at 9:28 PM, seconded by Mr. Hicks. The motion carried unanimously.

A TRUE RECORD ATTEST:

Lisa Fellows-Weaver,
Administrative Specialist