

A recessed meeting of the City Planning Board was held on May 21, 2008 in the City Council Chambers in the City Hall Annex at 7:00 PM.

Present at the meeting were Members Drypolcher (who as Chair presided), Dolcino, Foss, McGonagle, Meyer, Shurtleff, Swope, and Alternate Member Kenison (who was seated in the vacant seat). Messrs. Woodward and Henninger, and Ms. Hebert and Ms. Osgood of the City Planning Division were also present, as was Ms. Aibel, the City's Associate Engineer, and Mr. McGinley, the Acting Fire Chief.

At 7:06 PM a quorum was present and the Chair called the meeting to order and seated Alternate Member Kenison in the vacant seat.

APPLICATIONS

Minor Subdivisions

1. Application by **ATG Corporation, Yukon Realty Investment LP, CFA Corporation, C500 Limited Partnership, and Turntable Inc.** for approval of a subdivision of property at **22, 24, 28, 92, 102, 110 & 112 Hall Street.** (#2008-20)

Determination of Completeness

Mr. Henninger explained this proposal to create six new lots from eight existing lots on property located between Hall Street and the B & M Rail line.

He reported the application is complete and ready to open for public hearing.

Mr. McGonagle moved that the Planning Board determine the application to be complete and open the public hearing. Mr. Swope seconded. Motion carried.

Public Hearing

Mr. Henninger explained this proposal to create six new lots from eight existing lots on property located between Hall Street and the B & M Rail line in order to eliminate existing issues with prior subdivisions and existing deeds. This also will facilitate the sale of the property.

He reported that a request has been made for a waiver to submit the plans at a scale of 1"= 100' instead of 1"=50' as required in the Board's Subdivision Regulations.

He reported that the Zoning Administrator and the Planning Division staff have reviewed this application in detail and have determined that the application either reduces, eliminates or has no impact on existing zoning non-conformities including lot size, lot frontage, lot coverage, and building setbacks. All lots now conform in regard to lot area. Four of the six lots now conform to lot frontage requirements, and the non-conforming frontage for two of the lots remains unchanged.

He reported that an easement document needs to be provided for a proposed 30' by 30' turnaround at the end of Poplar Avenue shown on a previously recorded plat. Proposed private access easements need to be shown for Lot C. Access to Lot C is presently over Lots B and D. The frontage of Lot C is isolated by a wetland from the bulk of this lot's developable area. The existing access easement to Lot C on Lot D is only 16 feet in width, is not properly laid out for heavy truck traffic, and is not used. Proper access and utility easements need to be provided before these properties are transferred to an unrelated third party.

Mark Sargent from Richard D. Bartlett & Associates was present to answer questions from the Board on behalf of the applicant.

There was no one present who wished to speak for or against this application and the Chair declared the hearing closed at 7:13 PM.

Deliberations and Action on Applications
Deliberations and Action on Architectural Design Review

Mr. Swope moved that the Planning Board grant a waiver to Section 8.04 (2)(a)(ii) of the City's Subdivision Regulations to allow the subdivision to be submitted at a scale of 1"= 100' instead of 1"= 50'. Ms. Meyer seconded. Motion carried.

Mr. Swope moved that the Planning Board grant conditional final subdivision approval for the "Resubdivision Plat prepared for C-500 Ltd. Partnership, ATG Corporation, Turntable Inc., Yukon Realty Investment Partnership & CFA Corporation" subject to the following standard and special conditions:

Standard Conditions

1. Prior to the final plat being signed by the Planning Board Chair and Clerk, the following easement documents, in a form acceptable to the City Solicitor and suitable for recording in the Merrimack County Registry of Deeds, will be provided to the Planning Division:
 - a. A public right-of-way easement for the 30' by 30' turning easement at the end of Poplar Avenue.
2. Prior to the final plat being signed by the Planning Board Chair and Clerk, the applicant shall revise the plat drawings to address the minor corrections and omissions noted by City staff.

Special Conditions

3. Prior to the final plat being signed by the Planning Board Chair and Clerk, the applicant shall provide appropriate access and utility easements for proposed Lot C over Lots B and D acceptable to the City Planner and City Engineer.

4. Prior to the final plat being signed by the Planning Board Chair and Clerk, the applicant shall provide appropriate access and utility easements for proposed Lot E over Lot D acceptable to the City Planner and City Engineer.

Ms. Meyer seconded. Motion carried.

2. Application by **Sandy Brook Corporation, Dwight Keeler and Leslie Keeler** for approval of a subdivision of property on **Hoit Road**. (#2008-21)

Determination of Completeness

Mr. Henninger explained this proposal to convey 8.99 acres from a 114.35± parcel owned by Sandy Brook Corporation located on Hoit Road to an existing 106.61 acre landlocked parcel north of Hoit Road owned by Dwight Keeler. The resubdivision also involves the conveyance of a 5.98 acre parcel from an 85.9 acres parcel owned by Leslie Keeler to the Sandy Brook Corporation property.

He explained that the applicant has requested the Board consider this application for completeness this evening and set it for hearing at the same time as their companion major subdivision at the regular June meeting.

He reported the application is complete and ready to schedule a public hearing for June 18, 2008.

Mr. Swope moved and Mr. Shurtleff seconded that the Planning Board declare this application to be complete and set it for public hearing on June 18, 2008. Motion carried.

Major Subdivision

3. Application by **Sandy Brook Corporation, on behalf of Silver Leaf Properties**, for approval of a cluster subdivision of property on **Hoit Road**. Along with this application is a request for a Conditional Use Permit pursuant to Section 28-5-46, Single Family Dwellings in a Standard (non-cluster) Subdivision, and a request for a Conditional Use Permit pursuant to Section 28-4-3(d), Conditional Use Permits Required for Certain Disturbance of Wetland Buffers, of the Zoning Ordinance. (#2008-08)

Determination of Completeness

Mr. Henninger explained this proposal to construct a 30-unit single family no-lot cluster subdivision along with five conventional lots, including a 2.07 acre lot for the existing house on the property.

He reported the application is complete and ready to schedule a public hearing for June 18, 2008.

Mr. Swope moved and Mr. Shurtleff seconded that the Planning Board declare this application to be complete and set it for public hearing on June 18, 2008. Motion carried.

Minor Site Plan

4. Application by **American Barber Studios** for approval of a site plan for property at **21 Village Street.** (#2008-23)

Determination of Completeness

Ms. Hebert explained this proposal to convert the first floor of the existing house at 21 Village Street to a barber shop and to renovate the second floor for a residential unit.

She reported the application is complete and ready to open for public hearing.

Mr. Kenison moved that the Planning Board determine the application to be complete and open the public hearing. Ms. Meyer seconded. Motion carried.

Public Hearing

Ms. Hebert explained this proposal to convert the first floor of the existing house at 21 Village Street to a barber shop and to renovate the second floor for a residence. The property is located immediately adjacent to the Thirty Pines Plaza. The proposal involves the renovation of the existing house, and construction of the parking lot and access drive to serve the new commercial use. The owner hopes to demolish the existing building in the future and construct a new 2,241 square foot building on the property and has designed the parking lot to accommodate the future expansion. The barber shop and the apartment only require six parking spaces, but the future building would require all of the 17 proposed parking spaces.

She reported that the site will be serviced by municipal water and sewer. However, the existing sewer service is a four-inch sewer line. The City's Engineering Division standards require all commercial uses to be served by a six-inch sewer line. The proposed change of use will require the applicant to install a six-inch sewer line as a condition of this site plan approval.

There is an existing dry well on the property and the applicant proposes to install an additional dry well within the parking lot to control stormwater runoff.

She reported that a landscape plan has been provided that complies with the City's requirements for parking lot landscaping. The design includes the planting of six new shade trees around the perimeter of the parking lot.

She reported that a driveway access, parking and storage easement for the benefit of the Thirty Pines Plaza is located along the southerly edge of the property. There are seven existing parking spaces (in addition to the 17 proposed by the applicant) and one dumpster on the property at 21 Village Street that are used by the tenants at the Thirty

Pines Plaza. The easement document should be revised to take into consideration the change of use at 21 Village Street.

Ms. Hebert explained that the applicant is proposing to renovate the existing house to provide a handicap access ramp to the rear, repair the front porch, and replace the existing siding. The Architectural Design Review Committee reviewed the proposed site and building plans and recommended that the existing front windows should remain, a walkway should be constructed around the northerly side of the building to connect the front door with the parking lot, and the landscaping should be revised to make it more inviting for patrons approaching the property.

Mr. McGonagle asked if there was a secondary egress for the second story residential unit and Ms. Hebert responded that it was her understanding that there would be access through the barber shop.

Mr. McGonagle asked for the Fire Department's opinion and Mr. McGinley responded that the rules of occupancy are such that access through a business is never allowed, whether it is owner occupied or not.

Brian Vincent from Nobis Engineering and David Caron, applicant, were present to answer questions from the Board.

With respect to the existing four-inch sewer service, Mr. Vincent asked for permission to postpone construction of the six-inch sewer until such time as the business is expanded or until the time period for protection of the new paving of Village Street has expired.

The Chair asked Ms. Aibel to discuss the request regarding sewer upgrade and she explained the City's standards require a six-inch sewer for any conversion from residential to commercial use or renovation of existing commercial use. She also explained that the City has a policy that once a road is newly paved, it cannot be disturbed for a period of five years. She also noted that the City was anticipating an upgrade of the Fisherville Road/Route 3 corridor in the near future, at which time it would be appropriate for the applicant to upgrade to the six-inch service. In answer to a question by the Chair, she indicated that in this case the Engineering Division would not be opposed to the four-inch main remaining until expansion of the business or the ability to cut into the new paving.

There was no one present who wished to speak for or against this application and the Chair declared the hearing closed at 7:28 PM.

Deliberations and Action on Applications
Deliberations and Action on Architectural Design Review

Mr. McGonagle moved that the Planning Board grant Architectural Design Review approval for the site plan, landscape plan, and building elevations for the American Barber Studios at 21 Village Street as submitted by Nobis Engineering subject to the conditions that existing front windows should remain; a walkway should be constructed

around the northern side of the building to connect the front door with the parking lot; and the landscaping should be revised to invite patrons onto the property. Ms. Meyer seconded. Motion carried.

There was a discussion relative to the sewer service and members suggested that the upgrade of the sewer to a six-inch service be postponed for up to five years, until the applicant expands his business or the City goes forward with the Fisherville Road/Route 3 Corridor CIP project, and that the applicant provide a financial guarantee.

Mr. Swope moved that the Planning Board grant conditional site plan approval for the Site Plan application of David Caron for the American Barber Studios at 21 Village Street as submitted by Nobis Engineering subject to the following standard and special conditions:

Standard Conditions:

1. Prior to the issuance of a Certificate of Approval by the Planning Board Chair (and issuance of any building permits for construction activity on the site), the applicant shall revise the drawings to address the minor corrections and omissions noted by City staff including but not limited to the following:
 - a. The compact parking spaces number #8 and #9 need to be relocated to the north of the paved area to avoid conflicts with adjacent parking spaces. The spaces also need to be identified as "compact parking spaces" with a sign.
 - b. The site plan needs to be revised to address the conditions of the Architectural Design Review approval.
2. Prior to the issuance of a certificate of approval by the Planning Board Chair (and issuance of any building permits for construction activity on the site), approvals of construction drawings for on-site improvements shall be obtained from the Engineering and Planning Divisions. No construction activity may commence prior to the preconstruction conference.
3. No certificate of occupancy for any building or use shall be issued until all improvements have been substantially completed to the satisfaction of the City Engineer.
4. Traffic impact fees shall be assessed for any non-residential construction contained within the limits of the approved site plan. The impact fees and procedures shall be those in effect at the time of the issuance of a building permit as set forth in the City of Concord Code of Ordinances, Title IV, Subdivision Code: Chapter 29.2, Public Capital Facilities Impact Fee Ordinance. The specific fees assessed are those contained in Section 29.2.1-1 Assessment and Collection; subsection (b) Computation of the Amount of Impact Fees; Table 3, Transportation Facilities Impact Fee per Variable Unit.

- a. Transportation Facilities - Small Retail (less than 5,000 sq. ft) = 775 square feet x \$2.14 per square foot = \$1,658
5. Prior to the issuance of a certificate of approval by the Planning Board Chair (and issuance of any building permits for construction activity on the site), the following easement documents, in a form acceptable to the City Solicitor and suitable for recording in the Merrimack County Registry of Deeds, will be provided to the Planning Division:
 - a. The existing easement for the benefit of the Thirty Pines Mall and Store shall be revised to take into consideration the change of use and proposed site improvements at 21 Village Street and shall also be revised to better define the extent of the parking, access, and trash storage allowed within the easement area.

Special Condition

6. The six-inch sewer line shall be installed within five years of this approval, or when Village Street is reconstructed, or upon expansion of the barber studio, whichever occurs first. Prior to the issuance of a certificate of approval for the American Barber Studios, the applicant shall also post a financial guarantee for the reconstruction of the sewer line.
7. The applicant shall provide a second means of egress from the second floor residential unit in accordance with adopted City codes, to the satisfaction of the City's Fire Department and the Code Division.

Mr. McGonagle seconded. Motion carried.

Major Site Plans

5. Application by **2 Pillsbury Street LLC** for approval of a site plan for property at **30 Pillsbury Street.** (#2008-22)

Determination of Completeness

Ms. Hebert explained this proposal to replace an existing 1,840 square foot brick building at 30 Pillsbury Street with a new three story, 15,000 square foot office building.

She reported the application is complete and ready to schedule for public hearing on June 18, 2008.

Mr. McGonagle moved and Mr. Kenison seconded that the Planning Board declare this application to be complete and set it for public hearing on June 18, 2008. Motion carried.

6. Application by **Concord Christian Academy** for approval of a site plan for property at **37 Regional Drive.** (#2008-24)

Determination of Completeness

Mr. Henninger explained this proposal for the construction of a three-story addition, along with a 45-foot tall gymnasium, at a private K-12 school located between Pembroke Road and Regional Drive.

He reported the application is complete and ready to schedule for public hearing on June 18, 2008.

Mr. Swope moved and Ms. Meyer seconded that the Planning Board declare this application to be complete and set it for public hearing on June 18, 2008. Motion carried.

7. Application by **Washington Street Estates LLC** for approval of a site plan for property at **45-47 Washington Street in Penacook.** (#2008-26)

Determination of Completeness

Ms. Hebert explained this proposal to convert an existing cluster of buildings at 45-47 Washington Street to eight residential units.

She reported the application is complete and ready to schedule for public hearing on June 18, 2008.

Mr. Swope moved and Mr. McGonagle seconded that the Planning Board declare this application to be complete and set it for public hearing on June 18, 2008. Motion carried.

Conditional Use Permit

8. Application by **The City of Concord** for approval of a Conditional Use Permit for property at the **Concord Municipal Airport** pursuant to Section 28-4-4(d) Disturbance to Bluffs and Buffers to Bluff, of the Zoning Ordinance.

Determination of Completeness

Ms. Hebert explained this proposal to construct a fence along the easterly perimeter of the airport property to prohibit the intrusion of wild animals onto the airfield.

She reported the application is complete and ready to open for public hearing.

Mr. Swope moved that the Planning Board determine the application to be complete and open the public hearing. Mr. McGonagle seconded. Motion carried.

Public Hearing

Ms. Hebert explained this proposal to construct a fence along the easterly perimeter of the airport property to prohibit the intrusion of wild animals onto the airfield. The

Federal Aviation Agency has cited the City for lack of a suitable barrier along this portion of the airfield because the presence of large animals on the field represents a risk of human injury, loss of life, and damage to aircraft. If the City fails to comply with the FAA requirements, the airport is at risk of losing its FAA financial grant.

She explained that in 2007, the City began the installation of the fence along relatively flat areas of land along the top of the bluff. The City now proposes to construct two new sections of six foot high chain link fence along the side slope of the bluff so as not to interfere with the FAA restricted area adjacent to the runway. The two sections of fencing will be connected with a section of eight foot high security fencing along the top of the bluff. All the fencing will be installed either within the bluff to the Soucook River or within the buffer to the bluff. The fence installation will require the trimming and cutting of vegetation within the bluff, which is only allowed by the approval of a Conditional Use Permit.

She reported that the fence contractor needs to clear an area approximately 20 feet wide along the top portion of the bluff in order to install the fencing. In the future, the City will be required to occasionally trim the vegetation along either side of the fence to maintain a ten foot wide clear area. The contractor will remove vegetation either by hand or with a tracked vehicle equipped with an extendable arm. The roots of the vegetation will not be removed and will remain in place to stabilize the soil.

The fence post will be installed using an air-powered hammer to drive the posts into the soil to minimize erosion.

Ms. Hebert reported that the Conservation Commission reviewed the application and did not have any objections to the Conditional Use Permit request.

She reported that this portion of the airport contains areas that are considered sensitive areas of wildlife habitat, especially for the wild lupine plant and the Karner Blue butterfly. However, these species occur on the level areas of the airport and not on the bluffs. The work has been coordinated with the New Hampshire Fish and Game Department and the National Fish and Wildlife Service to minimize the impacts to the sensitive areas.

Karen Frink from Hoyle Tanner Associates was present to answer questions on behalf of the applicant.

Ms. Foss indicated she would like to see a condition included that addresses protection from bank erosion associated with clearing below the lip of the embankment as well as some remedial action where the erosion has already taken place.

There was no one present who wished to speak for or against this application and the Chair declared the hearing closed at 7:58 PM.

Deliberations and Action on Application

Mr. Swope moved that the Planning Board grant a Conditional Use Permit to allow the trimming of vegetation and installation of a wildlife control fence at the Concord Airport as presented in the application prepared by the City's Engineering Division in accordance with Article 28-4-4(e) of the Zoning Ordinance subject to the following condition:

1. The approval of the Conditional Use Permit shall be subject to the final review and approval of the fence location and vehicular access for construction by the New Hampshire Fish and Game Department.

Ms. Foss suggested adding a condition that special consideration shall be given to prevention of erosion during the construction of the fence as well as the monitoring and mitigation of any erosion that may be caused by the trimming of the vegetation. Ms. Foss seconded.

Mr. Swope agreed to the additional condition.

Motion as amended carried.

Architectural Design Review

9. Application by the following for approval of a sign at the following location under the provisions of Section 28-9-4(f), Architectural Design Review, of the Code of Ordinances.

- **Village at Thirty Pines** at 11 Borough Road

Mr. Henninger explained this application for a single freestanding sign in front of the development currently under construction.

He reported that the Design Review Committee found the proposed design and placement of the sign to be appropriate for the location and use, and recommended approval as submitted.

Robert Pollock from Pollock Land Planning was present to answer questions from the Board on behalf of the applicant.

There was no one present who wished to speak for or against this application and the Chair declared the hearing closed at 8:07 PM.

Mr. Swope moved approval as submitted and Ms. Meyer seconded. Motion carried.

10. Building plans related to renovations by **Charter Trust Company** at **90 North Main Street**.

Mr. Henninger explained this proposal for renovations to the façade of the existing building along with new signage. He explained that they propose to construct a

mahogany building front with brick trim. They plan to remove the existing retractable awning and to replace it with an affixed canopy and there will be lights in the soffit.

Anthony Mento from Sheerr McCrystal Palson was present on behalf of the applicant to answer questions from the Board.

There was no one present who wished to speak for or against this application and the Chair declared the hearing closed at 8:09 PM.

Mr. Swope moved approval as submitted and Ms. Meyer seconded. Motion carried.

REGULAR MEETING

Minutes

Ms. Dolcino moved approval of the minutes of the meetings of March 26, 2008 and April 16, 2008 as submitted. Mr. Shurtleff seconded. Motion carried.

Further Consideration

Further consideration of applications for approval of developments on which public hearings have previously been held:

12. Application by **Judith and Emmanuel R. Brochu, Jr.** for approval of a subdivision of property at **8 Parmenter Road.** (#2008-01)
13. Application by **Judith and Emmanuel R. Brochu, Jr.** for approval of a site plan for a Planned Unit Development of property at 8 Parmenter Road. (#2006-86)

Mr. Woodward reminded the members of the Board that there are two separate but related applications for this development. It was his understanding that the Board did not intend to have staff make a presentation this evening but that the Board had asked for a response from the Fire Department relative to their ability to access the new development. He also pointed out that the Planning Board had received a petition, as well as additional communications from abutters, from the attorney representing some of the abutters, and from the attorney representing the applicant.

In answer to a question by the Board, Attorney Uchida indicated he had withdrawn his request for postponement on behalf of the applicant.

Mr. McGinley was asked to offer commentary about the single access to the proposed development on a narrowed public street. He responded that it is the opinion of the Fire Department that this access is manageable. He referred to national standards that the Fire Department uses in making these determinations. According to those standards, a development of fewer than 100 units can be accommodated by a single access. He also indicated that sprinklers will be provided in each unit and that added to their level of

comfort. He explained that the accepted policy nationwide is to review situations as though they would be dealing with one emergency at a time.

Mr. Shurtleff had questions relative to road width and grade and whether that will be a problem for the fire equipment. Mr. McGinley responded that this has a higher potential to be a problem but the equipment they have can handle unusual situations and he does not see that this would reach a critical situation.

Mr. Swope moved and Mr. Shurtleff seconded that the Board accept the newly received communications and materials into the record. Motion carried.

Mr. Swope moved to grant the four requested waivers. There was no second and the motion died.

Mr. McGonagle recommended that the Board take up each of the waivers individually.

Mr. Swope moved to grant a waiver to Section 9.04(3) Streets, Table 9-1, of the City's Subdivision Regulations to allow a maximum grade of 9.2% for an existing section of Parmenter Road to be reconstructed where a maximum of 8% is allowed. Mr. McGonagle seconded.

Mr. Shurtleff expressed concern about the grade. He felt better having heard from the Acting Fire Chief but still had concern about winter time conditions.

The Chair asked if the grade flattened out before reaching North State Street or before reaching the first driveway from the development.

Mr. Henninger responded that at the intersection with North State Street the grade is at a 2% slope but it is at 9% for most of the existing Parmenter Road, about where the existing driveways are today. In no place will it be a steeper grade than it is today. At the beginning of the development it flattens to just less than 8% into the development.

Motion carried, 5-3, with Ms. Foss and Messrs Shurtleff and Kenison voting against.

Mr. Swope moved that the Planning Board grant a waiver to Section 9.04(3) Streets, Figure 9-B, of the City's Subdivision Regulations to allow a 2:1 side slope and short retaining walls where a 3:1 side slope is required in an existing 40-foot wide right-of way. Ms. Meyer seconded. Motion carried, 7-1, with Ms. Foss voting against.

Mr. Swope moved that the Planning Board grant a waiver to Section 9.04(3) Streets, Table 9-1, of the City's Subdivision Regulations to allow a 26-foot wide paved traveled way where 30 feet is required due to the restricted 40-foot right-of-way and to continue the short section of new road at the same standard where no development is located. Ms. Meyer seconded.

Mr. Shurtleff expressed concern about the possibility of a bottleneck with traffic getting onto North State Street, particularly in winter conditions. Mr. McGonagle agreed. He

felt this is still going to be less than standard width, especially coming up against North State Street and he felt it was asking for trouble.

Motion failed, 4-4, with Messrs. Kenison, McGonagle, and Shurtleff and Ms. Foss voting against.

Mr. Swope moved that the Planning Board grant a waiver to Section 9.03(3)(b)(i) to allow for the creation of a lot not for development purposes which does not have the useable area rectangle with a minimum 60-foot horizontal dimension. Ms. Meyer seconded.

Mr. McGonagle felt this waiver made sense since it was created by the Board's desire to provide a buffer to the existing properties.

Motion carried.

Ms. Meyer noted that the new Langley Parkway was constructed to a reduced width to accommodate wetlands. She has had the opportunity to be on that road recently and felt that it worked well. She felt very comfortable with the reduced width and hoped that in the future the Board might consider reducing its width requirements in some instances.

Mr. McGonagle indicated that his only issue with this development is the access and that is an important issue in his mind since this is a residential neighborhood.

Mr. Swope moved that the Planning Board grant conditional preliminary Subdivision approval of the Land of Emmanuel T. Jr. & Judith I. Brochu for the proposed Parmenter Place Planned Unit Development subject to the following standard and special conditions.

1. Prior to the final plat being signed by the Planning Board Chair and Clerk, the following State and federal permits shall be obtained and copies provided to the Planning Division:
 - a. NH Wetlands Bureau (wetland alterations)
 - b. NH Department of Environmental Services Alteration of Terrain Permit (RSA 485-A:17)
 - c. NH Department of Environmental Services Water Quality and Sewer Discharge Permits
2. Prior to the final plat being signed by the Planning Board Chair and Clerk, the following local approvals and permits shall be obtained and copies provided to the Planning Division:
 - a. Driveway Alteration Permit from the General Services Department
3. Prior to the final plat being signed by the Planning Board Chair and Clerk, the applicant will provide to the City Solicitor a financial guarantee for all public

- improvements in an amount approved by the City Engineer, and in a form acceptable to the City Solicitor.
4. Prior to the final plat being signed by the Planning Board Chair and Clerk, the following easement documents, in a form acceptable to the City Solicitor and suitable for recording in the Merrimack County Registry of Deeds, will be provided to the Planning Division:
 - a. Deed of Easement for the extension of Parmenter Rd and the new south road.
 - b. Open Space Covenant/Drainage Easement.
 5. Prior to the final plat being signed by the Planning Board Chair and Clerk, approval shall be obtained for the construction drawings and specifications for all public improvements from the Engineering Division prior to the commencement of any of the public improvements. No construction activity may commence prior to the pre-construction conference.
 6. No certificate of occupancy for any building or use shall be issued until all public improvements have been completed to the satisfaction of the City Engineer and accepted by the City Council.
 7. Prior to the final plat being signed by the Planning Board Chair and Clerk, the applicant shall obtain approval of private utility plans from Unitil (Concord Electric), Fairpoint Communications, and National Grid.
 8. Prior to the release of a financial guarantee for any public improvement, an as built plan shall be provided to the City Engineer in form and content acceptable to the City Engineer.
 9. Prior to the final plat being signed by the Planning Board Chair and Clerk, the applicant shall revise the plat drawings to address the minor corrections and omissions noted by City staff.

Ms. Meyer seconded. Motion carried.

Ms. Meyer moved that the Planning Board grant Architectural Design Review approval for the proposed Parmenter Place Planned Unit Development subject to the following conditions:

1. Prior to the issuance of a certificate of approval by the Planning Board Chair (and issuance of any building permits for construction activity on the site), the landscaping plan shall be revised to substitute shade trees for ornamental trees in the parking lot islands.
2. Additional evergreen plantings acceptable to the City Planner shall be installed at the northeast corner of parcel 73A/1/1 if allowed by the property owner.

Mr. Kenison seconded. Motion carried.

Mr. McGonagle moved that the Planning Board grant conditional Site Plan approval for the proposed Parmenter Place Planned Unit Development subject to the following standard and special conditions.

Standard Conditions

1. Prior to the issuance of a certificate of approval by the Planning Board Chair (and issuance of any building permits for construction activity on the site), approvals of construction drawings for on-site and off-site improvements shall be obtained from the Engineering and Planning Divisions.
2. Prior to the issuance of a certificate of approval by the Planning Board Chair (and issuance of any building permits for construction activity on the site), the following State and federal permits shall be obtained and copies provided to the Planning Division:
 - a. NH Department of Environmental Services Alteration of Terrain Permit (RSA 485-A:17)
 - b. NH Department of Environmental Services Water Quality and Sewer Discharge Permits
 - c. NH Wetlands Bureau (wetland alterations)
3. Prior to the issuance of a certificate of approval by the Planning Board Chair (and issuance of any building permits for construction activity on the site), approvals shall be obtained for the construction drawings and specifications for all public improvements from the Engineering Division prior to the commencement of any of the public improvements.
4. No construction activity can take place on the site prior to the preconstruction conference and inspection fee deposits are provided.
5. Prior to the issuance of a certificate of approval by the Planning Board Chair (and issuance of any building permits for construction activity on the site), the applicant will provide to the City Solicitor a financial guarantee for all public improvements in an amount approved by the City Engineer, and in a form acceptable to the City Solicitor.
6. Prior to the issuance of a certificate of approval by the Planning Board Chair (and issuance of any building permits for construction activity on the site), the following easement documents, in a form acceptable to the City Solicitor and suitable for recording in the Merrimack County Registry of Deeds, will be provided to the Planning Division:

- a. Deed of Easement for the extension of Parmenter Rd and the new south road.
 - b. Open Space Covenant/Drainage Easement.
7. Prior to the issuance of a certificate of approval by the Planning Board Chair (and issuance of any building permits for construction activity on the site), the applicant shall obtain approval of private utility plans from Unitil, Fairpoint Communications, and National Grid.
8. Prior to the release of a financial guarantee for any public improvement, an as built plan shall be provided to the City Engineer in form and content acceptable to the City Engineer.
9. Prior to the issuance of a certificate of approval by the Planning Board Chair (and issuance of any building permits for construction activity on the site), the following local approvals and permits shall be obtained and copies provided to the Planning Division:
 - a. Driveway Alteration Permit from the Engineering Division
10. Traffic, recreation and school impact fees shall be assessed for any construction contained within the limits of the approved site plan. The impact fees and procedures shall be those in effect at the time of the issuance of a building permit as set forth in the City of Concord Code of Ordinances, Title IV, Subdivision Code: Chapter 29.2, Public Capital Facilities Impact Fee Ordinance. The specific fees assessed are those contained in Section 29.2.1-1 Assessment and Collection; subsection (b) Computation of the Amount of Impact Fees; Table 1, School Facilities Impact Fee per variable unit; and Table 2, Recreational Facilities Impact Fee per Variable Unit; and Table 3, Transportation Facilities Impact Fee per Variable Unit.
 - a. School Facilities - Townhouse/duplex
 - b. Recreational Facilities - Townhouse/duplex
 - c. Transportation Facilities - Townhouse/duplex

Special Conditions

11. Prior to the issuance of a certificate of approval by the Planning Board Chair (and issuance of any building permits for construction activity on the site), the applicant shall obtain approval of the fire suppression system (sprinklers) from the Fire Department and the City Engineer.
12. Prior to the issuance of any certificate of occupancy for any unit in this development, Parmenter Road and the proposed south road extension shall be substantially complete and acceptable to the City Planner and City Engineer.

13. Prior to the issuance of a certificate of approval by the Planning Board Chair (and issuance of any building permits for construction activity on the site), the applicant shall obtain approval from the City Engineering Division of a traffic management plan, construction management plan and construction schedule. The intent of this condition is to maintain access and utility services to the existing residences along Parmenter Road during the reconstruction process on Parmenter Road, to minimize the period of time service is disrupted, and to minimize the time Parmenter Road will be disturbed.

Mr. Kenison seconded.

Mr. McGonagle asked procedurally how the Planning Board could proceed given the denial of the waiver for the width of the road. The Clerk responded that final subdivision approval still needs to be granted by the Planning Board and the subdivision plat needs to be recorded before the site plan can be considered ready for construction. After discussion, Mr. McGonagle asked to add to the conditional approval that the action on the site plan is contingent upon recording of the final subdivision plat. It was also asked that the approval be conditioned on the conduct of a pre-blast survey of the abutting properties and the provision of a financial guarantee to insure any potential damages from blasting and construction to abutting properties.

Mr. Kenison agreed to the modifications to the motion.

Motion as amended carried.

14. Application by **The United Church of Christ Retirement Community, Inc.** for approval of a site plan for property at **33 Christian Avenue.** (#2008-11)

(Ms. Dolcino recused herself and left the table.)

Ms. Hebert explained this proposal to construct six new duplex buildings at the Havenwood/Heritage Heights elderly housing complex. The new construction is located at the corner of Ormond Street and Christian Avenue which is at the westerly end of the 19-acre property. The applicant received Planning Board approval to construct the new duplex buildings in 2001. However, the units were never constructed and the previous approval has expired.

She reported that the project is accessed by a private driveway off Ormond Street Extension. The proposed driveway terminates at a cul-de-sac, and each unit will have a small driveway and a single car garage. The application also includes the construction of drainage, landscaping, and utility improvements.

She reported that the Planning Board opened the public hearing and discussed this application at the April 16, 2008 meeting, and voted to table action to allow the Planning Division additional time to review the newly submitted plans with regard to the private yard areas and the proposed landscaping, and to further discuss with the applicant the Board's interest in the construction of a sidewalk connection to Ormond Street.

She reported that the proposed duplex buildings are single story structures with a basement and single car garage for each unit. The building façade consists of a vinyl siding with architectural shingles in black, and shutters adorning the windows. The Architectural Design Review Committee reviewed the architecture and landscaping and recommended approval.

She reported that a 30-foot wide utility easement in favor of the City crosses through the site in the bed of Ormond Street Extension. A 40-foot wide access easement also crosses through the property to allow the abutting properties to access Ormond Street Extension. There is also a turn around easement to the north of the Ormond Street and Christian Avenue intersection.

Ms. Hebert explained that Ormond Street currently terminates at the Christian Avenue intersection. There is a City-owned parcel north of the intersection that has never been formally laid out as a street although a paved road extends north through this lot to the Havenwood/Heritage Heights property. This northerly section of the road is known as the Ormond Street Extension and has been classified as one of the City's "Courts and Lanes of Uncertain Status" and is considered a private road.

The applicant proposes to improve Ormond Street Extension by widening the pavement to 22 feet. The existing pavement will be removed and a new sub base and base material will be constructed. The proposed roadway improvements cross through the City-owned parcel and will require a license from the City Council prior to construction.

She reported that the site plan provides a sidewalk along the westerly side of Ormond Street Extension, to provide the residents with an improved pedestrian connection to the surrounding neighborhood.

She reported that the site grading for the construction of the units encroaches into the perimeter buffer and will require the removal of vegetation within the buffer area. The applicant has submitted a landscape plan for the restoration and revegetation of the disturbed areas within the perimeter buffer which includes a combination of evergreen and deciduous trees that will provide an effective buffer to the adjacent properties to the south and west and will also screen the proposed residential units from Hazen Drive.

She reported the site plan has also been revised to provide a minimum of 300 square feet of private yard space for each unit outside of the perimeter buffer.

Ms. Meyer felt that if the buffer is going to be disturbed, the plant material being used to revegetate should be all native species.

Ms. Meyer moved that the Planning Board grant Architectural Design Review approval for the site and landscaping plans, and building plans for the Havenwood/Heritage Heights Ormond Street duplexes off Ormond Street Extension as submitted by Provan and Lorber, Inc. and Lavallee Brensinger Architects with the condition that the perimeter buffer be revegetated with native plant material and the understory

vegetation be enhanced with additional shrubs. Mr. Swope seconded. Motion carried with Ms. Dolcino abstaining from discussion and vote.

Mr. Swope moved that the Planning Board grant conditional Site Plan approval for the Havenwood/Heritage Heights Ormond Street Duplexes subject to the following standard and special conditions:

Standard Conditions:

1. Prior to the issuance of a Certificate of Approval by the Planning Board Chair (and issuance of any building permits for construction activity on the site), the applicant shall revise the site plan drawings to address the minor corrections and omissions noted by City staff.
2. Prior to the issuance of a Certificate of Approval by the Planning Board Chair (and issuance of any building permits for construction activity on the site), approvals of construction drawings for on-site improvements shall be obtained from the Planning Division.
3. Prior to the issuance of a Certificate of Approval by the Planning Board Chair (and issuance of any building permits for construction activity on the site), approval shall be obtained for the construction drawings and specifications for all public and private improvements from the Engineering Division.
4. No certificate of occupancy shall be issued until all public and private improvements have been substantially completed to the satisfaction of the City Engineer.
5. Prior to the issuance of a Certificate of Approval by the Planning Board Chair (and issuance of any building permits for construction activity on the site), the applicant shall obtain approval of private utility plans from Unitil, Verizon, and Keyspan.
6. Prior to the release of a financial guarantee for any public improvement, an as built plan shall be provided to the City Engineer in form and content acceptable to the City Engineer.
7. Traffic, recreation and school impact fees shall be assessed for any construction contained within the limits of the approved site plan. The impact fees and procedures shall be those in effect at the time of the issuance of a building permit as set forth in the City of Concord Code of Ordinances, Title IV, Subdivision Code: Chapter 29.2, Public Capital Facilities Impact Fee Ordinance. The specific fees assessed are those contained in Section 29.2.1-1 Assessment and Collection; subsection (b) Computation of the Amount of Impact Fees; Table 1, School Facilities Impact Fee per variable unit; and Table 2, Recreational Facilities Impact Fee per Variable Unit; and Table 3, Transportation Facilities Impact Fee per Variable Unit.

- a. Recreational Facilities - 12 units - Multi-unit/Apartment
 - b. School Facilities - 12 units - Multi-unit/Apartment
 - c. Transportation Facilities - 12 units - Multi-unit/Apartment
8. Prior to the issuance of a certificate of approval by the Planning Board Chair (and issuance of any building permits for construction activity on the site), the following State and federal permits shall be obtained and copies provided to the Planning Division:
- a. NH Department of Environmental Services Water Quality and Sewer Discharge Permits

Special Conditions:

1. Prior to the issuance of a certificate of approval by the Planning Board Chair (and issuance of any building permits for construction activity on the site), a license from the City Council shall be obtained for the roadway improvements to Ormond Street Extension that cross through the City-owned parcel 16A-1-6. This approval will stand as the Planning Board's favorable recommendation to the City Council in regard to the license to construct the roadway improvements.
2. Prior to the issuance of a certificate of approval by the Planning Board Chair (and issuance of any building permits for construction activity on the site), a license from the City Council shall be obtained for the extension of the sewer force main. This approval will stand as the Planning Board's favorable recommendation to the City Council in regard to this license.

Mr. Kenison seconded. Motion carried with Ms. Dolcino abstaining from discussion and vote.

CITY COUNCIL REFERRALS

15. Further consideration of the **Amendment to the Zoning Ordinance** to modify the Sections related to **Attached and Multi-family Dwellings** as well as to **Planned Unit Developments**.

Since the Board has already forwarded a proposed amendment to the City Council on this item, the Chair asked for a motion to revisit the proposed ordinance.

Mr. Shurtleff moved and Mr. McGonagle seconded reopening the discussion of a proposed amendment to the Zoning Ordinance to modify the sections related to attached and multi-family dwellings as well as to planned unit developments. Motion carried.

Mr. Woodward explained that additional comments had been received on the amendment to the Zoning Ordinance that was recommended to the City Council by the Planning Board at its meeting on February 20, 2008.

He explained that a request had been submitted to the City Council by several neighbors of the Parmenter Road application seeking the preparation of an amendment to the Zoning Ordinance that would add to Section 28-4-8, Planned Unit Development (PUD), of the Zoning Ordinance a new subsection mirroring the existing provisions of Section 28-4-5(m), Access, as found in Section 28-4-5, Development of Attached and Multi-family Dwellings. The request also sought to establish a means of defining neighborhood density to be used in interpreting the provisions related to access

The City Council referred this matter to the Planning Board for a report and recommendation.

The Planning Board discussed this matter at several meetings and the Planning Division subsequently presented a memorandum with a new approach at the Board's meeting of January 16, 2008, and the Board asked to have it placed on the agenda for February 20, 2008 for further consideration.

He explained that the Planning Board's concern with the existing Section 28-4-5(m) was that it is contradictory to the Master Plan focus on infill housing and increasing density within the Urban Growth Boundary. One suggestion made by the Board was to relate the access to these types of developments to the traffic impacts of the same. The Planning Division's response was to recommend that the current wording of Section 28-4-5(m) be deleted altogether, thereby eliminating the problems associated with trying to define neighborhood density. A new Section 28-4-5(m) would then be focused on requirements for proper access and mitigation of potential traffic concerns as well as vehicular and pedestrian safety problems arising from a new development of attached or multi-family dwellings in an existing neighborhood. A revised Section 28-4-5(m) was suggested by the Planning Division, as follows:

(m) Access. Where access to a site for a development of attached or multi-family dwellings is not directly from an arterial or collector street, the following standards shall be observed in providing access over local streets:

- (1) access and egress shall be provided from more than one local street where feasible;*
- (2) where local streets are used for access, the traffic capacity of local streets, as defined in the Master Plan, shall not be exceeded by traffic projected to be generated from the development of attached or multi-family dwellings;*
- (3) traffic calming measures shall be provided as deemed necessary by the Planning Board on local streets used for access;*
- (4) safety measures for both pedestrians and vehicles shall be implemented as deemed necessary by the Planning Board on local streets used for access, including but not limited to installation of curbing and sidewalks, widening of the traveled way, dedication of right-of-way, elimination of substandard road conditions, and improvements to sight distances;*

- (5) *opportunities for connectivity from the development site to existing or future streets shall be constructed or dedicated as determined by the Planning Board; and*
- (6) *intersection improvements shall be made on local streets used for access and at the intersections of those local streets with collector or arterial streets, as deemed necessary by the Planning Board.*

It was noted that under subsection (2) above, the maximum average daily traffic for a standard local street is 1500 vehicle trips per day. It was also noted that a similar section could be inserted into Section 28-4-8 in relation to planned unit developments.

In discussion at the February 20, 2008 meeting, the Board members indicated that the proposed new language gets at the real problem, which is the traffic impact of a new development, rather than density of a new development. The Board indicated that the proposed language addresses the concerns that are usually expressed by abutters to prospective developments. It was further suggested removing the words "where feasible" from subsection (1), and replacing them with the phrase "where deemed necessary by the Planning Board" similar to the other subsections. The consensus of the Board was to apply this same requirement to planned unit developments as well as multi-family and attached developments.

After discussion, it was voted unanimously to recommend to the City Council that the Zoning Ordinance be amended by deleting the existing Section 28-4-5(m), and adding a new Section 28-4-5(m) as well as a new Section 28-4-8(n) based on the language suggested by the Planning Division as revised by the Board.

Mr. Woodward reported that comments on the proposed ordinance were received from the Engineering Division's traffic engineer together with a proposal for revised language for the new Section 28-4-5(m) which includes changes to subsection (2) to include reference to the daily traffic of 1,500 vehicles per day (or less) expectation for Local Streets as defined in the Master Plan; to subsection (3) which is new and establishes some thresholds for acceptable traffic operation (based on the Master Plan) wherein exceeding the thresholds may trigger mitigation measures; and to subsections (4) and (5) which are essentially a recombination of the original subsections (3) through (6), with the new subsection (4) being safety/neighborhood related, and the new subsection (5) being long-range planning related.

He reported that the Planning Division had reviewed the proposed changes and made further suggestions. If the term Level of Service is to be introduced in the Zoning Ordinance, then it needs to be defined in the Glossary. The term "local street" may have to be defined to distinguish it from "limited access highways", and "street, arterial" and "street, collector" which are terms that are already defined in the Ordinance.

He also noted that the types of developments that are the focus of this amendment, attached and multi-family dwellings and Planned Unit Developments, are also subject to the Board's Site Plan Review Regulations. As such, the traffic studies that are part of the Site Plan process invoke Level of Service in the evaluation of intersections and the resultant mitigation measures presented to the Board are the focus of commentary from

both the applicant's traffic engineer and the City's traffic engineer. Level of Service does not need to be introduced in the Zoning Ordinance and may result in conflicts with the Site Plan Review process.

He suggested that the use of the word "substantially" is inappropriate as the intent is not to exceed the standard, and if the intent were to allow the standard to be exceeded, then to indicate that it shall not be "substantially" exceeded is setting this matter up for potential litigation as to the interpretation of such.

Mr. Woodward also noted that the Planning Board has considered connectivity to be a key issue for new development, particularly if the current proposals contained in the Master Plan for increasing density go forward. As such, the original proposal focuses more attention on connectivity as an issue of importance than the proposed amendment.

Mr. Swope objected to "substantially" being used in #2 and #3 of the newest proposal because that leaves the city without any guidelines. "Substantially" is too vague a term.

Mr. McGonagle appreciated the specificity proposed but he wondered if the Board had originally proposed the less specific language for a good reason.

Ms. Foss felt some percentage would be needed to replace "substantial". It needed to be quantitative rather than qualitative. Mr. Woodward reminded the Board that the intent had been to not exceed the specified standard.

Mr. Swope suggested striking "substantially" completely in #2 and in #3 he suggested replacing "substantially" with "materially".

Board members agreed that there was a need to define level of service as well as local street.

Mr. Swope suggested referring this back to staff to provide some definitions.

Ms. Dolcino also suggested that it might be important to know for any given street the increase in traffic as a percentage of the total traffic volume.

Mr. McGonagle recalled that this proposed ordinance came about because the Board wanted to accommodate the Master Plan goal of providing the opportunity for greater density within the Urban Growth Boundary.

On further reflection, Mr. Swope began to wonder if the originally proposed ordinance was actually more appropriate.

Ms. Dolcino expressed concern that this is not really addressing the concerns which were the genesis of the ordinance relative to the quality of life in existing neighborhoods. She felt it would be helpful if staff could look at recent developments to see what impact the proposed amendment would have.

Staff was directed to provide a definition of local street, to research recent development proposals and how they would have been affected by this, and to take out the word "substantial" or go back to the original version or a combination of both.

Mr. McGonagle suggested that the Deputy City Manager be invited to attend the meeting when this comes back to the Planning Board to participate in the discussion. Mr. Swope agreed that would be a good idea.

MASTER PLAN

16. Edits to the **Draft Master Plan 2030** made at the review meeting of March 26, 2008.

Mr. Woodward presented a compilation of edits and changes agreed upon by the Planning Board at its March 26, 2008 meeting. These edits are compiled by Master Plan Section, and each change contains a statement of what the Board wanted changed, a citation of a page, subsection, and paragraph where the change is to be made, and the proposed revised wording itself. In several cases, the statement of what the Board wanted changed is followed by several iterations of text citations and the related revised wording.

The Planning Board, after a brief discussion, agreed to accept the Master Plan as edited and directed staff to create the appropriate certification for adoption at its June 18, 2008 meeting.

NEW BUSINESS

17. Consideration of a **Report on Transfer of Development Rights**.

Mr. Woodward reported that Hawk Planning Resources, LLC has submitted a report entitled, "Transfer of Development Rights, Evaluating the Options for the City of Concord, NH.". This is the first of two reports which Hawk Planning Resources, LLC is under contract to provide, the second being a report on Traditional Neighborhood Development which is nearing completion. This report has appended to it an advance copy of a draft ordinance under preparation by the Rockingham Planning Commission on density transfer credits, essentially a purchase (vs. transfer) of development rights wherein fees received for a development right would be deposited into the Conservation Fund and used to purchase open space.

He reported that there are a number of TDR-related issues that will have to be resolved prior to any adoption of an ordinance, including any density reductions outside of the Urban Growth Boundary, the identification of specific areas within the UGB that will receive transferred or purchased units, and the development format(s) that will be made available for use of the transferred units. However, this report will start the process of evaluating options and narrowing choices in order to finalize a draft TDR ordinance for recommendation by the Board and formal consideration of adoption by the City Council.

Mr. Woodward suggested that the Board set a time for a public workshop at which the consultants will make a presentation and respond to questions from the Board and the public. He further suggested that in addition to the standard public notice and advertising of the workshop, other interested City boards and commissions specifically be notified of the workshop including the Municipal Housing Commission, the Conservation Commission, and the Economic Development Advisory Committee. Copies of the report can be made available to the public in hard copy as well as online.

Staff was directed to schedule such a workshop for July 23, 2008 and to proceed with the notification as proposed.

INFORMATION

18. Communication from Deputy City Manager relative to an **EDAC Sub-Committee to Review City Ordinances and Regulations.**

The Chair reported that the Planning Board had received a communication from Carlos Baía, the Deputy City Manager, in which he reported that it had recently become evident that an examination of the City's zoning ordinances and site plan review regulations was warranted as there are instances where the current guidelines appear oriented toward new construction. Under the proposed Master Plan, infill projects and redevelopment of older properties are recognized as the future for expanding the City's tax base, particularly if the Urban Growth Boundary is to be protected. The Economic Development Advisory Committee has also recognized this challenge and has offered to assist in this effort. EDAC has formed a subcommittee to review the City's development ordinances and regulations and to offer constructive recommendations for the Planning Board and City Council to consider. Mr. Baía felt this examination should coincide with or precede the implementation phase of the Master Plan. Once a report from EDAC is available, he reported he would forward it to the Planning Board for review.

No action was necessary on this communication at this time.

There was no further business to come before the Board and the meeting adjourned at 10:20 PM.

A TRUE RECORD ATTEST:

Douglas G. Woodward
Clerk

o