

The regular monthly meeting of the City Planning Board was held on August 20, 2008 in the City Council Chambers at the City Hall Annex at 7:00 PM.

Present at the meeting were Members Drypolcher (who as Chair presided), Gross, Meyer, Shurtleff, and Alternate Member Kenison (who was seated for absent Member Dolcino). Messrs. Woodward and Henninger, and Ms. Osgood of the City Planning Division were also present, as was Ms. Aibel, the City's Associate Engineer.

At 7:04 PM a quorum was present and the Chair called the meeting to order, and seated Alternate Member Kenison for absent Member Dolcino who was not expected.

APPLICATIONS

Minor Subdivisions

1. Application by **Smokestack Realty LLC and the Boston & Maine Corporation** for approval of a resubdivision of properties at **8 McGuire Street**. (#2008-39)

Determination of Completeness

Mr. Henninger explained this proposal to subdivide a portion of the discontinued Concord to Claremont Railroad right-of-way adjacent to McGuire Street and add it to the existing parcel containing the Smokestack Center at 8 McGuire Street.

He reported this application was complete and ready for public hearing.

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

Public Hearing

Mr. Henninger explained this proposal to subdivide a portion of the discontinued Concord to Claremont Railroad right-of-way adjacent to McGuire Street and add it to the existing parcel containing the Smokestack Center at 8 McGuire Street. The parcel to be merged with the Smokestack Center is irregular in shape but is approximately 66 feet wide by 512 feet long.

He reported that Smokestack Realty, LLC had previously acquired other adjacent, discontinued right-of-way from the Boston and Maine Corporation which is immediately south of the parcel in question, and consolidated it with their McGuire Street property. Smokestack Realty, LLC has recently, by means of a Voluntary Merger, combined their lot at 254 North State Street with their consolidated McGuire Street properties to provide frontage on a public way.

He reported that a waiver request has also been submitted to allow the subdivision plat to be prepared at a scale of 1" = 100' where a plan is required to be submitted at a scale of 1"=50'.

He reported that that applicant's attorney has provided legal research in support of the Boston and Maine Corporation's ownership of the discontinued right-of-way and the corporation's ability to convey the property. This documentation has been reviewed by the City's Legal Department and the City Surveyor. Both concur that the discontinuance has occurred and the property is now in the ownership of the Boston and Maine Corporation.

Mr. Henninger reported that the City's General Services Division has advised that they have maintained to the tracks and plow to just beyond the tracks. The old tracks lie in the center of the 66-foot railroad right-of-way.

He reported that the right-of-way for McGuire Street ends at the discontinued B&M railroad right-of-way. On the ground it appears that McGuire Street continues further east beyond the existing right-of-way. The area of the B&M line at the end of McGuire Street provides sole access to the Unutil corporate office building and maintenance facility and is encumbered by both municipal water and sewer lines, and private utility lines. This area also has provided the Smokestack property with its sole access. The preferred way to address this is to convey a deed of easement to extend the McGuire Street right-of-way to the Unutil property line. This could occur after the conveyance to Smokestack Realty. City staff recommends that an agreement to convey an easement for the future right-of-way be recorded with the subdivision plan to address this issue.

He reported that the abutting property at 276 North State Street along the south side of McGuire Street has a paved driveway leading to an overhead door on the land to be acquired from B&M Corporation. It is recommended that the applicant work out with this owner easement rights to allow that owner the ability to access their overhead door.

Web Stout, from FWS Land Surveying, was present on behalf of the applicant and explained that the applicant is willing to work with the City to provide the easement as suggested. They will also work with the abutters regarding formalizing access arrangements for the existing property.

Patrick Hanlon expressed concern regarding the rear portion of his existing former chair factory building that is exactly on the property line. He reported that there is a retaining wall about 10-13 feet away from the building that is of concern to him. There is approximately 1500 square feet of land between the building and the retaining wall that is critical to the use of his building. He reported that he had talked with the attorney for the railroad and nothing came of it. There was no opportunity offered by the railroad for the property owners on the other side of the tracks to have any input in the sale.

Mr. Hanlon reported that he has no objection to Smokestack acquiring the land but what they have done is jeopardize any possibility of his building having the ability to use the property between the building and the retaining wall. They have never owned the land between their building and the retaining wall but have used it for the last 100 years. He would like to be able to purchase that parcel from Smokestack Realty.

Mr. Gross asked Mr. Stout to comment on Mr. Hanlon's testimony. Mr. Stout confirmed that there is a retaining wall that exists. He explained that when the railroad decides to sell their property they send a letter to the abutters.

John Redden was present as applicant and indicated that the abutting building in question has collapsed. The Chair asked him if he would be willing, as promised by Mr. Stout, to provide an easement to the abutting Hanlon property. Mr. Redden felt he would not have any right to provide an easement for that property. Mr. Woodward explained to Mr. Redden the location of the property owned by Mr. Hanlon.

There was no one else who wished to speak for or against this application and the Chair declared the hearing closed at 7:37 PM.

Deliberations and Action on Application

Mr. Gross 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 plat to be submitted at a scale of 1" = 100' instead of 1" = 50'. Mr. Kenison seconded. Motion carried.

Mr. Gross moved that the Planning Board grant final subdivision approval for the "Resubdivision Plat - Lands of Smokestack Realty & Boston and Maine Corporation" subject to the following standard conditions:

1. 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.
2. Prior to the final plat being signed by the Planning Board Chair and Clerk, the following easement document, 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. An agreement to convey a right-of-way easement 60-feet wide from the end of McGuire Street over the land being conveyed from Boston and Maine Corporation to Smokestack Realty for the extension of McGuire Street to the UNITIL property (80-1-1). The right-of-way easement shall be conveyed within 60 days of the property being conveyed to Smokestack Realty LLC from the Boston & Maine Corporation.

Mr. Shurtleff seconded. Motion carried.

2. Application by **the Audubon Society of New Hampshire** for approval of a subdivision of property at **3 Silk Farm Road . (#2008-34)**

Determination of Completeness

Mr. Henninger explained this proposal to subdivide a 21.13 acre parcel at the intersection of Silk Farm Road and Clinton Street into two lots.

He reported this application was complete and ready for public hearing.

Mr. Gross moved that the Planning Board determine this application to be complete and open the public hearing. Mr. Shurtleff seconded. Motion carried.

Public Hearing

Mr. Henninger explained this proposal to subdivide a 21.13 acre parcel at the northwest corner of the intersection of Silk Farm Road and Clinton Street into a 16.42 acre parcel and a 4.71 acre parcel. The 16.42 acre parcel will include all of the NH Audubon Society's headquarter complex and the 4.71 acre parcel will contain an existing residence. A companion site plan application has been submitted for the 4.71 acre parcel to create a new facility for the Concord-Merrimack County SPCA.

He reported that a variance has been granted by the Zoning Board of Adjustment for the companion site plan to allow for future lot coverage of 25% where only 10% would be allowed. A Special Exception was granted by the ZBA to establish the SPCA under the category of Commercial Kennels and Veterinary Hospitals.

He reported that the parcel is in the Turkey River Watershed which has been subject to severe flooding resulting in property damage on two occasions in the last five years, overtopping the roads and the related destruction of infrastructure. The flooding was attributed to a number of factors including weather patterns, the watershed's natural characteristics, and increases in impervious cover within the watershed.

He reported that the combined lot coverage of the two proposed lots on the gross acreage of the original parcel is 12.9% which would exceed the maximum coverage allowed on the original undivided parcel. Both lots have adequate frontage and area to allow for further subdivision; however, the new lot would require additional variances for any additional lot coverage, as well as approval from NH Department of Environmental Services for a subdivision of a lot of less than five acres with an on-site septic system. The remainder lot could be further subdivided without necessarily receiving NHDES approval (if lots exceed five acres) and would be allowed to increase lot coverage without any variances. In order to minimize any increase in the contributions to flooding from increased runoff from development of this parcel, it is recommended that the remainder parcel be restricted to the current extent of lot coverage, that this restriction shall be binding on any future subdivision of the lot, and that the plat be duly annotated to indicate the same.

Mr. Woodward pointed out that the Planning Board had received a letter from Attorney Richard Uchida on behalf of the applicant addressing the suggested condition of approval which would prohibit the Audubon Society from creating additional lot coverage on the property. The reason for the condition is the concern that further lot coverage could adversely affect the surrounding properties, given the flooding history

of the Turkey River watershed. He reported that the applicant agreed with the concern and so did not oppose the condition. However, they hoped that if further improvements or additions to the Audubon Society property were proposed which resulted in increased lot coverage, the Planning Board would allow them to demonstrate whether such an increase is justified. They specifically hoped that if they could demonstrate to the reasonable satisfaction of the Board and the City's Engineering Division as well as applicable State agencies, that any increase in lot coverage would not cause adverse drainage or flooding impacts, the Planning Board would consider the merits of the application.

Mr. Gross asked what language could be added to the special condition to accommodate the request by Mr. Uchida and still provide assurance to the Board. He suggested that "without further action by the Planning Board" be added to the end of the condition.

Mr. Uchida from Orr & Reno was present on behalf of the applicant to answer questions from the Board.

Mr. Drypolcher asked the proposed lot coverage and Mr. Uchida indicated it is 9.3% as proposed and the maximum lot coverage allowed is 10%.

The Chair discussed his concerns about the variance that was granted by the Zoning Board of Adjustment relative to lot coverage to allow this subdivision and expressed concern about that increased lot coverage, given the nearby Turkey River watershed.

Mr. Uchida explained that the applicant is aware that the Turkey River Basin is very sensitive and there is good reason to be cautious about drainage but that they would like to have the ability to demonstrate at some time in the future, if it became necessary, that they could provide an appropriate drainage system that would not adversely affect the Turkey River Basin.

There was a brief discussion relative to the definition of hardship as it would apply to the variance granted by the Zoning Board of Adjustment.

There was no one who wished to speak for or against this application and the Chair declared the hearing closed at 7:56 PM.

Deliberations and Action on Application

Mr. Gross moved to amend the proposed special condition in the staff report in order to add "without further approval from the Planning Board". Mr. Shurtleff seconded. Motion carried.

Mr. Henninger noted that the plan has been revised to address staff comments and that condition can be deleted.

Mr. Gross moved that the Planning Board grant final subdivision approval for the "Subdivision Plat Prepared for Audubon Society of New Hampshire - 3 Silk Farm Road Concord, NH" subject to the following special condition:

1. Prior to the final plat being signed by the Planning Board Chair and Clerk, the applicant shall note on the plat that no net increase in impervious surface shall be allowed on the 16.42 acre remnant lot at 3 Silk Farm Road without further approval by the Planning Board.

Mr. Shurtleff seconded. Motion carried.

Major Site Plan

3. Application by **Concord-Merrimack County SPCA** for approval of a site plan for property at **3 Silk Farm Road**. (#2008-35)

Public Hearing

Mr. Henninger explained this proposal to construct a new two-story animal shelter at the corner of Silk Farm Road and Clinton Street on a lot to be subdivided from the Audubon Society of NH. The new building will contain 24,505 square feet and will incorporate indoor animal pens, outdoor exercise yards and an animal surgery area. The building will be equipped with a fire suppression sprinkler system as stated on the plan. A 49 car parking lot will be constructed. An existing house, garage and driveway will be demolished on the site. The two dumpsters are fully screened and the loading area has been screened from view from the abutting residence to the west.

The plan shows a large number of building and site lights. The proposed parking lot lighting has been reduced to 12 feet in height and 250 watt bulbs in gooseneck fixtures. The gooseneck fixtures along the wall have been reduced to 100 watt and the applicant has agreed to place the lights on timers to shut off after hours.

He reported that the applicant received a Special Exception from the Zoning Board of Adjustment to establish the use under the category of Commercial Kennels and Veterinary Hospitals. The applicant was first denied a variance to allow 29% lot coverage where only ten percent is allowed. The applicant reduced the proposed parking to the minimum required under the Zoning Ordinance and reapplied for a variance to have 25% lot coverage on a lot to be created from the Audubon Society parcel, and the ZBA granted this variance.

He reported that the Architectural Design Review Committee had reviewed the site, building, and lighting plans and recommended approval as proposed.

Mr. Henninger reported that the applicant proposes to eliminate a driveway on Clinton Street. The new driveway on Silk Farm Road is set back 225 feet from Clinton Street. Silk Farm Road north of Clinton Street is classified as a local street. Silk Farm Road will be permanently closed to through traffic on August 20, 2008 and gated just north of the

I-89 underpass. Traffic on Silk Farm Road will be reduced substantially by this closure. The applicant was asked to provide a trip generation study of a comparable facility to assist in the preparation of a traffic impact fee. The applicant's trip generation study indicated an average trip rate of 14.57 vehicle trips per 1000 square feet of floor area at a comparable sized facility in Swanzey, NH. The projected trip generation for the facility is 357 vehicles per average weekday.

He reported that the amount of clearing on the site opens views into the site from adjacent residences on the east and west. Landscaping and fencing has been added on the west side of the site. However, the amount of clearing at the northeast corner of the site opens up the parking lot and driveway to nearly a full view from the residences on the east side of Silk Farm Road. The applicant has added additional tree and shrub plantings along Silk Farm Road and between the parking lot and the retention basin next to Silk Farm Road.

Mr. Gross asked if the lot coverage variance was a proxy for runoff concerns. Mr. Henninger responded that lot coverage is not usually an issue in rural areas but on a lot of this size, runoff is more of a concern.

Mr. Gross asked if the lot coverage issue was aesthetic in nature or more a concern relative to runoff. Mr. Henninger responded it was more a concern about drainage because the City does not provide drainage facilities in rural areas so it becomes more of a consideration with development of a rural lot.

Mr. Gross also asked if there had been any consideration given to suggesting that the parking area be designed with pervious surface. Mr. Henninger responded that even with a state-of-the-art drainage system this site would still generate increased runoff. This is also a matter of increased sprawl as well as a lot coverage issue.

The Chair asked if there is a drainage design for this project and Mr. Henninger responded it has been designed for a 25-30 year storm as is typically expected for a project like this. No system in this area was designed for a 100 year event. Part of the concern raised by City staff was the amount of increased development proposed in the Turkey River Basin over the last several years.

The Chair asked if the applicant has a need for the large amount of parking proposed and Mr. Henninger deferred to the applicant to answer the question.

Brett Kay from Nobis Engineering, Attorney Ari Pollack from Gallagher Callahan and Gartrell, and Steve Jensen from Blue Sky Architects, were present on behalf of the applicant.

Mr. Pollack indicated that the proposal before the Planning Board is for the minimum amount of parking required by the Zoning Ordinance. They had requested more but the Zoning Board of Adjustment reduced the amount of parking they would allow.

The Chair asked why they needed so much parking and suggested the Conditional Use Permit option to reduce the amount of parking with a plan for additional parking if the need arises in the future. Mr. Pollack felt that was another variance situation. Mr. Woodward explained that requesting less than the Zoning Ordinance requires is a matter of Conditional Use Permit from the Planning Board.

Mr. Henninger explained staff had reviewed the CUP option with the applicant but the result was such that it did not result in a significant reduction to the amount of impervious surface to make a feasible difference.

Mr. Gross asked if they had looked at requiring the entire pavement to be pervious surface and Mr. Henninger responded that this is not an ideal site for using pervious materials.

There was no one who wished to speak for or against this application and the Chair declared the hearing closed at 8:26 PM.

Deliberations and Action on Application
Deliberations and Action on Architectural Design Review

Mr. Gross moved that the Planning Board grant Conditional Site Plan approval for a proposed SPCA at 1 Silk Farm Road 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 following State and federal permits shall be obtained and copies provided to the Planning Division:
 - a. NH Department of Environmental Services permit for the on-site Septic System.
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. 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 (Concord Electric) and Fairpoint (Verizon).
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 - All Other Trips in the amount of \$60,001 (*Based on estimated new trips and credit for existing residence*)

Special Condition

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 companion subdivision for the Audubon Society which establishes the lot for this development shall be recorded in the Merrimack County Registry of Deeds

Mr. Shurtleff seconded.

Mr. Gross explained that he was sensitive to the staff concern about secondary development occurring at Exit 2 and felt that the City has been blessed that it has not been an issue until now. He explained he was voting in favor of this application because the SPCA is a doing good work. This is an opportunity for an organization that serves this community very well to serve the community even better. He would be less inclined to approve a use that would be a more intensive development.

Motion carried.

Minor Site Plan

4. Application by **St. Paul's School** for approval of a site plan for property at **38 Fisk Road**. Along with this application are requests for Conditional Use Permits pursuant Section 28-7-11(e), Alternative Surfacing, and Section 28-4-3(d), Conditional Use Permit Required for Certain Disturbance of Wetland Buffers, of the Zoning Ordinance. (#2008-42)

The Chair announced that this public hearing had been postponed at the request of the applicant's agent.

Architectural Design Review

5. Applications by the following for approval of signs at the following locations under the provisions of Section 28-9-4(f), Architectural Design Review, of the Code of Ordinances.

- **CAVES** at 1 Intervale Road (1 freestanding sign)
- **Endicott Furniture** at 29 Manchester Street (1 affixed sign)

- **Fairpoint Communications** at 1 Horseshoe Pond Lane (1 affixed sign)
- **KFC** at 18 Hall Street (1 affixed sign & 1 freestanding sign)
- The following commercial tenants at **204 Fisherville Road**:
 - **Cooper Tires**
 - **First Impressions Custom Cars**
 - **All Tune Motor Lube**

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

- **CAVES** at 1 Intervale Road (1 freestanding sign)

Mr. Henninger explained that the freestanding sign had been approved in concept as part of the site plan approval and is now ready for final approval. He explained it will consist of individual white acrylic letters on a dark red base cabinet sitting on a stone base. Lighting will be LEDs in the bottom of each individual letter and internal fluorescent in the base cabinet.

The Design Review Committee found the proposed freestanding sign to be appropriate for the location and use, and recommended approval as submitted.

There was no one present on behalf of the applicant.

Mr. Gross moved approval of the freestanding sign as submitted. Ms. Meyer seconded. Motion carried.

- **Endicott Furniture** at 29 Manchester Street (1 affixed sign)

Mr. Henninger explained that the Design Review Committee found the proposed affixed sign to be appropriate for the location and use, and recommended approval as submitted.

There was no one present on behalf of the applicant.

Mr. Shurtleff moved approval of a replacement affixed sign as submitted. Ms. Meyer seconded. Motion carried.

- **Fairpoint Communications** at 1 Horseshoe Pond Lane (1 affixed sign)

Mr. Henninger explained that the Design Review Committee found the proposed sign to be appropriate for the location and use, and recommended approval as submitted.

There was no one present on behalf of the applicant.

Mr. Gross moved approval of a replacement affixed sign as submitted. Ms. Meyer seconded. Motion carried.

- **KFC at 18 Hall Street** (1 affixed sign & 1 freestanding sign)

Mr. Henninger explained that this started out as a repair to the existing sign but the work turned out to be more extensive than they expected and they needed to replace the sign. He explained that the logo has been updated by the company and the applicant can no longer purchase the panels as previously approved. The signs are grandfathered and the applicant is rebuilding them exactly in the same location and size.

The Design Review Committee found the updated signage to be appropriate for the location and use, and recommended approval as submitted.

There was no one present on behalf of the applicant.

Mr. Shurtleff moved approval of a replacement panel for an affixed sign and revisions to an existing freestanding sign as submitted. Mr. Kenison seconded. Motion carried.

- The following commercial tenants at **204 Fisherville Road**:
 - **Cooper Tires**
 - **First Impressions Custom Cars**
 - **All Tune Motor Lube**

Mr. Henninger reported that the Planning Board had tabled action last month in order for the applicants to meet with the Design Review Committee to discuss the Committee's earlier comments. They have not yet met with the Design Review Committee or submitted revised plans.

Ms. Meyer moved to table action to allow the applicants an opportunity to meet with the Design Review Committee. Mr. Kenison seconded. Motion carried.

At this point the Clerk noted that the Planning Board had not taken a vote relative to Architectural Design Review for the **SPCA**.

Mr. Gross moved approval of the site and building plans for the Concord - Merrimack County SPCA at 1 Silk Farm Road under terms of Section 28-9-4(f), **Architectural Design Review**, of the City of Concord Zoning Ordinance. Ms. Meyer seconded. Motion carried.

6. Master Signage Plan for **2 Pillsbury Street LLC at 2 Pillsbury Street**.

The Chair announced that consideration of this application had been postponed at the request of the applicant.

7. Building plans related to an application by **FCFC Realty LLC at 412 South Main Street**.

Mr. Henninger explained that the building as constructed is completely different from the elevations reviewed and approved by the Planning Board in 2002. The affixed

signage is almost identical to that approved but the freestanding sign is completely different. The landscape plan has an increased number of plantings over the originally approved plan.

He explained that a Temporary Certificate of Occupancy had been issued subject to a number of conditions authorized by the Deputy City Manager for Development including the need to fully implement any alterations to the site required by the Planning Board within 30 days of the Board's action.

He reported that Design Review Committee members felt this design was a significant improvement over the plans originally approved, but expressed disappointment that this is another after-the-fact approval.

He reported that the Design Review Committee recommended approval of the revised elevations subject to the conditions that two conical shaped trees be added to the rear of the building and that a quality screen be added around the mechanical unit on top of the cooler.

There was no one present on behalf of the applicant.

There was no one who wished to speak for or against this application and the Chair declared the hearing closed at 8:46 PM.

Ms. Meyer moved approval of the revised elevations subject to the conditions that two conical shaped trees be added to the rear of the building and that a quality screen be added around the mechanical unit on top of the cooler. Mr. Shurtleff seconded. Motion carried.

8. Building plans related to an application by **Oak Bridge Condominiums Inc. at 120 Fisherville Road.**

Mr. Henninger explained this proposal to replace a pool enclosure which collapsed last winter at the Oak Bridge Condominium. The pool enclosure is located on the foundation of the prior structure and there is no increase in density or lot coverage. The enclosure is located in the center of the project and is not readily visible from off site. The exterior modifications will match the existing colors and materials of the building. No other changes are proposed to the site.

He reported that the Design Review Committee reviewed the exterior elevations and found the modifications to be acceptable as submitted with the recommendation that foundation plantings be added on the north side similar to those provided along the existing north side of the remaining portion of the building.

Christopher Carley, architect, was present and explained that a change has been made to the proposal since the plan was reviewed by the Design Review Committee. He reported that the Committee saw a plan for six square windows and the plan now shows two long windows and two smaller square windows.

There was no one who wished to speak for or against this application and the Chair declared the hearing closed at 8:50 PM.

Ms. Meyer moved conditional Architectural Design Review approval for a replacement pool enclosure at 120 Fisherville Road for the Oak Bridge Condominium, LLC with the stipulation that foundation plantings be added on the north side similar to those provided along the existing north side of the remaining portion of the building. Mr. Kenison seconded. Motion carried.

REGULAR MEETING

Minutes

Mr. Gross moved approval of the minutes of the meetings of July 16, 2008 and July 23, 2008 as submitted and Ms. Meyer seconded. Motion carried.

10. Further consideration of applications for approval of subdivisions and site plans on which public hearings have previously been held:

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

Mr. Henninger explained this proposal to convey 8.99 acres from a 114.35 parcel owned by Sandy Brook Corporation to an existing 106.61-acre landlocked parcel owned by Dwight Keeler. The resubdivision also involves the conveyance of a 5.98 acre parcel from an 85.9-acre parcel owned by Leslie Keeler to the Sandy Brook Corporation property. This resubdivision will create road frontage for the Dwight Keeler parcel where none exists, making this 115.60-acre parcel a potentially buildable lot. The 8.99 acre parcel is almost entirely encumbered by wetlands along Hackett Brook. Access to the developable area is located over a private easement over property owned by Paul and Jennifer Bofinger following the discontinued right-of-way of Tioga Road north from Hoit Road. The private easement allows access for only one single family house. The length of the driveway would be about 2000 feet and its construction will require wetland and wetland buffer disturbances.

He reported that a companion subdivision has been submitted to create a 30-unit cluster subdivision and five new residential lots. The 5.98 acre parcel being conveyed from the Leslie Keeler property is needed to provide enough buildable land for the cluster subdivision. As part of the companion cluster subdivision, a private right-of-way is being conveyed to allow construction of a house on the Leslie Keeler parcel. This lot has frontage and a building site on Hoit Road.

He explained that the Planning Board continued a recessed public hearing on this subdivision at its July 16, 2008 meeting and, after hearing further testimony, closed the public hearing and tabled action to allow for staff review and comment on the revised plans.

Mr. Henninger reported that the Board asked that the applicant provide documentation that sufficient buildable and useable land exists on the Keeler properties pursuant to the Zoning Ordinance and Subdivision Regulations. He reported that sufficient buildable and useable land areas have been shown on the plans for both Keeler properties. A note has been added to the subdivision plan that the Dwight Keeler parcel is not a buildable lot until a driveway can be designed and permitted. A letter acknowledging this limitation has been submitted by Mr. Keeler. An acceptable driveway layout has been shown to the Leslie Keeler property meeting City standards.

He reported that the 8.99 acre parcel being transferred to parcel 123/1/10 is almost entirely encumbered by wetlands, wetland buffers, the Shoreland Protection District along Hackett Brook, as well as the floodplain of Hackett Brook. The City's Master Plan recommends the protection of significant environmental features by the conveyance of conservation easements. Hackett Brook is just such a sensitive area. The applicant has submitted a conservation easement for the 8.99 acre area being transferred and it is under review. This easement would effectively include this area into the Open Space associated with the Glen Ellen cluster subdivision.

He explained that the Conservation Commission has indicated they would like to acquire this property for conservation purposes and trail access. Mr. Keeler has verbally indicated that it is his intent to create a single large estate lot and possibly convey a conservation easement on the rest of the property.

Mr. Gross moved that the Planning Board grant conditional final subdivision approval of the "Lot Line Adjustment - Tax Map 123 Block 1 Lots 7, 10 & 28" 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 applicant shall revise the plat drawings to address the minor corrections and omissions noted by City staff.
2. Prior to the final plat being signed by the Planning Board Chair and Clerk, approvals of construction drawings for on-site improvements shall be obtained from the Engineering and Planning Divisions.
3. Prior to the final plat being signed by the Planning Board Chair and Clerk, the following easement documents and/or agreements, 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 Conservation Easement for the 8.99 acres being transferred from an 114.35± parcel (123-1-7) owned by Sandy Brook Corporation.

Special Conditions

4. Parcel 123-1-10 currently owned by Dwight Keeler shall not be eligible for a building permit until permits are acquired including NH DES Wetlands Bureau permit for wetland alterations, a Conditional Use Permit from the Concord Planning Board for Wetland Buffer Disturbances, and a City Driveway permit. Prior to the final plat being signed by the Planning Board Chair and Clerk, the plat will be so noted.
5. Prior to the final plat being signed by the Planning Board Chair and Clerk, the boundaries of the conservation easement shall be marked.

Ms. Meyer seconded. Motion carried.

- b. 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)

Mr. Woodward pointed out that the Board had just received a communication from an abutter, Judith Godbout, of 158 Hoit Road, across the street from the property.

Mr. Henninger explained this proposal to create a 30-unit single family, no lot, cluster subdivision and five conventional lots, including a 2.07 acre lot for the existing house on the property. A request for a Conditional Use Permit has been submitted for a conventional subdivision to allow these five conventional, two-acre lots to be created. The applicant is required to set aside a total of 66.78 acres of open space for both the cluster and conventional subdivisions. The applicant is proposing to set aside a total of 77.04 acres of open space. The applicant meets the buildable area requirements for the open space.

He reported that the four new lots on Hoit Road will have two common drives to reduce the number of curb cuts along this difficult section of roadway. The existing home will retain its existing drive. The applicant proposes two common private drives off Hoit Road. One drive (Taft Way) is proposed as an emergency drive and is intended to be one-way into the development due to sight distance concerns on Hoit Road. No driveways are proposed on Taft Way. The main access from Hoit Road will be Gorham Drive which terminates at a cul-de-sac. A second cul-de-sac (Shelburne Lane) is located off Gorham Drive before the first cluster of units.

The applicant has requested a waiver to allow Taft Way to be constructed with less than a 22-foot paved driveway. Taft Way is proposed as a one way drive. The plans currently call for an 18-foot wide common private driveway with 2-foot shoulders. The cross section of the road box will be 22 feet, which will address the requirements of the Fire Department. The City does not have a standard for a one-way common private

drive. City staff is supportive of the concept and is considering whether the pavement can be reduced to 16 feet with 4-foot shoulders on each side.

Mr. Henninger explained that a landscape plan which provides for substantially more than a minimum of two trees per unit has been submitted as well as plantings in the wetland buffer areas. The applicant has revised the landscape plan to address the comments from the Planning Board at the public hearing. Additional street trees have been provided along the edge of the streets and in the cul-de-sac. Additional cul-de-sac plantings are shown as well as the vegetative buffer between Taft Road and 161 Hoit Road. A total of 19 additional trees have been added.

He reported that the applicant has requested a Conditional Use Permit for disturbances to Wetland Buffers - Article 28-4-3(d) of the Zoning Ordinance for drainage outfalls at two locations and side slopes for fill required for lot development at two other locations. The applicant proposes to construct two outlet swales through the perimeter buffer near Hoit Road. Both locations are necessary to drain the property and one is also for Hoit Road drainage. No clearing is required at either location, the disturbance does not affect the entire buffer, and plantings are being proposed to strengthen the buffer. A third outlet swale involves a small area of clearing on the north side of the property located far away from any proposed residential development. City staff believes the proposed disturbances are acceptable and will not adversely affect any abutting properties.

The applicant has requested a CUP for one wetland buffer disturbance of 1,196 square feet for a drainage outfall for the Hoit Road drainage swale improvements. The applicant has eliminated two other buffer disturbances and substantially reduced the impacts for the drainage outfalls. City staff is recommending approval for this disturbance for the drainage outfall since this is the only feasible location for the outfall from Hoit Road. The applicant has also requested a CUP for disturbances to wetland buffer impacts of 830 square feet and 5,594 square feet for the grading of the proposed development sites within already cleared areas.

He reported that the applicant proposes three drainage swales/outfalls within the required 100-foot perimeter buffer yard, two drainage outfalls are located near Hoit Road and one outfall is located partially in the perimeter buffer on the north side of the site. The applicant proposes a drainage retention basin partially within the 100-foot perimeter buffer at the end of Shelburne Lane. This buffer area is currently an open pasture, is located to discharge into Hayward Brook, and is located over 350 feet from the nearest residence. The 100-foot buffer area is maintained intact between any of the proposed units and the nearest residential houses and lots. In addition, the disturbance does not affect the entire buffer area. The Board has approved a similar disturbance for the Whispering Heights development. City staff believes the proposed disturbance is acceptable and will not adversely affect any abutting properties.

Mr. Henninger explained that a private easement for a driveway is being proposed from the end of Gorham Road north to the property line to allow access to a building site on parcel owned by Leslie Keeler.

The applicant has submitted a conservation deed to the City for the common open space in the subdivision for two tracts totaling 100.747 acres.

He reported that the Planning Board heard testimony at the public hearing from an abutter, Jennifer Parrott, at 161 Hoit Road about her concern with impacts on her existing well and asked that the applicant address those concerns. He reported that the Planning Board had just received a copy of an agreement between the abutter and the applicant relative to her concern.

In response to the communication that the Board received from Ms. Godbout, the abutter across the street, Mr. Henninger indicated that the applicants propose to construct a drainage system that should improve conditions for the abutters. Also, the nearest well to the property in question at 158 Hoit Road would be about 500 feet away and across the road.

Ms. Meyer questioned the information that there will be only one street tree in front of each house in this development. Mr. Henninger responded that the houses are about 50 feet apart so there is not enough space for more trees. There are also a number of other trees in the development. The requirement for two street trees per lot relates to a conventional subdivision, and this technically is a single lot.

Mr. Gross asked who would be responsible for the drainage system. Mr. Henninger responded that once the runoff reaches the City's system, it will become the City's maintenance responsibility but everything within the development will be the responsibility of the homeowners association.

David Lauze was recognized as applicant and reported that he would address the concerns of the abutter across the street, Ms. Godbout, the same as the direct abutter, Ms. Parrott. The Board directed the Clerk to communicate with Ms. Godbout and to suggest that she provide well samples to Silver Leaf in order to establish a baseline condition in a manner similar to what Ms. Parrott had done.

Mr. Gross moved that the Planning Board grant a waiver to Section 8.03(1)(a) of the City's Subdivision Plans to allow for some of the plan sheets to be submitted at a scale of 1" = 100' where a scale of 1" = 50' is required. Mr. Kenison seconded. Motion carried.

Mr. Gross moved that the Planning Board grant a waiver to Section 9.04(3)(c) Street Surfacing and Table 9-1 of the City's Subdivision Regulations to allow Taft Way to be constructed as a one-way street with an 18-foot pavement width where a minor street in a low density residential district is required to have 26 feet. The City's Subdivision standards have no provisions for a one-way street and consequently a waiver from the City's Minor Street standard is necessary to approve the construction of a one-way residential street. Mr. Shurtleff seconded. Motion carried.

Mr. Gross moved that the Planning Board grant a Conditional Use Permit pursuant to the City's Zoning Ordinance, Article 28-5-26 - Single Family Dwellings in a Standard (non-cluster) Subdivision, to allow for a conventional five single family residential lots

in conjunction with a major cluster residential subdivision entitled "Glen Ellen" at 153 Hoit Road. The applicant has met the open space requirements outlined within Section 28-5-26 for a conventional subdivision in the RO - Open Space Residential District. Mr. Shurtleff seconded. Motion carried.

Mr. Gross moved that the Planning Board grant a Conditional Use Permit pursuant to the City's Zoning Ordinance, Article 28-4-3(d) Wetland Buffer Disturbances for wetland buffer disturbances of 830 square feet and 5,594 square feet to support lot development subject to the stipulation that a certified erosion control specialist monitor construction until all cut/fill slopes on the site are fully stabilized. The area of disturbance is currently an open hay field and the Board finds the proposed restoration plan acceptable using Filtrex Compost Erosion Control Blankets and native plantings. Mr. Shurtleff seconded. Motion carried.

Mr. Gross moved that the Planning Board grant a Conditional Use Permit pursuant to the City's Zoning Ordinance, Article 28-4-3(d) Wetland Buffer Disturbances for a wetland buffer disturbance of 1,196 square feet for a drainage outfall for Hoit Road and Gorham Way. The Board found the disturbance to be the minimum necessary to complete the necessary drainage improvements. Ms. Meyer seconded. Motion carried.

Mr. Gross moved that the Planning Board grant Conditional Preliminary Subdivision Approval for a major cluster subdivision entitled "Glen Ellen" at 153 Hoit Road 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 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 Supply and Pollution Control Division, for subdivision approval for on-site septic systems.
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.
3. Prior to the final plat being signed by the Planning Board Chair and Clerk, approvals of construction drawings for on-site improvements shall be obtained from the Engineering and Planning Divisions.
4. 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.

5. 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. Conservation Easements or Deeds for the common open space areas on the subdivision plan.
 - b. Agreement to convey an easement for the private drive to the Leslie Keeler property (123-1-28) at the end of Gorham Drive.
 - c. A drainage easement along Hoit Road.
6. 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) and Fairpoint (Verizon).
7. 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.
8. The wetland buffers and the boundary of the conservation easement shall be clearly and permanently marked before, during, and after construction of the sites. Building permits will not be issued until the buffers are marked.
9. Traffic, recreation and school impact fees shall be assessed for any construction on lots contained within this approved subdivision. 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 - Single Family Residence
 - b. Recreational Facilities - Single Family Residence
 - c. Table 3: Transportation Facilities - Single Family Residence

Special Condition

1. No clearing, grading or development on the site may occur until final subdivision approval is granted.

Ms. Meyer seconded. Motion carried.

CITY COUNCIL REFERRALS

12. Consideration of a communication from Attorney Raymond P. D'Amante relative to a request for **rezoning of property located on Bog Road.**

Mr. Henninger explained this request for the rezoning of land north of the Vineyards Planned Unit Development on Bog Road from RO - Open Space Residential Development to RM - Medium Density Residential Development. The property in question includes a parcel presently owned by the R.J. Moreau Communities, LLC and a parcel presently owned by SC@TP Real Estate Development. No development proposals for the land in question have been either submitted or approved for the two parcels. A portion of the property proposed for rezoning is located on the undeveloped but recently cleared area located north of the 124-unit Vineyard development. The second parcel proposed for rezoning is located west of the Sandwood Crossing development and is partially cleared on the east end transitioning to woodland and extensive wetlands on the west end of the property as part of the Great Bog.

He reported that the land use to the north and west abutting the area request is either wetlands or low density rural residential development along Blueberry Lane. A large undeveloped property with a single home is located directly west of the Vineyards.

He explained that the applicant has requested the zoning change to allow for the expansion of two developing neighborhoods, Sandwood Crossing and The Vineyards. The Vineyards is a 124 unit Planned Unit Development located northerly of Bog Road which is approximately 60% complete. Sandwood Crossing is a 102 unit single family subdivision which is located on the east of the requested rezoning along with a 90 unit multi-family component on Borough Road .

He explained that the recently adopted 2030 Master Plan has identified this area as Medium Density (RM) Residential with the principal uses being single and multi-family development with a maximum residential density of six units per acre. The intent of the Master Plan is to set the Urban Growth Boundary at the edge of the wetlands associated with the Great Bog in West Concord and Penacook.

Mr. Henninger explained that the primary development constraint in this area is wetlands associated with the Great Bog. In 2004 the City contracted with the Sewall Company to complete a wetland analysis city-wide using aerial photo interpretation. The areas of wetlands identified were in this instance significantly different from soils information used to previously identify wetland areas for this portion of Concord. The petitioners, at the request of the Planning Division, have surveyed the wetlands on their properties and a portion of the abutting property to the southeast along Bog Road. The detailed wetland survey is more precise and accurate than that obtained by aerial photo interpretation. The survey in general conforms to the information provided in the city wide survey. Parcels to the west of the Vineyards development on the north side of Bog Road are almost entirely wetlands or at least 50% wetlands.

He reported that the City's Engineering Division has determined that the area to be rezoned could be served by sewer if service is brought by way of Kyle Road or by

gravity systems through the Vineyards development. This does present problems for any properties developed to the west especially the parcel immediately west of the Vineyards which has developable uplands. Pump stations and force mains may be required to provide sewer service to the future development. The Engineering Division indicates that storm water runoff from future development can be managed. It is anticipated that any runoff from the development area will likely be directed to the Great Bog to the west. The Engineering Division has commented that the City's water system is now adequate to handle this and any adjacent developments.

Mr. Henninger noted that the Planning Board placed a condition on the approval of the Vineyards development that before the end of Phase 2 the applicant needed to submit a plan suitable for adoption as a mapped line of future street for the extension of Kyle Drive (or a combination of future public streets) to Bog Road. Wetlands in the corridor needed to be located and a conceptual lot layout submitted for development along the corridor. The applicant is approaching the end of Phase 2 and has submitted two conceptual layouts for the extension of a public street from Kyle Road to Bog Road. Neither submittal is sufficient to establish a mapped line of a future street since an investigation of the wetlands on the abutting property to the west has not been undertaken. The applicant submitted two alternative layouts for a future road connection based on their informal evaluation of the wetlands on the abutting property which they believe the road could be placed with the least impact on regulatory wetlands. The petitioners have located the extent of the wetlands on the abutting property to the east adjacent to their property.

He reported that the existing connectivity from Kyle Road to Bog Road is through a private condominium street system which can be restricted at any time. Currently, this route is gated at the north property line of the Vineyards.

He reported that the Planning Division has developed a proposed zoning change that relocates the RM/RO Zoning Boundary to reflect the best available information on the boundaries of the Great Bog. This proposal adjusts the boundaries along Bog Road by reducing the westerly extent of the zone line on Bog Road by approximately 20.1 acres and increasing the area north of the Vineyards and west of Kyle Road by 28.71 acres. However, roughly one-third of the area to be rezoned is encumbered by a wetland area along the north side of the Vineyards development.

Adjusting the zoning district boundary between the RM and RO Districts as proposed would not result in a significant increase in the planned residential development in this part of the city. The 20 acres of buildable area if developed as a Planned Unit Development could see the construction of up to 100 units in a PUD, or somewhat fewer units if the property immediately west of Sandwood Crossing is developed as an extension of this existing single family residential neighborhood.

The area proposed for rezoning connects through the Sandwood Crossing development by way of two non-standard roundabouts on Alice Drive. It will be necessary to reconfigure the central islands in the roundabouts to conform to more modern standards if additional traffic from the new development area is directed toward Alice Drive.

After discussion relative to whether to hold a public hearing and whom to notify, Mr. Shurtleff moved that the Planning Board schedule a public hearing for October 15, 2008 and notify the four affected property owners included in the rezoning request. Ms. Meyer seconded. Motion carried.

11. Consideration of the petition of Alex Moody for the **rezoning of land at 285-289 Village Street in Penacook** from an Urban Commercial (CU) District to a Central Business Performance (CBP) District.

Mr. Henninger explained this request for the rezoning of a parcel of land at 285-289 Village Street to be rezoned from Urban Commercial District (CU) to Central Business Performance District (CBP) located on the west side of Village Street between Washington Street and Coral Street. The property that is the focus of the petition has two principal uses including a commercial auto service facility and a multi-family residential apartment building. From the Assessor's records there appears to be six (6) apartments in the building. There is a non-conforming driveway at the front of the site which requires backing out of the parking spaces located in front of the overhead auto service doors into Village Street (US Route 3). In the rear of the site is an unimproved, gravel parking area, located in part on two adjacent parcels, and which is used by the apartment tenants as well as residents from an additional six dwelling units in two adjacent buildings on Washington Street. Access to rear parking area is from a driveway shared with abutting properties along Washington Street.

The petitioner is requesting the zoning change to allow for the conversion of the non-conforming auto service facility to a self-service laundromat. The petitioner is seeking to avoid having to pave and improve the parking lot at the rear of the site, which even if paved would not provide sufficient spaces to meet the parking requirements for the proposed uses on the site. As the site is at boundary of the CU and CBP Districts, the petitioner is proposing to extend the CBP District southerly along Village Street to include this parcel and gain relief from the parking requirements. Currently, there is on-street, parallel parking along the west side of Village Street from Washington Street southerly to Coral Street.

He reported that the Land Use Section of the Master Plan 2030 contains the following passage:

***Downtown Commercial.** The downtown commercial category includes the traditional downtowns of Concord and Penacook, incorporating a wide range of uses including retail, restaurant, service, entertainment, cultural, lodging, office, governmental, and high density residential uses as well as mixed use, high intensity developments. The majority of uses in the urban core are housed within architecturally significant 19th century structures in a pedestrian-oriented area, with little or no on-site parking, and parking is generally provided in structures and on the street. North and south of older downtown core within Concord and south of downtown in Penacook, the range of uses should be similar but on-site parking is a necessity. Lot coverage (ISA) should not exceed*

eighty (80) percent and building heights should be consistent with the prevailing height of existing structures.

He noted that the proposed use by the applicant meets the intent of the Master Plan.

Mr. Woodward then explained he had provided the Board with a copy of a report transmitted from EDAC to the City Council on the zoning petition. EDAC not only recommends the rezoning but also suggests that the CBP District be expanded to include two adjacent parcels to the south along Village Street so as to bring the boundary of the Central Business Performance District south to Coral Street.

He reviewed the existing adjacent land uses to 285-289 Village Street. To the north is a building with three apartments and a barber shop at 291-297 Village Street, with limited on-site parking, and north of that is the Poulin Gazebo, with a small public parking lot. These are currently the only two properties in the CBP District located south of Washington Street. The balance of the block formed by Village Street, Washington Street, and Coral Street is all in the CU District and is all residential with the exception of the former fire station on Washington Street which is owned by the Merrimack Valley School District and used for vehicle maintenance, and a portion of 279 Village Street which contains a hair salon. The parcels included in EDAC's recommendation for zoning change are occupied by two three-family dwellings, one of which has the aforementioned attached hair salon, together with on-site parking to support these uses.

He explained that the downtown commercial area of Penacook as identified in the Master Plan is included in two zoning districts - the Urban Commercial (CU) and the Central Business Performance District (CBP). The differences between the two districts are that the CBP has no minimum lot size, minimum yard requirements, or maximum lot coverage, and has a maximum building height of 80 feet, while the CU district has a minimum lot size of 12,500 square feet, 15-foot yard setbacks all around, 80% maximum lot coverage, and a 45-foot maximum building height. Another important distinction is that the CBP is exempted from the basic requirements for parking, loading, and refuse container screening.

He noted that with parking not required in the CBP District, then parking is located either on-street, or in City provided lots and or garages with the related costs of construction and maintenance. He reported that Penacook has traditionally resisted parking meters and only contributes to the parking fund through fines when violations are detected. There are limited public parking lots in Penacook with the core properties using them. The lot at 285-289 Village Street is a bit of an anomaly with six dwelling units and a business using what is actually shared parking to the rear with two other lots on Washington Street, with not nearly enough spaces to support the total of 12 dwelling units on the three parcels.

He reported that the Route 3 Corridor Study was completed last year and improvements for this section of Village Street are included in the Capital Improvement Program in CIP #35 for fiscal year 2013. The improvements will entail a northbound turn lane

approaching Boudreau Square for Washington Street and the additional lane will reduce or eliminate on-street parking.

Mr. Woodward explained that the properties at 271, 273, and 279 Village Street are south of the downtown core and do have parking on-site. They more closely match the characteristics of the CU District than the CBP District. Other than a beauty salon in a portion of 279 Village Street, these properties are residential, but if relieved of parking requirements may be converted to non-residential uses. Past economic studies including those related to attracting a grocery store for Penacook Village have indicated the need for more in-town residential uses to support the commercial use of the downtown core and provide an adequate market for a grocery store. Furthermore, these dwelling units are likely to be considered workforce housing, the loss of which should not be encouraged.

It was recommended that the Board support the petitioner's request for rezoning, but that the Board not endorse or recommend the Economic Development Advisory Committee's proposal for expansion of the CBP District beyond that contained in the original petition.

Mr. Gross moved to recommend that the City Council amend the Zoning Map of the Zoning Ordinance by rezoning a parcel at 285-289 Village Street from an Urban Commercial (CU) District to a CBP District. He further moved that the Board not endorse or recommend the EDAC proposal for expansion of the CBP District beyond that contained in the original petition. Mr. Shurtleff seconded. Motion carried.

There was no further business to come before the Board and the meeting was adjourned at 10:18 PM.

A TRUE RECORD ATTEST:

Douglas G. Woodward
Clerk

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