

The regular monthly meeting of the City Planning Board was held on September 17, 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), Foss, Gross, Meyer, Shurtleff, and Swope. Messrs. Woodward and Henninger, Ms. Hebert and Ms. Osgood of the City Planning Division were also present, as was Ms. Aibel, the City's Associate Engineer.

At 7:01 PM a quorum was present and the Chair called the meeting to order.

APPLICATIONS

Review of Governmental Land Uses Pursuant to RSA 674:54

1. **Plymouth State University** proposes to expand their facilities at 2 Pillsbury Street by six additional classrooms together with a workshop area, as well as administrative and faculty offices, thereby providing for expansion of the current evening class program and the initiation of daytime classes during July and August.

Public Hearing

Mr. Henninger explained that before the Board for advisement is an expanded Governmental Land Use pursuant to RSA 674:54 for Plymouth State University to convert office space on the fifth floor from general office to six additional classrooms as well as to introduce daytime classes from July 1st to August 15th. The number of classrooms would increase to a total of 13 on the fifth floor of 2 Pillsbury Street. The City has the ability to comment on the proposed use but does not have regulatory authority.

He reported that the property has been before both the Planning Board and the Zoning Board of Adjustment on numerous occasions in the last several years.

Relief by the Zoning Board of Adjustment was granted on March 8, 2008, to permit 454 parking spaces where 648 spaces are required. Based on the applicant's analysis, a total of 713 spaces would be required during the proposed daytime classroom use by Plymouth State University during July 1st to August 15th. However, the ZBA granted relief for a demand of 648 spaces not the 713 which would now be required.

He reported that the office building at 2 Pillsbury Street and the new office building at 30 Pillsbury Street have been allowed to be developed by the Zoning Board of Adjustment with substantially less than the required amount of parking. The increase in both the number of classrooms and the introduction of classes during the daytime appears to be the second step to increasing activity by Plymouth State University. The increase in activity by Plymouth State University in the City is not unappreciated but the pending occupancy of an additional 40,000 square feet of this building, combined with the potential for more daytime classes in the proposed total of 13 classrooms, could lead to a parking problem on the Pillsbury Street campus. This campus has not been fully

occupied since the relocation of Blue Cross/Blue Shield in the 1990s. The current site has not yet reached full occupancy, additional floor area is being added at 30 Pillsbury Street, and parking was removed from the campus ownership southerly of Pillsbury Street. It is not an unwarranted assumption that additional daytime use by Plymouth State University of the classroom space may occur in the future.

He explained that this expansion of use by Plymouth State University will have an impact on the other tenants in the building who made representations of non-simultaneous parking utilization as part of their approvals by the Zoning Board of Adjustment and the Planning Board. While the City may not have the ability to deny permits to Plymouth State University, the City will be placed in the position of having to deny permits for all other tenants of the two buildings on campus due to the project being out of compliance with the previous approvals by the Planning and Zoning Boards.

Richard Uchida from Orr & Reno was present on behalf of Plymouth State University, as was Julia Bernier, Provost of Plymouth State University.

Mr. Uchida explained that the evening classes begin no earlier than 5:00 PM and the demand for parking spaces in the building drops off by 4:30 PM. By 5:00 and on weekends there is usually an abundance of parking spaces for students and faculty members on site.

He explained that, given the growth of enrollments in graduate courses for educators, the University also plans to offer daytime summer classes with classroom size capped at 15 students. He reported that they had observed that during the six-week period during which they planned to conduct daytime classes, daytime parking demand dropped as occupants of the building seemed to be on vacation or otherwise have reduced activity through the summer months. He reported that PSU will not be in session days except during the summer for a short period to accommodate working professionals during this break in the school-year calendar.

In answer to a question by Mr. Swope regarding whether the parking lot had been re-striped, Mr. Uchida responded that construction at 30 Pillsbury Street had recently started and reconstruction of the core parking lot will take place as part of that project.

Ms. Bernier explained that this is a graduate program which is primarily attended by students with full time jobs so they provide night time courses. The exception is the classes attended by teachers who are more available during the summer for daytime classes. The greatest use at any one time would be about five classes with a maximum capacity of 15 students each.

Mr. Uchida explained the parking study done for this building indicated that they have 80-100 spaces available to accommodate the additional PSU use.

He explained that, because of the structure of the university system, this Plymouth State University branch would not be bringing undergraduate classes to this location.

Mr. Gross expressed concern about the multiple-occupant building, one occupant of which cannot be regulated because it is a State agency. He asked what the City's options would be if things did not go as well as the applicant expected regarding the parking. Mr. Uchida responded that if anybody came in with a change to the site plan, it is very clear that they would have to get Planning Board and/or Zoning Board of Adjustment approval. But if there is a problem with the parking for this use, he does not know that there is anything the City can do. Mr. Gross asked if the Planning Board could recall the Conditional Use Permit because conditions had changed.

Mr. Gross expressed concern that the Planning Board might receive complaints from the neighbors regarding parking overflowing into their neighborhoods and not have any ability to control the excess parking. Mr. Uchida responded that if parking overflows into the neighborhood, there are bigger problems at the building level that would make tenants and employees unhappy and the situation would need to be resolved for their benefit as well.

There was no one who wished to speak for or against this proposal and the Chair declared the hearing closed at 7:26 PM.

Deliberations and Action

Mr. Gross moved to communicate to Plymouth State University that the Planning Board is concerned that additional daytime use by PSU could result in excess parking demand being generated which impacts abutting residential streets in the area. The Board is aware that the existing campus lots are still underutilized, but is concerned that, with full occupancy of 2 Pillsbury Street and the new building at 30 Pillsbury Street, the potential for programmatic changes by Plymouth State College could result in the parking demand exceeding the available supply. In addition, the increased parking demand generated by the additional Plymouth State University classrooms, and the proposed daytime classroom activity, exceeds that previously approved by the Planning Board and also exceeds the relief from the required parking granted by variance by the Zoning Board of Adjustment. This expansion of the use will have an impact on the other tenants in the building who made representations of non-simultaneous parking utilization as part of their approvals by the City's Zoning Board of Adjustment and the Planning Board. While the City may not have the ability to deny permits to Plymouth State University, the City will be placed in the position of having to deny permits for all other tenants of the two buildings on campus due to the project being out of compliance with the previous approvals by the Planning and Zoning Boards.

Mr. Swope seconded. Motion carried.

Minor Subdivisions

2. Application of **Airport Road 90 Realty LLC** for approval of a subdivision by virtue of a conversion to condominium of an existing 15-unit light industrial building located at **30 Henniker Street**. (#2008-45)

Determination of Completeness

Ms. Hebert explained this proposal to convert an existing multi-unit light industrial building at 30 Henniker Street to a condominium containing fifteen units.

She 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. Ms. Meyer seconded. Motion carried.

Public Hearing

Ms. Hebert explained this proposal to convert an existing multi-unit light industrial building to a condominium containing fifteen units. The property is located on the west side of Henniker Street in the Airport Business Park and was recently rezoned from Office Park Performance District to Industrial. The surrounding uses consist of a combination of manufacturing, industrial, and office buildings.

She reported that a site plan application for the industrial building was approved by the Planning Board on July 18, 2007. The application does not propose any revisions to the approved site plan other than the conversion to a condominium form of ownership.

She reported that a waiver request has been submitted to allow the applicant to submit plans at a scale of 1"= 20' instead of 1"=50' as required in the Subdivision Regulations.

There was no one who wished to speak on behalf of the applicant and no one else who wished to speak for or against this application and the Chair declared the hearing closed at 7:31 PM.

Deliberations and Action on Application

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 plat to be submitted at a scale of 1"=20' instead of 1"=50'. Mr. Gross seconded. Motion carried.

Mr. Swope moved that the Planning Board grant conditional final subdivision approval for the Minor Subdivision by virtue of a conversion to a condominium, prepared for Airport Road 90 Realty LLC, by True Engineering Inc. 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 condominium documents shall be approved by the City Planner and the City Solicitor.

Ms. Meyer seconded. Motion carried.

3. Application by **Kevin S. and Laurie A. Fleming** for approval of a subdivision by virtue of a conversion to condominium of an existing duplex dwelling at **14-16 Charles Street.** (#2008-47)

Determination of Completeness

Ms. Hebert explained this proposal to convert an existing duplex building at 14-16 Charles Street to a two-unit residential condominium.

She 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. Swope seconded. Motion carried.

Public Hearing

Ms. Hebert explained this proposal to convert an existing duplex building to a two-unit residential condominium. The existing two-family building has four parking spaces for the tenants, and the condominium conversion also provides four parking spaces. Each unit will be accessed by a separate driveway off Charles Street

She reported that a waiver request has been submitted to allow the applicant to submit plans at a scale of 1"= 20' instead of 1"=50' as required in the Subdivision Regulations.

There was no one who wished to speak on behalf of the applicant and no one else who wished to speak for or against this application and the Chair declared the hearing closed at 7:35 PM.

Deliberations and Action on Application

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 plat to be submitted at a scale of 1"=20' instead of 1"=50'. Mr. Gross seconded. Motion carried.

Mr. Swope moved that the Planning Board grant conditional final subdivision approval for the minor subdivision by virtue of a conversion to a condominium, prepared for Kevin S. and Laurie A. Fleming, by Richard D. Bartlett & Associates 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 condominium documents shall be approved by the City Planner and the City Solicitor.

Ms. Meyer seconded. Motion carried.

4. Application by **Fox Brook Holdings LLC** for approval of a subdivision by virtue of a conversion to condominium of an existing office building located on Land Unit B at **16 Foundry Street.** (#2008-46)

Determination of Completeness

Mr. Henninger explained this proposal to subdivide a three-story building within an existing condominium land unit (Land Unit "B" of the Foundry Business Center Condominium) into individual building units.

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. Ms. Meyer seconded. Motion carried.

Public Hearing

Mr. Henninger explained this proposal to subdivide a 33,465 square foot three-story building within the existing Land Unit "B" of the Foundry Business Center Condominium into individual building units. This office building is currently under construction with the exterior walls and roof being completed. The first floor consists of a single condominium unit and common area. The second floor is all convertible space and common area. The third floor contains a single condominium unit, convertible space and common areas. The convertible space will likely be subject to further subdivision to create additional condominium building units for sale at a later date.

He reported that the applicant has complied with all conditions of the 2005 Planning Board site plan approval and construction has been completed on Phase 1, Phase 2, and Phase 2A of this development. Most of the site work for the building under consideration (Phase 3) has already been completed.

Attorney Richard Uchida was present on behalf of the applicant but did not speak.

There was no one 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. Swope moved that the Planning Board grant final subdivision approval for the 16 Foundry Street Condominium as submitted. Mr. Gross seconded. Motion carried.

5. Application by **Paul Lillios and Lisa Turgeon** for approval of a resubdivision of property located at **127 Lilac Street and 69-73 Village Street.** (#2008-48)

Determination of Completeness

Mr. Woodward explained this proposal to resubdivide the existing parcels so that the parcel at 127 Lilac Street will be reduced from 2.90 acres to 1.29 acres and the lot at 69-73 Village Street will be expanded from 6.14 acres to 7.76 acres.

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

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

Public Hearing

Mr. Woodward explained this proposal to reconfigure the existing parcels so that the parcel at 127 Lilac Street will be reduced from 2.90 acres to 1.29 acres and the lot at 69-73 Village Street will be expanded from 6.14 acres to 7.76 acres.

He reported that the owner of 69-73 Village Street also owns the adjacent parcel at 65 Village Street, which is a non-conforming lot that is substandard in area and has no frontage. It is used in conjunction with 69-73 Village Street as a driveway straddles the property line, and one of two garages for 69-73 Village Street is located entirely on the parcel at 65 Village Street. A prior recorded subdivision plat shows these lots as merged but the City's tax maps have not been changed to reflect the resubdivision of the properties. The plat has been revised to reflect a merger of these parcels.

He reported that waivers have been requested as follows :

- a. A waiver from the requirements of Section 8.03(3)(a)(i) to show contours. The site is essentially flat and spot elevations have been shown. Both lots have been developed with principal uses thereon, and no further development is currently proposed.
- b. A waiver from the requirements of Section 8.03(3)(c)(i) to provide a test pit for 69-73 Village Street. A septic system already exists on this lot serving the existing residential use, and no new development is proposed. This lot exceeds five acres which is the threshold for NH Department of Environmental Services subdivision approval for subsurface disposal systems.
- c. A waiver from the requirements of Section 8.03(2)(a)(iii) to provide a wetland survey. The plat bears a notation that a Certified Wetland Scientist performed a site evaluation and observed no wetlands. The soils in the area are well drained

and the City's wetland inventory does not indicate any wetlands on the site. No new development is proposed at this time.

Joseph Wichert, surveyor, was present on behalf of the applicants as was Paul Lillios, as applicant, to answer questions from the Board.

There was no one else who wished to speak for or against this application and the Chair declared the hearing closed at 7:46 PM.

Deliberations and Action on Application

Mr. Swope moved that the Planning Board grant the following waivers:

1. A waiver from the requirements of Section 8.03(3)(a)(i) to show contours. The site is essentially flat and spot elevations have been shown. Both lots have been developed with principal uses thereon, and no further development is currently proposed.
2. A waiver from the requirements of Section 8.03(3)(c)(i) to provide a test pit for 69-73 Village Street. A septic system already exists on this lot serving the existing residential use, and no new development is proposed. This lot exceeds 5 acres which is the threshold for NHDES subdivision approval for subsurface disposal systems.
3. A waiver from the requirements of Section 8.03(2)(a)(iii) to provide a wetland survey. The plat bears a notation that a Certified Wetland Scientist performed a site evaluation and observed no wetlands. The soils in the area are well drained and the City's wetland inventory does not indicate any wetlands on the site. No new development is proposed at this time.

Mr. Gross seconded. Motion carried.

Mr. Gross moved that the Planning Board grant conditional final subdivision approval with the following 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 State and federal permits shall be obtained and copies provided to the Planning Division:
 - a. NH Department of Environmental Services, Water Supply and Pollution Control Division, subdivision approval for on-site septic systems.

Mr. Swope seconded. Motion carried.

6. Application by **the Local Government Center, Inc.** for approval of a resubdivision of property located at **25 Triangle Park Drive and on Pembroke Road.** (#2008-44)

Determination of Completeness

Ms. Hebert explained this proposal for the subdivision of a 4.75 acre parcel from an existing lot off Pembroke Road and consolidation of this land with the existing lot at 25 Triangle Park Drive.

She 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. Swope seconded. Motion carried.

Public Hearing

Ms. Hebert explained this proposal to subdivide a 4.75 acre parcel from an existing lot off Pembroke Road and to consolidate it with an existing lot at 25 Triangle Park Drive. She reported that the Local Government Center, Inc. currently owns the property off Pembroke Road, as well as the office building parcel at 25 Triangle Park Drive. The adjustment of the lot lines between these two properties is needed to provide additional land for the expansion of the Local Government Center's office building at 25 Triangle Park Drive.

She reported that the Local Government Center has submitted a major site plan application for the proposed building/parking lot expansion which, if determined complete later this evening, will be set for public hearing in October.

There was no one who wished to speak on behalf of the applicant and no one else who wished to speak for or against this application and the Chair declared the hearing closed at 7:52 PM.

Deliberations and Action on Application

Mr. Swope moved that the Planning Board grant conditional final subdivision approval for the "Consolidation & Subdivision Plan of the Local Government Center, Inc." as prepared by True Engineering, Inc. subject to the following standard condition:

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.

Ms. Foss seconded. Motion carried.

Major Subdivisions

7. Application by **B & D Houston Enterprises LLC** for a subdivision of property on **Garvins Falls Road and Integra Drive.** (#2008-49)

Determination of Completeness

Mr. Henninger explained this proposal to subdivide a 2.25 acre residential lot on Garvins Falls Road from a 44.05 acre predominately commercial property located at the end of Integra Drive. In order to convey the new lot, the applicant proposes to extend Integra Drive 260 feet to provide frontage for the remnant lot. The new roadway construction and the extension of municipal utilities establishes this application as a major subdivision.

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 set it for a public hearing on October 15, 2008. Ms. Meyer seconded. Motion carried.

Major Site Plans

8. Application by **Concord Christian Academy** for revisions to a previously approved site plan of property located at **37 Regional Drive.** (#2008-24)

Determination of Completeness

(Mr. Gross recused himself and left the table.)

Mr. Henninger explained this request for approval of revisions to the location of the approved gate on the Pembroke Road entrance and the terms of the conditions associated with the condition of approval that the Pembroke Road entrance shall remain gated to vehicular traffic and shall be used for "Buses, Delivery Vehicles, and Emergency Vehicles Only." The applicant has also requested that the assessed Traffic Impact Fee be allowed to be paid in phases tied to the level of student enrollment.

He reported this request was ready for public hearing.

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

Public Hearing

Mr. Henninger explained this request for approval of revisions to the location of the approved gate on the Pembroke Road entrance and the terms of the conditions associated with the condition of approval that the Pembroke Road entrance shall remain gated to vehicular traffic and shall be used for "Buses, Delivery Vehicles, and

Emergency Vehicles Only.” The applicant has also requested that the assessed Traffic Impact Fee be allowed to be paid in phases tied to the level of student enrollment.

He reported that this project involved the construction of a three-story classroom addition along with a 45-foot tall gymnasium at the private K-12 school. The existing building was originally constructed by the Centennial Senior Center and was converted to a private school use in 2007. The addition is proposed behind the existing building between the building and Pembroke Road and involves an expansion of the existing onsite parking by 46 spaces. The addition increases the size of the facility from 22,884 square feet to 73,859 square feet.

He reported that the Planning Board granted conditional site plan approval on June 18, 2008, for the addition to the Concord Christian Academy subject to two standard and four special conditions. The Board also granted approval of the site and building plans under terms of Section 28-9-4(f), Architectural Design Review subject to the condition that several shade trees be provided immediately adjacent to, or inside, the children’s fenced play area between the existing building and the new addition.

He reported that the Planning Board further granted a Conditional Use Permit for the construction of fewer parking spaces for Phase 1 inasmuch as the information provided by the applicant supported the construction of 200 parking spaces, including 68 grass overflow parking spaces where 287 spaces are required. This determination was based on the representation made by the applicant that simultaneous non-school use will not occur in the public assembly spaces.

Mr. Henninger reported that the applicant has now requested that the entrance gate at Pembroke Road be relocated so that all the site parking is controlled by the gate but the loading area and circular drive leading from Pembroke Road are open and available for use. A portion of the project area is on property leased from the abutting property owner to the west. The applicant has also requested that the owner of the leased parking area be allowed to use the Pembroke entrance to access this parking area after hours according to the terms of the lease. The applicant has advised that those parking spaces have to date never been used by the owner of the leased area.

The Engineering Division was concerned that the relocated gate will result in increased traffic on Pembroke Road and the residential area resulting from student pick up and drop off which may occur as a result of the open access to the circular drive. The applicant has advised that they have made programmatic changes as well as physical changes to the building to require all pick up and drop off of students to be made at the Regional Drive side of the building.

He reported that the proposed change in gate location is acceptable to the Fire Department as they will be able to gain unimpeded access to the building. With the original condition related to the gate, the Fire Department had asked for an “opticon” as opposed to a “knox box” to control the opening of the gate given the nature of the occupancy. The applicant found the opticon to be expensive. The Fire Department also

indicated that the gate could be locked with a Knox box if the circular drive off Pembroke Road was connected so as to obtain vehicular access from Regional Drive.

Mr. Henninger reported that the applicant has also requested that the Traffic Impact Fee be phased to more closely conform to the expected growth in student enrollment. The fee is calculated based on the total enrollment and a phased approach appears to be reasonable. City staff recommends that the first installment be paid on January 1, 2009, the second on January 1, 2011 and the final payment be made January 1, 2013. This payment schedule would provide certainty to the process and reduce the required time and overhead on both parties to implement the phasing plan. The applicant has concurred with this approach.

Cinde Warmington, from Sulloway & Hollis, and Fred Potter, Chairman of the Board of Concord Christian Academy, were present on behalf of the applicant.

Ms. Warmington explained that the overflow parking lot is being used for children's activities right now. All students and parents have been informed, and it has been strictly enforced, that parking and drop-off takes place at the front of the building. The overflow parking lot will be gated at both entrances. Access from Pembroke Road will be strictly for delivery vehicles and for use by team buses. They do not bus their students to school.

Mr. Potter expressed appreciation to City staff for their help in bringing this to pass. It has been a very difficult project and staff has been very helpful in making suggestions to accommodate their needs.

Mr. Woodward pointed out a communication that the Board received today from a resident who walks on Regional Drive every day and asked that there be a stop sign at the entrance.

Mr. Potter agreed that a stop sign at the entrance with Regional Drive would be wise.

There was no one who wished to speak for or against this application and the Chair declared the hearing closed at 8:10 PM.

Deliberations and Action on Application

Mr. Swope moved that the Planning Board grant revised Conditional Site Plan approval for the Concord Christian Academy Rear Building Addition at 37 Regional Drive subject to the following standard and 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), 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.

2. 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 in the amount of \$111,585 to be paid in three phases with \$37,195 due on January 1, 2009, with \$37,195 due two years later on January 1, 2011 and the final installment of \$37,195 dollars due four years later on January 1, 2013. The applicant shall provide a financial guarantee in a form satisfactory to the City Solicitor for the amount of the impact fee that is not paid prior to the issuance of the building permit.

Special Conditions

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 site plan shall be revised to include additional vegetative plantings designed to decrease the width of the cleared opening for the driveway to Pembroke Road. Said planting plan shall be submitted to the satisfaction of the City Planner.
4. The Pembroke Road entrance to the parking lots shall remain gated to vehicular traffic and the rear entrance shall be used for "Buses, Delivery Vehicles, and Emergency Vehicles Only" or for providing access to the leased parking area by Capitol City Realty, LLC through the Pembroke Road entrance in accordance with the terms of the deeded easement.
5. The Planning Board upon action on the this site plan finds that this site plan both replaces and supersedes prior site plan approval for Phases 1B (2007-48) and Phase 2 (2007-50) for the Concord Christian School at 37 Regional Drive.
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 applicant shall provide a planting plan acceptable to the City Planner for mitigation for clearing in the 100' buffer along Pembroke Road. Said plan shall be prepared by a Landscape Architect.
7. Prior to the issuance of any building permits for construction activity on the site, the applicant shall install a stop sign at the Regional Drive exit and repaint the stop bar.

Ms. Foss seconded. Motion carried with Mr. Gross abstaining from discussion and vote.

9. Application by **Greenlands Redevelopment LLC**. for approval of a site plan for property at **57 Constitution Avenue**. Along with this application are requests for Conditional Use Permits pursuant to Section 28-7-11(b) of the Zoning Ordinance, Construction of Fewer Parking Spaces, and Section 28-7-11(d) of the Zoning Ordinance, Additional Compact Spaces. (#2008-51)

Determination of Completeness

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

Ms. Hebert explained this proposal to redevelop the property at 57 Constitution Avenue. The project involves the demolition of the two buildings on the property and the removal of the existing infrastructure and pavement. The applicant proposes to construct a 21,300 square foot office building for Weston Solutions, an environmental engineering and consulting company.

She reported this application was complete and ready to set for public hearing.

Mr. Gross moved that the Planning Board determine this application to be complete and set it for a public hearing on October 15, 2008. Ms. Foss seconded. Motion carried with Ms. Meyer abstaining from discussion and vote.

10. Application by the **Local Government Center, Inc.** for approval of a site plan for property at **25 Triangle Park Drive**. (#2008-53)

Determination of Completeness

Ms. Hebert explained this proposal to construct a 13,738 square foot expansion to the existing Local Government Center at 25 Triangle Park Drive. The proposed expansion will require the construction of 96 additional parking spaces. The site plan involves the reconfiguration of the existing parking lot, as well as the construction of a new parking area with drainage, landscaping, and utility improvements.

She reported this application was complete and ready to set for public hearing.

Mr. Gross moved that the Planning Board determine this application to be complete and set it for a public hearing on October 15, 2008. Mr. Swope seconded. Motion carried.

Minor Site Plans

11. Application by **HDW, LLC** for approval of a site plan for property at **106 Airport Road**. (#2008-50)

Determination of Completeness

Ms. Hebert explained this proposal to renovate the existing industrial building at 106 Airport Road to a fitness and athletic training center.

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

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

Public Hearing

Mr. Hebert explained this proposal to convert the existing industrial building to a fitness and athletic training center. The owners have applied for a minor site plan application for the change of use from a 26,190 square foot industrial facility to a 20,000 square foot small group health and fitness training facility with 6,190 square feet of warehouse/storage space. The entrance driveway will be narrowed from approximately 48 feet wide to 24 feet and pavement will be removed along the front of the building to create three parking spaces.

She reported that on September 3, 2008, the Zoning Board of Adjustment granted a number of variances, including a use variance to Article 28-7-2, Off-street Parking Requirements, to provide seventy-one parking spaces when 131 spaces are required; a use variance to Article 28-7-5, Requirements for Handicap Accessible Parking Spaces, to provide three accessible parking spaces when five would be required; an area variance to Article 28-7-7(g), Setbacks and Restrictions, to permit some of the parking to be constructed with no setback from a portion of the southerly lot line when a five foot setback is required; an area variance to Article 28-7-10(a) Parking Lot Perimeter Landscaping required, to permit a portion of the parking area to be located within the required five foot perimeter landscaped area; an area variance to Article 28-7-10(b), Parking Lot Interior Landscaping required, to provide 0% interior landscaping when 5% is required; and a use variance to Article 28-7-10(c), Use of Required Landscaped Areas Restricted, to permit parking within the required landscaped area.

She reported that the Architectural Design Review Committee recommended that the applicant revise the building design to provide a more inviting entrance to the building, to provide a snow guard to prevent snow and ice from falling onto the sidewalk, to add columnar shrubs along the north side of the building to break up the long metal facade, to provide a paved area in front of the entrances on the north side of the building, to provide a paint sample for the proposed building color, and to consider moving the handicap accessible parking spaces closer to the accessible entrance. The plans have been revised to provide shrubs along the north side of the building, a snow and ice guard has been included on the plan, the handicap parking spaces have been relocated closer to the accessible entrance, a paved area has been provided along the north side of the building, and the building will not be painted a different color.

Timothy Golde from Golde Planning Consultants was present on behalf of the applicant to answer questions from the Board.

There was no one who wished to speak for or against this application and the Chair declared the hearing closed at 8:20 PM.

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

Mr. Gross moved that the Planning Board grant Architectural Design Review approval for the site, landscaping, and building design for the HDW, LLC Site Plan Application at 106 Airport Road subject to the following condition:

1. The applicant shall revise the site plan application to provide a more inviting main entrance on the south side of building. The applicant shall also return to the Architectural Design Review Committee for their final review and approval of the proposed building elevations. If an agreement cannot be achieved with the Committee, then the matter shall be returned to the Board for final action by the Planning Board.

Mr. Swope seconded. Motion carried.

Mr. Swope moved that the Planning Board grant conditional site plan approval for the minor site plan application of HDW, LLC at 106 Airport Road subject to the following 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 plat 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 shall be obtained for the construction drawings and specifications for all public improvements from the Engineering Division. No construction activity may commence prior to the preconstruction conference.
3. 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 (20,000 square feet)
 - b. Transportation Facilities – Warehouse (6,190 square feet)

Ms. Meyer seconded. Motion carried.

12. Application by **Smokestack Realty LLC** for approval of a site plan of properties at **254 North State Street and 8 McGuire Street**. Along with this application is a request for a Conditional Use Permit pursuant to Section 28-7-11(f), Driveway Separation Alternatives, of the Zoning Ordinance. (#2008-52)

Determination of Completeness

Mr. Woodward explained this proposal to establish a new entry drive to the Smokestack Center from North State Street through the parcel at 254 North State Street that was acquired and merged with the holdings of Smokestack Realty LLC at 8 McGuire Street.

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

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

Public Hearing

Mr. Woodward explained this proposal to establish a new entry drive to the Smokestack Center from North State Street through the parcel at 254 North State Street that was acquired and merged with the holdings of Smokestack Realty LLC at 8 McGuire Street. The driveway would be 18 feet in width for one-way traffic flow into the site and reaches a maximum grade of 10% descending into the site.

He reported a Conditional Use Permit pursuant to Section 28-7-11(f) Driveway Separation Alternatives, of the City's Zoning Ordinance, has also been requested in recognition of the proximity of existing adjacent driveways on North State Street which is an arterial street where driveways are to have a 200-foot separation. The power lines which pass through the parcel at 254 North State Street further limit the location of the proposed curb cut on North State Street. The proposal for a one-way entry is a mitigating factor, as no traffic will be attempting to emerge from the site onto North State Street.

He reported that an existing water main serving the Smokestack Center is located in the parcel at 254 North State Street. It is a 1913 cast iron main that was cleaned and lined within the past several years. However, no tests have been performed on the flow and pressure to the fire hydrants on-site to ensure that these meet standards to allow further occupancy of the Smokestack Center. These tests need to be performed and, if the water main cannot properly support on-site fire flows, then the main should be replaced as part of the construction for the new driveway.

The parcel at 254 North State Street is encumbered by an easement to Concord Electric Company (now Unitil). The easement provides that the grade shall not be raised on the tract. Unitil also holds another easement on the Smokestack Center parcel, and there are existing poles and power lines throughout both of these easements. Confirmation from Unitil is needed to ensure that the design of the driveway does not violate the terms of the encumbrance.

Mr. Woodward reported that the City has planned and capital budgeted for Fiscal Year 2011 improvements to North State Street which include a traffic signal at McGuire Street. Once installed, the northbound queue line at the signal will likely block access for southbound vehicular access to this driveway, thereby creating a backup of southbound traffic. The Engineering Division has recommended that a condition be imposed that once the signal is installed, if the City Engineer finds that southbound turning movements into the driveway are creating a problem, then the driveway will be limited to access for northbound traffic only.

He further reported that the abutting land owner at 256-258 North State Street had stopped at the Planning Division offices to express concern about the disposition of an existing access drive over the parcel at 254 North State Street which was part of an existing looped driveway system on the premises at 256-258 North State Street. She was concerned about the fate of this driveway under the proposed for the new driveway to the Smokestack Center. There is apparently no known easement for the driveway, but it has been use and existence for many years.

Erin Reardon from Nobis Engineering was present on behalf of the applicant and indicated that Smokestack Realty LLC was willing to provide a curb cut for the abutter to the north to continue their longstanding driveway use in accordance with the new one-way entry pattern. She also noted that plans had been submitted to Unitil for their review, and that flow tests had been scheduled on the water main.

There was no one who wished to speak for or against this application and the Chair declared the hearing closed at 8:33 PM.

Deliberations and Action on Application

Mr. Gross moved that the Planning Board grant the Conditional Use Permit pursuant to Section 28-7-11(f), Driveway Separation Alternatives, of the City's Zoning Ordinance to allow the establishment of a new driveway with less than the required 200-foot separation in recognition of the pre-existing locations of the adjacent curb cuts, and that the driveway shall be for exclusively for one-way traffic flow entering the site. Ms. Foss seconded. Motion carried.

Mr. Gross moved that the Planning Board grant conditional site plan approval 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 applicant shall revise the site plan to address 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), flow tests shall be performed on the on-site hydrants, and if the water main cannot

properly support the required on-site fire flows, then the water main shall be replaced prior to construction of the new driveway.

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 provide a confirmation from Unitil that the proposed design of the driveway is compliant with the terms of the easements and encumbrances that Unitil holds on the applicants' property.
4. Upon installation of a traffic signal at McGuire Street, the southbound access to the driveway from North State Street shall be terminated upon the determination by the City Engineer that said turning movement is causing unsafe traffic conditions on North State Street. The applicant or its successors shall be responsible to post signs and make such physical changes as deemed necessary by the City Engineer to accomplish the restriction of the southbound turning movements.

Ms. Meyer seconded. Motion carried.

13. 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 to Section 28-7-11(e), Alternative Surfacing, Section 28-4-3(d), Conditional Use Permits Required for Certain Disturbance of Wetland Buffers, and Section 28-3-3(f), Conditional Use Permit Required for a Disturbance of Buffers in the Shoreland Protection District, of the Zoning Ordinance. (#2008-42)

Determination of Completeness

Mr. Woodward explained this proposal for the construction of a parking lot and trailhead improvements related to the proposed Winant Park.

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. Ms. Meyer seconded. Motion carried.

Public Hearing

Mr. Woodward explained this proposal for the construction of a parking lot and trailhead improvements related to the proposed Winant Park.

He explained that in October 2007, the City Council, at the request of the Conservation Commission, passed a resolution authorizing the City Manager to accept a gift of 85 acres of land from Rivington Winant in memory of his late parents, former New Hampshire Governor and Mrs. Winant. The land would be held as public open space, subject to a conservation easement to the Five Rivers Conservation Trust, and named Winant Park. The City Council also passed a second resolution on September 8, 2008,

accepting a gift of an easement over land of St. Paul's School at 38 Fisk Road which is the proposed site of the parking area, an informational kiosk about Governor and Mrs. Winant, and a trailhead leading to the Winant parcel. St. Paul's is also providing an easement for a trail corridor connecting the parking lot to the Winant land. The Conservation Commission will be responsible for the management of the land and easement and maintenance of the trails. The Five Rivers Conservation Trust will hold a conservation easement on the land and an executory interest in the City's easement from St. Paul's.

He reported that the site plan application is accompanied by requests for Conditional Use Permits pursuant to Section 28-7-11(e), Alternative Surfacing, Section 28-4-3(d), Conditional Use Permits Required for Certain Disturbance of Wetland Buffers, and Section 28-3-3(f), Conditional Use Permit Required for a Disturbance of Buffers in the Shoreland Protection District, of the Zoning Ordinance. The CUP for alternative surfacing is allowed for seasonal uses and this parking lot will not be plowed in winter. The CUPs related to the wetland buffers and Shoreland Protection District are due to the proximity of the parking area to Miller's Brook and the trail and bridge crossing the brook. The Conservation Commission has reviewed the requests for the Conditional Use Permits and voted to recommend that they be granted.

He explained that the parking lot has been designed for one way traffic flow, and the entry and exit will be gated for closure at dusk and opening at dawn, an operation which will be performed by the St. Paul's School security personnel on behalf of the Conservation Commission.

He reported that the Design Review Committee reviewed the site plan and found it to be acceptable as submitted provided that it complies with the Zoning Ordinance.

He reported that the Zoning Board of Adjustment granted a use variance to Article 28-3-3, Shoreland Protection District, Section (e)(1), Natural Vegetative Buffer Requirements, to permit the disturbance and removal of existing vegetation within the required seventy-five foot natural vegetative buffer, and an area variance to Article 28-3-3, Shoreland Protection (SP) District, Section (g)(2&3), to permit a structure and impervious surfaces to be placed adjacent to a designated surface water where a seventy-five foot separation is required.

Philip Hastings, from Cleveland Waters and Bass, was present on behalf of Mr. Winant, and Arpiar Saunders from Shaheen & Gordon was present on behalf of St. Paul's School. Robert Pollock from Pollock Land Planning was also present to answer questions from the Board.

Mr. Pollock described the bioretention area proposed using permeable pavers. He also reported there had been discussions with the abutter to the south to try to address their concerns relative to the parking lot being close to their home. Instead of five head-in parking spaces, they now propose three parallel parking spaces and have increased the amount of vegetative material between the parking and the abutter's property.

Ms. Foss had questions relative to the proximity of the parking to Miller's Brook. Mr. Pollock responded in some areas it was very close and in others it was 3-5 feet away. Ms. Foss then asked what will happen when the brook overflows. Mr. Pollock responded by describing the controls in place above this property and reported that there should be no greater flow in the brook by the time it gets to this parcel.

Mr. Saunders acknowledged all the efforts of the property owner, Five Rivers Trust, and the City staff and Conservation Commission for this project. He explained that St. Paul's School will open and close the gates through their security system and it will remain gated and barred starting with the first snow fall until it is able to be opened in the Spring.

Mr. Gross asked if there was any intention of winter use of this property and Mr. Pollock responded that there will be no parking for the use in the winter but people will be able to use the property. Access will not be prohibited.

Courtney Lockwood, the abutter to the south of the parking lot, indicated everybody has been cooperative about trying to address her concerns. However, she felt that ten parking spaces were not necessary for this trail head. She reported that she has observed other trails in the city and none of them have parking areas of this size. She also had concerns about the stone wall to the north of this development site. She was concerned about a major storm event breaching that stone wall and what would happen to the gravel in the parking lot when the water hit it. She was concerned that the water and gravel would affect her property in the event of a major storm event.

Mr. Gross asked the applicant the reason for the size of the parking lot. Mr. Hastings responded that the parking lot was sized with the intention of making sure that there are enough spaces for the anticipated use of the trailhead. The applicant did not want vehicles parking on Fisk Road. They anticipate it will be heavily used during the summer to access a unique resource. They did not want to create problems in the future. He also noted that it was a request of Rivington Winant that there be twelve parking spaces for this reason.

Ms. Meyer asked if they could reduce the pervious surface areas and have a grassed area for overflow parking. Mr. Pollock responded that they could put grass in but there is a maintenance issue associated with mowing the grass.

Mr. Gross indicated it was his understanding that a gravel parking lot is not truly pervious and that the ground needs to be properly prepared for it to be pervious. Mr. Pollock responded that this parking lot will be properly prepared.

Mr. Gross asked what safeguards have been built into the design to prevent problems related to a major storm event. Mr. Pollock responded by explaining the design of the stone wall. It will help to divert water to the east of the parking area.

Mike Barwell was also present representing Rivington Winant and explained the evolution of this proposal for a park instead of the development of the Winant property

into residential uses as originally considered. He reminded the Board that the area under discussion is about one acre in size. It will impact less than one tenth of an acre of wetlands in exchange for preserving over 85 acres of open space. He also addressed flooding concerns and indicated that it is difficult to mitigate for a 300 year flood event. He felt that this would have a minimal impact and they will not be adversely impacting surrounding property.

Ms. Foss asked if Mr. Winant would be receptive to eliminating some parking spaces and replacing them with a six or eight space bicycle rack. Mr. Barwell felt it was a great idea. He indicated Mr. Winant wanted adequate parking so that there would be adequate access for the public, so he felt that could be negotiated.

The applicant's representatives indicated they would look at the bicycle rack option.

There was no one else who wished to speak for or against this application and the Chair declared the hearing closed at 9:25 PM.

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

Mr. Swope suggested that a provision be added to the approval that Mr. Winant be approached as to whether he would agree to replacing some of the parking area with a bicycle rack.

Ms. Foss explained that she had concerns about the proximity of the parking to the brook and that was her reason for supporting a smaller parking lot as well as the stimulus for her suggestion for a bike rack.

Mr. Swope moved that the Planning Board grant Architectural Design Review approval for the site and landscaping plans as submitted. Mr. Gross seconded. Motion carried.

Mr. Swope moved that the Planning Board grant a Conditional Use Permit pursuant to Section 28-7-11(e), Alternative Surfacing, of the Zoning Ordinance, recognizing the seasonal use of the parking area. Mr. Gross seconded. Motion carried, 5-1, with Ms. Meyer voting against.

Mr. Swope moved that the Planning Board grant 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, recognizing that the proposed disturbance is minimal and deemed acceptable to the Conservation Commission. Mr. Gross seconded. Motion carried.

Mr. Gross moved that the Planning Board grant a Conditional Use Permit pursuant to Section 28-3-3(f), Conditional Use Permit Required for a Disturbance of Buffers in the Shoreland Protection District, of the Zoning Ordinance, recognizing that the proposed disturbance is minimal and deemed acceptable to the Conservation Commission, and in

recognition of the variances that have been granted. Mr. Swope seconded. Motion carried, 5-1, with Ms. Foss voting against.

Mr. Swope moved that the Planning Board grant conditional site plan approval 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 applicant shall revise the site plan 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, the following State and federal permits shall be obtained and copies provided to the Planning Division:
 - a. NH Department of Environmental Services, Dredge and Fill Permit (wetland alterations)

He further moved that the Board recommend that the applicant consider the possibility of replacing at least one parking space with a bicycle rack.

Mr. Gross seconded.

Ms. Meyer also suggested that they be asked to review the spot to the east of the parcel as the location of a bike rack.

Motion carried.

Architectural Design Review

14. 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.

- **Claudia's** at 31 South Main Street (2 signs)
- **Company C** at 102 Old Turnpike Road (2 signs)
- **Papa Gino's Pizzeria** at 129 Loudon Road (4 signs)
- **R.G. Wicklund and Son Auto Repair** at 240 N. State Street
- **Whole Health Naturopathic Medical Center** at 112 S. State Street
- The following commercial tenants at **204 Fisherville Road**:
 - **Cooper Tires**
 - **First Impressions Custom Cars**
 - **All Tune Motor Lube**

The Chair opened the hearings on all of the above signs.

- **Claudia's** at 31 South Main Street (2 signs)

Mr. Henninger explained that no changes are proposed to the façade. They are just placing the individual letters on the façade on the same background that was recently repainted.

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

Ben Nardi 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.

Mr. Swope moved approval as submitted and Mr. Gross seconded. Motion carried.

- **Company C** at 102 Old Turnpike Road (2 signs)

Mr. Henninger explained they are replacing the existing affixed sign and the existing freestanding sign with new signs, the latter with a stone base the same size as the existing sign. The affixed sign and the freestanding sign will be internally illuminated.

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

There was no one present on behalf of the applicant and no one present who wished to speak for or against this application.

Mr. Swope moved approval as submitted and Mr. Gross seconded. Motion carried.

- **Papa Gino's Pizzeria** at 129 Loudon Road (4 signs)

Mr. Henninger explained that they are not replacing the awnings to the back but will be replacing everything else with the updated corporate identity. This will be the same amount of signage with one less awning.

He reported that the Design Review Committee had noted that the new signage is a cleaner design.

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

There was no one present on behalf of the applicant and no one present who wished to speak for or against this application.

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

- **R.G. Wicklund and Son Auto Repair** at 240 N. State Street

Mr. Henninger explained they are upgrading their signage. They are actually downsizing from a 48 square foot sign to one that is 32 square feet in area.

He reported that Design Review Committee members felt that the business name was hard to read and suggested removing the yellow outline around the white lettering to make it more visible.

He reported that the Design Review Committee found the proposed design and placement of the signage to be appropriate for the location and use, and recommended approval as submitted, with the suggestion that they remove the yellow outline around the white lettering to make the business name more visible.

He reported a revised design had been submitted which complied with the Committee's recommendation.

There was no one present on behalf of the applicant and no one present who wished to speak for or against this application.

Mr. Swope moved approval as revised and Mr. Gross seconded. Motion carried.

- **Whole Health Naturopathic Medical Center** at 112 S. State Street

Mr. Henninger explained that there was a panel in this sign that was removed a few years ago and it is now being replaced for the new tenant.

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

There was no one present on behalf of the applicant and no one present who wished to speak for or against this application.

Mr. Gross moved approval as submitted and Mr. Swope seconded. Motion carried.

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

Mr. Henninger explained that this is an after-the-fact approval to legitimize the signage that is there now. Code Administration has been working with the property owner to bring signage into compliance and everything being requested is allowable at this time. Some of the signs that had been placed without benefit of permit have been removed and the signs being requested are in conformity with the Zoning Ordinance.

He reported that the Design Review Committee recommended that, inasmuch as the three elements in the freestanding sign are not a pleasing, harmonious design, it should be modified to a coordinated design with a common background. They further recommended approval of the affixed Cooper Tire signs with the understanding that one of the Cooper Tire signs will be converted to a directory sign.

Mr. Gross moved approval of one affixed sign for Cooper Tires noted as sign #2 as submitted, a sign at the location proposed as a second sign for Cooper Tires as a building directory sign, two freestanding directory signs (signs #5 & #6) as submitted for 204 Fisherville Road for Cooper Tires, First Impressions Custom Cars, and All Tune Motor Lube, and an affixed sign noted as sign number #4 for All Tune Motor Lube as submitted. He further moved to table action on the freestanding sign for 204 Fisherville Road for Cooper Tires, First Impressions Custom Cars, and All Tune Motor Lube inasmuch as the design of the freestanding sign is unacceptable because the individual elements lack a cohesive scheme and the layout, color and graphics are unattractive and not harmonious. Mr. Shurtleff seconded. Motion carried.

REGULAR MEETING

Minutes

Mr. Gross moved approval of the minutes of the meeting of August 20, 2008 as submitted. Ms. Meyer seconded. Motion carried.

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

- a. Application by **R.J. Moreau Communities, LLC**, for a revision to a condition of a previously approved Site Plan of property at **66 Bog Road**. (#2003-69)

Mr. Henninger reported that the applicant has requested an increase in the number of units in phase 2 of the Vineyards development from 75 to 100 units. Building permits have been issued for 84 of the 124 total units in the project. This request will allow the developer to continue to be issued Certificates of Occupancy while the City considers the matter of a mapped line of future streets from the end of Kyle Road in the Sandwood Crossing Development to Bog Road, which was a precondition of Phase 3. Phase 3 will then consist of the final 24 units of the project. The utilities for the final phase have recently been completed and the road work and final grading is proceeding for the last phase.

He reported that the Planning Board approved the Vineyards planned unit development in August of 2004 subject to a number offsite road and utility improvements which have been completed. There was an additional special condition that, prior to the issuance of any Certificate of Occupancy for the last unit in Phase 2 (the 74th out of the total of 124 dwelling units), the applicant shall 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 were located and a conceptual lot layout submitted for development along the corridor. The process of adopting a mapped line of a future street will take a minimum of four months involving hearings before both the Planning Board and City Council.

He reported that a condominium subdivision has also been approved and recorded, and the project has steadily moved toward completion.

Mr. Swope moved that the Planning Board grant the following revisions to the conditions of site plan approval for the proposed Vineyard Condominiums on Bog Road:

Revised Conditions

15. Prior to the issuance of any Certificate of Occupancy for the last unit in Phase 2 (the 100th out of the total of 124 dwelling units), the applicant shall 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 shall be located and a conceptual lot layout submitted for development along the corridor.
16. Phase 2 approval, consisting of units 32 through 100 shall be valid for an additional two years from the date of Planning Board's approval of this revised condition. Phase 3 approval for the remaining 24 units shall be valid for an additional two-year period provided that Phase 1 and Phase 2 site improvements have been completed.

The phasing of off-site improvements shall be as follows:

- d. Prior to the issuance for a Certificate of Occupancy for the 100th unit, and no later than two years from the date of the Planning Board's approval of this revised condition.
 - i. The private connector road shall be completed to the satisfaction of the City Engineer from Cabernet Drive to Kyle Drive.

Ms. Meyer seconded. Motion carried.

- b. Application by **Sandy Brook Corporation, on behalf of Silver Leaf Properties**, for final approval of a cluster subdivision of property on **Hoit Road**. (#2008-08)

Mr. Henninger explained the applicant proposes to construct 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. The applicant proposes to convey an open space lot of over 77 acres to the City with an executive interest that may be held by the Five Rivers Conservation Trust. He reported that on August 20, 2008 the Planning Board had

granted conditional preliminary subdivision approval for this application. In addition the Board had granted the following waivers and Conditional Use Permits:

A waiver to Section 8.03(1)(a) of the City of Concord 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.

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.

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.

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 found the proposed restoration plan acceptable using Filtrexx Compost Erosion Control Blankets and native plantings.

A Conditional Use Permit pursuant to the City's Zoning Ordinance, Article 28-4-3(d) Wetland Buffer Disturbances a wetland buffer disturbance of 1,196 square feet for a drainage outfall for Hoit Road and Gorham Way. The Board found the disturbance the minimum necessary to complete the necessary drainage improvements.

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 current 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 units.

Mr. Henninger reported this application conforms to Section 9.04(3)(p) of the Subdivision Regulations limiting the maximum length of a dead end road to 1,000 feet.

Mr. Gross asked the status of discussions with the neighbor across the street from the proposed development. Matthew Peterson from Woodland Design was recognized on behalf of the applicant and responded that the applicant had approached the abutter but had not received a signed agreement yet.

Mr. Gross moved that the Planning Board grant Conditional Final 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 Easement Deed for an open space lot 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. Each new residence within the development shall be provided with a residential sprinkler system acceptable to the City Fire Marshal. This is already noted on the subdivision plan to be recorded.
10. Prior to the final plat being signed by the Planning Board Chair and Clerk, the condominium documents shall be reviewed and approved by the City Planner and City Solicitor.
11. 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

Ms. Meyer seconded. Motion carried.

- c. Application by **Fred and Estelle Moses and DHRUV, LLC** for a waiver of the Subdivision Regulations to allow for an extension of the period of validity of a previously approved subdivision of property on **Asby Road**. (#2006-63)

Mr. Henninger explained that the applicant has requested a retroactive extension of approval seeking validity through December 16, 2008. The Planning Board, at a recessed meeting on August 18, 2006, granted conditional final approval of the application by Fred and Estelle Moses for a subdivision on Asby Road. This is a further subdivision and the second phase of a subdivision approved in 2005 by Fred and Estelle Moses and DHRV, LLC as the developer, which was subsequently perfected and recorded in the

Merrimack County Registry of Deeds. On August 22, 2007 the Planning Board granted a one-year extension until August 16, 2008.

He explained that any extensions of a final subdivision approval beyond one year may be granted by the Board as a waiver of the Subdivision Regulations, and the Board has often granted extensions beyond the one-year period. The Board has evaluated the request at that time to determine if conditions related to the subdivision have changed or otherwise warrant another extension. If conditions have changed, the Board has denied the waiver for a further extension.

He reported that the conditions related to this subdivision have not changed since the original one-year extension. All the existing lots in the subdivision have been developed. The applicant wishes to record and build on the final proposed lot which requires the construction of the cul-de-sac at the end of Asby Road. The applicant appears ready to complete the cul-de-sac for Asby Road this construction season and proceed with the recording of the subdivision plan in the Merrimack County Registry of Deeds in a timely manner.

He explained that in order to record the mylar, the developer would have to obtain a letter of credit to guarantee the future construction of the cul-de-sac provided for on the plan. Because of the reluctance of banks to lend on speculation, the applicant was not able to get the necessary letter of credit without an active purchaser.

He reported that subsequent to the request for an extension of 120 days, the applicant has requested that the extension be for one year.

Mr. Gross moved that the Planning Board grant an extension for an additional one year from August 16, 2008 to August 16, 2009 as requested by the applicant. Mr. Shurtleff seconded. Motion carried.

17. Application by **Ronald D. & Claire G. Langevin** for an extension of the period of validity of a previously approved subdivision of property at 11 Robinson Street (#2007-84)

Mr. Woodward explained this request for a one-year extension of the conditional approval which was originally granted on October 17, 2007. This is the first request for an extension and the staff is recommending that it be granted.

Mr. Swope moved that the Planning Board grant a waiver of the Subdivision Regulations for a one-year extension for this application, indicating that the conditions of approval must be fulfilled and the plat must be filed at the Merrimack County Registry of Deeds on or before October 17, 2009, or the approval granted to this subdivision shall become null and void, with the stipulation that the applicant may return to the Board prior to that date to seek a further extension of the period of validity of the conditional approval. Mr. Gross seconded. Motion carried.

NEW BUSINESS

19. Consideration of amending the Official Map so as to establish the **mapped lines of a future street from Kyle Road to Bog Road.**

Mr. Henninger explained that the Planning Board, during its extended deliberation of the Vineyards Planned Unit Development in 2003 and 2004, had identified a need for neighborhood connectivity in the developing residential area west of Fisherville Road between Bog Road, Borough Road and the Great Bog to the west. The Planning Board has made a condition of the Vineyards PUD that, prior to an issuance of Certificate of Occupancy in the third phase of the Vineyards, a mapped line of future street be established between the end of Kyle Road in the Sandwood Crossing Development to Bog Road.

He reported that the Planning Board has found neighborhood connectivity to be important enough to specifically establish a section on it in the recently adopted Master Plan 2030.

He explained that the mapped line of future streets has for nearly 50 years allowed the Planning Board to approve subdivisions in this part of the community in an incremental manner that allows for a planned and interconnected street pattern. While development has not followed the exact street pattern envisioned 50 years ago, no properties have been landlocked by incremental development, and planned extension of streets has been allowed to occur on a lot by lot basis at the discretion of the property owners. The mapped line of future streets has been an effective planning tool for many years. It functioned to preserve the right-of-way for the Northwest Bypass (Langley Parkway) until it could be acquired or reserved, and it has allowed the Planning Board to properly integrate residential subdivision street design over a 50 year period in the South End of Concord and in the Concord Heights area.

Mr. Henninger explained that the main limiting factor for development in the area of Bog Road is the Great Bog and other wetlands lying to the west of the existing residential areas along Fisherville Road. These wetlands set the western limit of urban development along Bog Road. The developer of the Vineyards has commissioned a wetland study of his property and the property of SC@TP Real Estate Development to the north. The developer has also partially completed a wetland study on the abutting property to the east sufficient to identify a potential road corridor.

He explained that the City's wetland mapping is based primarily on aerial photographic interpretation. While capable of readily identifying large contiguous blocks of wetlands, the City's aerial wetland mapping only identifies a portion of the regulatory wetlands in areas of mixed wetlands and upland areas which characterizes the development edge of the Great Bog in this area.

He reported that, while both abutting properties do have significant wetlands, they also have sufficient upland to support additional residential development. While the proposed mapped line of future street will have some wetland impacts, the corridor

does appear to be feasible with appropriate mitigation when the properties are developed.

He explained that the extension of Kyle Road to Bog Road is intended to be a local street and is not designed to divert traffic from Fisherville Road, Borough or Bog Road, but to allow traffic within the neighborhood to circulate without needing to access the collector and arterial road network in the area. With this in mind, two roundabouts are recommended along the extended section of Kyle Road as a traffic calming measure.

Mr. Gross moved that the Planning Board set for public hearing the proposal for the mapped lines of a future street for an extension of Kyle Road westerly then southerly to Bog Road at the October 15, 2008 Planning Board meeting. Mr. Swope seconded. Motion carried.

- Reminder of **upcoming meetings**:

The Chair reminded the Planning Board of its special meeting on September 24, 2008 at 7:00 PM in the City Council Chambers.

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

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