

The regular monthly meeting of the City Planning Board was held on October 15, 2008 in the City Council Chambers in the City Hall Annex at 7:00 PM.

Present at the meeting were Members Drypolcher (who as Chair presided), Dolcino, Foss, Gross, Harrington, Hicks, Meyer (who arrived at 7:03 PM), and Shurtleff. 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 7:00 PM a quorum was present and the Chair called the meeting to order. The Chair welcomed Matt Hicks and Joel Harrington as new members of the Planning Board.

APPLICATIONS

Major Subdivisions

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

Public Hearing

(Ms. Meyer arrived at 7:03 PM.)

Mr. Henninger explained this proposal to subdivide a 2.25-acre residential lot on Garvins Falls Road from a 44.05-acre predominately commercial parcel located at the end of Integra Drive. In order to convey the new lot, the applicant proposes to extend Integra Drive by 260 feet to provide frontage for the remnant lot. Integra Drive has been constructed to the City's collector road standard. The extension will be constructed to the same standard.

The applicant intends to extend municipal water and sewer lines along the extension of Integra Drive. The existing sewer line along Integra Drive is not in operation but is designed to extend north and west through this property ultimately to Manchester Street. Existing development on Integra Drive is connected to the Manchester Street gravity sewer line by individual sewer force mains. The applicant has agreed to add a note to the plan that indicates the remnant 41.4-acre lot on Integra Drive will not be developable until functioning sewer service is provided.

The new roadway construction and the extension of municipal utilities establish this application as a major subdivision.

He reported that the applicant has requested a waiver to allow the plat to be submitted at a scale of 1" = 100'. Due to the large lot sizes City staff has no objection to this request.

He reported the applicant obtained a variance from the Zoning Board of Adjustment to allow the creation of a lot along Garvins Falls Road with 128 feet of frontage where 200 feet is required.

Mr. Henninger explained that potential future road connections north and south through the site have been identified on the subdivision plan. It is intended that Integra Drive will extend approximately another 250-300 feet west to a future collector road which will extend south from Manchester Street. A corridor has been reserved at the intersection of Old Suncook Road/Manchester Street. This collector road will continue south beyond Integra Drive to Garvins Falls Road near the Passaconway Club.

He reported that the Planning Board has expressed concerns in the past in regard to additional development along Integra Drive until improvements are made to the intersection of Integra Drive and Manchester Street. These improvements, including turn lanes and a traffic signal, are scheduled in the Capital Improvement Program and Budget for fiscal year 2009.

Attorney Richard Uchida was present on behalf of the applicant to answer questions from the Board.

There was no one present who wished to speak for or against this application and the Chair declared the hearing closed at 7:14 PM.

Deliberations and Action on Application

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

Ms. Foss moved that the Planning Board grant conditional preliminary subdivision approval of the "Subdivision Plat prepared for B& D Houston Enterprises, Inc." subject to the following standard and special conditions:

1. Prior to the final plat being signed by the Planning Board Chair and Clerk, the following State and federal permits shall be obtained and copies provided to the Planning Division:
 - a. NH Department of Environmental Services, Water Supply and Pollution Control Division, subdivision approval for on-site septic systems for the proposed residential lot on Garvins Falls Road.
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 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 deed of easement for the new street.
 - b. Temporary turnaround easements for the temporary hammerhead.
 - c. A temporary drainage easement for the temporary drainage system.
5. 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.
 6. Approvals shall be obtained for the construction drawings and specifications for all public improvements from the Engineering Division prior to the commencement of any of the public improvements. No construction activity on the public facilities may commence prior to the pre-construction conference.
 7. No certificate of occupancy for any building or use on the remnant 41.40 acre parcel shall be issued until all public improvements have been completed to the satisfaction of the City Engineer and accepted by the City Council. A certificate of occupancy may be issued for the residential lot on Garvins Falls Road prior to the completion of the improvements to Integra Drive.
 8. 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, Fairpoint Communications and National Grid.
 9. 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.

Special Condition

10. Prior to the final plat being signed by the Planning Board Chair and Clerk, the plat shall be annotated stating that no development may occur on the 41.40 acre remnant parcel until a functional sewer service connection is provided to the municipal sanitary sewer system.

Mr. Gross seconded. Motion carried.

Major Site Plans

2. 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)

Public Hearing

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

Ms. Hebert explained this proposal to redevelop the property at 57 Constitution Avenue located in the Opportunity Corridor Performance District to the south of the former Page Belting building off Horseshoe Pond Lane. The project involves the demolition of the two existing vacant 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, which will contain 15,500 square feet on the first floor and 5,800 square feet on the second floor. The building will be the new location for Weston Solutions, an environmental engineering and consulting company.

She reported that the applicant has also requested a Conditional Use Permit to construct additional compact parking spaces. The City's regulations allow up to 25% of the parking spaces to be compact, which would be 24 parking spaces, and the site plan has been designed with 29 compact parking spaces. The Zoning Ordinance provides for the construction of up to 50% additional compact parking spaces through the Conditional Use Permit process. The applicant has requested that 29% of the parking spaces be compact.

She reported that the applicant is designing the building with the intent of applying for a LEED Silver certification. The building façade contains a combination of brick veneer, gray split faced block and metal panels. A portion of the roof will be constructed as a "green roof". The applicant proposes to use a modular GreenGrid roof system, which is a product patented by Weston Solutions. The roof top will also have a patio area and serve as a demonstration garden for the future clients. The rooftop mechanical units will be screened with a metal screening system; the building elevations also include the possibility of locating either photovoltaic or solar hot water panels on the south face of the screening system.

Ms. Hebert reported that the Architectural Design Review Committee reviewed the building plans and did not have any objections to the design of the building, but recommended the removal of the handrail along the top of the first story along the perimeter of the green roof. The applicant concurred with the suggestion and is exploring options to reduce the extent of the handrail. The Committee also reviewed a revised landscape plan and recommended approval.

She explained that the main entrance to the new office building will be off Constitution Drive but the parking lot will also connect to the Horseshoe Pond complex as a secondary means of access. The site plan includes a total of 99 parking spaces where 97 are required. Five parking spaces are proposed to be designated as LEV/Hybrid Vehicles Only and five spaces are to be designated as Carpool/Vanpool Only.

She explained that an existing city-owned storm drain line needs to be relocated to the northerly side of the site. The application includes the conveyance of a 25-foot wide

drainage easement to the City. The stormwater will be detained onsite within an underground detention system.

She reported that the property is located within the Flood Hazard District. The first floor elevation of the building has been located above 238.4-foot elevation per the City's zoning requirements.

Mr. Gross asked if there had been any discussion, inasmuch as they were seeking to construct in an environmentally conscious manner, about using a pervious surface for the parking lot. Ms. Hebert responded that, given the property's proximity to Horseshoe Pond, it would not be feasible to use a pervious surface that might allow runoff into the pond.

Jeff Lewis from Northpoint Engineering, Nick Isaak from ProCon Construction, and Jim Ricker from Weston Solutions were present to answer questions from the Board.

Mr. Gross asked for a discussion of the benefits of the green roof system. Mr. Ricker responded that this is a technique that has been popular in Europe for a number of years and they are now marketing it in the United States. Benefits include cooling the building in the summer. He explained that the construction of the system helps to absorb the heat of the sun. It also has great acoustic value and is more attractive. Most importantly, it helps with storm water retention.

Ms. Foss asked why the green roof is not being proposed for the upper roof as well as the lower roof, and Mr. Ricker responded that it is also meant to be enjoyed and the lower roof will be visible from I-393. Building tenants will also be able to use the patio area as a common lunch/break area. Ms. Foss also asked about the material being proposed for the upper roof and was told it would be standard membrane roofing materials. She suggested pebble roofing to provide an inviting environment for night hawks.

There was no one present who wished to speak for or against this application and the Chair declared the hearing closed at 7:32 PM.

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

Mr. Gross moved that the Planning Board grant the Conditional Use Permit to allow the construction of additional compact parking spaces pursuant to Section 28-7-11(d) of the Zoning Ordinance. The CUP will allow for the construction of 29 compact parking spaces (29%), rather than the 24 spaces (25%) that are allowed by the Zoning Ordinance. Ms. Dolcino seconded. Motion carried with Ms. Meyer abstaining from discussion and vote.

Mr. Gross moved that the Planning Board grant Architectural Design Review approval for the site and landscaping plans as well as building design for the major site plan of Greenlands Redevelopment, LLC as submitted by Northpoint Engineering and Pro Con Inc. Mr. Shurtleff seconded. Motion carried with Ms. Meyer abstaining from discussion and vote.

Ms. Foss moved that the Planning Board grant conditional site plan approval for the major site plan of Greenlands Redevelopment, LLC 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 site plan drawings to address the minor corrections and omissions noted by City staff.
2. Prior to the issuance of a certificate of approval by the Planning Board Chair (and issuance of any building permits for construction activity on the site), approvals of construction drawings for on-site improvements shall be obtained from the Engineering and Planning Divisions. No construction activity may commence prior to the preconstruction conference.
3. No certificate of occupancy shall be issued until all site improvements have been substantially completed to the satisfaction of the City Planner and City Engineer.
4. Prior to the issuance of a Certificate of Approval by the Planning Board Chair (and issuance of any building permits for construction activity on the site), the applicant shall obtain approval of private utility plans from Unitil, Fairpoint, and National Grid.
5. 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 - Single Tenant Office (21,300 square feet)
6. Prior to the issuance of a certificate of approval by the Planning Board Chair (and issuance of any building permits for construction activity on the site), the following easement 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. Conveyance of a 25-foot wide drainage easement for the relocated City-owned storm drain line.

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

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

Public Hearing

Ms. Hebert explained this proposal to construct a 13,738 square foot two-story expansion to the existing Local Government Center at 25 Triangle Park Drive. The building currently contains 43,585 square feet of floor area and 11,450 square feet of basement area which is used as a combination of office and assembly space. 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 explained that the proposed improvements are completely within the Office Park Performance District and portions of the existing building and parking area are located in the Gateway Performance District. A portion of a 265-foot wide PSNH right-of-way crosses through the northwest corner of the property.

She reported that the Local Government Center received approval from the Planning Board last month for a minor subdivision to adjust the lot lines between the property at 25 Triangle Park Drive and a property off Pembroke Road in order to consolidate 4.75 acres of land with the 3.57 acre parcel at 25 Triangle Park Drive. The additional land was needed in order to construct the expanded parking lot.

Ms. Hebert reported that the proposed building façade has been designed to match the existing structure. The Architectural Design Review Committee reviewed this application at their meeting and had a number of recommendations for the landscaping within the parking lot, but recommended approval of the building as submitted. The Committee also suggested that the applicant include pervious pavement or bioretention areas within the parking lot, and that additional shade trees be included in the landscape islands. The applicant has revised the plan to include the additional shade trees and has also converted six of the nine interior landscape islands to small bioretention areas. The existing retention basin to the north of the parking area will be enlarged to control the stormwater runoff from the expanded parking lot.

She reported that 281 parking spaces will be provided. 274 spaces are required under the City's Zoning Ordinance. The parking lot has been designed with 61 compact parking spaces and eight handicapped parking spaces.

Rick Stuart, civil engineer from The Louis Berger Group, and Peter Tennant from Tennant/Wallace Architects, were present to answer questions from the Board on behalf of the applicant.

There was no one present who wished to speak for or against this application and the Chair declared the hearing closed at 7:42 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 and landscaping plans as well as the building design for a major site plan application for the Local Government Center, Inc. as submitted by the Louis Berger Group, Inc. Mr. Shurtleff seconded. Motion carried.

Ms. Foss moved that the Planning Board grant conditional site plan approval for the expansion of the Local Government Center at 25 Triangle Park Drive subject to the following standard and special conditions:

Standard Conditions:

1. Prior to the issuance of a Certificate of Approval by the Planning Board Chair (and issuance of any building permits for construction activity on the site), the applicant shall revise the site plan drawings to address the minor corrections and omissions noted by City staff.
2. Prior to the issuance of a certificate of approval by the Planning Board Chair (and issuance of any building permits for construction activity on the site), approvals of construction drawings for on-site improvements shall be obtained from the Engineering and Planning Divisions. No construction activity may commence prior to the preconstruction conference.
3. No certificate of occupancy shall be issued until all public and private improvements have been substantially completed to the satisfaction of the City Planner and City Engineer.
4. 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 Unutil, Fairpoint, and National Grid.
5. 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's 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 - Single Tenant Office (13,738 square feet)

Special Condition:

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 companion minor subdivision application to adjust the lot lines between parcel 111H/4/22 and 111B/1/16 shall be approved by the City and recorded at the Merrimack County Registry of Deeds.

Mr. Shurtleff seconded. Motion carried.

Minor Site Plans

4. Application by **St. Paul's School** for revisions to a previously approved site plan for property at **38 Fisk Road**. Along with this application are requests for Conditional Use Permits pursuant to 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)

Public Hearing

Mr. Woodward explained this proposal for approval of revisions to the previously approved site plan for the construction of a parking lot and trailhead improvements related to the proposed Winant Park. The revisions include a reshaping of the parking lot so as to reduce the number of parking spaces from twelve to ten, eliminate one driveway and curb cut, add a bicycle rack, and move the informational kiosk to the east end of the bridge on the other side of Miller's Brook. Approval is also sought for revisions to the applications for Conditional Use Permits pursuant to 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.

He reported that, in October of 2007 at the request of the Conservation Commission, the City Council 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, 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 recently passed a second resolution 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 over 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 for 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, on September 17, 2008, the Planning Board granted conditional approval to the site plan application as well as 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 of the parking lot, which was based on seasonal use, is not proposed to be revised and therefore remains in effect as granted by the Board in September.

Mr. Woodward explained that the parking lot has been redesigned with one curb cut for two-way traffic flow, and the driveway 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 Conservation Commission had reviewed the revised plans and re-affirmed their previous finding that the wetland and shoreland buffer impacts were acceptable. The need for a Dredge and Fill permit has been eliminated as there will be no filling of wetlands under the revised plan. The prior site plan had called for filling of 1,755 square feet of wetlands and a condition of the earlier approval had been receipt of a permit from NH Department of Environmental Services.

He reported that the Design Review Committee had reviewed the revised site plan and found it to be acceptable as submitted.

He reported that the Zoning Board of Adjustment granted two variances for this application in September. On October 6, 2008, the ZBA voted to accept the revised submittal as consistent with their previous action, indicating that it is a better plan, and expressed appreciation for the accommodation of the neighbor's concerns. The variances that were granted were a use variance to permit the disturbance and removal of existing vegetation within the required seventy-five foot natural vegetative buffer, and an area variance to permit a structure and impervious surfaces to be placed adjacent to a designated surface water where a seventy-five foot separation is required.

Mr. Woodward reported that the abutters to the south who had expressed concern and reservations about the plan at the Planning Board's public hearing on September 17, 2008, have signed a letter endorsing the revised plan.

Robert Pollock from Pollock Land Planning, and Mike Barwell representing Rivington Winant, were present on behalf of the applicants.

Ms. Foss commended everyone involved in the renegotiation and redesign of this project. She felt this was a far superior design, both ecologically and aesthetically.

There was no one present who wished to speak for or against this application and the Chair declared the hearing closed at 7:53 PM.

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

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

Mr. Shurtleff 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. Ms. Dolcino seconded. Motion carried.

Ms. Foss 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. Ms. Dolcino seconded. Motion carried.

Ms. Foss moved that the Planning Board grant conditional site plan approval subject to the following condition:

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.

Ms. Dolcino seconded.

Mr. Gross noted that this is a far superior plan to the design seen last month. He noted that one of the functions of this Board is to allow the public to be heard and to participate in the improvement of a plan. He felt the process really worked well in this instance.

Motion carried.

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.

- **Disabilities Rights Center** at corner of Storrs Street & Dubois Avenue (directional sign)
- **The Blooming Iris** at 78 N. Main Street (2 signs)
- **First Impressions Custom Cars & All Tune Motor Lube** at **204 Fisherville Road** (freestanding sign)

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

- **Disabilities Rights Center** at corner of Storrs Street & Dubois Avenue (directional sign)

Mr. Henninger reported that the applicants had received a license from the City Council to place this sign off site in the City's right-of-way. He reported that the Design Review Committee found the design and placement of 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 as submitted. Ms. Foss seconded. Motion carried.

- **The Blooming Iris** at 78 N. Main Street (2 signs)

Mr. Henninger reported that the applicants propose to replace existing signage for the former Chandler Shop. They are replacing the existing hanging sign and re-lettering the valance on the existing awning. The large sign above the awning will be removed. He reported that the Design Review Committee found the design and placement of 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 as submitted. Ms. Meyer seconded. Motion carried.

- **First Impressions Custom Cars & All Tune Motor Lube** at **204 Fisherville Road** (freestanding sign)

Mr. Henninger reported that, at its regular meeting in September, the Planning Board had adopted the recommendation of the Design Review Committee and approved most of the proposed signage for this commercial property with the exception of the freestanding sign. However, the applicants had not returned to the Design Review Committee with a revised proposal for the freestanding sign nor had they provided any new information. He reported City staff would follow up with the applicant.

There was no one present on behalf of the applicant.

Mr. Gross moved that this application remain on the table and Ms. Meyer seconded. Motion carried.

6. Building plans for renovations of the facades at **Fort Eddy Plaza** related to an application by **South Miami Properties, LLC. at 24-72 Ft. Eddy Road.**

Public Hearing

Mr. Henninger explained this proposal for revisions to the façade elevations for the minor tenant space at Ft. Eddy Plaza from the Shaw's storefront to an expanded EMS storefront. The existing green canopy at Shaw's will be extended along their frontage toward Rite Aid to tie the roof lines on the south wing of the Plaza together. No changes are proposed to either the Borders or Staples storefront. No changes are proposed to the side and rear elevations. The signs shown on the elevations are not being submitted for consideration at this time. No other changes are proposed to the site or building.

He reported that the Architectural Design Review Committee reviewed the exterior elevations and in general found the elevations acceptable as submitted. It was noted on the plans that individual tenants could change the color of the facades behind the signs. The Committee was of the opinion that the background should be a consistent tan color as shown on the plans submitted. The individual signs with their different shapes and colors would provide sufficient distinctiveness for the individual tenants.

He reported that City staff has been advised that the applicant is considering modifications to the parking lot in front of the complex but has no immediate plans to undertake any improvements.

Mr. Henninger reported that the Design Review Committee found the elevations acceptable as submitted and recommended a consistent background in a tan color as shown on the plans submitted inasmuch as the individual signs with their different shapes and colors would provide sufficient distinctiveness for the individual tenants. The Committee further recommended that the sloped roof in the central section of the plaza be a light silver or grey color as shown on the elevations.

There was no one present on behalf of the applicant.

There was no one present who wished to speak for or against this application and the Chair declared the hearing closed at 8:08 PM.

Deliberations and Action on Applications

Mr. Gross moved approval as submitted subject to a consistent tan background color as shown on the plans submitted and the sloped roof in the central section of the plaza be a light silver or grey color as shown on the elevations. Ms. Meyer seconded. Motion carried.

7. Building plans for the installation of solar arrays at the **Gateway Center** by **Concord Gateway Properties, LLC at 25 Hall Street.**

- upper roof array
- lower roof array

Mr. Henninger explained that the applicant has submitted two separate applications to install photovoltaic solar arrays at two different roof top locations at this mixed use commercial building at the intersection of Hall Street and Water Street. Two separate contractors will install each array but both will be electrically connected together. The applicant has advised that the two arrays together will be the largest solar installation in New Hampshire.

He explained that the upper solar array will be located on the roof of the main three-story portion of the building. The array will be tilted 10 degrees from horizontal and will extend no more than 5' 2" above the roof top. The solar array on the upper roof is the larger of the two installations. With the existing roof top equipment, glass dome and 18" parapet wall, this array will not be readily visible from most locations offsite.

He explained that the lower solar array will be located on a one-story section of the roof on the south side of the building and will be the more visible of the two installations, although it will only be visible from the south. The arrays have been treated with anti-glare materials. No other changes are proposed to the site or building.

He explained that the photovoltaic panels generate DC power which is converted to AC power onsite and will then be connected directly to the electrical system of the building. The combined arrays will have a rated capacity of 35KW with a peak generation of 125KW.

Mr. Henninger reported that the Architectural Design Review Committee reviewed the exterior elevations for both arrays and found both to be acceptable as presented.

Dick Benson from Bricks & Stix Construction and Robert Zeitlin, owner of the building, were present on behalf of the application. They advised that their motivation is to protect the environment, reduce carbon emissions and set a precedent for others to follow.

There were no others present who wished to speak for or against this application and the Chair declared the hearing closed at 8:18 PM.

Deliberations and Action on Applications

Mr. Gross moved approval of both the upper roof array and the lower roof array as submitted. Ms. Meyer seconded. Motion carried.

Official Map

8. Consideration of an **amendment to the Official Map** of the City of Concord so as to establish the mapped lines of a future street **between Bog Road and Kyle Road**.

Public Hearing

Mr. Henninger explained that during its deliberation of the Vineyards Planned Unit Development in 2003 and 2004 the Planning Board 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 granted approval of the Vineyards PUD subject to a condition that prior to an issuance of any 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 and Bog Road.

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

He explained that the mapping does not constitute the opening or establishment of any street or the taking of any land for street purposes. The mapping is effectively an encumbrance on private property. Mapped lines of future streets are intended to implement the adopted Master Plan and to provide for a coordinated street system when development is occurring incrementally and involves more than a single parcel. Pursuant to State statutes, an official map of Concord was established on January 4, 1944. Amendments to the map are made by the City Council, often referred to as the layout process, and by the Planning Board on approval and recording of a subdivision plat with a public street right-of-way dedication. By far, the majority of amendments to the official map have been undertaken by the Planning Board. Amendments to the map are also undertaken routinely as part of the site plan review regulations where road improvements are required as a condition of approval and right-of-way is conveyed by the developer to allow for the expanded road network.

For nearly 50 years the mapped line of future streets process has allowed the Planning Board to approve subdivisions 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.

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. 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. While both properties presently owned by others 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 reported 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.

Reggie Moreau from RJ Moreau Companies and developer of the Vineyards was present as the petitioner. In answer to a question by Mr. Harrington he responded that the wetland study was conducted in April and then a second phase of the study was completed in June.

There was no one present who wished to speak for or against this application and the Chair declared the hearing closed at 8:38 PM.

Deliberations and Action on Application

Deliberations and vote on this item were postponed until after the next hearing relative to rezoning of the same property.

Zoning Ordinance

9. Consideration of a proposal by R.J. Moreau Communities, L.L.C. to **amend the Zoning Map** by changing the boundary between an existing Open Space Residential (RO) District and a Medium Density Residential (RM) District **northerly of Bog Road and westerly of Kyle Road.**

Public Hearing

Mr. Henninger explained this request to rezone land north of the Vineyards Planned Unit Development on Bog Road from Open Space Residential Development (RO) to Medium Density Residential Development (RM). The property in question includes parcels presently owned by the R.J. Moreau Communities, LLC and 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 Vineyards development. The intent of the rezoning is to provide the opportunity to add to this development by creating additional two-story townhouses and duplex units. 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.

The land use to the north and west abutting the area proposed for rezoning 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 reported that the recently adopted 2030 Master Plan has identified this area as Medium Density Residential with the principal uses being single and multi-family development with a maximum residential density of six units per acre. The intent identified in 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.

He reported that 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.

The petitioners have also submitted a conceptual drainage plan, a conceptual water line extension plan, and a conceptual sanitary sewer extension plan. The City's Engineering Division indicates 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. Pump stations and force mains may be required to provide sewer service to the future development to the west. The Engineering Division indicates that storm water runoff from future development can also be managed. The Division noted that since current downstream storm sewer systems may be currently surcharged, future development should be subject to a requirement that there be no increase in the quantity of runoff leaving the site. 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 further commented that the city water system is now adequate to handle this and any adjacent developments.

Mr. Henninger reported the applicant is approaching the end of Phase 2 of the Vineyards and has submitted two conceptual layouts for the extension of a public street from Kyle Road to Bog Road based on their informal evaluation of the wetlands on the abutting property on 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.

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 explained 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 RM zone on Bog Road by approximately 20.1 acres

and increases the area of RM zoning 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.

He reported that adjusting the zoning district boundary between the RM and RO Zoning Districts as proposed would not result in a significant increase in the planned residential development in this part of Concord. 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.

He reported that Phase 1 of the Fisherville Road corridor study includes improvements to Fisherville Road north and south of Bog Road and the realignment and signalization of the Bog Road intersection. These improvements have been approved as part of the City's 2008 budget and are now under design. An additional appropriation may be required once final design is completed and bids received. A decision to remove the partial concrete base under the center of Fisherville Road will also affect the cost and timing of this planned construction.

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 towards Alice Drive.

There was no one present who wished to speak for or against this application and the Chair declared the hearing closed at 9:16 PM.

Deliberations and Action on Application

Mr. Gross asked for information relative to the proposed rezoning in relation to the proposed mapped line of future street. Mr. Henninger drew the proposed area for rezoning on the plan showing the proposed mapped line of future street. As a result of this information, Mr. Gross noted that it appeared that the result of positive votes on these proposals would be the ability to further develop a relatively small area to the north of the proposed mapped line of future street and a small area to the south of the proposed mapped line of future street.

Mr. Gross moved to adopt the proposed revisions to the official map of the City as proposed.

Ms. Foss commented that she would like to see what a more southerly route would look like before she voted on this proposal. She suggested a route going along the southerly edge of the Bog. She hoped this would provide a lesser impact to the existing wetlands which is one of the larger unfragmented blocks of wetland in the city, encompassing a substantial area.

Ms. Meyer felt the real goal would be to create connectivity and that could still be accomplished with development of either parcel without bisecting the existing wetland. If the wetland is skirted, the City gets the connectivity it is looking for with development potential still available.

Mr. Henninger indicated that there did not appear to be any reason, strictly from the perspective of road layout, that there would be a significant difference to the City with the suggested design. There are two major property owners involved in the proposed rezoning who would be affected in different ways by Ms. Foss's suggested revision to mapped line of future street.

Mr. Gross withdrew his motion for lack of a second.

Mr. Shurtleff moved to table action on the proposed mapped line of future street and ask staff further study the request in light of the suggestion by Ms. Foss and return with an alternate proposal. Ms. Dolcino seconded. Motion carried.

Mr. Shurtleff moved to table action regarding the proposed rezoning until there is a more definitive proposal relative to the mapped line of future street. Ms. Dolcino seconded. Motion carried.

John Lariviere from RJ Moreau Companies explained that they had submitted this request for a mapped line of future street in order to comply with a condition of the Planning Board's approval for the Vineyards planned unit development. This is not intended to say that this is where a street in a future development must go. That will have to be determined when further development is proposed. This is a concept showing where a road could go for connectivity of streets.

He then asked if they had fulfilled the condition of approval by providing the proposal. Mr. Henninger responded that the condition required that they needed to submit a plan suitable for adoption and the Board has indicated it wants staff to go back and look again at the plan before adoption.

REGULAR MEETING

Minutes

Mr. Gross moved approval of the minutes of the meetings of September 17, 2008 and September 24, 2008 as submitted. Ms. Dolcino seconded. Motion carried.

11. Consideration of a request by **Peter & Olivia Delfausse** for an extension of the period of validity of a previously approved subdivision of property at **224 Little Pond Road**. (#2007-90)

Mr. Woodward explained that the Planning Board, at a meeting on November 14, 2007, granted conditional final subdivision approval of the application of Peter and Olivia Delfausse for a subdivision of property at 224 Little Pond Road. Pursuant to Section

7.02(3)(e)(iii) of the Board's Subdivision Regulations, the plat must be recorded within one year of the date of approval, or in this case, November 14, 2008, or otherwise it becomes null and void.

He reported that the applicants have now forwarded a request for a one-year extension of the conditional approval. Extensions of a final subdivision approval are granted as a waiver of the Subdivision Regulations, and the Board has often granted one-year extensions, but has generally required that an applicant present requests for anything more than that at the end of the one year extension. The Board has evaluated conditions at that time to determine if conditions have changed or otherwise warrant a further one-year extension.

Mr. Shurtleff 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 November 14, 2009, or the approval granted to this subdivision shall become null and void. The applicant may return to the Board prior to that date to seek a further extension. Ms. Meyer seconded. Motion carried.

12. Consideration of a request by **Lora Goss & Brian Smith** for a retro-active extension of the period of validity of the previously approved subdivision at **51/55 Sanborn Road.** (#2006-84)

Mr. Woodward explained that the Planning Board, at a meeting on September 20, 2006, granted conditional final approval of an application by Lora Goss and Brian Smith for subdivision of property at 51/55 Sanborn Road. Pursuant to Section 7.02(3)(e)(iii) of the Board's Subdivision Regulations, the plat was to have been recorded within one year of the date of approval, or in this case, September 20, 2007, or the approval would become null and void. The Board, at its recessed meeting on September 19, 2007, granted a waiver of the Subdivision Regulations to permit a one-year extension of the conditional final approval. The applicants have been working toward the recording of the subdivision and realized that the deadline for recording had passed and have now forwarded a request for another extension of the approval of the above-referenced application, seeking validity through September 20, 2009.

He reported that any extensions of a final subdivision approval may be granted by the Board as a waiver of the Subdivision Regulations, and the Board has often granted one-year extensions, but has generally required that an applicant present requests for anything more than that at the end of the one year extension. The Board has evaluated the request at that time to determine if conditions related to the subdivision have changed or otherwise warrant another one-year extension. If conditions have changed, the Board has denied the waiver for a further extension, and after several extensions, the Board has also indicated to applicants that a requested extension will be the final one as the passage of time alone creates an issue in terms of new abutters having no recorded plat as a means of learning of the existence of the application and the pending change in their neighborhood.

In the case of this subdivision, there has been no change in zoning nor are there any other circumstances that would otherwise warrant a denial of an extension for this application.

Mr. Gross 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 September 20, 2009, or the approval granted to this subdivision shall become null and void. Mr. Shurtleff seconded. Motion carried.

CITY COUNCIL REFERRALS

13. Consideration of a request from Councilors Bouchard and Shurtleff requesting the Planning Board devise a **method to issue building permits**, using some of the provisions of RSA 674:41, that could be incorporated under the City's Code of Ordinances, either for properties on an **unaccepted street**, or on individual lots on which there are pre-existing dwellings and which are located on an unaccepted street.

Mr. Woodward explained that staff is working on a report for this item. There are more than two dozen streets or ways that are not accepted streets in the city. These streets have some pre-existing homes on them. Because of their location on an unaccepted street, there are many simple things, like adding a porch, which these property owners are unable to do. A number of years ago the City Council granted these streets status as emergency lanes that would allow them to receive City snowplowing services in order to facilitate emergency access. The focus of this request is to allow these property owners some relief under the statute. The staff is researching the matter and continuing to pursue options with the hope that a report will be available for the Board next month.

NEW BUSINESS

14. Consideration of a request from the Tax Collector that the Board make a recommendation on the disposition of **tax dedeed property off Winterberry Lane in the Primrose Woods Subdivision.**

Mr. Henninger explained that an open space parcel created as part of the first phase of the Primrose Woods Subdivision in Penacook was taken by the City by tax title in 2008. The property was dedeed by the City for failure to pay property taxes, and the prior owner of the property has no interest in retaining ownership of this property.

He explained that the 37.49 acre parcel was the required open space for Phase 1 of the Primrose Woods Subdivision, which consisted of 15 lots on both sides of Winterberry Lane. This land is encumbered entirely by a conservation easement which prohibits development of the site. In addition, pursuant to RSA 674:21-a, a conservation restriction on subdivision open space exists as a matter of New Hampshire law based on representations made at the time of Planning Board approval of this cluster subdivision. The parcel is also encumbered by an access easement to the City's water supply tank for

Penacook. The parcel contains significant areas of wetlands.

He explained that a proportionate fee interest in the open space parcel in question was not conveyed to the purchasers when the lots were conveyed by the developer. For the other open space parcels in the original Primrose at Penacook subdivision along Primrose Lane, and the second phase of the Primrose Woods subdivision along Rosewood Drive and Mulberry Way, proportionate interests in the open space parcels were conveyed to the property owners in the subdivision.

He explained that the Planning Board's role is to recommend to the City Council the disposition of tax deeded properties. In the past, the Planning Board has recommended the retention of property as part of the City's open space system, the retention of the property for other public use, and has recommended that land be offered to other governmental bodies such as the Merrimack Valley or Concord School Districts. The Board has also recommended the holding of property to facilitate land assembly and redevelopment, and has also recommended that land not be retained in public ownership. On occasion where the property in question is a non-conforming lot or is unbuildable due to wetlands, slope or lot size and configuration, the Board has recommended and the City Council has concurred, that the properties be offered only to abutters. It has been the practice of the Planning Board to solicit interest from the Conservation Commission, City departments, the appropriate school district, and Merrimack County to ascertain if any public purpose could be foreseen for these properties.

In this instance the property is not developable, and its use is already restricted by a conservation easement. Given these limitations on use, Planning staff is of the opinion that a full scale inquiry for potential alternate use is not warranted.

Mr. Gross asked the potential for this to happen again with other subdivisions for which the Planning Board has required open space as a condition of approval. Mr. Henninger responded that in this case everything else in the development was conveyed as part of the public infrastructure. The only thing privately held was this open space. Typically this is deeded by proportional share to each of the property owners in the development but the developer neglected to do that in this instance.

Mr. Gross felt 34.79 acres is a fairly sizeable piece of land. If the City accepts this parcel, it becomes responsible for the property. There could be substantial exposure to environmental harm and the City then becomes exposed to it. He did not want the Planning Board to do something that provides a precedent. The Board needs to be careful in approving a subdivision with this kind of condition that it forecloses the possibility of this happening again.

Mr. Henninger indicated this land is primarily wetland and surrounds the City's water tank on three sides.

Mr. Gross would like to see the Planning Board learn from this and not consciously

approve development proposals without properly reserved open space so that the City does not end up in the same situation again.

Mr. Woodward indicated the simplest device would be to check deeds when they start to sell lots and to not issue Certificates of Occupancy until the deeds are corrected to reflect the open space.

Mr. Gross suggested that there be a note placed on plats in the future.

Mr. Gross moved that the Planning Board permanently accept fee title to the 37.49 acre parcel as part of the City's public open space system. Ms. Meyer seconded. Motion carried.

Mr. Gross asked that the communication to the City Council should include the concerns expressed by the Board this evening relative to this situation.

INFORMATION

- Copy of Fully Assented-to Motion for Leave to Become Non-suit (re: Parmenter Rd)

Mr. Woodward reported that a suit had been brought against the Planning Board as a result of its action in granting conditional site plan approval and preliminary subdivision approval in May of the Parmenter Road Realty application. The abutters have now submitted a Fully Assented-To Motion for Leave to Become Non-Suit. He explained there is still about ten days left in the appeal period on the Planning Board approvals granted on September 24, 2008. The action to Non-Suit also has a thirty-day window during which the petitioners can change their minds about their action. So there are still two windows open for further legal action.

There was no further business to come before the Board and the meeting adjourned at 10:26 PM.

A TRUE RECORD ATTEST:

Douglas G. Woodward
Clerk

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