

The regular monthly meeting of the City Planning Board was held on May 16, 2007 in the City Council Chambers at the City Hall Annex at 7:00 PM.

Present at the meeting were Members Drypolcher (who as Chair presided), Dolcino, Gross, McGonagle, McClure (who arrived at 7:30 PM), Merrill, Meyer and Alternate Member Blanchette (who was seated for Member Swope). Messrs. Woodward and Henninger, and Ms. Hebert and Ms. Osgood of the City Planning Division were also present, as was Ms. Aibel, the City's Associate Engineer.

At 7:10 PM a quorum was present and the Chair called the meeting to order and seated Alternate Member Blanchette for Member Swope who was not expected.

APPLICATIONS

Site Review Pursuant to RSA 674:54, Government Land Uses

1. The **State of New Hampshire** proposal to construct an addition to and renovations of the **Bridges House at 21 Mountain Road**.

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

Revocation

2. Request for revocation of the recorded plat of the resubdivision and subdivision of property of **Marylee Welcome Forgey Johnson & Don P. Forgey and Mark F. & Christine D. Bogacz on Old Loudon Road, Loudon Road and Break-O-Day Drive**.

Public Hearing

Mr. Henninger explained that the owners of property involved in a subdivision north of Loudon Road between Old Loudon Road and Break-O-Day Drive requested that the Planning Board revoke the approval of an existing recorded subdivision.

He explained that the Planning Board granted conditional final subdivision approval on May 24, 2004 for a minor subdivision which transferred a 3.27 acre tract from 103 Loudon Road and combined it with on Break-O-Day Drive. The intent of this subdivision was to facilitate the development of the Shops of Concord Commons proposed by Two Loudon Road Developers. The conditions were subsequently addressed and the plat was recorded in the Merrimack County Registry of Deeds. The Shops of Concord Commons is no longer a viable development and the current owners of the two properties in question have requested the revocation of the plat. No property has been transferred and the deeds for the land do not match the recorded subdivision.

Mr. Henninger reported that the City's Director of Real Estate Assessment is fully in support of this revocation. The ownership and the property being assessed does not match the recorded plat, and the revocation will eliminate this legal conflict.

Marylee Forgey Johnson was present as petitioner to answer questions from the Board.

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

Deliberations and Action

Mr. Merrill moved that the Planning Board order the Clerk of the Board to file a Declaration of Revocation in the Merrimack County Registry of Deeds for the "Resubdivision Plan - Tax Map 112, Block 5, Lots 27 & 29" recorded as plan number 16981. Mr. McGonagle seconded. Motion carried.

Minor Subdivisions

3. Application by **East Coast Hangars LLC** for approval of a subdivision by virtue of conversion to condominium of property on **Regional Drive**. (#2007-39)

Determination of Completeness

Mr. Henninger explained this proposal to create ten condominium units in an existing airplane T-hanger on the north side of the airport next to discontinued runway 12-30.

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

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

Public Hearing

Mr. Henninger explained this proposal to create ten condominium units in an existing airplane T-hanger on the north side of the Airport next to discontinued runway 12-30.

He reported that East Coast Hangars, LLC has a lease on approximately one acre of municipal airport property until 2030. The Condominium Association will assume ownership of the lease. When the lease expires or is terminated, the condominium expires and the unit owners association will have 90 days to remove the building, or ownership of the building reverts to the City of Concord.

He reported that no modification to the existing building, internal unit boundaries or the site improvements are proposed.

Mr. McGonagle asked if there were any hazardous materials stored in this facility and Mr. Henninger responded that it was his understanding that the only materials stored would be the fuel in the airplanes and incidental materials.

Don Hebert was present to answer questions from the Board on behalf of the applicant.

There was no one present who wished to speak for or against this application and the Chair declared the hearing closed at 7:20 PM.

Deliberations and Action on Application

Mr. Gross moved that the Planning Board grant a waiver to Section 8.04 (2)(a)(ii) of the City's Subdivision Regulations to allow the subdivision to be submitted at a scale of 1"=20' instead of 1"=50'. Mr. Merrill seconded. Motion carried.

Mr. Gross moved that the Planning Board grant conditional final subdivision approval for the Concord North Ramp Hanger Condominium proposed by East Coast Hangers, LLC subject to the following standard and special conditions:

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.

Special Conditions

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.
3. Prior to the final plat being signed by the Planning Board Chair and Clerk, the condominium documents and plans shall be deemed acceptable by the City Manager representing the City of Concord (property owner).

Mr. Merrill seconded. Motion carried.

4. Application by **57 Chenell Drive Associates LLC** for approval of a subdivision by virtue of conversion to condominium of property at **27 Industrial Park Drive**. (#2007-38)

Determination of Completeness

Ms. Hebert explained this proposal to convert an existing 13,572 square foot industrial building to twelve condominium units.

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

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

Public Hearing

Ms. Hebert explained this proposal to convert an existing 13,572 square foot industrial building to twelve condominium units. She reported that the Planning Board approved the site plan in June of 2005, and the project construction is nearing completion. The structure consists of a single story open warehouse and the condominium units are all 1,131 square feet in size. Each condominium unit will have its own separate entrance along the front of the building and be accessed by service bays in the rear. Each unit has been designated three parking spaces, two spaces in the rear of the building and one space along the front. There are eight regular parking spaces and four handicap spaces in the common area.

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 present who wished to speak for or against this application and the Chair declared the hearing closed at 7:20 PM.

Deliberations and Action on Application

Mr. Merrill moved that the Planning Board grant a waiver to Section 8.04 (2)(a)(ii) of the City's Subdivision Regulations to allow the subdivision to be submitted at a scale of 1"=20' instead of 1"=50'. Mr. Gross seconded. Motion carried.

Mr. Gross moved approval subject to the following conditions:

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, including but not limited to the following:
 - a. Please provide the location of the water meters on the site plan. Please also provide a note on the plan that identifies the location, ownership, maintenance, and metering of the water utilities.
 - b. Please provide a note on the plan that identifies the street addresses for each unit.
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.

Mr. Merrill seconded. Motion carried.

Major Subdivision

5. Application by **Lorna R. Gagnon** for approval of a subdivision of property at **121 Portsmouth Street.** (#2007-21)

Determination of Completeness

Ms. Hebert explained this proposal to subdivide an existing residential lot on which there is a single family residence into six additional building lots.

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

Mr. Gross moved that the Planning Board declare this application to be complete and schedule a public hearing for the Board's next regular meeting on June 20, 2007. Mr. Merrill seconded. Motion carried.

Minor Site Plans

6. Application by **Centennial Senior Center, Inc.** for approval of a site plan of property at **37 Regional Drive.** Along with this application is a request for a Conditional Use Permit pursuant to Section 28-7-11(b), Construction of Fewer Parking Spaces, of the Zoning Ordinance. (#2007-40)

(Mr. Blanchette and Ms. Dolcino recused themselves and left the table.)

Determination of Completeness

Mr. Henninger explained this proposal involving the change of use from a senior center to a private school (K-12) plus the addition of 3,924 square feet for additional classroom space.

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

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

Public Hearing

(Ms. McClure arrived at 7:30 PM)

Mr. Henninger explained this project involving the change of use from a senior center to a private school (K-12) plus the addition of 3,924 square feet for additional classroom space.

He reported that the applicant had requested a Conditional Use Permit pursuant to Article 28-7-11 (b) Construction of Fewer Parking Spaces. The applicants have noted

that 114 spaces are required if the cafeteria is used as a public assembly area simultaneously with all the classroom space. The applicant has indicated that it is unlikely that the cafeteria will be occupied by an outside event while the school is in full operation. The grassed overflow 73 space parking area constructed by the Senior Center has nearly three times the required deficiency of 28 paved spaces required in the Zoning Ordinance for the simultaneous use of the classroom space and the public assembly area. Access will continue to be split between Regional Drive and Pembroke Road.

He reported that the Centennial Senior Center was first granted Site Plan and Architectural Design Review approval in August of 2002. All improvements have been completed and the building occupied. A bus shelter has been installed on site along the frontage of Pembroke Road and Regional Drive.

Mr. Henninger explained that the temporary overhead utility line along the eastern side of the site serving the Capital City Realty property to the east was supposed to have been removed once Regional Drive was completed. It has been substantially complete and open for more than a year. City staff has asked the applicant to determine when this line is being removed.

He reported that the prior occupant had problems with vehicles cutting through the site using the walkway on the west side of the building. The applicant has been requested to provide measures to prevent this cut through traffic which will allow fire vehicle access at this location.

He reported that a Conditional Use Permit was also approved to allow offsite parking on an easement area of 1.79 acres to be located immediately adjacent to the west on the parent parcel. He explained that access and parking easements have been provided for the off-site parking spaces which can be utilized on nights and weekends by the property owner to the west.

Mr. Henninger explained that only minimal modifications are proposed on the site in this phase, including modification to the drop off area and sidewalk next to the building facing Regional Drive. Larger additions and more on-site parking are proposed for later phases.

He reported that the applicant will not initially have all grades attending the school. The existing pool in the east wing will be filled in and converted to four classrooms.

He reported that the site and building plans were reviewed by the Design Review Committee. The Committee recommended approval of the revised building elevations and revised site plan as submitted, accepting the applicant's statement that any spandrel glass proposed will match the color of the existing building siding.

Chris Adams from Nobis Engineering was present to answer questions from the Board on behalf of the applicant. Fred Potter from Centerpoint Church was also present to answer questions.

There was no one present who wished to speak for or against this application and the Chair declared the hearing closed at 7:39 PM.

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

Mr. Gross moved that the Planning Board grant Architectural Design approval for revisions to the site and building plans for Phase 1 of the Concord Christian Academy at 37 Regional Drive as submitted. Mr. McGonagle seconded. Motion carried with Members Blanchette and Dolcino abstaining from discussion and vote.

Mr. Merrill moved that the Planning Board grant a Conditional Use Permit pursuant to Article 28-7-11 (b), Construction of Fewer Parking Spaces, for Phase 1 of the Concord Christian Academy at 37 Regional Drive. The Board finds the information provided by the applicant supports the construction of only 28 fewer spaces and the availability of 73 grassed parking spaces mitigates any potential overflow resulting from events held in the school's public assembly space. Ms. Meyer seconded. Motion carried with Members Blanchette and Dolcino abstaining from discussion and vote.

Mr. McGonagle moved approval subject to the following conditions:

Standard Condition

1. Prior to the issuance of a certificate of approval by the Planning Board Chair, approvals of construction drawings for on-site improvements shall be obtained from the Engineering and Planning Divisions.
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 - Private School (K-12) based on 297 new trips for All Other Uses

Special Condition

3. Prior to the issuance of a certificate of approval by the Planning Board Chair, the applicant shall revise the plans to provide acceptable measures to prevent cut through traffic through the site from Pembroke Road and Regional Drive acceptable to the City Planner, City Engineer and the Fire Department.

Mr. Merrill seconded. Motion carried with Members Blanchette and Dolcino abstaining from discussion and vote.

7. Application by **Louis and Anna Chan** for approval of a site plan of property at **54 Airport Road.** (#2007-25)

Determination of Completeness

Ms. Hebert explained this proposal to build a 1510 square foot office building at 54 Airport Road.

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

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

Public Hearing

Ms. Hebert explained this proposal to build a 1510 square foot office building at 54 Airport Road. She reported that the owners have received a number of variances to allow for the redevelopment of the site to a non-residential use. Although the land to the north and east are both non-residential uses, the lot is located in the Medium Density Residential District. The variances were granted subject to providing adequate buffers to the adjacent residential properties. The site plan has provided a combination of fencing, evergreen plantings, and a landscaped berm to create a buffer between the proposed development and the neighborhood.

She reported that the proposed office building will be accessed by a single entrance drive off Airport Road. No exterior lighting has been proposed for this site plan.

She reported that the applicant represented to the Zoning Board that a 1510 square foot office building would be constructed on the property. The building design submitted with the site plan application has the appearance of a second floor. The Code Administrator has determined that the building design as presented in the application cannot have the stairs to the second floor and the second level needs to remain unfinished and without flooring. The applicant will need to return to the ZBA for another variance if, at some point in the future, they want to refinish the second floor.

She reported that the applicant had also requested a Conditional Use Permit to allow a driveway separation that is less than the required 200 feet between the proposed driveway entrance and the existing driveway on the property to the north and Russell Drive to the south.

She reported that the applicant has oriented the building to the south to take advantage of the passive solar heat gain.

Ms. Hebert reported that the Architectural Design Review Committee had reviewed the site and building plans and recommended that the applicant revise the building design to add louvers to the east and west side of the gable ends in place of the proposed windows, provide a visual barrier to hide the unfinished second floor, modify the entrance to add a canopy and other features to make the entrance more inviting, and adjust the handicap access ramp to align with the entrance of the building.

She reported that a waiver has been granted by the Code Administrator to allow the construction of a parking area without curbing. Article 28-7-7(i) provides for the construction of parking lots with less than 25 spaces without curbing provided that a waiver is granted by the Code Administrator.

Mr. McGonagle had questions about having an enclosed attic without stairway and the code and life safety issues related to that situation. Ms. Hebert responded that the intent was to not have the space occupied. Mr. Woodward also responded that this would have to be a matter reviewed by the Fire Department and Code Administration for life safety and at this point Planning staff had not heard any negative comments in that regard.

Robert Pollock from Pollock Land Planning Consultants was present to answer questions 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 7:56 PM.

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

Mr. Gross moved that the Planning Board grant a Conditional Use Permit to allow the driveway separation as presented in the site plan application submitted by Robert G. Rook, PE in accordance with Article 28-7-11(f) of the Zoning Ordinance. Mr. Merrill seconded. Motion carried.

Mr. Gross moved approval subject to the following 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 plat drawings to address the minor corrections and omissions noted by City staff, including but not limited to the following:

- a. The addition of curbing to the radius of the access drive south of the building;
 - b. Revising the building elevations to address the comments of the Architectural Design Review Committee; and
 - c. Addressing the comments from the Engineering Division's review memo dated May 2, 2007.
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. Prior to the issuance of a certificate of approval by the Planning Board Chair (and issuance of any building permits for construction activity on the site), the following local approvals and permits shall be obtained and copies provided to the Planning Division:
 - a. Driveway Alteration Permit from the Engineering Division
4. Traffic impact fees shall be assessed for any non-residential construction contained within the limits of the approved site plan. The impact fees and procedures shall be those in effect at the time of the issuance of a building permit as set forth in the City of Concord Code of Ordinances, Title IV, Subdivision Code: Chapter 29.2, Public Capital Facilities Impact Fee Ordinance. The specific fees assessed are those contained in Section 29.2.1-1 Assessment and Collection; subsection (b) Computation of the Amount of Impact Fees; Table 3, Transportation Facilities Impact Fee per Variable Unit.
 - a. Transportation Facilities - General Office (1510 sq. ft.)

Mr. McGonagle seconded. Motion carried.

Ms. McClure moved to table action under Architectural Design Review for further review by the Design Review Committee and a return to the Planning Board for action. Ms. Meyer seconded. Motion failed with Members Meyer and McClure voting in favor.

Mr. Gross moved approval under Architectural Design Review subject to approval by the Design Review Committee. Mr. Merrill seconded. Motion carried.

8. Application by **Jensen's Residential Properties LLC** for approval of a site plan of property at **59 Manchester Street** pursuant to Section 28-4-6, Manufactured Housing Parks and Subdivisions, of the Zoning Ordinance. Along with this application is a request for a Conditional Use Permit pursuant to Section 28-7-11(b), Construction of Fewer Parking Spaces, of the Zoning Ordinance. (#2007-27)

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

9. Application by **Osborne Properties LLC** for approval of a site plan of property at **258 Sheep Davis Road.** (#2007-42)

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

Major Site Plans

10. Application by **B & D Houston Enterprises LLC** for approval of a site plan of property at **15 Integra Drive.** (#2007-31)

Public Hearing

Mr. Henninger explained this proposal to construct a 79,674 square foot baseball facility at the current end of Integra Drive south of Manchester Street. One indoor baseball field will be constructed within a 69-foot tall, air-supported dome, 230' by 230' on a side. An attached two-story, 26,340 square foot building will provide ten pitching/batting lanes, an 800 square foot party room, and a pro-shop, along with supporting circulation area, locker rooms and office space. The applicants are proposing to construct 211 parking spaces to support the proposed use. Future phases will include two or more outside baseball fields. The applicant will be completing a 140-foot extension of Integra Drive to the west property line.

He reported that the applicant was granted variances by the Zoning Board of Adjustment to allow a commercial indoor recreational facility, and a privately owned outdoor recreation facility in the Industrial District. The use is not allowed in the IN District but is allowed within the abutting Office Park Performance District to the west.

Mr. Henninger reported that the Zoning Administrator has ruled that the proposed dome is within the allowable building height of 45 feet for the district. The building height is determined as the mean level of the highest gable of a sloping roof. The Code Administrator has also ruled that 195 parking spaces are required for the proposed development and the applicant has provided 202 spaces.

He reported that the Architectural Design Review Committee had reviewed the elevations and had the following comments:

- The Committee was of the opinion that the dome should not be a bright white as shown on the elevations but should be a softer white or light grey to reduce the massiveness of the structure.
- The Committee recommended that large trees be planted along the Integra Drive frontage to also soften the impact of the large dome. The Committee recommended a minimum of 3 1/2" to 4" caliper shade trees.

- The Committee understood the limitations on the placement of the building due to the width of the property and recommended approval with the previously noted stipulations.

He reported that there is a ravine on the easterly property line and a bluff along the southerly property line associated with the Soucook River. The applicant is proposing to disturb a 3,512 square foot area within the buffer to the bluff. The disturbance is for the grading of side slopes from the parking lot along a 240-foot section of buffer area on the easterly side of the lot. None of the grading is closer than 25 feet from the top of the bluff. No improvements are proposed in the buffer to bluff and all drainage is directed away from the bluff. The buffer area is partially cleared and the applicant is proposing to revegetate within the disturbed area.

He reported that the Fire Department has determined that the two-story building will be required to be provided with sprinklers while the inflatable dome will not. The Fire Department is requiring minor modifications to the site plan for fire lanes and fire access, a second hydrant on site, and a fire alarm system to address life safety issues for the dome.

He reported that two driveways are proposed along Integra Drive to this site. The City Engineer is recommending that only a single drive be permitted. The applicant is requesting that the second drive be gated and would only be used to load and unload large objects, such as bleachers, from the dome.

Mr. Henninger explained that when the subdivision creating this lot was approved in the 1990's part of the approval involved the extension of Integra Drive in two phases through the subdivision to the western property line. The first phase of this extension was subsequently completed and an office building was constructed north of Integra Drive along with the first phase of the Integra Drive extension. The applicants are required to complete the second phase of this extension with the development of the lot on the south side of Integra Drive. The right-of-way for this extension was conveyed to the City as part of this subdivision at the time the plat was recorded.

Mr. McGonagle had questions relative to the determination of height of the dome building as determined by the Code Administrator. Planning Board members disagreed with the Code Administrator's interpretation.

Ms. Meyer suggested that the Design Review Committee's recommendation for larger trees be adopted, with the further recommendation that the trees be species that grow to a substantial height as well. She asked that the City's landscape architect review the landscape plan to confirm appropriateness of the proposed plantings..

Fred Mock from McFarland Johnson and Douglas Proctor from Warrenstreet Architects, were present to answer questions from the Board on behalf of the applicant.

Mr. Mock responded to questions from the Board relative to the traffic study. He explained there is a lack of information for a project of this nature.

There was no one present who wished to speak for or against this application and the Chair declared the hearing closed at 8:55 PM.

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

The Chair expressed a preference to table action on this application for further discussion with the Code Administrator relative to his interpretation of height of the building. Mr. Drypolcher was not comfortable with the precedent that decision could be setting.

Mr. McGonagle also suggested that the City Solicitor be involved regarding closing the loophole relative to height.

Mr. Woodward reminded the Board that they have a right to appeal the decision of the Code Administrator to the Zoning Board of Adjustment.

Ms. McClure moved to table action and to instruct staff to contact the Code Administrator and request an explanation of his thought process particularly in his definition of a gable. Mr. Merrill seconded.

Mr. McGonagle suggested that the applicant find samples of alternative color material for the dome.

Ms. McClure also asked that they look at tree species and also provide an alternate to the second drive.

Motion carried.

(Mr. Blanchette left the meeting at 9:00 PM.)

11. Application by **George N. Geers Revocable Trust 2001** for approval of a site plan of property at **311 Sheep Davis Road.** (#2007-41)

Determination of Completeness

The Chair noted that the staff report indicated that this application was complete and ready to set for public hearing.

Mr. Gross moved that the Planning Board declare this application to be complete and schedule a public hearing for the Board's next regular meeting on June 20, 2007. Mr. Merrill seconded. Motion carried.

12. Application by **Granite State Management & Resources** for approval of a site plan of property at **4 Barrell Court.** (#2007-34)

Determination of Completeness

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

Ms. Hebert explained this proposal to construct a 4,276 square foot addition to the existing building at 4 Barrell Court.

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

Mr. Merrill moved that the Planning Board declare this application to be complete and schedule a public hearing for the Board's next regular meeting on June 20, 2007. Ms. Dolcino seconded. Motion carried with Mr. Gross abstaining from discussion and vote.

13. Application by **McDonald's USA LLC** for approval of a site plan of property at **117 Loudon Road.** (#2007-35)

Public Hearing

Ms. Hebert explained this proposal to replace the existing restaurant at 117 Loudon Road with a new 4,347 square foot building with seating for 102 people. In addition to the building reconstruction, the project also involves reconfiguring the parking lot, drive through lane, storm water drainage system, and utility connections. The site plan proposal adds a second ordering station at the drive through and the parking lot redesign will remove pavement from the perimeter of the site and create additional interior landscape islands.

She reported that the applicant had also applied for a Conditional Use Permit to allow two driveways onto the property and to permit less than 200 feet between the proposed driveways and the driveways on the adjacent parcels to the east and west along Loudon Road. Article 28-7-11(f) requires that driveways on arterial streets be located 200 feet apart and also states that one driveway is allowed on lots with up to 350 feet of frontage. The existing McDonald's restaurant has two driveways, and the proposed redesign of the site utilizes the two driveways to create one-way circulation, with one driveway as an entrance only and the other serving as the exit.

She reported that the Zoning Board of Adjustment had granted a use variance to permit a total of twelve stacking spaces where 22 would be required. At the same meeting, the Zoning Board denied a variance request to permit a free standing sign with a surface area of 161 square feet and a height of 30 feet where an area of approximately 95 square feet and a maximum height of 20 feet is required. A request for a rehearing has been filed.

Ms. Hebert reported that the Architectural Design Review Committee had reviewed the building elevations and site plan and recommended that the existing sign be removed

because it was oversized and not appropriate for this location. The Committee also recommended that the dumpster be moved, the fencing be replaced, and additional screening be provided to improve the buffer for the neighboring residential homes.

She reported that the reconstruction of the parking lot will reduce the overall impervious area onsite and decrease the total number of parking spaces from 80 to 62 spaces. The design also brings the site into compliance by creating interior landscape islands and removing pavement within the ten foot parking setback along Loudon Road.

She reported that City Staff had concerns regarding the safety of the driveway entrance, and had asked that the applicant consider redesigning the layout of the entrance to address potential traffic conflicts. A revised sketch plan was subsequently submitted that removed the driveway across the front of the building and pushed the parking farther away from Loudon Road.

She reported that the applicant proposes to retain the existing non-conforming freestanding sign. The sign is approximately 400 square feet and is 30 feet tall. The sign far exceeds the City's standards for the height, area, and setbacks to the right-of-way. This sign should be removed and replaced with a new sign that compliments the architecture of the building and complies with the City's regulations for free-standing signs.

She reported that the City will be requiring a right-of-way conveyance along the frontage which is consistent with other approvals along this section of Loudon Road. The additional land will eventually increase the Loudon Road right-of-way from 66 feet to 80 feet.

Ms. Meyer felt this site layout was incredibly dangerous for pedestrians on the site.

Mr. Gross noted that every customer who wants to eat inside the restaurant will have to cross the drive-through traffic. He felt that since they are demolishing the existing building and starting fresh on the site, they could do a better job of protecting pedestrians on the property.

Chris Nadeau from Nobis Engineering, Bob McDougall the owner/operator of the restaurant, and Mark Cavanaugh, regional construction manager for McDonalds, were present to answer questions from the Board.

Mr. Nadeau discussed the design of the drive-through stations. He explained that one of the challenges of trying to separate the drive-through lane from the parking is that the zoning ordinance requires that the drive-through lane not conflict with any parking movements. With the improvement in the drive-through, they feel they are going to improve the stacking situation that they have now and they do not feel there will be any backing up into Loudon Road.

Mr. Nadeau explained that they had looked at the concern regarding pedestrian safety and tried many different configurations but with the restrictions of the zoning ordinance and the Board's regulations, this was the best layout.

Mr. McDougall explained that the site works extremely well now. He knows of no incidents regarding pedestrians on the site or any accidents that have taken place at their entrance. Traffic backing up into Loudon Road has not been a problem for them yet.

Mr. Drypolcher then brought up the subject of the oversized existing freestanding sign. Mr. Nadeau explained they are in the process of requesting a re-hearing before the Zoning Board of Adjustment relative to their variance request for a smaller sign that would still be non-conforming. Visibility westbound is a problem because of abutting signage. If they cannot put up a sign that they feel they need, they will keep the existing sign since it is grandfathered even though it is oversized.

Paul Kenney, from Aranco Oil, the owners of the Sunoco station across the street, expressed concern about traffic. He reported that they have a location across the street from the proposed restaurant. He discussed the left-turn movements out of both the Sunoco property they own and the McDonald's and reported that they make for a very dangerous situation. Too much traffic is as detrimental to business as too little traffic.

There was no one else present who wished to speak for or against this application and the Chair declared the hearing closed at 10:14 PM.

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

Mr. Gross expressed his concerns and explained he is not ready to vote to grant approval for this project. He felt this is an opportunity for McDonald's to improve a site instead of just continue to retrofit the site to accommodate the current market. He felt McDonald's has to know how to design a site without conflicts between pedestrians and vehicles. This is an opportunity to do something way better than has been presented. Backing up into Loudon Road does not concern him because he does not see that that will happen. He also had concerns about the freestanding sign. He felt they should be allowed to redevelop this site but they should do it appropriately.

Mr. Gross moved to table for the above reasons. Mr. Merrill seconded.

Mr. McGonagle asked Mr. McDougall the percentage of drive-through customers versus those who park and go inside. Mr. McDougall responded that about 30% go inside and 70% are drive-through.

Mr. McGonagle suggested that the applicant photograph views of the lot from both directions with virtual mock-ups of the existing sign, the one they are proposing, and one that is strictly complying with the zoning ordinance.

Motion carried.

REGULAR MEETING

NEW BUSINESS

5. Designation of a Planning Board member to represent the Board on the newly established **Municipal Housing Commission**.

The Chair announced that Ms. Meyer had volunteered to serve on the Municipal Housing Commission as the Planning Board representative.

Mr. Gross moved and Mr. Merrill seconded that Susanne Smith Meyer be appointed the Planning Board's representative to the Municipal Housing Commission. Motion carried.

14. Application by **TDL Investments LLC** for approval of a site plan of property at **374 Loudon Road**. (#2007-06)

Public Hearing

Mr. Henninger explained this proposal to redevelop an existing commercial property on the south side of Loudon Road opposite the east end of Old Loudon Road. The applicant is proposing to construct a 6,500 square foot retail building with accessory parking and drive through lane. The applicant is proposing to demolish an existing commercial building and several greenhouses. The site is constrained by wetlands to the south and east of the site and is very irregularly shaped.

He reported that applicant has requested a Conditional Use Permit to disturb 12,242 square feet of wetland buffer area. The applicant is proposing to construct a drive thru lane, a dumpster and a portion of the parking within the 50-foot wetland buffers. The area proposed for this use is approximately one-half of the 12,242 square feet of wetland disturbance. The entire area has already been filled, graded and used for commercial greenhouses. Outside of the wetland disturbance areas the applicant is proposing to plant and restore a significant area disturbed within both the wetland buffer and SP-Shoreland Protection District. The Conservation Commission has reviewed this plan and finds it to be generally acceptable.

He explained that the existing disturbances within the wetland buffers on the west side and southeast side of the site were undertaken before the adoption of the buffer provisions in November of 2001. The applicant has suggested that a Conservation Easement on the west and south side of the lot would partially compensate for the past impacts. The area in question directly abuts an existing City Conservation property.

He reported that the main access to the site is proposed to be located opposite the intersection of Old Loudon Road with Loudon Road. There is a painted median in Loudon Road at this location wide enough to allow for the creation of a left turn pocket for the proposed use. The applicants are proposing to restripe this median to provide a

left turn lane into the site. The City's traffic consultant has indicated that the proposed plan in concept is acceptable.

He reported that a side walk and vertical granite curbing have been shown along the Loudon Road frontage from its current terminus 30 feet west of the property line to a point 90 feet east of the easterly property line. City staff did not request that the applicant extend the sidewalk all the way to the easterly property corner because of the unique shape of this property. If the sidewalk was constructed to the property corner, the sidewalk being built would actually be in front of the abutting use along Loudon Road.

Mr. Henninger reported that the Architectural Design Review Committee had reviewed the site and building plans and recommended approval with the recommendation that the pillars next to the store front be widened and the abutting trim removed. The applicant agreed to make the changes.

Matt Peterson from Woodland Design Group and Tim Lamphere, applicant, were present 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 10:38 PM.

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

Mr. Gross moved that the Planning Board grant a Conditional Use Permit to allow disturbances to a wetland buffer pursuant to Section 28-4-3(d) of the Zoning Ordinance for the redevelopment of an already disturbed site at 374 Loudon Road and the restoration of wetland buffers resulting in a net reduction in the area of the wetland buffer disturbance and disturbances to the Natural Vegetative Buffers in the SP-Shoreland Protection Overlay District.

Mr. Merrill seconded. Motion carried.

Mr. Gross moved that the Planning Board grant Architectural Design Review approval for two new retail buildings for the Heights Courtyard at 374 Loudon Road subject to the stipulation that the pillars next to the storefronts be widened as recommended by the Architectural Design Review Committee.

Mr. Merrill seconded. Motion carried.

Mr. Merrill moved approval of the site plan subject to the following conditions:

Standard Conditions

1. Prior to the issuance of a certificate of approval by the Planning Board Chair (and issuance of any building permits for construction activity on the site), the

following State and federal permits shall be obtained and copies provided to the Planning Division:

- a) NH Department of Environmental Services Water Quality and Sewer Discharge Permits
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.
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 will provide to the City Solicitor a financial guarantee for all public improvements in an amount approved by the City Engineer, and in a form acceptable to the City Solicitor.
4. Prior to the 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.
5. No certificate of occupancy for any building or use shall be issued until all public improvements have been substantially completed to the satisfaction of the City Engineer.
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 obtain approval of private utility plans from Unitil (Concord Electric), Verizon, and Energy North.
7. Prior to the issuance of a certificate of approval by the Planning Board Chair (and issuance of any building permits for construction activity on the site), the following easement documents, in a form acceptable to the City Solicitor and the Conservation Commission and suitable for recording in the Merrimack County Registry of Deeds, will be provided to the Planning Division:
 - a) A conservation easement for the undeveloped wetlands, wetland buffers and Shoreland Protection areas on the south and west sides of the site.
8. Prior to the release of a financial guarantee for any public improvement, an as built plan shall be provided to the City Engineer in form and content acceptable to the City Engineer.
9. 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 - Retail (5,001 SF to 100,000 SF)
- b. Transportation Facilities - Fast Food Restaurant

Mr. McGonagle seconded. Motion carried.

Conditional Use Permit

15. Application by **Levi Ladd** for approval of 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 for property at **320 Sheep Davis Road**.

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

Architectural Design Review

16. 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.

The Chair opened the hearings for all of the following signs.

- **Rite Aid** at 24 Fort Eddy Road (2 signs)

Mr. Henninger explained that these will be internally illuminated individual letters to replace the existing signage for Brooks. He reported that the Design Review Committee found the design and placement of the proposed signage to be appropriate for the location and use, and recommended approval as submitted.

Don Booth was present on behalf of the applicant to answer questions from the Board.

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

- **Rite Aid** at 165 North State Street (3 signs)

Mr. Henninger explained that this is a replacement panel in the existing freestanding sign and internally illuminated individual letters for the two affixed signs to replace the existing signage for Brooks. He reported that the Design Review Committee found the

design and placement of the proposed signage to be appropriate for the location and use, and recommended approval as submitted.

Ms. Meyer felt that the freestanding sign it would be more attractive if the colors in the panels were reversed so that there is a dark background with light lettering.

Don Booth was present on behalf of the applicant and explained that the blue on white color scheme was standard for all of the Rite Aid stores.

Ms. Meyer moved approval of the freestanding sign subject to it having a dark background with white lettering and approval of the two affixed signs as submitted. Mr. McGonagle seconded. Motion carried, 5-2, with Messrs. Gross and Merrill voting against.

- **Anderson & Cloues PLLC** at 13 Green Street

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

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

- **Fellowship Housing Opportunities** at 2 North State Street

Mr. Henninger reported that there were two signs being proposed, one on North State Street and one on Pleasant Street. He reported that the Design Review Committee found the design and placement of the proposed signage to be appropriate for the location and use, and recommended approval as submitted.

Mr. McGonagle moved approval as submitted and Ms. Dolcino seconded. Motion carried.

- **FIT City** at 20 Pleasant Street

Mr. Henninger reported that there was a question by the Design Review Committee about whether the proposed sign exceeded the sign area allowed under the Zoning Ordinance. He reported that the Design Review Committee found the design and placement of the proposed signage to be appropriate for the location and use, and recommended approval of the alternative color scheme presented by the applicant's agent with the provision that the lower panel be raised to reveal the architectural details of the building, and further subject to compliance with the Zoning Ordinance relative to sign area.

Mr. McGonagle expressed concern about the awning covering some of the architectural details of the building.

Ms. McClure felt that with all of the work being done on Main Street to renovate buildings the awning within the arch of the building was not appropriate.

Ms. McClure moved to deny and ask for better design that does not cover the architectural details of the building. Mr. McGonagle seconded. Motion carried.

- **Sprint** at 154 North Main Street

Mr. Henninger reported that the Design Review Committee had reviewed a design for an internally illuminated sign on an aluminum arc raceway last month. At that time the Committee was of the opinion that the style and internal illumination were not appropriate for a storefront in the historic downtown area across from the State House. The Planning Board denied the application and asked that the applicant return to the Design Review Committee with an appropriate design for consideration .

He reported a new design had been submitted for a sign with gooseneck lighting fixtures above the raceway and no internal illumination and no lighting of the hanging sign. The Committee noted that the gooseneck lighting for the hanging sign was not necessary.

He reported that the Design Review Committee found the revised design and placement of the proposed signage to be appropriate for the location and use, and recommended approval as resubmitted with the elimination of the gooseneck lights for the hanging sign. The Committee also noted that the aluminum arch supports should be left in a natural finish.

Mr. Gross moved approval as resubmitted with the elimination of the gooseneck lights for the hanging sign and gooseneck lighting over the arch. Mr. Merrill seconded. Motion carried.

Ms. McClure brought up the subject of the Centrix sign at Capitol Commons and asked if the Planning Board could ask that the sign not be illuminated.

Mr. Woodward suggested that staff recommend to the agent that the sign not be illuminated and remind them that these signs have not yet been approved and they should not get too comfortable with what they have up as a temporary measure.

17. Plans related to revisions to previously approved site and building plans for **The Audubon Society of New Hampshire** at **3 Silk Farm Road**.

Public Hearing

Mr. Henninger explained this is an after-the-fact request for approval of revisions to previously approved elevations. He reported that when City staff went to inspect for a Certificate of Occupancy, it was noted that a substantial number of changes had been made to the elevations. The grade had been brought up at the rear of the building, window patterns changed, and more grey color added to the side of the building, as

well as changes to the building entrances. He reported there were a lot of changes but the building does not appear to have been diminished by the changes.

The Design Review Committee recommended approval as constructed.

He reported the Audubon Society has submitted an application to the Zoning Board of Adjustment for a variance relative to the height of the lighting installed on the site.

Mr. Gross move approval under Architectural Design Review and Mr. Merrill seconded. Motion carried.

18. Building plans related to renovations by **Alexander L. Ray** at **25 Water Street**.

Public Hearing

Mr. Henninger explained this proposal for revisions to the existing restaurant building. He reported that the only change to the footprint is a stairwell being added to the building and a new door entry. There will also be a partial deck constructed above the existing patio area and a deck constructed over an existing shed roof. The materials and colors will be the same as the existing building.

The Design Review Committee recommended approval as submitted.

Salvatore _____ was present on behalf of the applicant to answer questions from the Board.

Mr. Gross move approval as submitted and Mr. Merrill seconded. Motion carried.

At 11:12 PM, the hour being late, the meeting was recessed to June 6, 2007 at 7:00 PM in the Second Floor Conference Room at City Hall.

A TRUE RECORD ATTEST:

Douglas G. Woodward
Clerk

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