

A recessed meeting of the City Planning Board was held on May 3, 2006 in the Second Floor Conference Room in City Hall at 7:00 PM.

Present at the meeting were Members Drypolcher (who as Chair presided), Dolcino, McClure, Merrill, and Alternate Members Kenison and McGonagle. Messrs. Woodward, Henninger and Pollock, and Ms. Osgood of the City Planning Division were also present, as were Mr. Roberge, the City Engineer, Ms Aibel, the Associate Engineer, and Mr. McGinley, Fire Marshal.

At 7:05 PM a quorum was present and the Chair called the meeting to order and seated Alternate Member Kenison for Member Swope who was not expected and Alternative Member McGonagle was seated for Member Meyer who was also not expected.

### **AIRPORT MASTER PLAN PRESENTATION**

The Clerk introduced Matthew Walsh, the Community Development Project Manager, who discussed the draft Airport Master Plan.

Mr. Walsh explained that the last master plan was done in 1996. The FAA requires that it be updated at least every ten years. He discussed takings the City will be pursuing in the next several years for the airport approach zones and potential development.

Mr. Walsh introduced Dick Ludders from Hoyle Tanner Associates, the consultant on the project. Mr. Ludders explained that the airport is not likely to change dramatically in the kind or amount of activity. He reported that about 40 more aircraft will likely be based here by the year 2020. More important is the seasonal and special event activity, particularly that associated with the race track. He reported that recommendations were made in the plan for facilities to accommodate the special event activity. They also included a recommendation for a 1,000 foot extension of the runway to the south to accommodate corporate jets, which is the fastest growing segment of air traffic today. Putting the runway extension in the plan reserves the land for future use and makes it eligible for funding through the FAA. An airport like Concord's is eligible for reimbursement by the federal government at 95% with local share of 2 1/2 % and State share at 2 1/2%. He reported that law expires at the end of 2007 and could change but historically the federal participation has been at 90-95%.

Mr. Ludders explained that the conservation zones and development zones do not significantly change under the proposed master plan. There is a small strip along Airport Road that could be available for development but is now shown as a conservation zone fronted by development area. There is some potential for getting some development land along Airport Road.

He reported the plan shows an approximately 9,000 square foot terminal being constructed. The plan calls for the existing terminal to be demolished and a new building constructed in the same location. The draft plan further suggests a new automobile parking area and additional apron for activity associated with special events.

He reported the master plan envisions the abandoned runway being used as a taxiway as well as for aircraft parking for special events. If the runway is extended, additional property will need to be acquired to protect the airport approach zone.

Mr. Ludders indicated the plan also recommends conducting environmental studies to set the groundwork for what would be needed for development.

He also noted that the plan had strongly recommended a full time airport manager. This is a well-run airport but a management focus is not present. There is not one person in the City organization that someone would go to in order to find out the answer to a question. An airport manager would be typical for an airport of this size. Mr. Walsh responded that hiring an airport manager would require a major overhaul of job responsibilities for City staff in a number of City departments such as General Services and Engineering.

Mr. Merrill moved that the Planning Board adopt the Airport Master Plan as submitted. Mr. McGonagle seconded. Motion carried.

## APPLICATIONS

### Minor Subdivisions

1. Application by **2 Pillsbury Street LLC** for approval of a subdivision by virtue of conversion to condominium of property at **2 Pillsbury Street.** (#2006-31)

#### Determination of Completeness

Mr. Henninger explained this proposal to convert an existing building to condominium ownership.

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

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

#### Public Hearing

Mr. Henninger explained that in 2005 the applicant received approval for an eleven-unit condominium conversion of the former Blue Cross Blue Shield building now undergoing renovation. The six-story structure at 2 Pillsbury Street contains approximately 140,000 square feet of floor area including approximately 20,000 square feet in the basement. Another building on the premises, located at 30 Pillsbury Street, is single-story and contains approximately 1,800 square feet of floor area. The balance of the block surrounded by Pillsbury, Dakin, Allison, and South Main Streets contains ancillary parking lots, as do the two parcels west of Dakin Street on the corners of Pillsbury and Allison Streets. He reported that the condominium has been created and the applicant is now applying to increase the total number of condominium units to

seventeen containing nearly 101,603 square feet. Three more units are planned, containing a total of 7,331 square feet on the first floor and basement level. The remainder of the building is devoted to either common or limited common areas. The 1,800 square foot building is located on a convertible land unit of 11,568 square feet and is intended as a future condominium unit.

Attorney Connie Lane from Orr and Reno was present to answer questions on behalf of the applicant.

At 7:35 PM there was no one who wished to speak for or against this application and the Chair declared the hearing closed.

#### Deliberations and Action

Mr. McGonagle moved approval subject to the following standard condition:

1. Prior to the final plat being signed by the Planning Board Chair and Clerk, the applicant shall revise the plat drawings to address the minor corrections and omissions noted by City staff.

Mr. Kenison seconded. Motion carried.

2. Application by **Concord Area Trust for Community Housing** for approval of a subdivision by virtue of conversion to condominium of property at **2 & 4 Celtic Street.** (#2006-33)

#### Determination of Completeness

Mr. Pollock explained this proposal to convert an existing building to condominium ownership.

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

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

#### Public Hearing

Mr. Pollock explained this proposal for the conversion of an existing two-family dwelling to a condominium.

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

At 7:40 PM there was no one who wished to speak for or against this application and the Chair declared the hearing closed.

#### Deliberations and Action

Mr. Merrill moved approval subject to the following standard condition:

1. Prior to the final plat being signed by the Planning Board Chair and Clerk, the applicant shall revise the plat drawings to address the minor corrections and omissions noted by City staff.

Mr. Kenison seconded. Motion carried.

3. Application by **Stanlee & Vickie Kaspszak and Roy J. & Arlene A. Lassonde** for approval of a resubdivision and subdivision of property at **75 Manor Road and 5 Randlett Street.** (#2006-32)

#### Determination of Completeness

Mr. Pollock explained this proposal to convey a 1,140-square foot parcel from 75 Manor Road to 5 Randlett Street.

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

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

#### Public Hearing

Mr. Pollock explained this proposal to convey a 1,140-square foot parcel from an existing lot at 75 Manor Road to an existing lot at 5 Randlett Street. Each of the parcels currently has a single family homes located on it.

F. Webster Stout from FWS Land Surveying PLLC was present to answer questions on behalf of the applicant.

At 7:42 PM there was no one who wished to speak for or against this application and the Chair declared the hearing closed.

#### Deliberations and Action

Mr. McGonagle moved approval subject to the following conditions:

1. Prior to the final plat being signed by the Planning Board Chair and Clerk, the applicant shall revise the plat drawings to address the minor corrections and omissions noted by City staff; and
2. Prior to the final plat being signed by the Planning Board Chair and Clerk, all utility services for the existing dwelling units shall be shown on the plat.

Ms. McClure seconded. Motion carried.

4. Application by **Lawrence A. MacLean** for approval of a subdivision by virtue of conversion to condominium of property at **3 & 5 North Spring Street. (#2006-34)**

#### Determination of Completeness

Mr. Henninger explained this proposal to convert an existing building to condominium ownership.

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

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

#### Public Hearing

Mr. Henninger explained this proposal to convert a 8,819 square foot multi-tenant office building into condominium ownership on the west side of North Spring Street. The applicant is proposing four condominium units with two units on the first floor and two units on the second floor. The basement will be common area as will the attic except for a portion which will be incorporated into unit 4. Except for modifications to the main building entrance and the installation of a handicapped ramp and covered porch on the north side of the building, no modifications are proposed to the building and no increase in floor area is indicated. A shed has been placed on an existing parking space on the south side of the building and will need to be removed. A common drive exists along the south property line serving this property and the office use at 1 Spring Street.

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

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

#### Deliberations and Action

Mr. Merrill 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.

##### 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. Separate water meters shall be installed for each of the units prior to their transfer to individual owners.

Mr. McGonagle seconded. Motion carried.

5. Application by **Mart Management Inc.** for approval of a subdivision by virtue of conversion to condominium of property at **11 Borough Road.** (#2006-35)

#### Determination of Completeness

Mr. Pollock explained this proposal to convert an existing development to condominium ownership.

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

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

#### Public Hearing

Mr. Pollock explained that The Village at Thirty Pines is the multi-family portion of the development known as Sandwood Crossing and was included in a phased approval of single-family house lots and multi-family dwelling units that was first approved in 2001 under the prior Zoning Ordinance, and that has been extended through March 20, 2006 in a multi-phase approval. On February 15, 2006, the Planning Board approved a reduction of the number of units from 108 to 90, and the addition of carports, a recreation building, and an outdoor pool. The applicant is now seeking to convert the multi-family units to condominiums.

Jeffrey Burd was present to answer questions on behalf of the applicant.

At 7:50 PM there was no one who wished to speak for or against this application and the Chair declared the hearing closed.

#### Deliberations and Action

Mr. McGonagle moved approval subject to the following conditions:

1. Prior to the final plat being signed by the Planning Board Chair and Clerk, the applicant shall revise the plat drawings to address the minor corrections and omissions noted by City staff; and
2. The Planning Board's signature block needs to be shown on all the condominium site and floor plans.

Mr. Merrill seconded. Motion carried.

#### Site Plans

6. Application by **The Roman Catholic Bishop of Manchester** for approval of a site plan of property at **25 Columbus Avenue.** (#2006-41)

Determination of Completeness

Mr. Pollock explained this proposal to expand the existing high school by 27,910 square feet. He reported the Zoning Board of Adjustment has granted variances for parking lot landscaping and dimensional layout of the parking lot, and the applicant does not propose to add any parking spaces to the current total of 217. He reported that the Code Administrator has ruled that the school has a parking requirement based on both the number of classrooms and the seating capacity of the gymnasium/auditorium as a place of public assembly, for a total of 389 spaces. However, the school has indicated that there would not be simultaneous use of the facilities. The existing parking total exceeds each of the individual parking requirements and the Code Administrator has directed the applicant to apply for a Conditional Use Permit to allow for non-simultaneous occupancy of the existing parking spaces.

He reported that, with this ruling by the Code Administrator and receipt of the application for a Conditional Use Permit, this application was complete and ready to set for public hearing.

Mr. McGonagle moved and Mr. Merrill seconded that the Planning Board determine this application to be complete and to set it for public hearing on May 17, 2006. Motion carried.

7. Application by **Two Home Avenue LLC** for approval of a site plan of property at **2 Home Avenue.** (#2006-38)

Determination of Completeness

Mr. Pollock explained this proposal to construct a portion of previously approved Phase II, which will include 3200 square feet of the second floor and an additional 16 parking spaces on-site.

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

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

Public Hearing

Mr. Pollock explained this proposal to proceed with a portion of the second phase of the previously approved site plan to convert the existing building at 2 Home Avenue into a Gold's Gym health and fitness center. The original application included the removal of most of the buildings at 62 Hall Street to create off-site parking for the fitness center, and the use of off-site spaces in an existing adjacent parking lot at 71 Hall Street. With this submission, the property at 62 Hall Street is no longer part of the application. He

reported that the applicant is proceeding with Phase I which includes the first floor of the building at 2 Home Avenue (10,600 square feet) together with 53 parking spaces on the site of the principal use as well as at 71 Hall Street. Phase II is intended to include construction of the second floor at 2 Home Avenue (9,200 square feet) and had included 78 additional off-street parking spaces at 62 Hall Street. Now that 62 Hall Street is no longer part of this project, the applicant is proposing to construct a portion of Phase II, now referred to as Phase IIa, which will include 3200 square feet of the second floor and an additional 16 parking spaces on-site. A Conditional Use Permit is being requested to allow up to 50% of the parking spaces to be compact spaces.

He reported that the original proposal to house a chiropractic office on the premises has been eliminated and the entire building will be utilized for the health and fitness center.

Attorney James Morris from Orr and Reno spoke on behalf of the applicant and explained that they are pursuing an opportunity for additional parking for the future. They have been promised parking at Concord Tire after their business hours which end about 5:30 during the week and after 1:00 on Saturday, but that arrangement does not comply with the Zoning Ordinance. They are negotiating additional parking on a lease basis. There is also on-street parking on Hall Street but it is seldom used and it also cannot be counted for compliance with the requirements of the Zoning Ordinance. He also pointed out that there will be valet parking during the business day and the attendant will be accustomed to using the compact spaces appropriately.

Lynn Zebrowski from Keach Nordstrom was also present to answer questions from the Board.

At 8:25 PM there was no one who wished to speak for or against this application and the Chair declared the hearing closed.

#### Deliberations and Action

Mr. McGonagle moved that the Planning Board to grant a Conditional Use Permit pursuant to Section 28-7-11(d), Additional Compact Automobile Spaces, of the Zoning Ordinance to increase the percentage of compact parking spaces from 25% to 50% or a total of 34 of the 69 spaces, subject to the condition that any future applications to the Planning Board to modify, expand, or otherwise affect the parking supply will necessitate a reduction in the number of compact parking spaces. Ms. McClure seconded. Motion carried.

Mr. Kenison moved approval of the revised site plan for a portion of Phase II (referred to herein as Phase IIa) of the health and fitness center at 2 Home Avenue including 3,200 square feet of the second floor and an overall total of 13,800 square feet on the first and second floors, together with 69 parking spaces on the premises at 2 Home Avenue and 71 Hall Street subject to the following conditions:

1. Phase IIa shall include 3,200 square feet of floor area for the health and fitness center with 16 additional parking spaces devoted exclusively to the health and fitness center.

2. All conditions of approval of the Site Plan Application, the two Conditional Use Permit Applications, and the approval pursuant to Architectural Design Review as granted by the Board on September 21, 2005, and as further modified and augmented by the approval granted by the Planning Board on February 22, 2006, shall remain in full force and effect, except to the extent that those approvals and conditions relate to the use of the premises at 62 Hall Street. All other conditions shall, by this action, be deemed to be applicable and precedent to Phases I and IIa.
3. The Transportation Impact Fees shall be apportioned between Phase I and Phase IIa.

Mr. Merrill seconded. Motion carried.

#### Conditional Use Permit

8. Application by **Morrill Mill Pond LLC** for consideration of Conditional Use Permit pursuant to Section 28-7-11(b), Construction of Fewer Parking Spaces, and Section 28-7-11(c), Shared Parking Arrangements for property at **2 Whitney Road**. (#2006-30)

#### Determination of Completeness

Mr. Henninger explained this proposal to expand the proposed indoor baseball/softball practice facility from 17,100 square feet by 6,000 square feet to a total of 23,100 square feet.

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

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

#### Public Hearing

Mr. Henninger explained that the existing building of 74,520 square feet was developed as a single tenant industrial building in the late 1990's for the O.D. Hopkins Company which has subsequently closed. The new owner of the property, Morrill Mill Pond LLC, has converted the building into a mixed use, multi-tenant commercial/industrial facility called Concord Crossing. On January 4, 2006, the applicants were granted Conditional Use Permits under Article 28-7-11: Alternative Parking Arrangements, Section (b) Construction of Fewer Parking Spaces, and (c) Shared Parking Arrangements.

He reported that the applicants are now proposing to expand the proposed indoor baseball/softball practice facility from 17,100 square feet by 6,000 square feet to a total of 23,100 square feet.

Mr. Henninger reported that a plan in support of the CUP has been submitted which shows 219 spaces that can be constructed on the site. The site still has large developable areas in which to expand the parking area and drainage detention areas for parking beyond the 73 additional spaces shown on the concept plan. The Zoning Ordinance in effect when the building was developed required 137 spaces and 137 spaces were provided on site. If the property was to continue to exclusively be used for industrial purposes, no additional spaces would be required to occupy the entirety of the building. With the current occupancy no parking problem exists.

He reported that the applicant is proposing to stripe the existing pavement at two locations to obtain ten additional spaces. The applicant could restripe the eastern most parking bay to the east of the building to compact spaces and could increase the amount of onsite parking by three spaces. With the additional marked spaces, sufficient parking is available for all uses proposed except for Concord Sports Center, the indoor baseball/softball practice and teaching facility. The applicant has indicated that the peak use of the Concord Sports Center facility would not exceed 30 spaces on nights and weekends. The other uses listed by the applicant are primarily daytime peak activities with the exception of the ambulance company. In addition, it is likely that some of the uses will park vehicles within the building increasing the availability of surface spaces.

Laurie Rauseo was present to as applicant to answer questions from the Board.

At 8:34 PM there was no one who wished to speak for or against this application and the Chair declared the hearing closed.

#### Deliberations and Action

Mr. McGonagle moved that the Planning Board grant a Conditional Use Permit pursuant to Article 28-7-11: Alternative Parking Arrangements, Section (c) Shared Parking Arrangements for the Concord Crossing Development at 2 Whitney Road subject to the following condition:

1. The Conditional Use Permit for a shared parking arrangement only applies to the Concord Sports Center USA as an indoor baseball/softball practice and teaching facility of 23,100 square feet. If the proposed use increases in intensity or square footage or becomes vacant for a period of 90 days, the Conditional Use Permit will terminate.

Mr. Merrill seconded. Motion carried.

Mr. McGonagle moved that the Planning Board grant a Conditional Use Permit pursuant to Article 28-7-11: Alternative Parking Arrangements, Section (b) Construction of Fewer Parking Spaces, for the Concord Crossing Development at 2 Whitney Road subject to the following conditions:

1. If the Code Administrator determines that additional parking is required to serve the uses on the property site, the 21 spaces shown on the west side of the site will be constructed first. The City Engineer and City Planner shall approve

the revised plans for the additional paved area including paving, drainage and additional landscaping.

2. If the Code Administrator deems any of the remaining 52 spaces shown on the site plan at the southwest corner of the site need to be constructed, the applicant shall submit a complete site plan for the entire property for review and approval by the Planning Board as provided for in the City's Site Plan Review Regulations. The land owner shall then bring the paving, drainage and landscaping into conformity with the City's Zoning and Site Plan Review Regulations.

Mr. Merrill seconded. Motion carried.

### Architectural Design Review

9. Revised building plans related to an application by **Hodges Development Corporation** at **240 Loudon Road**.

### Public Hearing

Mr. Henninger explained this proposal for revisions to the previously approved site and building plans. He explained that tenants were now being finalized and had requested changes to the façade, including revisions to the layout of the glazing system as well as gooseneck lamps that were not previously approved. He reported that the Design Review Committee recommended approval subject to providing breaks in the awnings similar to that shown in the perspective as well as providing a few more gooseneck lamps, with the understanding that signage and awning colors will be submitted for review at a later date.

There was no one present on behalf of the applicant.

At 8:39 PM there was no one who wished to speak for or against this application and the Chair declared the hearing closed.

### Deliberations and Action

Mr. McGonagle moved approval subject to the following condition:

1. Prior to the start of construction of the new facades, revised plans shall be submitted providing breaks in the awnings and additional goose neck lamps as shown in the perspective drawings.

Mr. Merrill seconded. Motion carried.

10. Revised site and building plans related to an application by **J. H. Spain Associates** at **210 North State Street**.

### Public Hearing

Mr. Henninger explained that in the process of inspecting the construction for a Certificate of Occupancy, staff had noticed that none of the elevations as constructed matched the plans approved by the Planning Board. The biggest change was that the porch on the west façade was constructed much larger than shown on the approved plans and two dormers were approved and not constructed. He reported they had also changed the roof line and windows on the southerly elevation and the building is actually smaller in square footage than originally approved. They also changed the pattern of doors for the garage building.

He reported that the Design Review Committee recommended approval of the revisions as built with the exception that a cricket dormer should be constructed over the North State Street main entrance. He reported that since the Design Review Committee meeting the applicant had constructed the cricket dormer as recommended by the Committee.

There was no one present on behalf of the applicant.

At 8:40 PM there was no one who wished to speak for or against this application and the Chair declared the hearing closed.

#### Deliberations and Action

Mr. McGonagle expressed frustration about another instance of construction taking place without benefit of approval of revisions to the approved plans.

Mr. McGonagle moved approval of the revisions as further revised by construction of the cricket dormer as recommended by the Design Review Committee. Mr. Merrill seconded. Motion carried.

#### **REGULAR MEETING**

The Board further considered applications for approval of developments on which public hearings had previously been held

1.a Application by the **David J. & Edwina Morrill Irrevocable Trust and June R. Brown** for final approval of a cluster subdivision of property at **12 Sanborn Road.** (#2005-20)

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

Mr. Henninger briefly explained this proposal to consolidate three lots into a 65.9 acre parcel located on the east side of Sanborn Road and to create an 18-unit "no lot" single family residential cluster subdivision. One single family residence will be located in the Medium Density Residential Zoning District near Sanborn Road and the remainder are proposed in the Open Space Residential Zoning District east of Sanborn Road which makes up the vast majority of the proposed lot. An existing house on the property will be demolished.

He reported that a Conditional Use Permit was granted for the disturbance of wetland buffers for the road construction and the construction of a drainage outlet swale to Snow Pond Outlet. This land immediately abuts on the south the Spear Park Trails. Access to the Common Open Space from the subdivision lots has been addressed. A proposed trail system is shown on the plans. All units either directly abut the common open space or have numerous options for accessing the open space. The applicant needs to coordinate the design of the trails with the Concord Conservation Commission.

He reported that the Conservation Commission has recommended that most of the open space on the site be conveyed to the City. The applicant has concurred. The plans have been modified to show the conveyance of 51.075 acres to the City of Concord for conservation purposes. The 100-foot wide perimeter buffer yards between the units and the existing residences abutting Sanborn Road will remain as common open space owned by the condominium association.

Mr. Henninger explained that the applicant originally proposed two short common drives off the Stonehaven Drive cul-de-sac to serve four units. The combined maximum cul-de-sac length for the common drives is 870 feet and 940 feet as measured from Sanborn Road to the end of the common private drives. The applicant has now eliminated these short common drives at the suggestion of the Planning Board.

He reported that the Planning Board requested details for any further timbering plans before the Board considers the final subdivision plan. The applicant has advised in writing that no further timber removal will be undertaken on the property except as necessary to construct the subdivision improvements and units. No further clearing will occur in the project open space that is to be conveyed to the City.

Mr. McGonagle commented that the four driveways side by side were not aesthetically pleasing and he asked why they had changed the plan from the earlier proposal for two common drives. Mr. Henninger responded that there was a conflict with the Board's regulations relative to the 1000 foot dead end road length.

After further discussion, it was agreed that the applicant would pursue the suggestion that there be common drives to a point less than 1000 feet with a turnaround connecting the two common drives.

Keith Martell was present from Sanborn Development and indicated he would like to pursue that suggestion.

Ms. McClure questioned the divided access.

Mr. McGonagle moved approval subject to the following conditions:

Standard Conditions

1. Prior to the final plat being signed by the Planning Board Chair and Clerk, the following State and federal permits shall be obtained and copies provided to the Planning Division:
  - a) NH Wetlands Bureau (wetland alterations)
  - b) NH Department of Environmental Services Site Specific Permit (RSA 485-A:17)
  - c) NH Department of Environmental Services, Water Supply and Pollution Control Division, subdivision approval for on-site septic systems.
2. Prior to the final plat being signed by the Planning Board Chair and Clerk, the applicant shall revise the plat drawings to address the minor corrections and omissions noted by City staff.
3. Prior to the final plat being signed by the Planning Board Chair and Clerk, approvals of construction drawings for on-site improvements shall be obtained from the Engineering and Planning Divisions.
4. Prior to the final plat being signed by the Planning Board Chair and Clerk, the applicant will provide to the City Solicitor a financial guarantee for all public improvements in an amount approved by the City Engineer, and in a form acceptable to the City Solicitor.
5. Prior to the final plat being signed by the Planning Board Chair and Clerk, the following easement documents, in a form acceptable to the City Solicitor and suitable for recording in the Merrimack County Registry of Deeds, will be provided to the Planning Division:
  - a) An open space agreement for the perimeter buffers on the west side of the project.
  - b) A Conservation Deed for the project open space to be conveyed to the City.
6. No certificate of occupancy for any building or use shall be issued until all public improvements have been completed to the satisfaction of the City Engineer and accepted by the City Council.
7. Prior to the final plat being signed by the Planning Board Chair and Clerk, the applicant shall obtain approval of private utility plans from Unitil (Concord Electric) and Verizon.
8. The wetland buffers shall be clearly and permanently marked before, during, and after construction of the sites. Building permits will not be issued until the buffers are marked.
9. Traffic, recreation and school impact fees shall be assessed for any construction on lots contained within this approved subdivision. The impact fees and procedures shall be those in effect at the time of the issuance of a building permit as set forth in the City of Concord Code of Ordinances, Title IV, Subdivision

Code: Chapter 29.2, Public Capital Facilities Impact Fee Ordinance. The specific fees assessed are those contained in Section 29.2.1-1 Assessment and Collection; subsection (b) Computation of the Amount of Impact Fees; Table 1, School Facilities Impact Fee per variable unit; and Table 2, Recreational Facilities Impact Fee per Variable Unit; and Table 3, Transportation Facilities Impact Fee per Variable Unit.

- a. School Facilities - Single Family Residence
- b. Recreational Facilities - Single Family Residence
- c. Transportation Facilities - Single Family Residence

### Special Conditions

10. The applicant shall construct the proposed trail system in both the proposed project open space and the proposed conservation parcel under the supervision of the Conservation Commission and the City Planner.
11. The applicant shall create a common private drive for units 8 and 9 and a second common private drive for units 10 and 11. The two common drives shall not exceed a maximum distance of 1000 feet from Sanborn Road and shall be provided with a turnaround meeting the standards of the Subdivision Regulations. Said turnaround may be provided by connecting the ends of the two common drives in a manner sufficient to allow for turning movement by City of Concord fire vehicles as deemed acceptable by the City Engineer and the City Fire Marshall.

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

1.b Application by **Kevin Guay** for approval of a revision to a previously recorded subdivision of property at **12 Villanova Drive**. (#2006-03) [*Confirmation of Conditions of Approval*]

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

The Chair reminded the Board that discussion will be confined to confirmation of conditions #2 and #8 as requested by the Planning Board at its last meeting when it took action on this application.

Mr. Woodward noted that the Board had received communications from Laboe Associates on behalf of John Zerbi, abutter to the proposal, and from Attorney Guida on behalf of the applicant. He reported he had shared these communications with the City Solicitor who responded that he would consider the terms of the financial guarantee when it is submitted to the City.

Mr. Drypolcher suggested that the required financial guarantee should be kept in place for a period of time after the construction is completed to ensure that those

improvements actually work. The City needs the ability to address the failure of any of the improvements.

Mr. Roberge responded that the City has an established policy for street excavation that requires a maintenance bond for a two-year period after acceptance in a reduced amount to cover any problems, usually 10%. In this case, the City would be looking for drainage or runoff problems.

Mr. Kenison noted that, given the record, condition #2 should include a statement that any kind of enforcement action would result in the applicant being responsible for attorney fees in the event that the City prevails. Given the record, it is not inconceivable that it could happen again and the City should not be forced to bear that financial burden. Mr. McGonagle agreed.

Mr. Kenison asked if there would be a duty for the applicant to maintain the vegetative buffer once it is installed. Mr. Roberge responded that in other situations the Engineering Division inspects at the one-year milestone and again at the two-year milestone and attempts to enforce the maintenance of the material. After that, it could become a civil matter.

After discussion, it was agreed to add to condition #8 an opportunity for Mr. Zerbi to have the option of the vegetative buffer being planted on his own property.

Mr. McGonagle moved to amend Condition #2 to read:

"Prior to the issuance of a building permit by the Code Administrator, the applicant will provide to the City Solicitor a financial guarantee for the proposed site improvements and modifications both on the premises and on the disturbed areas of Lot 104-2-67, including the proposed driveway, underground electrical conduits and conductors, grading and drainage improvements, the vegetative buffer, as well as the establishment of ground cover for all disturbed areas, in an amount approved by the City Engineer, and in a form acceptable to the City Solicitor. This condition is deemed an essential condition to the approval of this revision to the subdivision, and to the extent that this condition is struck by a court of competent jurisdiction, this subdivision approval shall be null and void. The financial guarantee shall specifically provide to the City the right to enter the properties in question in the event that the applicant fails to restore the property within two years of this approval, and for the City to use the proceeds of the financial guarantee to complete the above-referenced improvements in accordance with the approved plans. In the event that any enforcement action becomes necessary, the applicant shall be responsible for the City's attorney's fees for such enforcement action should the City prevail in court. If the improvements are successfully completed within the two year timeframe, then the financial guarantee may be reduced to an amount deemed sufficient by the City Engineer to provide for maintenance, restoration, or repairs, and the thusly reduced financial guarantee shall remain in effect for an additional two year period."

and to amend Condition #8 to read:

"Prior to the issuance of a Certificate of Occupancy, a vegetative buffer shall be established along the western and southwesterly boundary of the premises with Lots 104-2-65 and 66, property of John L. and Heather B. Zerbi, to screen the existing house on Lot 104-2-65 from the headlights of vehicles on the proposed driveway to 12 Villanova Drive. The vegetative buffer shall consist of evergreen trees and bushes, of appropriate species, and adequate number, height, and spacing in order to block said headlights from directly shining on the Zerbi house. A plan for the vegetative buffer shall be submitted for the approval of the City Planner and City Engineer, who shall inspect the installation of the buffer and shall have the authority to require additional plantings prior to the issuance of a Certificate of Occupancy. The current owners of Lots 104-2-65 and 66 shall be offered the option to have the vegetative buffer planted on Lots 104-2-65 and 66; however, should they decline the offer or otherwise fail to grant permission for that to occur, then the vegetative buffer shall be planted on the premises at 12 Villanova Drive."

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

#### NEW BUSINESS

Item #6. Consideration of a proposal by the State of New Hampshire Department of Safety to construct a telecommunications tower at the **Incident Management and Traffic Management Center at 224 Sheep Davis Road.**

Mr. Henninger explained this proposal for the construction of a 140 foot communication tower next to the new Emergency Management Building east of Sheep Davis Road. The tower is a tripod, open lattice structure and will have a small 12' x 24' utility building at its base. The tower will be about 100 feet higher than Sheep Davis Road and the utility building and pad will not be visible offsite. He reported that the tower has received Federal Aviation Administration (FAA) approval. The tower was originally designed at 160 feet but was reduced by the FAA to 140 feet to protect the approach zones around the Concord Municipal Airport.

If this was a private facility, the Planning Board would expect a monopole design rather than the lattice design. The design is similar to the City's Tower on North State Street. He noted that the City has not received any favorable comments on that facility.

Jim Kowalik and Major Mark Leber were present from the New Hampshire State Police to answer questions from the Board.

Major Leber explained that this is an integral piece of the State's public safety network, not just for this area but for the entire communications network established throughout the State.

In answer to a question from the Chair, Major Leber explained that the tri-pole offers greater stability. It needs to have the span and most of the antenna will be mast antenna.

Ms. McClure moved and Mr. Kenison seconded that the Planning Board extend its appreciation for being asked to comment on the proposal and to forward the following comments to the State:

1. The Planning Board recognizes that the proposed tower performs an essential public purpose to provide telecommunication services to the Incident Management and Traffic Management Center for the State of New Hampshire.
2. The Planning Board recognizes the approval by the Federal Aviation Administration (FAA) for the tower at a maximum height of 140 feet above existing grade or approximately 100 feet above Sheep Davis Road immediately east of the site.
3. The City of Concord Planning Board requests that the State consider a less visibly obtrusive structure than the "old fashioned" triangular lattice structure.

Motion carried.

#### CITY COUNCIL REFERRALS

Item #3. Consideration of a report from the City Engineer in response to a City Council request to report **current drainage design strategies**, build out controls, allowable methodologies, technology and state-of-the-art, etc.

Mr. Roberge introduced Laura Aibel, the City's new Associate Engineer who will be focusing on development review. He reported that she has extensive area of expertise in drainage.

Mr. Roberge reminded the Planning Board that in September of 2005 the City Council, after hearing matters related to drainage concerns with several development sites, had requested that the Engineering Division prepare a report on the City's current policies and standards related to stormwater drainage design.

He reported that at this time stormwater management is regulated at local, state and federal levels with a common goal to protect the quality and quantity of stormwater runoff as it relates to development. At the local level, the City's Subdivision Regulations outline requirements for development stormwater management. Provisions in those regulations require that applicants demonstrate that no adverse impacts to upstream or downstream drainage capacities are affected by a development proposal. No one particular system is specified or endorsed in the Regulations.

He explained that applicants are typically required to submit a comprehensive stormwater management and drainage analysis report outlining the site's existing watershed conditions and post-development design strategies with particular focus on mitigating any increases in flow quantities to off-site locations as well as providing adequate runoff treatment for stormwater quality. The Engineering Division is

primarily responsible for technical review of plans and documents as well as inspection of constructed infrastructure.

Mr. Roberge explained that low impact development (LID) had recently emerged as a highly effective and attractive approach to controlling stormwater pollution and protecting developing watersheds. The premise of LID practices and principles emphasizes the use of simple, non-structural drainage facilities such as natural areas, rain gardens, bioretention, vegetated swales, permeable pavers and impervious surface reduction. Further, sustainable development is generally understood to mean development that occurs with sensitivity to environmental concerns. A number of techniques including green building technologies allow structures and buildings built to sustainable development standards to make minimum demands on operational resources and generate reduced runoff. In both options, stormwater management practices rely on simple systems, mostly surface facilities and open drainage areas, to accomplish quality treatment and quantity mitigation.

He reported that the City's Subdivision Regulations and Zoning Ordinance limit enforcement control of site development as it relates to stormwater runoff other than that determined at the time of application. Further consideration should be given to develop drainage and grading permit standards. He suggested that the City update development and construction standards and recommend subdivision regulation changes to maintain state of the art stormwater management principals and practices.

Mr. Merrill expressed his support of this concept and Ms. McClure agreed.

The consensus of the Board was agreement with the concepts as presented.

## NEW BUSINESS

Item #7. Consideration of **Development of Regional Impact by BS & Chips LLC** for a wood chip processing and handling yard, pallet recycling operation and log storage development **along the Soucook River in Pembroke.**

Mr. Henninger explained this proposal for the conversion of an unreclaimed gravel pit in Pembroke into a 17-acre wood chip processing and handling yard, a pallet recycling operation and log storage. The site proposed for development is currently an abandoned gravel pit and is crossed by a paved drive used by the abutting asphalt plant. This development will share access with the asphalt plant. One metal building of 3200 square feet is proposed on the site.

He reported that the development is located on top of a productive aquifer, and the Town of Pembroke should require the use of all best management practices to insure the proposed use, and its accessory fuel tank, do not contaminate this resource.

He reported that the location of the facility will result in minimal impacts to City streets. The project is located on NH 9 just east of Concord. The only section of City maintained road expected to be impacted by this development is Loudon Road from the Pembroke town line to NH 106. At the NH 106/NH 9 intersection traffic to and from the proposed

use should be dispersed in all directions. No trip generation and distribution information has been supplied by the applicant.

Mr. McGonagle expressed concern mostly about leaching into the ground of any materials in the wood and expressed concern about that going into the ground water.

The consensus of the Planning Board was to forward the following comments in regard to this application:

1. The proposed use on top of the region's most productive aquifer and immediately adjacent to the Soucook River may present a significant threat to both ground water and surface waters within both Concord and Pembroke. Any containments on or within the wood or pallets to be chipped and/or stored on site can readily be flushed from the open piles during normal rainfall events. The gravel soils at this location are highly permeable allowing for rapid diffusion into the ground water and into the Soucook River. The Town of Pembroke and the State of New Hampshire Department of Environmental Services need to be fully confident that uses on this site will not lead to contamination of this highly productive aquifer and the Soucook River.
2. The proposed use will have minimal impacts on the streets and highways under the responsibility of the City of Concord.
3. The Pembroke Planning Board should require the revegetation of the 125-foot buffer strip along the Soucook River incorporating the replanting of native trees, shrubs and bushes as well as the preservation of the existing wooded buffer.
4. The Town of Pembroke may wish to consider rezoning this area of their community. The reuse of the old gravel pits for an asphalt plant and a wood chip facility do not appear as the highest and best use of land with thousands of feet of frontage along the Soucook River.

#### OTHER

- Consideration of the **layout of Langley Parkway** and discussion as to whether to hold a public hearing

Mr. Woodward indicated that staff had expected this to come to the Planning Board as a subdivision in which the road would be shown on the plan and adopted as part of the subdivision plan. As a result of difficulties with negotiations, what is now proposed is the layout procedure. With this procedure, a public hearing before the Planning Board is not required. He asked the opinion of the Board as to whether members would like to have a public hearing on the matter.

Members present agreed that there was no need to schedule a public hearing on this matter inasmuch as it will be brought to public hearing by the City Council.

- Consideration of date and agenda for a recessed meeting in May

The Board agreed to schedule its recessed meeting for Wednesday May 31, 2006, the place to be determined by whether Whispering Heights will be the subject of a recessed public hearing at that time.

There was no further business to come before the Board and the meeting adjourned at 11:05 PM.

ATRA

Douglas G. Woodward  
Clerk

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