

The regular monthly meeting of the City Planning Board was held on June 21, 2006 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, Rowe, McGonagle, Merrill, Meyer, and Swope. Messrs. Woodward, Henninger and Pollock, and Ms. Seifried and Ms. Osgood of the City Planning Division were also present, as were Ms. Aibel, the City's Associate Engineer, and Mr. McGinley, Fire Marshal.

At 7:02 PM a quorum was present and the Chair called the meeting to order.

APPLICATIONS

Minor Subdivisions

1. Application by **Beede Electrical Instruments Co., Inc. and Merrimack Valley School District** for approval of a resubdivision and subdivision of property at **88 Village Street and 105 Community Drive. (#2006-56)**

Determination of Completeness

Ms. Seifried explained this proposal to allow for the conveyance of 3.07 acres from Beede Electrical Instruments Co. to the Merrimack Valley School District. She reported this application was complete and ready for public hearing.

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

Public Hearing

Ms. Seifried explained this proposal convey a 3.07 acre parcel from an existing lot owned by Beede Electrical Instruments Co. to an existing lot owned by the Merrimack Valley School District. The re-subdivision of land will not impact lot frontage of either parcel involved. The lot owned by Beede Electrical Instruments Co. will continue to have ample parking for the industrial use and will remain in conformance with the Zoning Ordinance.

There was no one present to speak on behalf of the applicant.

At 7:05 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. Swope moved approval subject to the following condition:

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

Mr. Merrill seconded. Motion carried.

2. Application by **Stephen and Cynthia Domenici** for approval of a subdivision of property at **71 Runnells Road**. Along with this application is a request for a Conditional Use Permit pursuant to Section 28-4-3(d) of the Zoning Ordinance, Conditional Use Permit Required for Certain Disturbance of Wetland Buffers. (#2006-47)

Determination of Completeness

Mr. Pollock explained this proposal to subdivide an existing 39.1 acre lot into two parcels. He reported this application was complete and ready 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 subdivide an existing 39.1 acre lot into two parcels, one being 36.53 acres and the other being 2.57 acres. The applicant has also submitted an application for a Conditional Use Permit for disturbance of a wetland buffer for the existing driveway to Lot #2 to become a common private drive serving both lots.

He reported that the applicant has requested a waiver from Section 8.04(2)(a) to allow the remainder lot to be displayed on the plat without the benefit of a compass and tape survey and without an error of closure of 1 in 500. This section was created to allow for a less intensive and expensive form of survey for large lots, but was intended to establish minimum information to corroborate boundaries with abutters and for assessment purposes, where the City record may be in error.

He explained that when it was originally reviewed by the Conservation Commission, the Commission recommended that the Planning Board deny the requested Conditional Use Permit for wetland crossing and asked that the applicant find a way to use the existing driveway to access the proposed new lot. Revised plans were submitted and a recommendation was then made by the Conservation Commission that the new proposal for wetland crossing be granted. He reported the revised plans showed a reduction of the impact to the wetland but an increase in the impact to the wetland buffer.

Mark Sargent, from Richard D. Bartlett & Associates, was present on behalf of the applicant and explained that they are not increasing the existing disturbance to wetlands for the existing driveway. He also addressed the request for a waiver regarding surveying the entire perimeter of the parent parcel. Since they are only

carving a single lot of a little over two acres from the large 39-acre parent parcel they felt the perimeter survey would not be advantageous.

At 7:16 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. Gross asked what the City would gain by having the applicant conduct a compass and tape survey of the entire perimeter of the original parcel and not just the new lot being created. Mr. Woodward responded that this would establish a formal land record of the entire parcel.

Mr. McGonagle asked the amount of wetland impact and was told it would be 150 square feet of impact to the wetland and 2430 square feet impact to the wetland buffer.

Mr. Swope moved that the Planning Board grant a Conditional Use Permit under terms of Section 28-4-3(d), Conditional Use Permit Required for Disturbance to Wetland Buffers, of the Concord Zoning Ordinance, for the widening of the existing driveway to a common private driveway crossing a wetland, recognizing that the proposed widening will have the least impact to wetlands and wetland buffers. Ms. Meyer seconded. Motion carried, 7-1, with Mr. Gross voting against.

Mr. Swope moved to deny the request for a waiver of Section 8.04(2)(a) of the Subdivision Regulations, and require that the remainder lot be displayed with the required level of survey and error of closure. Mr. McGonagle seconded.

Mr. Gross indicted he did not see a public benefit to requiring the larger survey. There is a description of a taxable lot on record and the new lot will be properly described. This seemed to him an example of over-regulation. He felt this was an undue burden on the property owner that is not in the public interest.

Mr. Swope felt that since this is a regulation on the City's books, the applicant should complied with it. If the Planning Board does not agree with the regulation, it should consider changing the regulation.

Motion to deny failed on a voice vote. *Who said no???*

Mr. Gross moved and Mr. Merrill seconded that the request for waiver of Section 8.04(2)(a) of the Subdivision Regulations, requiring that the remainder lot be displayed with the required level of survey and error of closure be granted. Motion carried on a voice vote.

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

1. State and federal permits shall be obtained and copies provided to the Planning Department:

- a) NH Department of Environmental Services, Water Supply and Pollution Control Division, subdivision approval for on-site septic systems.
 - b) NH Wetlands Bureau (wetland alterations)
2. 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 agreement to convey an easement over and through Lot 2 for the common driveway and a private driveway for the benefit of, and in order to provide access to, Lot 1.
 3. Prior to the final plat being signed by the Planning Board Chair and Clerk, the applicant shall revise the plat drawings to address the corrections and omissions noted by the City staff, including specifically the following:
 - a) The depiction of Lot 2 with the minimum information and error of closure as required in Section 8.04(2)(a) of the Subdivision Regulations;
 - b) The limits of the Woodland Buffer pursuant to Section 28-3-3(e) and the impact of the proposed driveway on the tree cover within said buffer;
 - c) The location of the well and septic system on Lot 2; and
 - d) The minimum useable land area pursuant to Section 9.03(3)(b)(i) of the Subdivision Regulations, which is a rectangle of 8712 square feet with a minimum dimension of 60 feet, for proposed Lot 1.
 4. Prior to the final plat being signed by the Planning Board Chair and Clerk, the wetland buffers shall be clearly and permanently marked, and said wetland markers shall be maintained during, and after construction on the site.
 5. Prior to the final plat being signed by the Planning Board Chair and Clerk, a typical cross section of the common private drive showing the 22-foot wide paved surface shall be provided to the satisfaction of the City Engineer.
 6. Traffic, recreation and school impact fees shall be assessed for any construction on the new lot contained within this 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.

7. A building permit shall not be issued for any construction on the new lot until the common private driveway is constructed to the satisfaction of the City Engineer, and the plat shall be annotated accordingly.

Mr. Gross seconded. Motion carried.

The Chair suggested that City staff research the possibility of changing the Regulations relative to requirements for a survey of the larger parcel.

3. Application by **Daniel G. Ellison & Jane M. Guilmette** for approval of a subdivision by virtue of conversion to condominium of property at **155 North State Street.** (#2006-57)

Determination of Completeness

Mr. Pollock explained this proposal for the conversion of an existing three-family dwelling to a three-unit condominium. He reported this application was complete and ready for public hearing.

Mr. Gross moved and Mr. Swope 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 convert an existing three-family dwelling to a three-unit condominium. He reported that the plat shows a garage and paved area for parking but does not indicate individual spaces. The floor plans show that the former two-bay garage has only one stall specified as a garage which is noted as limited common area for Unit 1. The condominium documents indicate a limited common area for each of the three units wherein Unit 1 is assigned one garage space and "all uncovered parking in front of both garage stalls". Unit 2 is assigned two uncovered spaces and Unit 3 is assigned two uncovered spaces. There is a need to clarify the assignment of spaces, and to have the plans display the spaces and properly assign the limited common areas.

Robert Carpenter, from TF Bernier Inc., was present on behalf of the applicant and explained that all the conditions on the site have existed for years as a three-unit apartment building and there have been no problems. It was previously decided not to delineate parking on the site because conditions are not changing as part of this application. The condominium documents clearly state that each unit will have two surface parking spaces with no delineated spaces. There is a large enough area that there is no problem for parking.

Mr. Swope noted that designating parking will clearly show each owner which parking spaces belong to them.

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. Gross 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 to address the minor corrections and omissions noted by City staff.
2. Prior to the final plat being signed by the Planning Board Chair and Clerk, The plat shall be revised to display all parking spaces and to properly assign each space to the designated limited common area as specified in the condominium documents, and the documents shall be corrected to clearly reference the assigned parking spaces.
3. Prior to the final plat being signed by the Planning Board Chair and Clerk, the condominium documents shall be approved by the City Solicitor.

Mr. Swope seconded.

Mr. McGonagle noted that even though they are not changing the driveways, the application changes the ownership of the property so it does change the mindset of residents and he agreed that parking spaces should be designated.

Motion carried.

4. Application by **Hodges Properties, Inc. and Unutil Energy Systems, Inc.** for approval of a resubdivision and subdivision of property at **241 Loudon Road and Old Loudon Road.** (#2006-55)

Determination of Completeness

Mr. Henninger explained this proposal to convey a 1.504 acre parcel from the Hodges Development Company lot to the existing Unutil Energy Systems Inc. substation property at the intersection of Loudon Road and the west end of Old Loudon Road. He reported this application was complete and ready for public hearing.

Mr. Gross moved and Mr. Swope 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 convey a 1.504 acre parcel from the Hodges Development Company lot to the existing Unutil Energy Systems Inc. substation property at the intersection of Loudon Road and the west end of Old Loudon Road. The acquisition of the property will allow for the construction of a new transmission line by Unutil east of and parallel to the existing PSNH transmission line which crosses the Hodges property from Loudon Road to I-393. He reported that the property to be

acquired by Unitil from Hodges is entirely encumbered by an active PSNH power line easement.

He reported that the Code Administrator has ruled that the Hodges property has retained the required lot frontage on both Loudon Road and Old Loudon Road. The Hodges property narrows to only 12.55' in width at one location north of Old Loudon Road and is almost entirely encumbered by active PSNH transmission lines and right-of-way. He reported that the applicant proposes to acquire a 125 foot wide transmission line right-of-way containing 3.305 acres across the Hodges property in addition to the purchase of the 1.5 acre parcel. The new right-of-way will be located immediately to the east and parallel with the existing PSNH right-of-way.

He reported that the subdivision and the new 125 foot wide Unitil transmission line right-of-way do not impact the existing and required tree buffer associated with the US Cellular Wireless Telecommunication Facility on the Hodges property. Conditional Use Permits were issued to US Cellular for a leased facility on the Hodges Property. For each of these approvals specific trees were identified and required to be preserved as visual buffers.

Mr. Henninger reported that the applicants had requested a waiver not to show all the buildings, parking, access roads and site improvements on the Hodges property. The proposed subdivision does not impact any of the site improvements.

He reported that the transfer of property would not impact the conforming status of the existing uses on the Hodges property. The land under the existing PSNH right-of-way is not buildable land for the purposes of calculating density.

There was no one present to speak 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. Swope moved to grant a waiver to Section 5.04(2)(b)(ii), (iv), (v), (vi), (vii) and (xi), Final Plat Requirement, to not show existing buildings, landscaping, utilities, parking and driveways on the subdivision plan with the exception of the tree line, wetlands, edge of clearing and the location of required tree buffers along the east side of the site between the PSNH right-of-way and the eastern property lines. Mr. Merrill seconded. Motion carried.

Mr. Gross moved approval subject to the following 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 corrections and omissions noted by City staff.

Mr. Swope seconded. Motion carried.

Condominium Plan and Site Plan

5. Application by **Rory Stoddart**, pursuant to an order of the Merrimack County Superior Court, for approval of a revision to a previously approved condominium plan and a site plan for **Island Shores Estates Condominium** to correct the prior omission of the unit at **28 Bluffs Drive** (Unit #168). (#2006-42)

Determination of Completeness

Mr. Pollock explained that the Merrimack County Superior Court had issued an order to allow this application to be made by the owner of the incorrectly located unit in order to have a plan approved and placed on file at the Merrimack County Registry of Deeds that represents what was actually built, thereby clearing the title to the unit and the condominium complex as a whole. He reported this application was complete and ready for public hearing.

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

Public Hearing

Mr. Pollock explained Island Shores Estates Condominium was approved as a planned unit development and a condominium by the Planning Board in 1985 with a subsequent amendment in 1993. During the past year, it was discovered that Unit 71, as shown on the 1993 version of the plan, was never built, but another unit, Unit 168-A, was built in another location not shown on the plans. Since the construction of that unit, the title has been transferred until recently when the error was discovered, placing a cloud on the title of that unit as well as the whole condominium complex. The Merrimack County Superior Court has issued an order to allow this application to be made by the owner of the incorrectly located unit in order to have a plan that represents what was actually built approved and placed on file at the Registry of Deeds, thereby clearing the title to the unit and the condominium complex as a whole.

There was no one present to speak on behalf of the applicant.

At 7:45 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. Gross asked if the Planning Board's approval of this correction would extinguish any right to construct the unit that was not constructed and Mr. Woodward responded that it would.

Mr. Gross moved approval subject to the following 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. Swope seconded. Motion carried.

Minor Site Plans

6. Application by **Douglas Hicks, on behalf of The Friends of Concord Crew** for approval of a site plan of property on **West Portsmouth Street**. Along with this application is a request for a Conditional Use Permit pursuant to Section 28-7-11(e) of the Zoning Ordinance, Alternative Surfacing. (#2006-54)

The Chair announced that determination of completeness of this application would take place at the Board's recessed meeting on June 28, 2006.

7. Application by **The NH Political Library** for approval of a site plan of property at **14 Horseshoe Pond Lane**. (#2006-53)

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

Determination of Completeness

Ms. Seifried explained this proposal to construct a 150 square foot addition to the side of the existing barn that will be part of an interpretive space for the Manse. She reported this application was complete and ready for public hearing.

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

Public Hearing

Ms. Seifried explained this proposal to construct a 150 square foot addition for a stairwell on the side of the existing barn that will be part of an interpretive space for the Manse. There will also be a change of use of the barn. It is now used for storage and will be converted to office space and an interpretive space. The building is located in the City's Historic District and will require review and approval by the Heritage Commission.

She reported that the applicant received a number of variances from the Zoning Board of Adjustment, including variances for the building and pavement within the 75-foot vegetative buffer; to permit buildings within 75 feet of the reference line of a statutorily designated public water; lot coverage of 18% where only 10% is allowed; to allow only 17 parking spaces where 34 are required; to allow parking spaces not to be appropriately demarcated; to allow one handicap space where two are required; to not require pavement in the driveway and parking area, and to permit the construction of a building other than a single-family dwelling on a substandard lot in residential district.

The Code Administrator had also ruled and that action was confirmed by the Zoning Board of Adjustment that the new addition into the 50 foot setback would not require a variance as it would not intrude any further into the setback than what is already existing.

She reported that Architectural Design Review Committee had reviewed the site and building plans. The Committee found the architectural plans to be acceptable as submitted in regards to the new addition but requested that the applicant return with revised elevations for the proposed main entrance. They also recommended that the applicant keep the existing entrance steps and revise the proposed stairwell door.

Ms. Seifried reported that it is unclear whether the building will be sprinkler protected. If is intended to be sprinkler protected, then a larger water service will be required. If not, then the access for the Fire Department would be inadequate.

She also reported that the exact number of parking spaces needed is under discussion. The Zoning Board of Adjustment reduced the number for the site to the total of 17 spaces. The proposed plan shows 14 parking spaces. Based on the proposed use of the site and square footage shown it appears that 15 parking spaces required.

Chris Carley, architect, was present on behalf of the applicant and explained that the Pierce Manse has fallen on hard times in recent years and, as a result, the NH Political Library has joined forces with the Pierce Brigade and they now jointly own the building to provide a museum for political artifacts. This application is the first step to make the current barn useable for interpretive space. At some time in the future there will be a larger project consisting of the construction of another building to enlarge the museum space. He reported that under the Zoning Ordinance this is not considered a place of public assembly so sprinklers are not necessary. He is working with the Fire Department on the sprinkler situation because museums do not like sprinklers because artifacts should not get wet and sprinklers have a tendency to go off and get things wet.

Eric Steinhauser, 11 Horseshoe Pond Lane, questioned the accuracy of the information submitted. He is an abutter and he was not listed as the owner of the property and did not receive the notice for this meeting. That makes him question whether there are any other errors on the plan. Even though this is a much smaller project than presented to the Zoning Board of Adjustment a year ago, he did notice that there is more office space proposed on this plan. Because a larger project is anticipated, he felt the impacts related to traffic and public safety should be addressed at this time. He expressed a concern about the one-way street and the narrow road widths. He also indicated there were issues related to wildlife habitat.

The Chair asked if Mr. Steinhauser was opposed to the addition as presented. Mr. Steinhauser responded that he was opposed on principle. He would like to see the historic architecture of the building remain. Also, the perspective that he would see from his house is not shown on the drawings submitted. He is not opposed to improvement to the Manse but he is opposed to construction that would be detrimental to the Manse and the neighborhood.

Ms. Meyer asked if the parking shown is existing and Mr. Steinhauser responded that on occasion there is an extensive number of cars parked on the site to the extent that he cannot get out of his driveway. When the Manse does have events, it can be pretty heavily parked.

Ms. Meyer noted that what is being proposed seems to be pretty insignificant. Mr. Steinhauser responded that they are discussing future phases which he is opposed to. He indicated he is not opposed to making the facility more accessible but he is concerned about the next phase of the project. If this stairwell project does not go forward, the rest of the project cannot go forward.

Les Sherman, 221 North Main Street, explained he expected to be at a future meeting for a public hearing but not tonight. He explained he has always admired this building and now has a problem with the architecture and the concept of connecting the buildings. At the time the barn was connected to the Pierce Manse, he disagreed with the plan but eventually came to acknowledge that was acceptable because it was a period barn that had been moved to the site and it was appropriate for the period. At the time the barn was added, it was decided that the connecting structure would be the handicapped access. By placing the stairwell onto the barn, the historic architecture of the structure starts to get lost. What is being created here to preserve the Manse is violating the spirit of the historic district. Someone has to take care of the historic building but it needs to stay congruent with the spirit in which Franklin Pierce lived. He did not believe this building needed an elevator.

Mr. Gross asked if Mr. Sherman and Mr. Steinhauser were more concerned with the next phase than the stairwell being proposed at this time. Mr. Sherman responded that the real concern is parking. The roadway will need to be rebuilt. The neighborhood is wonderful as it is. All the variances that needed to be granted should raise a red flag. The Chair responded that the Planning Board does not grant variances. That is the function of the Zoning Board of Adjustment.

Mr. Sherman suggested placing the stairwell on the back side of the building where it is not visible. There should not be any deviation from the spirit of the building period. He feels somewhere down the line the Board will see an elevator proposed.

Ms. Meyer asked when the Heritage Commission will see this application and Ms. Seifried responded it will likely be in July. Ms Meyer asked if the Heritage Commission should look at this before the Planning Board and Mr. Woodward responded that the functions of the two boards were different.

The Chair asked the Clerk to explain the question relative to completeness of the application. Mr. Woodward explained that the completeness recommendation is made based on the materials that have been submitted by the time of the meeting and not whether they have been adequately reviewed.

Mr. McGonagle indicated he will be very interested in hearing what the Heritage Commission has to say about the proposed structure. Mr. Swope agreed. He also wanted to hear what the Heritage Commission had to say about this before the Planning

Board takes action. He felt the stairwell is a dominating feature of the building as it is approached from North Main Street.

At 8:40 PM, Mr. Gross moved to recess the public hearing until after the Heritage Commission meets and provides information to the Planning Board. Mr. McGonagle seconded.

Mr. Gross asked if the Heritage Commission will only be looking at this addition or at the entire proposal for the ultimate plan and Mr. Woodward responded that it would appear that the Planning Board has only been presented with this Phase 1 for review and action.

Mr. Swope felt it did not serve the applicant well to give different information to each board or committee it visits.

Mr. McGonagle suggested that the Planning Board ask the Heritage Commission for their comments specifically on the proposal before the Board and if the Commission is privy to a larger project, the Board would appreciate their comments on that project as well.

Mr. Merrill expressed concern about what appears to be "creep" into the Historic District. He had heard testimony about office space in the building. It appears this is at times a tremendously congested area that is not supportive of the Historic District. The Board needs to maintain the intent of the historic area. He wants consideration given to maintaining the Historic District to what it should be.

Motion carried with Ms. Dolcino abstaining from discussion and vote on the matter.

8. Application by **Public Service of New Hampshire** for approval of a site plan of property off **Farmwood Road**. Along with this application is a request for a Conditional Use Permit pursuant to Section 28-2-4(j) of the Zoning Ordinance, Table of Principal Uses, K(11) Essential public utilities and appurtenances. (#2006-51)

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

Determination of Completeness

Mr. Pollock explained that Public Service Company of New Hampshire (PSNH) proposes to expand the enclosure for an existing substation located at the end of Farmwood Road in East Concord. He reported this application was complete and ready for public hearing.

Mr. Gross 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 Public Service Company of New Hampshire (PSNH) to expand the enclosure for an existing substation from 71,500 square feet to 86,500 square feet. A Conditional Use Permit is required pursuant to Section 28-2-4(j), Table of Principal Uses, Principal Use K-11, of the Zoning Ordinance, essential public utilities and appurtenances, in order to expand the use. He reported that the Architectural Design Review Committee had no comment on the expansion of the fenced substation area.

Charles Young from Ambient Engineering and Walt Bilynsky, engineer from PSNH were present to answer questions from the Board.

Mr. Young indicated that they had revised the site plan to eliminate guy wires from the wetland areas.

Mr. Bilynsky asked if they could get a building permit to do work inside the existing yard. They are adding equipment to the existing equipment on the pad site. He was told this is not the venue for that particular question and was referred to the Code Administrator for a ruling.

At 8:50 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. Gross moved that the Planning Board grant a Conditional Use Permit pursuant to Section 28-2-4(j), Table of Principal Uses, Principal Use K-11, of the Zoning Ordinance, to allow for the expansion of an essential public utility and appurtenances. Mr. Merrill seconded. Motion carried with Mr. Swope abstaining from discussion and vote.

Mr. Gross moved approval, including approval under Architectural Design Review, of the site plan subject to the following conditions:

1. Prior to the issuance of a Certificate of Approval by the Planning Board Chair (and issuance of any building permits for construction activity on the site), the applicant shall revise the site plan to address the minor corrections and omissions noted by City staff.
2. Prior to the issuance of a Certificate of Approval by the Planning Board Chair (and issuance of any building permits for construction activity on the site), the wetland buffers around the substation shall be permanently marked, and the markers shall be maintained during and after construction.

Mr. McGonagle seconded. Motion carried with Mr. Swope abstaining from discussion and vote.

9. Application by **United Church of Christ Retirement Community** for approval of a site plan of property at **149 East Side Drive**. (#2006-52)

Determination of Completeness

Mr. Henninger explained this proposal for renovations to four buildings in the first phase of Heritage Heights. He reported this application was complete and ready 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 this proposal for renovations to four buildings in the first phase of Heritage Heights. The project involves 1,257 square feet of new construction. He explained that eight units are being combined and renovated resulting in the eight units being converted into four units. He explained that the new construction, including walkways, two garages, and porches, is either located within the perimeter access road or located near East Side Drive. The unit modification next to East Side Drive will maintain a setback in excess of 40 feet where 30 feet is required. The site is heavily tree covered and the applicants are proposing the removal of 15 trees and the planting of three flowering crab trees.

He reported that the modifications to the exterior elevation will match the existing materials and colors. The Architectural Design Review Committee reviewed the site and building plans and found the proposed revisions to be acceptable as submitted.

There was no one present who spoke on behalf of the applicant.

At 8:53 PM there was no one who wished to speak for or against this application and the Chair declared the hearing closed.

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

Ms. Meyer noted the proposed removal of fifteen trees and asked if that was for each garage. Mr. Henninger responded that it was the total number of trees to be removed. Ms. Meyer expressed concern about the removal of fifteen trees that are being replaced with only three crab apple trees.

Ed Rimm, from Cobb Hill Builders, was recognized on behalf of the applicant and explained a problem with moisture related to the trees in that area created problems with the buildings. That was the reason for their proposal to plant fewer trees. The canopy is very substantial and this is just a small part of the canopy.

Ms. Meyer felt some of the shade trees should be replaced. Mr. Rimm noted that there are now so many trees on the site that finding a location will be difficult but they would try.

Mr. Pollock suggested replacing the removed trees with ornamental trees instead of canopy trees.

The Board suggested that the applicant meet with staff and look for opportunities to plant more deciduous trees, particularly around unit #16.

Mr. Gross moved approval under Architectural Design Review as submitted. Mr. Rowe seconded. Motion carried.

Mr. Swope moved approval of the revised site plan as submitted, with the request that the applicant meet with City staff and reach an appropriate decision relative to location and number of deciduous trees. Mr. Gross seconded. Motion carried.

Major Site Plans

10. Application by **John Dapergolas** for approval of a site plan of property at **12 Integra Drive.** (#2005-87)

Determination of Completeness

Mr. Pollock explained this proposal to construct a first phase consisting of a 3000-square foot addition to an existing building for vehicle storage, and then a second phase consisting of a new 7,500-square foot building for auto maintenance and salvage. He reported this application was complete and ready for public hearing.

Mr. Swope moved and Mr. Rowe seconded that the Planning Board determine this application to be complete and schedule the public hearing for the Board's next regular meeting on July 19, 2006. Motion carried.

11. Application by **Tiffany Properties LLC** for approval of a site plan of property at **11 Integra Drive.** (#2006-10)

Public Hearing

Ms. Seifried explained this proposal for the construction of expansion of includes three new self-storage units at the existing facility. In addition, the applicant proposes to allow outside storage along the westerly edge of the site. She reported that the applicant has been granted a number of variances by the Zoning Board of Adjustment .

She reported that the Architectural Design Review Committee had reviewed the site and building plans and found the architectural plans to be acceptable as submitted. The Committee recommended that there be as much landscaping added to the plan as possible to screen the site along Integra Drive and between the City's detention pond and the westernmost buildings.

Jeff Lewis, from Northpoint Engineering, and Paul Keenan, from Tiffany Properties, were present to answer questions from the Board.

In answer to a question by Mr. McGonagle, Mr. Lewis explained that the current plans show a 25-foot setback to the pavement.

Mr. Lewis noted that there is a Conditional Use Permit application associated with this application. The property lies on top of the bluff adjacent to the Soucook River and there is an impact associated with the buffer to the bluff. No trees are being removed from the site for this project. As part of this application, they are proposing to restore the prior encroachment to its earlier condition. Mr. Henninger explained that the prior owners had destroyed the buffer to the bluff just before the zoning ordinance was adopted and the current owners are now proposing to restore the area to its original condition. He explained that staff had determined that no Conditional Use Permit was necessary because they are proposing to re-establish the bluff line to its original condition.

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

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

Mr. Gross moved approval under Architectural Design Review with modifications to landscaping as recommended by the Architectural Design Review Committee. The applicant shall submit a revised landscaping plan showing the additional planting plan for the approval by the City Planner. Mr. Swope seconded. Motion carried.

Mr. Merrill 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), approvals of construction drawings for on-site improvements shall be obtained from the Engineering and Planning Divisions.
2. Prior to the issuance of a certificate of approval by the Planning Board Chair, the applicant shall add fire hydrants on-site, the number and location of which shall be to the satisfaction of the Fire Marshal.
3. A pre-existing Impact Fee Agreement exists in regard to the property executed on July 20, 1989. The required impact fee for the development of this lot is \$5,187.04 payable prior to the issuance of a building permit.

Special Conditions:

4. Prior to the issuance of a certificate of approval by the Planning Board Chair, the applicant shall complete the voluntary merger of lots MBL 110K-1-9 and 110K -1-11.

Mr. Rowe seconded. Motion carried.

Architectural Design Review

12. 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.

Public Hearings

- **Mane Element Hair Studio** at 13 South State Street

Mr. Henninger reported that the Design Review Committee found the sign to be elegantly designed and recommended approval with the recognition that the lighting will be limited and will not be intrusive on the abutting residential neighborhood and should not be illuminated between 11:00 PM and 6:00 AM. The Committee also indicated that the size should be proportionately scaled as shown on the photograph presented even if that is dissimilar to the dimensions noted.

There was no one present wishing to speak for or against this application.

Ms. Meyer discussed the appropriateness of an illuminated sign in that area given that the sign being replaced is a wooden non-illuminated sign. Mr. Henninger explained that while the property was near a residential area, it was in the Civic Zoning District where illuminated signs are allowed and appropriate.

After some discussion, Ms. Meyer moved approval of the sign subject to the Design Review Committee comments relative to size and hours of illumination. Mr. Gross seconded. Motion carried.

- **The Reserve at Stonehaven** at 12 Sanborn Road

Mr. Henninger reported that the Design Review Committee found the design and placement of the sign to be appropriate for the location and use, and recommended approval subject to a capstone on top of the base. He reported this will have a stone base with the graphic on both sides.

Deedee from NH signs was present on behalf of the applicant and indicated the sign will be capped as recommended.

No one else wished to speak and the Chair closed the hearing.

Mr. Gross moved approval subject to a capstone on top of the base. Mr. Merrill seconded. Motion carried.

13. Building plans related to an application by **Mareina Realty** at **7 Pleasant Street**.

Public Hearing

Mr. Henninger explained that the applicants propose to remove the existing materials and bring the building back as closely as possible to its historic appearance. The goal is to provide an historic look to the building. He explained the sign concept will be simple. He expects it will be the historic individually-cut gold letters on a black background.

He reported that the Design Review Committee recommended approval of the changes to the façade as submitted as well as the proposed signage as described.

He reported he had received revised plans showing the signage to be individual gold lettering.

John Jordan, architect, was present on behalf of the applicants to answer questions from the Board.

At 9:35 PM there was no one who wished to speak for or against this application and the Chair declared the hearing closed.

Deliberations and Action on Application

Mr. Gross moved approval as submitted, including signage. Ms. Meyer seconded. Motion carried.

14. Revisions to previously approved site and building plans by **Tanguay Homes LLC** for **Abbott Village** at **382 North State Street..**

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

Public Hearing

Mr. Henninger explained this proposal for revisions to the building elevations for Abbott Village. He reported that the Design Review Committee preferred the revised elevations to those originally approved, recommended approval of the community building as submitted, and approval of the residential buildings subject to the end elevations using the same scheme of cobblestone and clapboard as the front façade.

He reported the applicant had submitted a revised end elevation as recommended.

There was no one present on behalf of the applicant.

At 9:40 PM there was no one who wished to speak for or against this application and the Chair declared the hearing closed.

Deliberations and Action on Application

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

REGULAR MEETING

1. Consideration of minutes of Planning Board meetings for the following date:

April 19, 2006, May 3, 2006 (recessed meeting), May 17, 2006 and May 31, 2006 (recessed meeting).

Mr. Swope moved approval of the minutes of the meetings of April 19, 2006 and May 3, 2006 as submitted. Mr. Gross seconded. Motion carried.

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

2.a Application by **Ten Hutchins LLC** for approval of a site plan of property at **10 Hutchins Street**. (#2006-28)

Ms. Seifried pointed out that the Board had received a letter from an abutter late this afternoon and it had been copied and distributed.

She explained that the applicant is proposing to construct a new eight-unit residential building behind the existing two-unit structure.

She reported that the City Engineering Division has requested that the applicant ensure that the rate and volume of flow from the outfall pipe from the detention pond is no greater than current conditions of drainage from the property to the north. The applicant is working with the City Engineering Division to assure that the drainage plan is acceptable.

She reported that the Planning Board had requested that either the sidewalk in the parking area extend to the street or be eliminated. The revised plan has the sidewalk being reduced in length. A proposed conceptual alternative driveway plan has been submitted at the request of the Board. The proposed driveway severely impacts the existing driveway of the abutter to the east. Article 28-7-8 (b) of the Zoning Ordinance requires a 40-foot separation of driveways in a Residential District and a Conditional Use Permit would be required in order to allow for a separation of driveways less than 40 feet. The Planning Board also requested that the applicant show on the site plan an area for snow storage. The new plan shows snow storage to be located along the western edge of the driveway and along the edges of the parking spaces. The City Engineering Division is requesting that additional snow storage volume be provided by creating swales in the storage areas shown on the plans.

Ms. Meyer recalled that the Planning Board had requested that the sidewalk continue to Hutchins Street. Ms. Meyer also asked questions relative to the landscape plan, including a concern from one of the residents that screening be provided for headlights.

The Chair asked Ms. Aibel what had changed about the drainage plan that will resolve drainage concerns. Ms. Aibel explained that the Engineering Division had asked for changes to the material of the pipe used on site. They will also eliminate drip edge on

the building. At the request of the abutter they have redesigned the proposed detention basin.

In answer to a question from Mr. McGonagle, Ms. Aibel reported that they had looked at connecting into the City's storm water system and the elevations did not work. They also tried to keep as much runoff as possible on site. She felt that the applicant had gone above and beyond the letter of the City's regulations to address the concerns of the abutter.

Ms. Dolcino expressed concern about the snow storage area and how that runoff will be treated.

Regarding the landscape plan, Ms. Meyer suggested that there be a landscape panel between the sidewalk and the road and some trees placed within that panel. That would give the entrance the feel of a neighborhood.

Mr. Gross moved approval under Architectural Design Review as submitted. Mr. Swope seconded. Motion carried.

Mr. Swope 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), approvals of construction drawings for on-site improvements shall be obtained from the Engineering and Planning Divisions.
2. Prior to the issuance of a Certificate of Approval by the Planning Board Chair, the applicant shall add fire hydrants on-site, the number and location of which shall be to the satisfaction of the Fire Marshal.
3. Traffic, recreation and school impact fees shall be assessed for any construction within this 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 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 - Townhouse/Duplex Residence
 - b. Recreational Facilities - Townhouse/Duplex Residence
 - c. Transportation Facilities - Townhouse/Duplex Residence

Special Conditions

1. Prior to the issuance of a Certificate of Approval by the Planning Board Chair, the applicant shall meet with Engineering Division and revise the drainage system to maximize infiltration capabilities, including but not limited to the addition of perforated pipe, all to the satisfaction of the City Engineer.
2. Prior to the issuance of a Certificate of Approval by the Planning Board Chair, the applicant shall design and include in the drainage plan an additional swale at the north end of the parking area to direct runoff from snowmelt to the detention pond, all to the satisfaction of the City Engineer.
3. Prior to the issuance of a Certificate of Approval by the Planning Board Chair, the applicant shall extend the sidewalk on the eastern side of the parking lot southerly to Hutchins Street. The sidewalk shall include a landscaped, five foot grass strip between the sidewalk and the curb, the design of which shall be to the satisfaction of the City Planner.

Mr. Gross seconded. Motion carried, 7-1, with Mr. McGonagle voting against.

Mr. Gross made the point that if the Planning Board makes the point to the development community that it wants to encourage more intense development in developed areas rather than sprawl, then the Board will have to expect to encounter intense neighborhood pressure and will create more professional staff support needs. If the Board is serious about encouraging this kind of development, it needs to find better ways to deal with development of this kind. He was concerned about what will happen in the future if we continue to encounter the more intense development. The Board has to deal with the regulatory pressures.

Mr. Swope noted that the alternative will affect the City's open space. The concern regarding the character of a given neighborhood is something the Planning Board has to face.

Ms. Meyer noted that the Board has to be careful about aesthetics and architecture and think about the neighborhood.

CITY COUNCIL REFERRALS

Item #5. Consideration of communication from **Wm and Priscilla Hare** requesting the rezoning of their property at **61 Borough Road** to RM.

Mr. Henninger explained this petition from Mr. & Mrs. Hare referred to an error by the City in drawing the zoning map amendment made by City Council in 2001. The Hares have alleged that an error was made but this statement is incorrect. The property at 61 Borough Road was considered as two parcels in 2001 and the history of this dates back as early as 1961 based on tax maps in the City's Engineering office. The requested zoning change to RM does not affect the non-conforming status of the existing three-unit building on the property.

He reported that the existing and proposed zoning is consistent with the Year 2010 Land

Use Plan adopted in 1993. The only major development implication in regard to the requested zoning change for the property is the permitted density of allowable future development on the undeveloped back land of the property abutting homes along Primrose Lane. Multi-family units and duplexes are not allowed in the RS District. Duplexes are allowed in the RM District but multi-family units are not allowed nor are conversions of existing buildings to four-unit apartments.

He reported that the property under discussion is located south of Borough Road opposite Lilac Street in Penacook. Hoyt Brook is located to the immediate east of the property and the northeast corner of the lot is encumbered by wetlands and steep slopes associated with this brook. The balance of the site is flat and wooded. The site contains 5.4 acres and has approximately 530 feet of frontage along Borough Road. Approximately 130 feet of frontage along Borough Road consists of wetlands. The property has a single structure containing three residential dwelling units. The surrounding development is entirely single-family residential with a City-held conservation easement owned by the Primrose Woods Phase 3 property owners along the entire eastern border of the property along Hoyt Brook. Four single-family residential units directly abut the property to the west and three are located directly across Borough Road from the property. He reported that it appeared that about 4.8 acres of the property is developable. A paper street is shown on the plat for the Primrose Subdivision leading from Primrose Lane to this property. However, no rights to the street have ever been conveyed by easement and the deeds conveying the lots from the developer to the original owners do not include any references or reservations for said street.

He reported that this entire area was proposed to be zoned RM in the initial drafts of the zoning map. Neighborhood representatives on the Citizen Zoning Advisory Committee (CZAC) convinced the Committee to dramatically expand the areas proposed to be zoned RS throughout Concord including the subject parcel. Prior to the adoption of the Zoning Ordinance in 2001, a request was made to make this parcel more conforming by extending the RM Zone southerly of Borough Road to include this property. The lot containing the building was modified in the final amendments made by City Council prior to adoption and the second lot retained the RS zoning, as did the surrounding lots.

The Year 2010 Master Plan categorizes this area as Medium Density Residential with the principal uses being single and multi-family development with a maximum residential density of six units per acre.

Mr. Henninger explained that the primary differences between the zoning districts are the allowances of duplexes in the RM District, expanded density for elderly housing and special needs housing, and the allowance by Special Exception or by Conditional Use Permit for certain non-residential uses allowed in the RM District that are not permitted in the RS District. Elderly housing is allowed at a significantly higher density from five units per developable acre in the RS District to fourteen units per developable acre in the RM District. Assisted living units are allowed in the RM District at fourteen units per developable acre and not permitted in the RS District. A residential social service center at five dwelling units is allowed by Conditional Use Permit in the RM District and is not permitted in the RS District. Cluster subdivisions and planned unit

developments are allowed in the RM District on parcels of ten acres or larger. At 5.4 acres this lot is too small for either a cluster subdivision or a planned unit development.

Mr. Gross moved to recommend to the City Council that the entire parcel be rezoned to RM – Medium Density Residential consistent with the adopted Master Plan. Mr. Swope seconded. Motion carried.

5. Consideration of communication from Mary Lou Manias, listing agent for **95 Loudon Road** and Judith Bryant, Attorney in fact for **Hazel C. Ruggles**, requesting the rezoning of property at **95 Loudon Road**.

Mr. Henninger explained the City Council had referred to the Planning Board a communication from Mary Lou Manias on behalf of the property owner requesting a zoning change of property at 95 Loudon Road from High Density Residential District (RH) to General Commercial District (CG). The petitioner has two reasons for the request. This lot is the only lot in the area with frontage on Loudon Road that is not zoned commercial and this lot had been zoned commercial until 2001.

He reported that the proposed zoning change is not consistent with the Year 2010 Land Use Plan adopted in 1993.

He reported that the site is partially occupied by a single family house. The parcel contains 1.08 acres and has approximately 130 feet of frontage on Loudon Road and approximately 125 feet of frontage on Prescott Street to the north. The site is flat and like most areas of Heights the soils consist of sand and gravels with a deep aquifer. Access to the site is currently by way of a single drive from Loudon Road. The rear portion of the site next to Prescott Street is undeveloped and is wooded. The property is directly abutted on the west by four single-family residences, on the north by one single family residence and a 20-unit apartment building, on the east by a fast food restaurant and the parking lot of an office building, and on the south by a bank building across Loudon Road. There is no existing vegetative buffer between the site and the majority of the houses to the west along Thomas Street. The property directly abuts the commercial strip to the east along Loudon Road. This property has not been used for commercial purposes and directly abuts homes along Thomas Street. The existing site driveway is immediately adjacent to the exit for Dunkin Donuts. This area is a high accident area and an additional commercial driveway would add to the existing traffic problem in the area.

He reported that a developer has approached the City about converting the property to an automobile repair facility. There were a number of issues associated with this use, most notably the difficulties of buffering the abutting uses visually, nuisance impacts of noise on the abutting residences, and traffic circulation on site and ingress and egress from the property to Loudon Road.

Mr. Henninger reported that under the existing RH Zoning a maximum of ten attached units, 12 multi-family units or 15 elderly housing units could be constructed on the parcel. Due to the narrowness of the lot, in practice six to eight single story attached units could be constructed while retaining two units in the existing home. No room

would exist between the minimum required yards to construct any two story housing on site due to the 50-foot required perimeter buffers unless relief was granted by the Zoning Board of Adjustment. A residential development could obtain access from Prescott Street to the north and find alternative access to and from the site instead of relying on Loudon Road as the sole point of access. Ideally access would be limited solely to Prescott Street, eliminating an existing curb cut from Loudon Road.

He reported that the Year 2010 Master Plan categorizes the existing residential area along Thomas and Prescott Streets in the High Density Residential Category with single family and multi-family residential development being the primary uses envisioned up to a density of 14 units per acre. The existing zoning is consistent with the adopted Master Plan and the proposed zoning is not consistent with the Master Plan.

He reported that a non-residential commercial use would result in an incremental increase in traffic on an already congested Loudon Road. The primary negative impact would be the creation of a new commercial driveway on Loudon Road adjacent to Dunkin Donuts and close to the intersection with Blodgett Street at a high accident location. This driveway would create additional points of conflict along Loudon Road for turning traffic and would be contrary to the intent to reduce curb cuts and consolidate driveways along Loudon Road.

Mr. Swope moved that the Planning Board recommend to the City Council that the existing RH Zoning District be retained for 95 Loudon Road, and to advise the City Council that the proposed zoning request to General Commercial (CG) District is inconsistent with the City's Master Plan, would adversely impact an existing residential neighborhood, and would be contrary to the attempts to mitigate traffic impacts along Loudon Road. Mr. Gross seconded. Motion carried.

OLD BUSINESS

Item #7. Consideration of request by **Douglas J. Wade** for a one-year extension of approval of a subdivision at **136 Hoit Road**.

Mr. Woodward reported the Planning Board had received a request from Douglas Wade for a one-year extension of approval of the Acres of Wildlife subdivision at 136 Hoit Road. He reported that Mr. Wade had previously been granted a one-year extension expiring on June 16, 2006 and since that time had been granted a Conditional Use Permit. He reported that zoning is the same as when the project was originally approved.

Mr. Swope moved and Mr. Gross seconded that the Planning Board grant an additional one-year extension of approval of the subdivision known as Acres of wildlife at 136 Hoit road. Motion carried.

NEW BUSINESS

8. Consideration of **Development of Regional Impact** by **Jerelyn Rose Hill-Johnson Revocable Trust** for a 22-lot Planned Residential Development off **Grapevine Road in Dunbarton.**

Mr. Henninger reported that he had discussed this proposed development with Central New Hampshire Regional Planning Commission. He reported that the traffic implications appear to be relatively modest. However, the project is in the drainage basin for the Turkey River and he suggested that a recommendation be made that pre- and post-runoff be controlled. He felt Dunbarton appeared to be sensitive to this issue but reinforcement would be wise.

Mr. Swope moved to communicate the Board's concerns to Dunbarton as follows:

1. The Planning Board observed that the proposed development will have an incremental impact on NH Route 13 in both Dunbarton, Bow and Concord. The Board was of the opinion that the amount of traffic added by this developed would not by itself not require any specific improvements in Concord. The proposed use should have only minimal impacts on the streets and highways under the responsibility of the City of Concord.
2. The Planning Board recommends the drainage improvements for this development manage both the peak flow as well as the total volume of runoff. Traditionally, development in New Hampshire has only been required to control drainage runoff such that post-development peak flows do not exceed pre-development rates in cubic feet per second (CFS). The recent Mother's Day flood has emphasized the need to manage total runoff so that the total amount of post-development runoff from the site in acre-feet does not exceed pre-development conditions.

Mr. McGonagle seconded. Motion carried.

Mr. Gross mentioned that there had been a number of articles in the newspaper in recent months relative to a major proposal by the State for construction in the downtown area and the Planning Board has not seen anything about it yet. He asked when the Board would have the opportunity for review and input. He felt the Planning Board should be involved in this sooner rather than later.

Mr. Henninger explained that hearings for the capital budget have just begun. Included in that budget is \$23 million for improvements for parking and a new building around the State House complex. City Administration is putting together a proposal for the City Council for their consideration. The State also owes the Planning Board a report on their current study relative to the \$23 million expenditure. The question will become whether the Board would like a joint presentation with the City Council or its own opportunity for presentation. That will be coming up later this summer.

Mr. Gross suggested that the City Council hold a special session for this presentation and that the Planning Board should be invited to attend that meeting. The City Council should pay very close attention to this issue and have it the topic of a special session.

Mr. Swope felt that there was a lot going on behind the scenes and the Planning Board is being left out of the discussion at this point. The City Council and the Planning Board should be on the same page.

The consensus of the Board was that, at a minimum, the Planning Board should have a presentation but are willing to have a joint session.

???Mr. Swope commented about the development concept outside the urban growth boundary. All major subdivisions should be brought to public hearing as cluster subdivisions.???

At 10:55 PM the hour being late, the meeting was recessed to June 28, 2006 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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