

The regular monthly meeting of the City Planning Board was held on May 18, 2005 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), Blanchette, Dolcino, Foss, Gross, McGonagle, Merrill, and Swope (who arrived at 7:08 PM). Messrs. Woodward, Henninger and Pollock, and Ms. Osgood of the City Planning Division were also present, as was Timothy McGinley, the City's Fire Marshal.

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

## APPLICATIONS

The Chair asked the Clerk if there were any applications that had been received and which the staff was recommending should be determined to be incomplete. Mr. Woodward responded that there was one application for which the Board had received a recommendation of incompleteness. However, the applicants had submitted additional material and staff was now recommending that it be determined to be complete.

### Minor Subdivisions

1. Application by **Berkshire-Concord LLC** for approval of a subdivision of property at **295 Loudon Road**.

#### Determination of Completeness

Mr. Henninger reported all required materials had been submitted and the 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 proceed with the public hearing. Motion carried.

#### Public Hearing

Mr. Henninger explained this proposal to create two lots within the Gateway Performance Zoning District for a shopping center proposed on the north side of Loudon Road opposite the existing Toys R Us. He reported the five existing lots are being consolidated into a single lot by way of a voluntary merger and these two lots will be created from the consolidated lot. Both lots will share pedestrian and vehicular access, parking, internal parking lot and perimeter landscaping, drainage, and the free standing project sign. A reciprocal easement agreement has been prepared for both lots governing the use and maintenance of the common facilities as well as rights of passage. In addition, utility service connections to the smaller of the two lots across the main lot is also addressed in the reciprocal easement agreement. He explained that a companion Comprehensive Development Plan (CDP) allowing the creation of a lot with less than

300 feet of frontage in the GWP District was approved by the Planning Board on April 20, 2005.

He explained that this application is in support of an approved plan with three retail buildings containing a total of 80,700 square feet. The largest building will be for a sporting goods retailer containing 52,800 square feet. A second building will contain a 5,700 square foot jewelry store. A third undesignated retail building of 22,500 square feet (possibly multi-tenant) completes the development. The proposed 0.60 acre lot is for the jewelry store building.

Daniel Levine, from Berkshire Concord LLC was present to answer questions from the Board.

There was no one wishing to speak for or against the application and the Chair declared the hearing closed at 7:08 PM.

#### Deliberations and Action on Application

Mr. Gross moved approval subject to the following conditions:

1. The applicant shall revise the plat drawings to address the minor corrections and omissions noted by City staff.
2. The applicant will provide to the Planning Division the following easement documents, in a form acceptable to the City Solicitor and suitable for recording in the Merrimack County Registry of Deeds:
  - a. Reciprocal Easement Agreement between Berkshire-Concord, LLC and McFarland Development, LLC.
  - b. A sewer easement across the site from Loudon Road to Old Loudon Road.
  - c. A cross access agreement between this property and the property to the east, the Milano Condominium property.
3. The Planning Board's approval for this subdivision is subject to the representations made, and the terms and condition of the Comprehensive Development Plan approved by the Planning Board for this property concurrently with this application.
4. The Voluntary Merger shall be recorded in the Merrimack County Registry of Deeds combining the five parent parcels for this subdivision.

Mr. Blanchette seconded. Motion carried.

(Mr. Swope arrived at 7:08 PM.)

2. Application by **Thomas S. & Kathryn B. Gullage** for approval of a subdivision of property at **119 Manor Road**.

Determination of Completeness

Mr. Pollock reported all required materials had been submitted and the application was complete and ready for public hearing.

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

Public Hearing

Mr. Pollock explained this proposal to subdivide an existing parcel with a single family dwelling to create one new lot. He reported that Manor Road has recently been paved and the Engineering Division has a policy restricting excavating in a street for five years after it has been resurfaced. This may cause a delay in gaining access to the sewer.

Mr. McGonagle asked for clarification of the five-year moratorium on excavating in newly paved roads. Mr. Woodward explained that the policy is not really an issue related to subdivision approval but the reminder is set forth for the benefit of the property owner.

Dan Mullen, from Richard D. Bartlett & Associates, Inc., was present on behalf of the applicant and indicated the applicant is aware of the moratorium and will be discussing the situation with City staff.

There was no one wishing to speak for or against the application and the Chair declared the hearing closed at 7:15 PM.

Deliberations and Action on Application

Mr. McGonagle moved approval subject to the following conditions:

1. The applicant shall revise the plat drawings to address the minor corrections and omissions noted by City staff.
2. The applicant will provide to the Planning Division the following easement document, in a form acceptable to the City Solicitor and suitable for recording in the Merrimack County Registry of Deeds:
  - a. An agreement to convey an easement for a driveway and municipal water connection over proposed lot 1 for the benefit of proposed lot 2.

Mr. Merrill seconded. Motion carried.

3. Application by **Douglas W. Hicks and West Portsmouth Street LLC** for approval of a resubdivision and subdivision of property off **West Portsmouth Street**.

Determination of Completeness

Mr. Pollock reported all required materials had been submitted and the application was complete and ready for public hearing.

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

#### Public Hearing

Mr. Pollock explained this proposal to convey a 3.6 acre parcel from property owned by Mr. Hicks to be merged with property owned by West Portsmouth Street LLC, and to convey a 3.6 acre parcel from a lot owned by West Portsmouth Street LLC to be merged with a parcel owned by Mr. Hicks. No new lots will be created and one existing lot will be eliminated.

He reported that, inasmuch as the 199.6 acre West Portsmouth Street LLC parcel is under agreement to be conveyed to the City for conservation purposes, the applicants had requested waivers from a number of plat requirements of Section 8.04 of the Subdivision Regulations. The West Portsmouth Street LLC parcel will not be developed, and the Hicks lot does not have frontage and will not be eligible for building permits. The requested waivers relate to the final plat requirements for minor subdivisions and include waivers of the scale of the plat as well as representations of soils, topography, wetlands, utilities, and setback lines. He reported that these requested waivers seemed reasonable under the circumstances, but it would be appropriate to annotate the plat to indicate that the West Portsmouth Street LLC parcel is to be subject to a conservation easement and is not to be developed since this parcel is developable, having both frontage and utilities.

Chris Bofinger, surveyor of record for the application, was present on behalf of the applicants to answer questions from the Board.

There was no one wishing to speak for or against this application and the Chair declared the hearing closed at 7:21 PM.

#### Deliberations and Action on Application

Mr. Gross moved that the Planning Board grant the requested waivers of Section 8.04 (2) of the Board's Subdivision Regulations subject to the following condition:

1. The plat shall be annotated to indicate that the West Portsmouth Street LLC parcel is to be subject to a conservation easement and is not to be developed.

Ms. Dolcino seconded. Motion carried.

Mr. Gross moved approval of the application subject to the following condition:

1. The applicant shall revise the plat drawings to address the minor corrections and omissions noted by City staff.

Mr. Blanchette seconded. Motion carried.

4. Application by **Frederick P. and Sue A. Place** for approval of a subdivision of property at **92 Sanborn Road**.

#### Determination of Completeness

Mr. Pollock reported all required materials had been submitted and the application was complete and ready for public hearing.

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

#### Public Hearing

Mr. Pollock explained this proposal to subdivide an existing parcel with a single family dwelling to create one new lot. He reported that an existing woods road is shown on the proposed lot as providing access to a neighboring parcel. However, no easement is noted on the plat.

Jim Edwards, from Meridian Land Services, was present to answer questions from the Board.

There was no one wishing to speak for or against this application and the Chair declared the hearing closed at 7:25 PM.

#### Deliberations and Action on Application

Mr. Swope moved approval of the application subject to the following conditions:

1. The applicant shall revise the plat drawings to address the minor corrections and omissions noted by City staff.
2. The wetland buffers shall be clearly and permanently marked before, during, and after construction of the site. Building permits will not be issued until the buffers are marked.
3. The applicant shall obtain a permit from the NH Department of Environmental Services Water Division for subdivision approval for on-site septic systems and a copy shall be provided to the Planning Division.

Mr. Gross seconded. Motion carried.

#### Major Subdivisions

5. Application by **Abbott Hill LLC, Leslie J. Mills 2002 Revocable Trust and Timothy R. & Jayne A. Golde** for preliminary approval of a subdivision of property at **Currier Road and Timberline Drive**, together with an application for Conditional Use Permit pursuant to Section 28-4-3(d), Conditional Use Permit Required for Certain Disturbance of Wetland Buffers, of the Zoning Ordinance.

#### Public Hearing

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

Mr. Henninger explained this proposal to create 13 new lots on extensions of both Timberline Drive and Reserve Place north of Currier Road as Phase 3 of the existing Abbott Hill subdivision. This phase will also involve the extension of Reserve Place by approximately 2000 feet and Timberline Drive by approximately 1000 feet to create a connected road network.

He reported that the Board had considered a sketch plan for this property in September and at that time the applicant indicated that additional phases will be forthcoming. Timberline Drive may be extended further north from its intersection with Reserve Place and a potential right-of-way has been retained by the applicant to allow the construction of another cul-de-sac off the existing section of Reserve Place. A remnant lot will be left along Currier Road which may be subdivided to create one additional lot.

He reported that a Conditional Use Permit has been proposed for disturbances to the wetland buffer, one driveway, a drainage swale and outfall and several culvert installations, and the applicant has asked for reconsideration of the waiver granted on September 15, 2004, which would require a portion of Timberline Drive to be provided with curbing, to have a block length longer than 1200 feet, to have side slopes of 2:1 where 3:1 are required, and to present the plan at a scale of 1"=100' where a scale of 1"=50' is required.

Mr. Henninger reported that the amount of wetland disturbance has been reduced to 24,651 square feet in the latest revision to the subdivision plan. The amount of disturbance to the wetland buffer for the driveway on Lot 3-15 has been reduced from 4,313 square feet to 1,440 square feet and no disturbance is now required for any of the proposed homes.

He reported the applicant has proposed a loop road which provides the interconnectivity the Planning Board has requested and has provided two means of ingress to all lots in Phase 1, 2 and 3. The applicant will need a waiver from the maximum block length standard contained in Section 9.04 (3)(g) Blocks to have blocks in excess of 1,200 feet.

Slopes at the edge of the rights-of-way have been increased to a 2:1 slope in some locations to limit the amount of wetland buffer disturbance and land clearing, and to avoid any impacts to regulatory wetlands.

The Planning Board granted a waiver for the required slope granite curbing on September 15, 2004, but the waiver was granted specifically for road sections with less than 6% slope and did not waive the curbing at intersections. The waiver was granted in this fashion based partially on the recommendations of the City Engineer. The Planning Board previously granted a waiver for Phases 1 and 2 of the subdivision to allow those phases to be built without sloped granite curbing.

He reported that the applicant is proposing a continuation of the trail easement established in Phase 1 along the discontinued Dimond Hill Road. The applicant should also give consideration to permanently protecting areas of open space with the various phases of the development including adjacent to Ash Brook in Phase 2 and in the northern part of Phase 4 adjacent to existing conservation areas.

The applicant has requested a waiver to Section 9.03(3)(b)(j) of the Board's Subdivision Regulations. Six of the twelve new building lots do not have the required useable land area as called for in Section 9.03(3)(b)(j) of the Subdivision Regulations. The useable area must be a rectangle with a minimum dimension of 60 feet. The areas shown on the subdivision plan for the useable land area for these lots have areas where the slopes exceed 15%.

Mr. Henninger reported that for Lot 3-10 the discrepancy is very minor, the incursion is small and the useable land envelope, while not a perfect rectangle, is larger than required. Lot 3-15 is similar to Lot 3-10 but the incursion into the buildable area is more significant. Lot 3-3 has a useable rectangle in the front of the lot but the total area is less than 8712 square feet. Lot 3-5 has a small ridge that splits the useable land envelope in two, and neither section meets the regulation in size or area. Lot 3-13 has a useable land envelope which might meet the required area but is in no instance 60 feet wide. Lot 3-4 has three separate incursions of 15% slope into the proposed useable land area and does not have a rectangular area larger than 2800 square feet.

Mr. McGonagle asked the intent of the Board's regulation requiring the buildable area to be rectangular in shape. Mr. Henninger responded that the Board felt at the time that regulation was adopted that it would be important to provide space for a house to be placed on a lot without issues.

Tim Golde was present as applicant and discussed his meeting with the Conservation Commission in which they voted to recommend approval of the Conditional Use Permit for disturbance of wetland buffers for most of the lots but not all. He also reported he had received an updated NH Department of Transportation driveway permit since the original permit was issued based on the number of lots in Phases 1 and 2.

Mr. Golde then discussed the requirement for the buildable area to be a rectangular shape. He understood why the Board had adopted this regulation. However, he felt the issue needed to be discussed further. The NH Department of Environmental Services only requires a 4000 square foot area and does not require that it be a rectangle. He reported that everywhere in Abbott Hill that they have built a house, they have had to excavate and rearrange the contours. It is very easy for an excavator to do in just a short period of time. He feels they have met the spirit of the Regulation with this plan.

Mr. Drypolcher asked the difference between the high point and the low point of some of the lots and Mr. Golde responded that there was about a 20-30 foot difference between the high and low points of buildable area.

Mr. Golde reported that there is no wetland impact in all phases of this project. The Phase 2 plan was revised specifically to place the road outside the wetlands. He further noted that they will be providing curbing at the intersections.

There was no one wishing to speak for or against this application and the Chair declared the hearing closed at 8:01 PM.

#### Deliberations and Action on Application

Mr. Swope suggested that it would be helpful to have input from an independent engineer relative to the request for waiver since the City lacks a City Engineer on staff at this time.

Mr. Gross wanted to be sure the Board has a rational basis for its policy requiring a maximum 6% grade.

Mr. Woodward explained that a waiver or two had been approved about two or three years ago for other developments, but last year the City Engineer expressed the concern that those developments needed to be reviewed a little more carefully to see whether those roads were working successfully.

Mr. Blanchette reminded the Board that he has often said that one of the important reasons for having curbing is to protect the edge of pavement, particularly if the City will be maintaining the road.

Mr. Swope felt the requirement for a rectangular lot is pretty strict and was willing to consider the question of whether it is a reasonable requirement for this project. He felt the Board should be fairly liberal on this requirement in this situation. It really comes down to whether someone is willing to construct the kind of house that a particular lot will require.

Mr. McGonagle suggested a compromise position that would use the 4000 square foot area required by NH DES to remain as a rectangle but then allow the remaining minimum buildable area to be contiguous to the 4000 square foot rectangle but allow more flexibility in the shape of the remainder of the buildable area.

Mr. Gross moved that the Board grant a waiver of the scale requirements and Ms. Foss seconded. Motion carried with Mr. Merrill abstaining from discussion and vote.

Mr. Gross moved to grant the requested waiver regarding block length and Ms. Foss seconded. Motion carried with Mr. Merrill abstaining from discussion and vote.

Mr. Henninger responded to a number of questions from Ms. Foss relative to the wetland areas, flows, and the quality of the drainage.

Mr. McGonagle moved approval of the Conditional Use Permit for disturbance to the wetland buffer inasmuch as the proposed disturbance was the minimum necessary to allow for development on the site. Mr. Swope seconded. Motion carried with Mr. Merrill abstaining from discussion and vote.

Mr. Swope moved to table action on the remaining waiver requests as well as the application, to allow for the completion of the review of the applicant's traffic study, to allow an engineering review and comment on the requested waiver for slope granite curbing for a section of Timberline Drive, and to evaluate the requested waiver for useable land area for lots 3-15, 3-14, 3-3, 3-4 and 3-5. Mr. Gross seconded. Motion carried with Mr. Merrill abstaining from discussion and vote.

Staff was asked to investigate Mr. McGonagle's suggestion regarding using the State's 4000 foot requirement with a non-rectangular remaining buildable area.

6. Application by **California Fields LLC** for preliminary approval of a subdivision of property on **Crescent Street in Boscawen** with vehicular access and utilities provided through Concord.

#### Determination of Completeness

Mr. Henninger reported that when the staff's report was mailed to the Board the recommendation was that this application be determined incomplete. Since that time the outstanding required materials have been submitted and staff now recommends that the Planning Board determine this application complete and set a public hearing for June 15, 2005.

He explained that the proposed development of 38 townhouses is located on the north side of East Street at the town line. The proposed new street has its entrance partially within the City limits, requiring dual review by the City Planning Board and the Boscawen Planning Board. In addition, the applicant is connecting with the City's sewer interceptor which is one of two routes for discharge from the sewer system in Boscawen to the City's Penacook Treatment Plant.

Mr. Gross moved and Mr. Blanchette seconded that the Board determine this application to be complete and schedule a public hearing for June 15, 2005. Motion carried.

7. Application by **The David J. & Edwina Morrill Irrevocable Trust and June R. Brown** for approval of a cluster subdivision of property at **12 Sanborn Road**.

#### Public Hearing

Mr. Henninger explained this proposal for the consolidation of three lots on the east side of Sanborn Road into a 65.9 acre parcel, and the creation of an 18-unit no lot single-

family residential cluster subdivision. One single family unit will be located in the Medium Density Residential Zoning District and the remaining lots are proposed in the Open Space Residential Zoning District which makes up the vast majority of the proposed lot. An existing house on the property will be demolished. The proposed houses will be detached single-family condominium units and the proposed subdivision streets will be common private drives meeting the Subdivision Standards. The applicant is proposing individual wells and septic tanks for each unit.

He reported the applicants had requested a Conditional Use Permit for disturbances to wetland buffers for the installation of a drainage outfall swale to Snow Pond Outlet and for the construction of Stonehaven Drive. The applicant has designed the entrance road for a minimum wetland disturbance by bringing the entrance road into the site between two isolated wetlands. The road construction requires the disturbance of 975 square feet of wetland as well as a wetland buffer area disturbance of 7,115 square feet. The disturbance is the minimum necessary to construct both facilities. The disturbed area next to the brook amounts to an additional of 3,135 square feet of wetland buffer disturbance. Each cluster unit must have 500 square feet of private yard area at a minimum.

He reported that the site is currently not served by municipal water and sewer. The nearest water and sewer lines are located at the Concord Monitor on Sewalls Falls Road over 2300 feet away. The City's Subdivision Regulations require water and sewer to be extended if a development is within 1500 feet. While the subdivision is partially within a potential water/sewer service area, no plans exist to extend water and sewer lines into this area in the next six years.

Mr. Henninger reported that access to the common open space from the subdivision lots has been addressed. All units either directly abut the common open space or have numerous options for accessing the open space. The applicant and the Conservation Commission are pursuing conveyance of the property to the City. The project open space abuts existing conservation property (Spear's Park) immediately north of the site. A proposed trail system is shown on the plans. The applicant will need to coordinate the design of the trails with the Conservation Commission.

He reported that the applicant has 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 not designed these short common drives to City standards.

Mr. Merrill asked if any costs had been determined relative to extending municipal water the 2300 feet to the site versus the cost of the proposed individual wells. Mr. Henninger responded that it would be unlikely that they would be able to maintain flow for that length extension. It would be a major undertaking to get water service across the river and under the Interstate from the existing end of the line at the Concord Monitor and maintain flow.

Todd Connors, from Sublime Civil Consultants, was present on behalf of the applicants and explained that unit owners will own the structure itself and the land under the structure as well as a limited common area designated for each unit, but it was not intended for the unit owner to own the land in fee.

Peter Clary, 9 Farmwood Road, indicated he had heard rumors about plans for the common open space and he asked for clarification of the intent. Mr. Connors responded that they intend to utilize the open space in some fashion. The open space areas would be intended to be passive recreational space except for the proposed trail system.

Mr. Drypolcher asked if the logging was completed and Mr. Connors responded that it had ceased but he was not certain whether it was complete.

Mr. Woodward also noted that once an application is submitted to the Planning Board, no clearing can take place until an approved plan is adopted that clearly shows what cutting can take place.

Mr. Clary noted that the land along the brook is nice land and the proposed trails would be a good addition to the neighborhood and the City's trail system. He would like to see the open space permanently left untouched. He feels it would be a shame if there was any further timbering. It would be a shame to clear cut that piece of land.

Doug Clark, 9 Sanborn Road, expressed concerns about the location of the access into the development, specifically as it related to his property. Mr. Henninger pointed out on the plan both the proposed access to the development and Mr. Clark's driveway.

Mr. Drypolcher asked for clarification of the timbering operation on the property. Mr. Connors conferred with the landowner and responded that at this point in time all timbering has stopped and they will not do any more until after action by the Board is complete. After the Board's action, some timbering may take place based on the approved plan.

Mr. Swope asked that details of any further timbering plans be made available before the Planning Board next takes action on this application.

Ms. Dolcino asked if the open space will be accessible to the public or just to the condominium unit owners. Mr. Henninger responded that the applicant is interested in conveying some of this open space land to the City for use with the City's trail system but there will probably be some open space around the individual units that will not be available for public use and will probably be under the control of the condominium association. There is currently no formal trail on this parcel but there is an extensive trail system maintained by the Conservation Commission on the abutting parcel.

There was no one else wishing to speak for or against this application and the Chair declared the hearing closed at 9:14 PM.

#### Deliberations and Action on Application

Mr. Swope moved that the Planning Board grant a Conditional Use Permit for alterations to the wetland buffer for the entrance road and for the drainage outfall adjacent to Snow Pond Outlet inasmuch as the proposed disturbance was the minimum necessary to allow for development on the site. Ms. Foss seconded. Motion carried.

Mr. Gross moved preliminary approval subject to the following conditions:

1. The applicant shall obtain the following State and federal permits and provide copies 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. The applicant shall revise the plat drawings to address the minor corrections and omissions noted by City staff.
3. The applicant shall obtain approvals of construction drawings for on-site improvements from the Engineering and Planning Divisions.
4. 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. The applicant will provide to the Planning Division the following easement document, in a form acceptable to the City Solicitor and suitable for recording in the Merrimack County Registry of Deeds:
  - a. Conservation Easement and/or Conservation Deed for the project open space.
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. The applicant shall obtain approval of private utility plans from Unitil and Verizon.
8. No construction, timber cutting, land clearing or filling shall take place until final subdivision approval is granted by the Planning Board, the required financial guarantee is provided, a pre-construction meeting is held, and the required inspection fees have been paid.
9. The two common drives located east of Stonehaven Drive shall be redesigned to conform to the City's Subdivision Regulations.

10. The applicant shall work with the Conservation Commission in the design of the proposed trail system in the open space.

Ms. Foss seconded. Motion carried.

#### Site Plans

8. Application by **Robert V. and Richard E. Aranosian, on behalf of CATCH**, for approval of a site plan of property on **Old Suncook Road**.

#### Determination of Completeness

(Mr. Gross recused himself.)

Mr. Henninger explained this proposal to construct 54 units of affordable housing on property north of Old Suncook Road and east of the Old Suncook Road municipal land fill. This is the first phase of a two-phase project. He reported all required materials had been submitted and the application was complete and ready for public hearing.

Mr. Swope moved and Ms. Foss seconded that the Planning Board determine this application to be complete and set it for public hearing on June 15, 2005. Motion carried with Mr. Gross abstaining from discussion and vote.

9. Application by **Cumberland Farms Inc.** for approval of a site plan of property at **196 North Main Street**.

#### Determination of Completeness

Mr. Henninger explained this proposal to demolish an existing convenience store and gas station on the east side of North Main Street along with an auto repair building to the rear. The applicant proposes to construct a new convenience store of 3,744 square feet and pump islands with a canopy for 16 fueling stations. The applicant proposes to remove the existing convenience store across North Main Street and sell the property with deed restrictions prohibiting the reuse of the site for gasoline sales and service. The net gain in fueling stations is three. The net difference in trip generation is above the threshold where the Planning Board bylaws would require a traffic study. However, in this instance it does not appear that a traffic study will provide any new information for the City's consideration in regard to this application. He reported all required materials had been submitted and the application was complete and ready for public hearing.

Mr. Gross moved and Mr. Blanchette seconded that the Planning Board determine that there is no need to provide a traffic study and further determine this application to be complete and set it for public hearing on June 15, 2005. Motion carried.

10. Application by **Fox Brook Holdings LLC** for approval of a site plan of property on **Foundry Street**.

### Determination of Completeness

Mr. Henninger explained this proposal to construct the second and third office buildings on property immediately southwest of I-93 Exit 16 as part of a development known as the Foundry Business Center. The second building will be two stories in height and contain 19,450 square feet, while the third building will be three stories in height and will contain 59,400 square feet.

He reported that the Planning Board did not require a traffic study to be completed previously for this development. However, the floor area for the development has increased from 68,052 square feet to 101,730 square feet. The total project, and either phase alone, would generate sufficient traffic to trigger the Planning Board's requirement for a traffic study. The Planning Division is of the opinion that a traffic study would not add materially to the information at hand due to this project's unique location, the recently completed multi-million dollar upgrade to the Exit 16 I-93 interchange by NH Department of Transportation, the acquisition of most of the undeveloped land west of I-93 as conservation area, and the recently completed design study of the Mountain Road/East Side Drive/Shawmut Street intersection by the City. The development will make a substantial contribution to the planned improvements to this intersection proposed by the City.

Mr. Blanchette moved and Mr. Swope seconded that the Planning Board determine that there is no need to provide a traffic study and further determine this application to be complete and set it for public hearing on June 15, 2005. Motion carried.

#### 11. Application by **Concord Hospital** for approval of a site plan of property at **250 Pleasant Street.**

### Public Hearing

(Mr. Drypolcher recused himself and left the table. Mr. Swope, as vice Chair, presided.)

Mr. Henninger explained this proposal to construct two additions to Concord Hospital totaling 115,700 square feet of new hospital space, along with a freestanding maintenance building containing 1600 square feet. The purpose of the addition is to expand the emergency room, the intensive care unit, add and expand surgical suites, and provide 24 additional patient beds. The new four story addition will be constructed where the current emergency room parking is located and is being designed to accommodate two additional floors to be added in the future. An increase of 7850 square feet of impervious area is proposed as part of the addition and is partially compensated for by the introduction of two green rooftop areas.

He reported the City's traffic engineer had expressed concerns about the sight distance and the east entrance to the hospital on Pleasant Street. A recommendation has been made to clear the sight distance back from this entrance so that it can be seen earlier by cars traveling west on Pleasant Street.

Mr. Henninger reported that a three party agreement among the City, St. Paul's School and Capital Region Health Care Corporation has resulted in the design and permitting of the southerly leg of the Langley parkway. Since 1995 all significant expansions have been approved based on this three party agreement. the construction of the roadway has been delayed for a number of years due to court challenges of the NH DES permit to disturb wetlands.

He reported that, with the southerly leg of the Parkway complete, traffic conditions in 2017 will be generally acceptable on Pleasant Street, Clinton Street and South Fruit Street. Left turns from Langley parkway will still be a problem in the afternoon peak hour but much improved over existing conditions. The intersection of Pleasant Street/Warren Street/ Fruit Street which currently operates at Level of Service F will only see a slight improvement due to its existing poor geometry. Other improvements to Pleasant Street and South Fruit Street can be avoided with the construction of the southerly leg of the parkway.

He reported that, without the bypass, 50% of the traffic on Pleasant Street has its origin and destination at the hospital complex during the evening peak hour, 68% during the peak hour on Pleasant Street traveling eastbound toward South Fruit Street has its origin and destination at the hospital complex without the bypass.

Mr. Henninger further reported that the expansion of the hospital complex further exacerbates unacceptable peak hour traffic conditions on Pleasant Street from Langley parkway to South Fruit Street. the overall Level of Service for the intersection of Pleasant Street/Warren Street/ Fruit Street now functions at Level of Service F and the situation will deteriorate further without the construction of Langley parkway.

He reported that the Planning Division has been advised that the costs for Langley parkway have increased due to passage of time, increase in asphalt price and that the three funding parties have not yet reached agreement on the allocation of these increases in cost. In the event, however unlikely, that the NH Supreme Court overturns previous lower court rulings and stops the Parkway, or that some final aspect of the permitting blocks the construction of the Parkway, then planning, design, and construction must ensue on alternative improvements to address the traffic impacts.

Mr. Woodward reported that the resolution of traffic impacts from hospital expansions over the past decade was to have been the construction of Langley Parkway with the hospital, the City and St. Paul's School sharing equally in the costs of construction. A recent update of these costs revealed significant increases. The hospital has informed the City that it is not willing to absorb any more of the cost than they have previously committed to under the agreement, leaving the City and St. Paul's School to deal with the balance of the increases. St. Paul's has advised the City that it is willing to shoulder a third of the cost increases, leaving the City to face the remaining two-thirds of the cost increases.

He explained that the Planning Board and the Zoning Board of Adjustment had both granted approvals for hospital expansions based on the assumption that Langley Parkway would be constructed pursuant to the three-party agreement once the parkway

cleared the legal appeals. Traffic congestion on the hospital campus and on the adjacent streets leading to it has reached unacceptable levels and is only going to get worse if no improvements are constructed to provide relief.

He reported the Board that the hospital has a primary service area which includes Concord and 21 surrounding communities, of which Concord represents 30% of the target population. The hospital considers itself to be a regional medical center and has a mission to be a regional referral center for an undefined area with a population of 275,000, of which Concord comprises 15%.

Mr. Woodward reminded members that the Board has conditional approvals of many major developments on the construction at the developer's expense of street and intersection improvements, including Sandwood Crossing, the Vineyards, Lowe's, Berkshire, and the Shops at Concord Commons. The Board has also requested impact fees and mitigation for developments in Pembroke which will reduce the traffic capacity of the City's streets.

Mr. McGonagle asked, in referring to proposed condition #6, whether a decision by the City Council would fall into the "or otherwise cannot legally proceed to construction" situation, that decision being to not go forward with Langley Parkway.

Mr. Swope felt that the basic planning question is whether it would be responsible for the Planning Board to approve this addition without good traffic planning and leave the question of the costs to others to resolve. The prime responsibility is to consider whether this is an appropriate project.

Before asking for presentation by the applicant's team, Mr. Swope reminded them that the Board only wanted to hear new material.

Raymond Gerbi, vice president of Capital Region Health Care Corporation, introduced the team members present and indicated they would all be available to answer questions from the Board. Present on behalf of the hospital were Michael Green, president, Jeffrey Zellers, hospital Board member, Michael Lynch, emergency room doctor, Dominic Ciavarro, engineer from the Waterfield Group, David Meek and Angela Watson, architects from Shepley Bulfinch Richardson & Abbott, and Attorney Raymond D'Amante.

Ms. Watson described the building architecture. She explained that the intention in this design was to mimic the existing building features as much as possible. She also noted that in two locations where there are level changes, they propose green roofs.

Mr. Gerbi mentioned that all hospital visitors will be using the main entrance to the building during construction. He also mentioned they are trying to design a healthier environment with this design.

Mr. Gerbi reported they had met with the City staff on a number of occasions over the past year and a half and was surprised at the wording of the proposed conditions related to traffic issues.

He also mentioned the letter from an abutter copied for the Planning Board regarding her concerns about noise and tree cutting. He reported the FAA regulates the path of the helicopter. The relocation of the emergency room will decrease the noise for the neighborhood. Tree cutting was done by Unitil but the hospital will clean up the debris remaining. No room on the hospital property for buffering but they have offered to do some planting on the abutter's property to try to mitigate any issues.

Mr. Gerbi introduced Michael Green who indicated he felt the need to discuss the proposed conditions that he feels would place an outrageous burden on this project. None of the components of this project drive traffic for this project. He reported the hospital has the busiest emergency room in the state. He expects the urgent care center at Horseshoe Pond will draw about 1700 visits away from the hospital per year.

Mr. Green described the interior changes being made to the building and improvements to the hospital's service. He reported they currently have 212 medical beds in the hospital with average occupancy of 80% and often with a 95% occupancy rate. He reported they have had to go on diversion a number of times this year because they did not have room to take care of patients coming by ambulance.

He felt this project had been very carefully planned and reported that they have received their Certificate of Need from the State for this addition.

He expressed extreme disappointment at the onerous contingencies being proposed for this project. Langley Parkway has been promised for many years. He reported the hospital has committed \$1.25 million to the Parkway and should not be held hostage to something that may not be constructed this year or next. He found it difficult to understand why the hospital should be put in this position. He felt the impact on traffic for this project will be minimal. It is not intended to attract new patients. This is for the purpose of replacing existing infrastructure and to adequately care for patients that are coming to the hospital now. This is not going to add to what is already a difficult traffic situation today.

Mr. McGonagle mentioned that some of the prior expansion at the hospital had been predicated on the assumption that Langley Parkway would be built. He asked if Mr. Green agreed with that statement. Mr. Green agreed that prior construction projects approved by the Planning Board had added traffic. He did not feel that was because of the assumption that the Parkway would be built. It has been under legal challenge so he never assumed it would be built and never said to the Planning Board that it would be built, only that they hoped it would be built.

Mr. Gerbi also noted that in prior approvals there were no conditions related to Langley Parkway being built. It was discussed at all meetings but no conditions were attached.

Mr. Gross expressed concern about the issue of traffic around the hospital right now. It is his understanding that there have been times over the past few months where there has been literal gridlock around the hospital, particularly during shift changes. It was

also his understanding that the extension of Langley Parkway was designed partly to alleviate some of that traffic.

He also remembered that the Zoning Board of Adjustment some time ago indicated that no further construction could take place without alleviation of traffic problems. It seemed to him that the issue here, regardless of whether the hospital thinks conditions are inappropriate, is how to properly socialize the cost of traffic improvements in the area because staff has not said one word against the project. It seemed the problem is how to deal appropriately with the traffic problems out there.

Mr. Green responded that the most significant traffic problems are associated with either a snow storm or an accident on Pleasant Street. The proposed condition relative to improvements on Pleasant Street if Langley Parkway does not go forward will not solve traffic problems because Pleasant Street will still be the only access. The City should be talking about Langley Parkway in its entirety. He did not think the discussion is about the socialization of cost of the Parkway. He reported they have committed \$1.5 million to the Langley Parkway project. They do object to making the hospital responsible for either the agreement or the entire cost. They have no way of making others responsible for the cost. They do not want to be held responsible for the entire cost of the project.

Mr. Gross asked if Mr. Green felt it was fair to leave entirely on the taxpayers of Concord the risk that the price of the Parkway project would go up. Mr. Green responded that the hospital never agreed to pay one-third of the cost and always agreed only to a fixed dollar amount that up until now had been one-third of the cost. They originally agreed to pay \$1 million based on a \$3 million estimate and later, because the estimate went up, they agreed to fund one third of the estimate, which was \$1.75 million. Now the estimate is nearly six million dollars. Mr. Green indicated that the money has to come from somewhere so if they are expected to pay more, then they will have to raise their rates or cut back on their community contributions.

Mr. Green reminded the Board they are one of the largest taxpayers in the city. There has been tremendous input into the economy of the city of Concord because of the hospital because of tax revenues generated by the hospital and payroll generated by the hospital.

Mr. Green indicated there is a document on record from 1988 that states that the hospital will be responsible for no impact fees related to Langley Parkway. That document was signed by the City Manager at that time and they also put 28 acres of their land in conservation easement to mitigate the wetland impacts of the Parkway.

Mr. Gerbi introduced Dominic Ciavarro, from Waterfield Design, who explained the limits of the traffic study. He explained the study took extremely conservative look at traffic generation. After looking more carefully at the uses in the hospital, they felt the numbers would probably be 40% decreased. Most of the intersections would add a couple of seconds of delay at the studied intersections at build out. With the Parkway built and in place, all of the intersections would be improved.

Mr. Blanchette asked about gridlock during an afternoon snow storm, an accident on Pleasant Street, and traffic during shift changes. He asked if any thought had been given to mitigating traffic during those three events. Mr. Green indicated they had tried a number of things regarding shift changes. The hardest time is about 5:00, mostly because of the medical offices on the campus. The problem with snow storms is that during good weather people moving east along Pleasant Street use other side streets but during a snow storm more people want to use the main road. They have also tried to encourage people to use Silk Farm Road or Dunbarton Road but have not come up with a solution for snow events.

Mr. Ciavarro also mentioned that traffic counts taken for the traffic study report were taken before the hospital's satellite at Horseshow Pond and did not take that traffic into account.

Ms. Foss asked about off-site parking arrangements that they have sometimes used. Mr. Green responded that they have not been able to find an off-site lot but do have about 150 staff people use those sites. They are not opposed to long-term off-site arrangements but it has been difficult to find permanent arrangements for off-site parking.

Ms. Foss also asked if there was any opportunity for public transportation. Mr. Gerbi responded that they had worked extensively with CAT to try to encourage ridership.

Mr. Gross asked about the review letter from Vanasse Hangen Brustlin relative to the traffic study and Mr. Ciavarro responded that they would be happy to work with the City's consultant. Sight distance issue they have looked at and reviewed the City's data to try to mitigate. As the intersection currently exists, it exceeds standards.

Mr. Gerbi then introduced Attorney Raymond D'Amante who explained that the hospital had not sat back on its laurels without trying to come up with a long-term plan. That is why they opened the facility at Horseshoe Pond that moves a substantial amount of traffic away from the Pleasant Street campus. They have taken steps for off-site parking, removing 130-150 vehicles a day. He did not feel they are adding traffic to the system. This facility is updating current needs and is not adding significant traffic. They have removed more traffic from the campus than they are adding with this addition. He indicated that since the MOB 3 building in 1996, none of the applications before the Planning Board or Zoning Board of Adjustment had had conditions relating to traffic issues. They do not feel there is a reasonable nexus between the proposed conditions and this application.

Mr. Gerbi expressed the hospital's willingness to work with the staff to resolve issues. Their concern was the onerous language of the proposed conditions.

Maureen Redmond Scura, Rum Hill Road, indicated it has been a constant state of construction at the hospital for at least the 13 years she has living on Rum Hill Road. She feels that the emergency room is needed but feels that without making conditions the conditions don't happen. The medical offices buildings have brought more traffic to the campus. She did not go to the neighborhood meeting held by the hospital because

she has gone to them in the past and has been dealt with rather dismissively. She indicated the area between Rum Hill neighborhood and the hospital has become a dumping ground. It is not well cared for. She does not feel the hospital has met their obligation regarding trash removal. The noise of the HVAC units is heard by her and her neighbors. This facility needs to be a good neighbor as well as being good for the community. She does not think Langley Parkway is going to solve the problem. If people do not want to go through St. Paul School campus in a gridlock situation, they won't use the Parkway on a regular basis. She has never tried to turn left off Rum Hill Road onto Pleasant Street. It is too dangerous. Trying to maintain quality of life in the abutting residential neighborhood is important. The hospital is a benefit to the community but it is not the only thing to consider.

Maura Willing, 4 Rum Hill Road, felt that by the very fact that they are increasing the emergency room they will be treating more people and not diverting, which will increase traffic. The noise and traffic is increasing on a daily basis. While they are abutting the hospital, they are a residential neighborhood and need to be taken into consideration.

There were no further comments for or against and the Chair declared the hearing closed at 11:01 PM.

#### Deliberations and Action on Application

Mr. Gross indicated he has been negatively impressed by the list of additions to the hospital that were approved without conditions related to traffic. Nothing has been done as far as work by the hospital and the City related to increased traffic over the years. He also mentioned the very real interface between the hospital and the residential neighborhood abutting it. The tree barrier seems to have gotten thinner and the hospital structures have gotten taller with mechanicals on top of those buildings. How has this happened? He felt that in the planning function with the city could have been better about distributing the impact of the hospital campus. Neighbors should not have to absorb the impact of this additional construction. One of the reasons we are where we are tonight is because Langley Parkway has not been built and that is because a few people have decided to run out legal remedies to the extreme to keep it from happening.

Ms. Foss discussed the noise issues discussed by abutters. She has noticed on other buildings visual barriers. She had no idea their impact on noise and thought barriers could be constructed that could mask the site and could also mitigate the noise impacts. She also mentioned that whether or not Langley Parkway is constructed, satellite parking could greatly alleviate the problem. She felt the City had the responsibility to look for locations around the perimeter so that there could be sites outside of downtown and provide public transportation into the city and provide the opportunity for employers to offer those satellite lots to their employees.

Mr. Gross felt the Planning Board could express concern with the hospital relationship with neighbors as well as the City's relationship with the hospital and ask Planning

Staff and City administration to sit down with the hospital to try to talk this out and suggested tabling action to allow that to happen.

Mr. McGonagle did not feel that the things noted by Mr. D'Amante as mitigation should be used to off-set the traffic impacts of the current application.

Mr. Swope would have difficulty agreeing to conditions as proposed by staff because it would put all the burden on the hospital.

Mr. Merrill felt traffic situation on Pleasant Street has to be resolved. He would like to see all the parties get together one more time to try to work out some agreement.

Mr. Gross moved to table to allow for the city and the hospital to meet to try to work something out and also to allow the hospital to come up with a plan to mitigate complaints by neighboring abutters. Ms. Foss seconded.

Mr. Blanchette encouraged the hospital and City administration to try to work out differences and continue the great working relationship they have had over the years.

Motion to table carried, 6-1, with Mr. McGonagle voting against and Mr. Drypolcher abstaining from discussion and vote.

12. Application by **Peter D. Holden** for approval of revisions to a previously approved site plan of property at **19 Triangle Park Drive**.

#### Public Hearing

Mr. Pollock explained this proposal to convert an existing 9938 square foot office building to a retail use, together with modifications to the landscaping, lighting, and signage. He reported the Design Review Committee recommended approval of the landscape plan with the condition that there be four additional trees judiciously spaced along the frontage to preserve the view of the building. The Design Review Committee also recommended approval of the freestanding sign subject to reduction of the variable message panel to three lines of lettering and the addition of landscaping at the base of the sign, and approval of the affixed sign as submitted.

Peter Holden was present as applicant to answer questions from the Board.

There were no members of the audience wishing to speak for or against this proposal and the Chair declared the hearing closed at 11:29 PM.

#### Deliberations and Action on Application

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

1. The reduction of the variable message panel to three lines of lettering on the freestanding sign and the addition of landscaping at the base of the sign.
2. The applicant shall revise the plans to address the corrections and omissions noted by City staff.

Mr. Swope seconded. Motion carried.

### Conditional Use Permit

13. Application by **Gerald Q. Nash, on behalf of US Cellular**, for approval of a Conditional Use Permit pursuant to Section 28-5-23, Wireless Telecommunications Equipment, of the Zoning Ordinance for property at **49 Donovan Street**.

### Public Hearing

Mr. Pollock explained this proposal to construct a 130-foot monopine wireless telecommunications facility within a 5625 square foot lease area to be fenced and gated. All equipment will be located within the leased area. He reported that, if the new tower is installed at a height of 130 feet, it will be 45 feet higher than the tallest nearby tree, and 60 to 65 feet above the trees located between the proposed tower and I-93. The proposed tower will be 121.1 feet from the right-of-way of I-93 between Exit 12 and the interchange with I-89. The proposed 130-foot tower will be surrounded by a number of mature trees that should be protected from cutting or removal as long as the tower exists; however, there is no proposal to protect any trees. At a minimum, a stand of the tallest adjacent evergreens should be protected by an agreement co-terminus with the tower lease to maximize whatever screening is afforded by these trees.

The Design Review Committee did not feel this was inconspicuous and indistinguishable from the background as required in the Zoning Ordinance. Members felt this would be very visible, especially from I-93. The Committee indicated that this was one of the primary gateways to Concord and the appearance of this proposed tower would significantly impact the aesthetics of this approach. Committee members felt that if this tower is to be placed at this location, it should not be a "bottle brush" design.

He reported that there is a 75-foot Shoreline Protection District along Bow Brook that must be shown. Inasmuch as this is the last section of Bow Brook in Concord that is not protected, the applicant should consider granting the City a Conservation Easement similar to that of the abutter to protect Bow Brook. Such an Easement would run along the top of the bluff that follows the brook.

Mr. Pollock reported that the applicant should demonstrate why the communication service cannot be established by means of co-locating on another existing tower, or why a less visually intrusive location cannot be utilized for a new tower. According to information provided with the application package, the primary service area of this

tower is in the Town of Bow. However, the Town of Bow does not permit cellular towers in that area.

Mr. Woodward presented a map showing existing towers in Concord. The coverage area included north Bow. He reported that he had spoken with the Town Planner in Bow and learned that a tower was approved at the Blue Seal building as well as one at the Grappone property but that was not brought to fruition. In looking at the topography and the height necessary to serve these areas, it does not seem to fulfill the requirement of the Zoning Ordinance that it be inconspicuous. Trying to look for alternatives that would not be so blatantly in Concord's front yard that would serve the City's area, and learned that here are some options in Bow as well that the applicant did not appear to wish to pursue. The nearest high point rooftop would be the former Blue Cross Blue Shield building and the highest topography is the Garvins Falls area.

The Chair asked if the applicant would like to add anything.

Steve Grill, attorney from Devine Millimet, reminded the Board they are a federally licensed use. As cell phones are used more, there is a need to increase the facilities to support them. He indicated he was not sure the relevance of the tower map on their application. He felt that this is a good site. There is a background of trees as well as trees in the immediate vicinity and they don't feel it will be conspicuous or very obvious. They do not believe that any reading of the Zoning Ordinance indicates it must be invisible. They are not talking about one of the scenic vistas approaching Concord.

Kenneth Kozyra indicated that they try to co-locate when it is reasonable to do so. The facility has to be taller than what surrounds it, whether it is trees or man made objects. They propose to locate just to the rear of the existing Nash building. The tower will be set back about 30 feet from I-93 with a barrier of trees. The back part of the parcel is inaccessible because of the brook. They tried to leave as much natural vegetation as possible and tried to keep it as far away from the existing undeveloped area as possible. There is a 300 foot buffer to the rear of the tower.

He reported he had included a tree survey with the application. He reported only ten trees will be removed and the tallest tree is 115 feet tall. They did not include trees across the brook. The equipment building is identical to that installed at their Fisherville Road facility.

Mr. Kozyra explained that the heart of the discussion is coverage, connectivity and capacity. Capacity is a big concern in this area of Concord as well as some part of north Bow. They have received approval from the FAA for the tower and it does not require that this tower be marked. He reported they had also done a balloon test and he presented photographs showing the results. The balloon test is a requirement of SHPO.

Mr. Blanchette asked why photographs were not taken from the Interstate. Mr. Kozyra responded that they did not want their consultants stopping on the highway during the morning commute and endangering themselves.

Mr. Gross asked if they had tried to negotiate with the owners of the former Blue Cross Blue Shield building and Mr. Kozyra responded that the building is 1.1 miles from this site and out of their target area designated by their engineers.

Mr. Drypolcher expressed concern that Concord appeared to have served US Cellular well with the number of towers they have her already, particularly to serve other communities. It would seem appropriate to think of alternatives.

Mr. Kozyra indicated the compound itself will be completely built behind existing trees. The fence around the compound is proposed at 8 feet tall and they would be willing to do plantings for a year round buffer if the Board wishes.

Mr. Drypolcher mentioned that he happened to drive by during the balloon test. As a result of his experience, he feels the entire structure will be visible. He noted that this is a gateway to Concord and noted that those photos were missing from this package.

He suggested superimposing photographs of the monopine at the location of the balloon test as well as a monopine would be helpful.

Mr. Kozyra offered to fly the balloon again on a date scheduled for the Planning Board to view it. He mentioned they typically fly the balloon early in the morning because there is less wind at that time.

Mr. Merrill also felt it would be helpful to see the various designs superimposed on this spot. He was also concerned about this location and what this is going to look like as constructed.

Mr. Grill noted they are well outside the wetland setback.

Rod Tenney was present from Primex and wanted the Planning Board to know that they are very much opposed to this facility right in their front yard. He also asked for photographs from their property and to be notified of the next balloon test. When they constructed sat their site ten years ago they worked hard to make their facility compatible with the abutting residential neighborhood. This would greatly deteriorate that appearance. He also mentioned that he had not heard any concern expressed about how the widening of I-93 would affect this location.

There was no one else wishing to be heard for or against this application and the Chair declared the hearing closed at 12:36 AM.

#### Deliberations and Action on Application

Mr. Merrill moved to table action on this application to give the applicant the opportunity to address the concerns expressed. Mr. Blanchette seconded. Motion carried.

14. Application by **Concord Country Club** for approval of a Conditional Use Permit pursuant to Section 28-4-3(d), Conditional Use Permit Required for Certain Disturbance of Wetland Buffers, of the Zoning Ordinance on **Country Club Lane**.

(Mr. Drypolcher recused himself and left the table. Mr. Swope, as vice Chair, presided.)

#### Determination of Completeness

Mr. Pollock reported all required materials had been submitted and staff recommended that the Planning Board determine this application complete and open the hearing.

Mr. Merrill moved and Mr. Gross seconded that the board determine this application to be complete and proceed with the public hearing. Motion carried with Mr. Drypolcher abstaining from discussion and vote.

#### Public Hearing

Mr. Pollock explained this proposal to improve the playability of and add challenges to the existing golf course. These improvements consist of adding two ponds, clearing and grubbing trees in a wetland, re-establishing a stream channel that had previously been culverted, as well as minor grading changes in the upland. This will affect approximately 2.9 acres of the 138.04 parcel. He reported the Conservation Commission had met with the applicant and found no problems with the proposal. The restoration of the brook from the culverted channel to a freeflowing stream was considered an improvement.

Peter Scahuer was present on behalf of the applicant to answer questions from the Board.

There was no one wishing to be heard for or against this application and the Vice Chair declared the hearing closed at 12:39 AM.

#### Deliberations and Action on Application

Mr. McGonagle move approval as submitted and Mr. Blanchette seconded. Motion carried with Mr. Drypolcher abstaining from discussion and vote.

### REGULAR MEETING

The Board considered an application for approval of a development on which a public hearing had previously been held.

- 2.a Application by **Joyland Associates, Inc., on behalf of Hampshire Investors, Inc.**, for approval of a site plan of property at **57 Chenell Drive**.

Mr. Pollock explained this proposal to construct a new 14,400 square foot prefabricated building for warehouse and manufacturing purposes on a 1.75 acre parcel that is

currently vacant. He reported the Design Review Committee had recommended approval subject to the placement of a gable roof over the utility bumpout instead of the proposed shed roof on the Chenell Drive façade, the change in color of the doors to match the deeper shade of the wall covering instead of the white proposed, and the addition of street trees at twenty-foot intervals along the Chenell Drive frontage. The applicant had submitted revised plans to reflect the Committee's comments. He also reported the paving on both the north and south ends of the building could be reduced to allow landscaping on the ends of the building, and the landscape material should be revised to provide locally hardy plant material.

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

1. the applicant shall revise the plans to address the corrections and omissions noted by City staff.
2. Landscape materials shall be revised to ensure the inclusion of only locally hardy plant materials.

Mr. Swope seconded. Motion carried.

#### Architectural Design Review

15. 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.

- **38 Locke Road with 4 tenant signs** at 38 Locke Road

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

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

- **Burlington Coat Factory** at Capitol Shopping Center on Storrs Street

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

Mr. Gross moved approval as submitted and Ms. Foss seconded. Motion carried.

- **Capital Commons** at 11 South Main Street (Master sign plan)

(Messrs. Gross and Blanchette recused themselves.)

Mr. Woodward reported that the Design Review Committee had noted that the hanging signs for upper floor tenants would not be allowed away from the main entrance under the Zoning Ordinance. They further noted that the proposed marquee sign is oversized and off premises and will also need action by the Zoning Board of Adjustment and a license from the City Council.

He reported that the Design Review Committee found the design and placement of the proposed signage to be appropriate for the use and location, and recommended approval of the Master Sign Plan with the understanding that compliance with the Zoning Ordinance will need to be resolved when individual tenants are defined. He reported that Committee members had asked that the record show that support for the marquee sign is directly related to the fact that this would be for a theater tenant and not any other use.

Mr. Swope moved approval of the Master Sign Plan with the condition that compliance with the Zoning Ordinance will be resolved when individual tenants are defined. Ms. Foss seconded. Motion carried with Messrs. Gross and Blanchette abstaining from discussion and vote.

- **Carlson's Chrysler Plymouth** at 13 Manchester Street (2 signs)

Mr. Woodward reported that the Design Review Committee recommended approval of the freestanding sign with the electronic component limited solely to time and temperature, and approval of the replacement panel in the affixed sign as submitted.

Mr. McGonagle moved approval of the replacement panel in the affixed sign as submitted, and approval of the freestanding sign with the electronic component limited solely to time and temperature with no moving message. Mr. Merrill seconded. Motion carried.

- **Hannaford** at 73 Fort Eddy Road

Mr. Woodward reported that the Design Review Committee found the replacement panel to be appropriate for the location and use, and recommended approval as submitted.

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

- **Priceline Auto Sales** at 292 North State Street

Mr. Woodward reported that the Design Review Committee found the design and placement to be appropriate for the location and use, and recommended approval as submitted, with landscaping at the base and located in accordance with the requirements of the Zoning Ordinance.

Mr. Swope moved approval as submitted, with landscaping at the base and located in accordance with the requirements of the Zoning Ordinance, and Mr. Merrill seconded. Motion carried.

- **Soccer Post** at 72 Fort Eddy Road

Mr. Woodward reported that the Design Review Committee found the replacement panel to be appropriate for the location and use, and recommended approval as submitted.

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

### **Minutes**

Mr. McGonagle moved approval of the minutes of the meeting of April 20, 2005 as submitted and Mr. Merrill seconded. Motion carried.

### **Non-Agenda Item**

The Clerk reported the Board had received a request for extension of approval of the subdivision of Fitzgerald and Eckhard on Appleton Street for a two month period.

Mr. Swope moved and Ms. Foss seconded that the Board grant an extension of the approval. Motion carried.

The Clerk reminded members that there will be a public hearing relative to the Opportunity Corridor Master Plan on June 22, 2005.

There was no further business to come before the Board and the meeting adjourned at 12:55 AM.

A TRUE RECORD ATTEST:

Douglas G. Woodward  
Clerk

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