The regular monthly meeting of the City Planning Board was held on July 20, 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), Dolcino, Foss, Gross, Allberg (who was seated for Councilor McGonagle), Merrill, Meyer, and Alternate Member Kenison (who was seated for absent Member Swope). Messrs. Woodward, Henninger and Pollock, and Ms. Osgood of the City Planning Division were also present, as was Mr. McGinley, the City Fire Marshal.

At 7:03 PM a quorum was present and the Chair called the meeting to order. The Chair seated Alternate Member Kenison for Member Swope, who was not expected.

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. The Clerk informed the Board that there were no applications for which the staff was recommending incompleteness.

Minor Subdivisions

1. Application by the **City of Concord** for approval of a subdivision by virtue of a lease of property off **Regional Drive** at the **Concord Airport**.

Determination of Completeness

Mr. Gross reported to the Board that he had seen this application in his capacity as Chair of the Airport Advisory Committee. He indicated he was prepared to sit on the Planning Board for this application unless there was objection to his doing so. Mr. Allberg noted that he also is a member of the Airport Advisory Committee and had seen the application in that capacity. There was no objection to Messrs. Gross and Allberg sitting for this application.

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

Mr. Merrill moved and Ms. Foss seconded that the Board determine this application to be complete and proceed with the public hearing. Motion carried.

Public Hearing

Mr. Pollock explained this proposal to lease a 1.01 acre parcel for the construction of T-hangars. He reported that the proposed land lease area is located easterly of Regional Drive and at the northerly end of the discontinued runway 21.

Frank Lemay from Milestone Engineering was present on behalf of the proposed leaseholder and explained, in answer to a question by Mr. Gross, that it was his understanding that the lease is for forty years with a provision for buildout within 24 months.

There was no one wishing to speak for or against this application and the Chair declared the hearing closed at 7:11 PM.

<u>Deliberations and Action on Application</u>

Mr. Allberg 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. Traffic, impact fees shall be assessed for any construction on land lease area 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 3, Transportation Facilities Impact Fee per Variable Unit.

Ms. Foss seconded. Motion carried.

2. Application by **Mandevilla LLP and the First Baptist Church** for approval of a resubdivision and subdivision of property at **59 Mandevilla Lane and 129 Clinton Street**.

<u>Determination of Completeness</u>

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

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

<u>Public Hearing</u>

Mr. Pollock explained this proposal to subdivide a 12.62 acres parcel from the lot at 59 Mandevilla Lane and to combine it with the lot at 129 Clinton Street creating a lot of 30.02 acres.

Mark Sargent from Richard D. Bartlett & Associates, Inc. was present on behalf of the applicants and reported they had already marked the wetland buffers.

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

Deliberations and Action on Application

Mr. Merrill moved 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. Wetland buffers shall be marked before, during and after construction, and before the plat is recorded in the Merrimack County Registry of Deeds.

3. The applicant shall obtain NH Department of Environmental Services Approval for Subdivision for 59 Mandevilla Lane and provide a copy to the Planning Division.

4. Traffic, recreation and school impact fees shall be assessed for any construction on the undeveloped lots contained within this subdivision. The impact fees and procedures shall be those that were in effect at the time of the issuance of a building permit as set forth in the City of Concord Code of Ordinances, Title IV, Subdivision Code: Chapter 29.2, Public Capital Facilities Impact Fee Ordinance. The specific fees assessed are those contained in Section 29.2.1-1 Assessment and Collection; subsection (b) Computation of the Amount of Impact Fees; Table 1, School Facilities Impact Fee per variable unit; and Table 2, Recreational Facilities Impact Fee per Variable Unit; and Table 3, Transportation Facilities Impact Fee per Variable Unit.
    a. School Facilities - single family residence
    b. Recreational Facilities - single family residence
    c. Transportation Facilities - single family residence

Mr. Gross seconded. Motion carried.

Major Subdivisions

3. Application by the **Sandra E. Ellison Heirs** for approval of a subdivision of property on **Little Pond Road.**

Determination of Completeness

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

Mr. Henninger explained this proposal to construct a 16-lot subdivision for single-family residential use with an 898-foot cul-de-sac off Little Pond Road. There is a related request for Conditional Use Permit for disturbance of wetland buffers for a drainage swale.

Mr. Gross moved that the Board determine this application to be complete and set it for a public hearing at the regular meeting on August 17, 2005. Mr. Allberg seconded. Motion carried with Mr. Merrill abstaining from discussion and vote.

4. Application by **Douglas & Bonnie McNutt and James & Susan Sebold** for approval of a subdivision of property at **263, 265 & 267 South Street**.

Public Hearing

Mr. Pollock explained this proposal to resubdivide and subdivide the existing lots into six lots, leaving the two existing homes on smaller lots with frontages on South Street, and creating four new lots on a southerly extension of Heather Lane.

He reported that the applicant has petitioned the City Council for an extension of the municipal water and sewer systems in Heather Lane and the Council has referred this petition to the Board for a report and recommendation.

He also reported that two mapped lines of a future street encumber this property, one of which is proposed to be eliminated. The other, Heather Lane, is proposed to be relocated westerly to allow for lots to be developed with adequate dimensions adjacent to Bow Brook ravine, while retaining the ability for Heather Lane to connect to the existing dead-ended section of Heather Lane northerly of Gabby Lane. The recording of the final plat will constitute an amendment to the Official Map.

Mr. Pollock reported that the applicant had requested a waiver from Section 9.03(3)(b)(i) of the Board's Subdivision Regulations relative to a Minimum Contiguous Area of Useable Land, for Lot #5 relative to maintaining a rectangle of useable land of a constant minimum width of 60 feet. The location of the Heather Lane right-of-way entering the property allows for only a 55-foot width of useable land that gradually expands to more than 60 feet as the road curves to the southwest, thereby increasing the depth of useable land.

David Walker from Bedford Design Consultants was present with Greg Marceau, the prospective developer of the property, 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 7:33 PM.

Deliberations and Action on Application

Mr. Gross moved approval that the Planning Board grant a waiver of the standards of Section 9.03(3)(b)(i) of the Board's Subdivision Regulations relative to a Minimum Contiguous Area of Useable Land, to allow Lot #5 to be established with a portion of the useable land area having a minimum dimension of 55 feet where 60 is required. In granting the waiver the Board finds that the location of the existing right-of-way of Heather Lane, as it enters the premises from the north, does not allow enough lot depth between the extension of the easterly right-of-way line and the easterly property line of the premises to obtain the full 60-foot depth of useable land area until the proposed street extension curves to the west. Further, the lot is otherwise fully comprised of buildable land area as required by the Zoning Ordinance, and meets the area standard for useable land, and will otherwise allow for the construction of a single family residence together with typical and allowable appurtenant and accessory structures. Mr. Allberg seconded. Motion carried.

Mr. Gross moved that the Planning Board recommend to the City Council that the applicant's request for water and sewer system extensions in Heather Lane be granted. Ms. Foss seconded. Motion carried.

Mr. Allberg moved that the Planning Board grant preliminary approval to the subdivision subject to the following conditions:

1. The applicant shall revise the plat drawings to address the minor corrections and omissions noted by City staff including, but not limited to, the following items:

   a. The minimum useable area rectangle shall be shown for each new lot; and the area of buildable vs. useable land shall be clarified for each lot.
   b. References to proposed tax map numbers shall be deleted and proposed street numbers shall be cited for the new lots.

2. The applicant shall obtain approvals of construction drawings for on-site improvements from the Engineering and Planning Divisions.

3. The applicant will provide to the City Solicitor a financial guarantee for all public improvements in an amount approved by the City Engineer, and in a form acceptable to the City Solicitor.

4. The applicant will provide the following easement documents, in a form acceptable to the City Solicitor and suitable for recording in the Merrimack County Registry of Deeds, to the Planning Division:

   a. A deed of easement for the extension of the right-of-way of Heather Lane.
   b. Easements for the temporary hammerhead turnaround at the southerly end of the Heather Lane right-of-way.
   c. Slope easements along both sides of the Heather Lane right-of-way.

5. Approvals shall be obtained for the construction drawings and specifications for all public improvements from the Engineering Division prior to the commencement of any of the public improvements. No construction activity on the public facilities may commence prior to the pre-construction conference.

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 (Concord Electric) and Verizon.

8. Prior to the release of a financial guarantee for any public improvement, an as-built plan shall be provided to the City Engineer in form and content acceptable to the City Engineer.

9. Traffic, recreation and school impact fees shall be assessed for any construction on the four new lots 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.

10. The plat shall be annotated as follows:

    "The Mapped Lines of Future Streets as shown on the City of Concord Tax Map, with an additional reference to the February 13, 1956 Planning Board Master Plan No. 17, from which these were adopted, will be abandoned as the same transect the subject parcel, by approval of this plat by the Concord Planning Board".

11. Site grading for house foundations shall be shown for the four new lots inasmuch as the existing grades on these lots will be below the street level.

12. No construction shall take place until final 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.

Mr. Gross seconded. Motion carried.

Site Plans

5. Application by the **City of Concord,** on behalf of **East Coast Hangars LLC**, for approval of a site plan of property off **Regional Drive** at the **Concord Airport.**

Determination of Completeness

Mr. Pollock explained this proposal to construct ***20*** ***(????)*** T-hangars on a land lease area located east of Regional Drive and at the northerly end of the discontinued runway 21.

Mr. Allberg moved that the Board determine this application to be complete and set it for a public hearing at the regular meeting on August 17, 2005. Mr. Gross seconded. Motion carried.

6. Application by the **United States Small Business Administration,** on behalf of **Homerun USA**, for approval of a site plan of property at **2 Whitney Road.**

Determination of Completeness

Mr. Henninger explained that the existing industrial building was developed in the late 1990s for the O. D. Hopkins Company. This company no longer exists and title to the property has reverted to the current owner. The building contains a total of 74,420 square feet. The applicants and proposed purchasers are requesting approval for a change of use for a 17,094 square foot portion of the building to allow an "Indoor Health and Fitness Center" for Homerun USA. Homerun USA is a commercial indoor baseball/softball practice facility.

He reported that the primary issue associated with the change of use is the different parking requirements which may be generated by converting this single tenant industrial building to a mixed use building. He reported that Planning staff will be recommending a two step process to address the long term parking requirements of the building. Until the building is at least 70% occupied, sufficient parking exists on site to meet the Zoning requirements under any realistic scenario.

Mr. Gross moved that the Board determine this application to be complete and set it for a public hearing at the regular meeting on August 17, 2005. Mr. Merrill seconded. Motion carried.

Conditional Use Permit

7. Application by **Montessori Children's Center** for approval of a Conditional Use Permit pursuant to Section 28-7-11(f), Driveway Separation Alternatives, of the Zoning Ordinance for property at **131 Hoit 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. Allberg seconded that the Board determine this application to be complete and proceed with the public hearing. Motion carried.

Public Hearing

Mr. Pollock explained this proposal to connect two existing driveways, making the easterly drive a one-way in movement and leaving the westerly drive for two-way traffic movements to and from a parking lot. A drop-off area will be created on the one-way in drive prior to the drive entering the parking lot. He explained that the Montessori Children's Center is a private nursery school with a total student body of 35. Two programs of classes are scheduled in the mornings, one on Monday-Wednesday-Friday, and the other on Tuesday-Thursday, and the maximum enrollment in either is 20 students. The drop-off time begins at 8:20 AM and ends at 9:00 AM, with pick-up times ranging from 11:30 AM to 12:30 PM. The school has a staff of five or fewer. He reported that the Montessori Children's Center had received a number of variances from the Zoning Board of Adjustment.

He reported that Hoit Road is a two-lane, rural collector street and, pursuant to Section 28-7-8(b) of the Zoning Ordinance, only one drive is allowed for the first 100 feet of lot frontage, and an additional access is allowed for each additional 150 feet of lot frontage. The same article requires that the distance between driveways on the same or adjacent lots shall be 40 feet. The parcel has adequate frontage to qualify for a second driveway but the separation between driveways is proposed to be reduced to 29 feet, with both driveways being proposed to be 25 feet in width at the right-of-way.

He reported that there are two nearby driveways, one which serves a single family home directly across the street from the westerly two-way parking lot driveway, and a second common private drive to a cluster subdivision which is located across the street and about 90 feet east of the one-way entry drive. The latter will be serving nine single family dwellings.

Mr. Merrill asked how this proposal will affect traffic safety along that section of Hoit Road. Mr. Pollock responded that the use is already in place and the number of students and faculty will not increase. He indicted he had been to the site and reviewed sight distances and they are appropriate. For the time they are using the property at he scale they are using it, it should be no worse and perhaps be an improvement.

Karen ***<u>Schacht (sp.?)</u>***, from CN Carley Associates, and Lori Baldwin, founder of the Montessori Children's Center, were 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 7:53 PM.

<u>Deliberations and Action on Application</u>

Mr. Gross moved to grant a Conditional Use Permit (CUP) pursuant to Section 28-7-11(f), <u>Driveway Separation</u> <u>Alternatives</u>, of the Concord Zoning Ordinance, subject to the following conditions:

1. The CUP shall extend only to the current use of the premises (nursery school), and for the current levels of staffing (5 maximum) and student body (35 maximum). Should the use change, or the intensity of the existing use change, this CUP shall be null and void and a new CUP application shall be required for consideration of the perpetuation of the dual drive system. This condition is established in recognition of the traffic speed and increasing traffic volumes on Hoit Road that can create dangerous conditions for queuing and turning movements within the street.

2. An "enter only" directional sign shall be placed on the premises adjacent to the easterly driveway as it enters the property from Hoit Road, and a "one-way-do not enter" directional sign shall be placed on the premises where the one-way entry drive intersects the main two-way drive of the parking lot.

3. A permit shall be obtained from the Engineering Services Division for the alteration of the curb cuts on Hoit Road.

Mr. Merrill seconded. Motion carried.

Architectural Design Review

8. 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 were opened for each of the following.

- **The Arizona Restaurant** at 4 Pleasant Street Extension
- **The Green Martini** at 6 Pleasant Street Extension

Mr. Henninger explained that The Green Martini was actually located at 6 Pleasant Street Extension but the sign was at the entrance at 4 Pleasant Street Extension. They propose to move their sign to a new bracket mounted in the wood band over the window at 6 Pleasant Street. The Arizona Restaurant is actually at 4 Pleasant Street Extension and will place their sign in the bracket vacated by The Green Martini.

He reported that the Design Review Committee had found the proposed signs to be appropriate for the location and use, and recommended approval as submitted.

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

- **Cassandra's of Concord & Derby Farm Flowers & Gifts** at 138 North Main Street

Mr. Henninger reported that the Design Review Committee had found the proposed awning and sign to be appropriate for the location and use, and recommended approval as submitted provided it meets the requirement for nine foot clearance from the sidewalk.

Shelley Wheeler was present as applicant to answer questions from the Board.

Mr. Gross moved approval subject to the condition that the proposed awning meet the requirement for a nine-foot clearance from the sidewalk. Mr. Merrill seconded. Motion carried.

- **Cole's Appliance Center** at 254 Sheep Davis Road

Mr. Henninger reported that the Design Review Committee had found the proposed sign to be appropriate for the location and use, and recommended approval as submitted.

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

- **Concord Billiards** at 49 South Main Street

Mr. Henninger reported that the Design Review Committee had found the proposed sign to be appropriate for the location and use, and recommended approval as submitted provided the placement complies with the provisions of the Zoning Ordinance, and suggested that the applicant consider either adding an arrow pointing toward the entrance or adding the words "entrance in the rear".

Doug McGrail, owner of the business, was present and indicate he will be willing to do whatever is necessary to comply with the requirements of the City.

Mr. Gross moved approval as submitted provided the placement complies with the provisions of the Zoning Ordinance. Mr. Allberg seconded. Motion carried.

- **GMAC Mortgage** at 199 Loudon Road

Mr. Henninger reported that the Design Review Committee had found that there was not enough information available regarding the sign and the sign structure and asked for further information about the installation of the sign.

Mr. Gross moved to table action on this application until such time as further information about the installation of the sign has been submitted and reviewed by the Design Review Committee. Ms. Foss seconded. Motion carried.

- **Homemade Ice Cream** at 9-17 Warren Street

Mr. Henninger reported that the Design Review Committee had found the proposed hanging sign to be appropriate for the location and use, and recommended approval of the hanging sign as submitted. The Committee further strongly recommended resizing the cone sign to fit within the column with relief on either side and lowering it so the top of the cone does not go above the top of the granite lintel.

Jeff Bart was present as applicant and explained that the reason for the size and location of the cone sign was visibility from the easterly side of North Main Street. The reason for two signs is that under the Zoning Ordinance he would only be allowed a sign of three square feet because of the setback requirements and that is not large enough to be visible. He presented a series of photographs depicting the view of his store from various points of view. He reported he would have preferred to have had a single hanging sign that is larger but he would need to seek a variance from the Zoning Board of Adjustment for that and he does not want to do that.

Ms. Meyer explained that Design Review Committee felt the proposed cone needed to be reduced in size in order to fit within the space between the window and the edge of the building. Mr. Bart responded that he would make sure that the sign fits within the space appropriately.

Mr. Gross moved approval of the application as submitted. Mr. Merrill seconded. Motion carried.

- **Irving Oil** at 414 South Main Street (2 signs)

Mr. Henninger reported the signage for Irving Oil had been temporarily withdrawn by the applicant's agents.

- **The Red Blazer (Time & Temperature sign)** at 72 Manchester Street

Mr. Henninger reported that the Design Review Committee had found both proposed options to be appropriate for the location and use, and recommended approval as submitted provided the time and temperature option remains as time and temperature only and does not become a changeable message board.

Don Reed from Barlo Signs was present on behalf of the applicant and explained that the digital display has no capability of movement.

Mr. Gross moved approval of either option as submitted provided the time and temperature option remains as time and temperature only and does not become a changeable message board. Mr. Merrill seconded. Motion carried.

- **TD Banknorth** at 143 North Main Street
- **TD Banknorth** at 277 Sheep Davis Road

Mr. Henninger reported that the Design Review Committee had found the proposed signage at 143 North Main Street to be appropriate for the location and use, and recommended approval as submitted. The Committee noted that the "Do Not Enter" sign included an arrow that might be confusing to motorists.

He further reported that the Design Review Committee found the proposed signage at 277 Sheep Davis Road to be appropriate for the location and use, and recommended approval as submitted.

Mr. Gross expressed confusion about what the sign at the North Main Street location will look like in place. There was a discussion as to whether to table this for clarification.

Mr. Allberg moved approval of the signage for TD Banknorth at both 143 North Main Street and 277 Sheep Davis Road. Mr. Merrill seconded. Motion carried.

- **Uno's Car Wash** at 165 Loudon Road

Mr. Henninger reported that the Design Review Committee had recommended approval subject to more negative space around "Car Wash" and elimination of the time and temperature panel because it is not integrated into the overall sign.

Don Reed from Barlo Signs was present on behalf of the applicant and explained they feel they can work with the graphic to incorporate the negative space as requested by the Committee. However, they do not have the ability to change the size of the time and temperature element and he asked that the Board approve the element as submitted. He explained there is no other way to incorporate the time and temperature element into the body of the sign. Constructing the sign without the time and temperature element will be a major change to the design of the sign and one that the client feels very strongly that he needs.

He explained that this will be a conventional time and temperature sign that alternates between the two. Mr. All berg noted that this would be similar to one located nearly across the street.

Ms. Meyer reported that she felt the Committee had found that the time and temperature element looked like an add-on and not as an integrated part of the sign.

Ms. Dolcino asked the purpose of the time and temperature element and Mr. Reed responded that it is a courtesy to offer their customers and to get attention.

Mr. Gross compared the proposed sign over what is there now and felt it was an improvement.

Mr. Gross moved approval as proposed. Mr. Merrill seconded. Motion carried, 5-3, with Ms. Meyer and Messrs. Allberg and Kenison voting against.

9. Application by **Evangelos D. Lillios** for approval of building plans for property at **2 North Main Street**.

<u>Public Hearing</u>

Mr. Pollock explained this proposal to remove the existing Pitchfork Records billboard, replace four upper windows on the North Main Street façade, repoint some of the existing brick work and do a high pressure cleaning of the building. He explained the cast iron beams in the office entry will be painted to match the red marble of the entryway. The marble entryway will include the area surrounding the door and the walkway entry. He reported that the Design Review Committee had found the proposed renovations to be appropriate for the building and location and recommended approval as described.

Paul Lillios was present on behalf of the applicant 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 9:11 PM.

<u>Deliberations and Action on Application</u>

Mr. Allberg moved approval as described and Ms. Meyer seconded. Motion carried.

10. Application by **Tobin Family LLC** for approval of building plans for property at **24½ South Main Street**.

Public Hearing

Mr. Henninger explained this proposal to expand the interior of their retail grocery store to include the square footage of the adjacent retail unit. Along with the interior expansion they are replacing signage and the front awning along South Main Street. A new main side entrance with a small awning and a new back entrance canopy are also proposed. No changes are being made to the building footprint and parking will remain the same and will not be required to make changes.

He reported the Design Review Committee had found the proposed renovations to be appropriate for the building and location and recommended approval subject to the sign band color on South Main Street matching the yellow on the south side awning and the sign band on the awning for The UPS Store retaining the existing off-white background.

Karen Schacht ***(sp.???)***, from CN Carley Associates, and Val Hall, manager of the Concord Food Co-op, were present to answer questions from the Board. Ms. Schacht reported that since the Design Review Committee reviewed the plans, they have made the decision to eliminate the small canopy and entrance at the southwest corner of the building.

There was no one wishing to speak for or against this application and the Chair declared the hearing closed at 9:18 PM.

Deliberations and Action on Application

Mr. Gross moved approval subject to the sign band color on South Main Street matching the yellow on the south side awning and the sign band on the awning for The UPS Store retaining the existing off-white background. Mr. Kenison seconded. Motion carried.

REGULAR MEETING

Minutes

Mr. Gross moved approval of the minutes of the meetings of June 15, 2005, and June 22, 2005 as submitted. Mr. Kenison seconded. Motion carried.

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

2.a 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

<u>Permit Required for Certain Disturbance of Wetland Buffers,</u> of the Zoning Ordinance.

(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, including the extension of Reserve Place by approximately 2000' feet and Timberline Drive by approximately 1000' to create a connected road network.

A Conditional Use Permit has been requested for disturbances to the wetland buffer for the construction of Reserve Place and Timberline Drive, one driveway, three drainage swales and several culvert installations. The applicant originally requested wetland buffer disturbances amounting to 36,480 square feet, including disturbances for the construction of two homes. The amount of wetland disturbance has been reduced to 29,243 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.

The applicant was granted a waiver to Section 9.04(3) requiring sloped granite curbing along streets in the Low Density Districts for those proposed streets with grades of 6% or less. The Board subsequently voted not to modify the waiver. Slope granite curbing is now shown on the plans at the intersection of Timberline Drive and along all road sections with grades over 6.0%.

The Board granted a waiver to Section 9.03(3)(b)(i) of the Board's Subdivision Regulations for new lots 2, 3, 4, 11, 14 and 15 based on individual grading plans submitted by Tim Goldë, PE demonstrating that the useable area rectangle for each of the lots could be provided with minimal site grading and no disturbances were proposed within wetland buffers or the shoreline protection areas for any of the proposed buildings.

The applicant has provided a loop road which provides the interconnectivity the Planning Board has requested and provided two means of ingress to all lots in Phases 1, 2 & 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. Given the low density nature of this subdivision, no more than 20 units on any one block, this waiver appears to be reasonable.

Mr. Gross moved to grant a Conditional Use Permit for alterations to wetland buffers for the construction of Reserve Place and Timberline Drive, a driveway to Lot 15 and for drainage improvements as requested by the applicant. Mr. Allberg seconded. Motion carried with Mr. Merrill abstaining from discussion and vote.

Mr. Kenison moved to grant a waiver from the Board's Subdivision Regulations

Sections 8.03(1)(a) and 8.04(3)(a) to allow for the preliminary and final plat to be prepared at a scale of 1″=100′ instead of 1′=50′. Ms. Dolcino seconded. Motion carried.

Mr. Kenison moved to Grant a waiver from the Board's Subdivision Regulations Section 9.04(3(g) to allow for block lengths in excess of 1200′ for Timberline Drive and Reserve Place. Mr. Allberg seconded. Motion carried.

Mr. Allberg moved preliminary approval of Phase 3 of the subdivision 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 Department of Environmental Services Site Specific Permit (RSA 485-A:17)
   b. NH Department of Environmental Services, Water Supply and Pollution Control Division, subdivision approval for on-site septic systems.
   c. Update to NH DOT Driveway Permit for Reserve Place and Timberline Drive

2. The applicant shall obtain approvals of construction drawings for on-site improvements from the Engineering and Planning Divisions.

3. The applicant will provide to the City Solicitor a financial guarantee for all public improvements in an amount approved by the City Engineer, and in a form acceptable to the City Solicitor.

4. 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. Drainage Easements (six in number)
   b. Roadway slope easements
   c. Trail easement

5. The applicant shall obtain approval for the construction drawings and specifications for all public improvements from the Engineering Division prior to the commencement of any of the public improvements. No construction activity may commence prior to the pre-construction conference.

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 (Concord Electric), and Verizon.

8. Prior to the release of a financial guarantee for any public improvement, an as built plan shall be provided to the City Engineer in form and content acceptable to the City Engineer.

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

10. The wetland buffers shall be clearly and permanently marked before, during, and after construction of the sites. Building permits will not be issued until the buffers are marked.

11. Traffic, recreation and school impact fees shall be assessed for any construction on lots contained within this approved subdivision. The impact fees and procedures shall be those in effect at the time of the issuance of a building permit as set forth in the City of Concord Code of Ordinances, Title IV, Subdivision Code: Chapter 29.2, Public Capital Facilities Impact Fee Ordinance. The specific fees assessed are those contained in Section 29.2.1-1 Assessment and Collection; subsection (b) Computation of the Amount of Impact Fees; Table 1, School Facilities Impact Fee per variable unit; and Table 2, Recreational Facilities Impact Fee per Variable Unit; and Table 3, Transportation Facilities Impact Fee per Variable Unit.

    a. School Facilities – Single Family Residence
    b. Recreational Facilities – Single Family Residence
    c. Table 3: Transportation Facilities - Single Family Residence

12. Prior to the final plat being signed by the Planning Board Chair and Clerk, the individual grading plans for lots 2, 3, 4, 11, 12, and 15 creating the useable area rectangle shall be included in the approved subdivision plan set.

13. Prior to the release of a financial guarantee for Timberline Drive and Reserve Place, an as built plan shall be submitted to the Clerk of the Planning Board, in form and content acceptable to the City Engineer, showing the grading of the useable areas of lots 2, 3, 4, 11, 12, and 15 as required in the Conditional Use Permit for these lots.

Mr. Gross seconded. Motion carried.

2.b Application by **Berkshire-Concord LLC** for approval of revisions to a previously approved site plan of property at **295-299 Loudon Road.**

Mr. Henninger explained that this project received conditional site plan approval on July 24, 2004 for an 83,500 square foot retail development contained in two retail buildings directly across from Toys R Us on Loudon Road. The Board granted site plan approval on March 16, 2005 for a revised plan with three retail buildings totaling 80,700 square feet. The largest building containing 52,800 square feet will be for a sporting goods retailer and that is under construction. The second building containing a 5,700 square foot jewelry store has been issued a building permit and will start construction shortly. A third building will be up for consideration by the Board in August for PetSmart, a retail pet center. In support of this retail development the Toys R Us intersection will be signalized and turn lanes provided at the intersection. On site parking for 410 cars will be provided.

A driveway interconnection between this project and the restaurant developments to the east will be provided. This will allow both developments to have access to the proposed signalized intersection across from Toys R Us on Loudon Road. No access to this development will be provided from Old Loudon Road to the north.

He reported that the applicant has proposed a series of modifications over the last four months, including a significant reduction in the amount of project landscaping, the relocation of electrical transformers, the lowering of the final grade of the site by one foot, the addition of a dumpster for the jewelry store, the elimination of a water line across the site from Old Loudon Road to Loudon Road, the additional of cart corrals in the parking lot, and a revised lighting plan. The applicant now proposes to substitute bituminous curbing throughout the site for the slope granite curbing originally approved.

The request to substitute over the entire site bituminous asphalt curbing for sloped granite curb is the reason for action by the Planning Board at this time.

He reported that the applicant was advised that the reduction in the number of trees would violate the Zoning Ordinance and the plans submitted by the applicant were revised again to return to the approved landscape plan. The landscape plan has been subsequently revised to relocate several trees to accommodate an electrical transformer for the sporting goods store and the relocation of the sign to the west side of the main entrance project entrance as recommended by the Architectural Design Review Committee. These changes to the landscape plan are very minor.

The reduction in the grades across the site by one foot was considered acceptable by the Planning and Engineering Divisions. This change would not be noticed from the abutting project nor did it create drainage or any flood plain issues and it made it easier to adjust the grades for the cross access to the abutting property to the east.

The revised lighting plan with several modifications required by staff reduced the light levels at the property line and preserved the “dark sky fixtures” with cutoffs with forward throw – sharp cutoff fixtures. These fixtures direct the light downward and reduce glare when viewed from the residential units across Old Loudon Road from this development.

The applicant has proposed a dumpster in place of two parking spaces east of the proposed jewelry store. The latest approved version of the plan has parking spaces in excess of that required in the Zoning Ordinance. The applicant is proposing to construct a screen wall matching the exterior of the store with a gate which faces the store and away from view from the main project entrance and Loudon Road.

The proposed cart corrals will reduce the number of available parking spaces. The latest approved version of the plan has parking spaces in excess of that required in the Zoning Ordinance and it appears that sufficient parking will be retained.

The elimination of the cross connection of the water line between Old Loudon Road and Loudon Road is not an issue in this instance. The City has a complete water system loop around this site all along Old Loudon Road and along this entire section of Loudon Road and this loop is not needed to provide water pressure or supply to the proposed uses.

Mr. Henninger reported the applicant now proposed the substitution of bituminous curbing for sloped granite curbing on the site. City staff would not have recommended this substitution as proposed by the applicant for this location. The change will have functional implications and will be noticeable to any person not familiar with the site. Our experience is that bituminous asphalt curbing is easily damaged and destroyed in high traffic locations. The Planning Division is not recommending the use of bituminous asphalt curbing adjacent to bituminous asphalt sidewalks at any location. The applicant has indicated that they will retain the slope granite curbing adjacent to the sidewalk into the site. The Planning Division is not recommending the use of bituminous curbing adjacent in the median island in the main project entrance. Staff is recommending that the applicant either retain the slope granite curbing or provide concrete curbing along both sides of the entrance road and for the proposed median within the drive. The Planning Division is not recommending the use of bituminous curbing in the landscape islands within the middle of the parking field. Staff is recommending that the applicant either retain the slope granite curbing or provide concrete curbing for these exposed islands in the middle of the parking field.

Mr. Allberg noted that before the meeting he had taken a drive around Loudon Road to review other existing parking lots and he had found there was a mix of various types of curbing used. He asked why there were exceptions made. Mr. Henninger responded that the asphalt curbing at Smokey bones is a temporary measure until the parcel is redesigned and further developed, possibly as early as this Fall.

Mr. Gross moved approval of the revisions to the site plan subject to the condition that slope granite curbing shall be retained on site as originally approved by the Planning Board on July 24, 2004 and again on March 16, 2005 or the applicant may substitute concrete curbing acceptable to the City Engineer and City Planner. Mr. Merrill seconded.

Dan Levine, from Berkshire Development, asked to be recognized. The Board agreed to hear a brief statement from Mr. Levine and Bill Johnson, also from Berkshire Development. Mr. Levine explained that this is a relatively small development and they are doing off-site improvements to the tun of ***$1.5 million??*** The asphalt curbing they propose is strictly on their site and all the off-site improvements will retain the granite curbing, including along the sidewalk on their site and the main entry drive. They will have the responsibility of maintaining the curbing and understand that asphalt curbing is easily damaged.

Ms. Foss asked the cost per foot roughly of asphalt, concrete and granite curbing. Mr. Johnson responded that concrete and granite are relative the same in cost and Mr. Levine explained that the asphalt will save about $100,000.

Mr. Merrill suggested amending the motion to expand the condition to include consideration of asphalt curbing as well.

The Chair suggested amending the motion to specify that granite or concrete will be needed in the entryway, sidewalk and internal islands need to be concrete or granite as well as the street frontage and around the buildings. That leaves the possibility of bituminous around the circumference of the property and to the rear of the third building.

Messrs. Gross and Merrill agreed to the proposed amendment.

Motion as amended carried.

NEW BUSINESS

The Board considered of a sketch plan for a development which will later become the subject of a formal application

5.a Application by **Bridgestone Builders, Inc.** for approval of a cluster subdivision of property on **Hooksett Turnpike**.

Mr. Henninger explained this proposal to subdivide a 60.39 acre parcel on the east side of Hooksett Turnpike into a twelve-unit cluster subdivision. The applicant is selecting the no lot cluster subdivision option with condominium ownership. This subdivision will be located on an approximately 660 foot public street with the first 90 feet in the Town of Bow. City emergency vehicles and school buses will have to leave Concord, travel about a quarter mile through Bow and then re-enter Concord on the new City Street.

The applicant is proposing two common drives off the new public street within a combined dead end of 1000 feet from Hooksett Turnpike. One common drive will serve four units and one will serve seven units. The public street will end at a cul-de-sac and both common drives will have hammerhead turnarounds.

The frontage of this lot is along Hooksett Turnpike in the Town of Bow. Subdivision approval will also be required from the Town of Bow although all the new units will be in Concord.

Wetland Board approval will be required to cross a linear wetland for the common access drive serving 7 residences as well a Conditional Use Permit for the crossing of the buffer for the common access drive serving seven residences. A complaint has been filed in regard to possible disturbances to wetlands on this property. The applicants have indicated that timber harvesting has occurred on the site and any activity is related to the closing up of this operation. We have not yet received any notice of resolution from NH Department of Environmental Services.

The applicant has proposed a novel way of addressing parking at the individual units. Rather than a series of individual drives leading from the end of the common private drive, the applicant is proposing a common parking area with some surface spaces and garages and/or carports at the terminus of the common private drive. The intent is to create a resort type atmosphere with an emphasis on pedestrian connections within the development rather than a spaghetti strand of driveways. City staff has discussed this concept and, if properly executed, could result in a desirable precedent for other no lot cluster developments. The Fire Department has indicated that this concept is acceptable provided the units are provided with residential sprinklers. The Department may have more comments when the concept is refined.

Mr. Gross had questions relative to the proposed design as it relates to the 1000 foot street length required.

Ms. Meyer suggested an alternative of a split road with individual driveways because practically speaking she wondered if anyone would like to be carrying their groceries and other things from the parking lot to the house all the time.

Mr. Allberg noted that their appeared to be not enough parking spaces, especially for visitors.

Ms. Foss indicated before she makes up her mind she would like to hear from the Fire Department. She thought this concept created a challenge for emergency response.

Tim McGinley, Fire Marshal, mentioned there may be things they will have to think about such as pathway width and obstructions in the parking areas.

Attorney Richard Uchida and Alden Beauchemin, from Keyland Enterprises, were present for the applicant.

Mr. Uchida mentioned that they are impacting only about 20% of the property, creating a recreational type of community. The houses will be about 50-80 feet from the parking area. These will be smaller homes designed to be built into a small recreational community taking advantage of the land around it.

Mr. Beauchemin mentioned that each unit also has a garage space and there are two spaces for each unit in the parking areas. He indicated he would look at creating overflow parking somewhere on the site.

The Board found this was an interesting concept and found a strong need to emphasize the life safety aspects of this plan as well as additional parking.

Non-Agenda Item

Consideration of request for amendment to Mapped Lines of Future Streets – South End.

Mr. Henninger explained that a request had been made to eliminate the mapped line of a future street from a lot with a house at 97 Rockingham Street. He explained that in 1956 the Planning Board adopted a series of mapped streets in the area bounded by Iron Works Road, the Turkey River, Bow Brook and the Bow town line. Through the years, the vision of an interconnected street pattern in this neighborhood has slowly occurred. Since the adoption of the plan in 1956, a number of streets have been completed as proposed in the plan, and Angela Way was developed somewhat differently from the grid pattern envisioned in 1956 but retained the internal connectivity by retaining two connections north to align with future southerly extensions of Midland and Meadow Streets and one extension to the south by way of South Midland Street.

He reported that a recent subdivision east of South Street and south of Rockingham Street created Goldenrod Lane and a portion of Heather Lane. The mapped lines through this property were revised by the recorded subdivision. A new subdivision is under consideration at this time which will further extend Heather Lane and further modify the mapped lines of future streets between South Street and Bow Brook.

A recent subdivision east of South Street and south of Rockingham Street created Goldenrod Lane and a portion of Heather Lane. The mapped lines through this property were revised by the recorded subdivision. A new subdivision is under consideration at this time which will further extend Heather Lane and further modify the mapped lines of future streets between South Street and Bow Brook.

The mapped line of future streets has for nearly 50 years allowed the Planning Board to approve subdivisions in this part of the community in an incremental manner that allows for a planned and interconnected street pattern. While development has not followed the exact street pattern envisioned 50 years ago, no properties have been landlocked by incremental development, and planned extension of streets has been allowed to occur on a lot by lot basis at the discretion of the property owners.

The Planning Board voted to set the proposed revision of mapped lines of future streets for public hearing at the September 21, 2005 Planning Board hearing. Three (3) sections of mapped lines of future streets have been made unnecessary due to subsequent development. The three (3) small stub sections of mapped streets to be abandoned are shown on the attached map.

The remaining land to be developed in this area, especially south of Angela Way, will not follow exactly the same street pattern envisioned in 1956. However, each of the proposed subdivisions can be evaluated by the Board individually, and the interconnectivity desired can be preserved, and the official map revised at the time any subdivision is proposed.

<u>OLD BUSINESS</u>

6. Status Report on the Master Planning Process.

Mr. Woodward reported that work on future growth scenarios is well under way. Data has been developed for input to the traffic model which will be utilized for each scenario. He reported that Central New Hampshire Regional Planning Commission will be running the model and providing the output to the City's transportation planning consultant to analyze and develop appropriate graphics to portray the results. The consultant assisting on graphically portraying the land use scenarios will be in Concord soon taking photographs and meeting with staff to gather the appropriate information in order to complete the land use graphics for the scenarios.

He reported that Concord 2020 and NH DOT are planning a Transportation Summit for mid-October which is intended to bring together the local, regional, and state interests to share, compare and interact over transportation and land use issues. Prior to the Summit a visit is planned from a transportation official from Utah who will be in the region at the end of September to make a presentation on the relationships between transportation and land use.

He reported that the interest of Concord 2020 and NH DOT is to have the Planning Board consider the implications of the local land use on the state and regional roadways, particularly prior to the Board making a final decision on a land use alternative on which the Master Plan is to be based.

Mr. Gross suggested using the Board's regularly scheduled recessed meeting date (the fourth Wednesday of the month) for a public workshop to present the results of the modeling and graphics to the Board and the public. That would be September 28, 2005. There was no objection by Board members.

Mr. Woodward also reported that he had a lengthy discussion with the Chairman of the Pembroke Planning Board. The Pembroke Chairman suggested that Mr. Woodward visit the Pembroke Planning Board for a visit to discuss mutual long-range plans.

There was no further business to come before the Board and the meeting adjourned at 10:45 PM.

A TRUE RECORD ATTEST:

Douglas G. Woodward
Clerk

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