

A recessed meeting of the City Planning Board was held on November 2, 2005 in the Second Floor Conference Room at City Hall at 7:00 PM.

Present at the meeting were Members Drypolcher (who as Chair presided), Dolcino, Foss, Gross, McGonagle, Merrill, Meyer, Swope, and Alternate Member Kenison (who was seated for absent Member Blanchette). Messrs. Woodward and Henninger of the City Planning Division were also present.

At 7:03 PM a quorum was present, the Chair called the meeting to order and seated Alternate Member Kenison for absent Member Blanchette.

REGULAR MEETING

Annual Organizational Meeting

A. Appointment of representative to the **Heritage Commission**

No one volunteered to represent the Planning Board on the Heritage Commission and the discussion was postponed.

B. Appointment of alternate member for **Community Technical Assistance Program (CTAP) Committee**

Mr. McGonagle volunteered to be an alternate member for Community Technical Assistance Program (CTAP) Committee.

Minutes

Mr. Gross moved and Mr. Swope seconded approval of the minutes of the meetings of September 21, 2005 and October 5, 2005 as submitted. Motion carried.

CITY COUNCIL REFERRALS

Item #4. The Board considered a communication from Hebert & Uchida on behalf of **HT Properties LLC** relative to **re-issuance of a landscaping license** for property at **232 & 234 Loudon Road**.

Mr. Woodward reminded the Board that this item had been tabled along with the Site Plan Application; however, he reported that there had been an inquiry about the possibility of keeping the existing sign in its present location within the public right-of-way of Loudon Road until a new sign could be approved. He reminded the Board that the original approval granted to Mr. Ryan for this site involved relocating the existing sign out of the right-of-way and onto private property. The applicant was seeking to avoid the relocation of the existing sign by waiting until a totally new sign was approved, and then proposed to remove the existing sign.

Board members felt that the existing sign had to be relocated or removed now, and could be replaced when a new one was approved. Members felt the property owners needed to show some interest in complying with the City's regulations.

Item #5. The Board considered a communication from **Concord Housing Foundation** requesting the **donation of City land** across the street from Grappone Park.

Mr. Henninger explained that the Concord Housing Foundation has requested of City Council the donation of land opposite Grappone Park on Liberty Street to construct an affordable daycare/community center that would serve the residents of the North End. The Foundation advised the City that it has obtained the rights to use the plans for the Community Action Program's daycare facility on Old Loudon Road and that they would need about one acre of land for the proposed facility.

He reported that the City land under question is contained partially within two parcels and is irregularly shaped, rising steeply from a narrow level area next to Liberty Street 40-80 feet to the west. Most of the site is a steep hillside with a large area of slopes exceeding 25%. The relatively level area immediately adjacent to Liberty Street is currently used for parking at Grappone Field in the summer months and as a snow dump by the General Services Department in the winter. The area above the parking lot is being used by the City paving contractor to stage their operations in the North End and is also used as a snow dump. Neither use has a ready replacement site in the area.

He reported that a significant daycare facility on this site will take most of the buildable land available for this property, precluding the site's continued use as a snow dump and as a parking facility for Grappone Field. The General Services Department was asked to comment on the request to convey this property, given their long standing use of the property, and has indicated their concern with finding a replacement site for the snow dump. The City Council can terminate the Concord American Little League's license to utilize the site for parking with 60 days notice.

Mr. McGonagle asked to hear from the Housing Foundation representative. John Hoyt spoke on behalf of the Concord Housing Foundation and explained the difference between the Housing Authority and the Housing Foundation. The Foundation is a non-profit organization with a focus on economic well-being. The day care is proposed for the poorest neighborhood in the City. He explained that the day care facility would be constructed by the Housing Foundation and turned over to the non-profit foundation.

Mr. Hoyt explained that there were a number of social issues evident in the North End neighborhood including the lack of child care facilities and poor housing. There are not enough street trees and the snow dump is unsightly.

Tom Avallone was also present as a Commissioner of Concord Housing Authority. He noted that others currently serving as Commissioners were Jim Fowler, Sherry Landry, Mary Ann Leon, and Steve Duprey. He explained that the Foundation has \$500,000 to use on economic development, housing, and quality of life projects. He reported they expected to start with 10-15 children and expand to 50 children.

There was a discussion about workforce housing and options available. There was discussion about the amount of effort that still needed to take place with this project and the petitioners were advised to work with City staff to seek alternative locations. The snow dump is not an ideal area for this.

Mr. Kenison also mentioned that there would also be traffic safety issues for all the uses that are parking in the area and using the building as well as the ball field.

Mr. Swope moved and Mr. Merrill seconded that this request be referred to the Community Development staff to work with Concord Housing Foundation to come back with the plan that addresses all issues for all parties. Motion carried.

Item #6. Consideration of communication from **Merrimack Valley School District** relative to an amendment to the **zoning district boundary at 106 Village Street and 14 Allen Street in Penacook.**

Mr. Woodward explained that Merrimack Valley School District has submitted a request to amend the zoning district boundary between the District's land on which Merrimack Valley High School and Middle School are located, and the adjacent property owned by Beede Electrical Instrument Company, Inc. The request is made in recognition of the 2002 acquisition by the School District of an 8.13-acre parcel from Beede. The School District land, as it existed prior to 2002, is included in the Neighborhood Residential (RN) District, and the Beede property is in an Industrial (IN) District. The request is to adjust that boundary to reflect the new property line between Beede and MVSD such that all of the School District land will be located in the RN District and the remainder of the Beede land will stay in the IN District. Schools are a permitted use in the Neighborhood Residential (RN) District but are not a permitted use in the IN District.

He reported that, with the transfer of land to the school district and the District's desire to use this area for expansion of support facilities for the two schools, the amendment of the zoning boundary is a reasonable and logical step. The transfer of land clearly signaled Beede's lack of interest in future development of the 8.13 acres for its own purposes.

He explained that the Planning Board has traditionally considered an amendment to the Master Plan first, and then voted to recommend to the City Council a zoning map boundary change that is consistent with the Master Plan as amended. The 8.13 acres should be shifted from the Industrial Park land use classification to the Public and Private Schools land use category on the Generalized Land Use Map and the Land Use Plan for Northwest Concord. If the Board adopts such a change in the Master Plan, then the Board can consider a consistent zoning change to include the 8.13 acres in the RN District.

Mr. Swope moved and Mr. Gross seconded that the Planning Board set an amendment of the Master Plan for a public hearing at the November 16, 2005 meeting of the Board. This amendment would change the 8.13 acres from the Industrial Park land use classification to the Public and Private Schools land use category. Motion carried.

Item #7. The Board considered a communication from Phillips Law Office relative to **storm water problem at Walkers Reserve** subdivision.

Mr. Woodward reported that on Thursday, October 27, the Engineering Services Division chaired a project review meeting on the Walker's Reserve development to discuss issues related to storm water drainage at the site and its impact on abutting properties. Twenty-nine people attended the meeting which was chaired by City Engineer Ed Roberge and included discussions with respect to review of the design and approval process, review of the construction, approval and acceptance process along with review of current deficiencies being addressed by the developer. The abutters were allowed to express their concern with stormwater runoff exiting the site and its impact to their properties.

Having noted that design and construction of the project appeared to have been completed in accordance with current standards and regulations and that repairs to identified deficiencies are in progress or completed at this time, the City concluded that the development substantially complies with the design intent and requirements. The purpose of that meeting was to identify opportunities to improve stormwater performance wherever possible to reduce flow off the site. The consensus from the professionals represented at that meeting concluded that any effort to retain additional flows from the southerly detention ponds would likely result in less storm water routing to the off-site locations. The Engineering Services Division requested that the developer consider additional stormwater detention strategies at the southerly detention ponds. This effort will be coordinated by Engineering and will include a liaison effort with the affected abutters. These efforts will commence immediately with results hoped for this construction season.

The Planning Division report then raised several policy issues that were recommended for further study leading, as may be appropriate, to proposals for regulatory amendments, as follows:

1. Review of design standards for storm drainage systems to address the volume of stormwater. The currently accepted standards for the design of storm drainage systems, as dictated in part by accepted engineering practice, as well as guidance from the State regulations as promulgated by the NH Department of Environmental Services (NHDES), address only the control of peak flows of runoff.
2. Consideration of establishing maximum lot coverage limits for subdivisions in relation to the drainage assumptions presented for each subdivision. While impervious cover in subdivisions is currently limited by the maximum lot coverage standards in the Zoning Ordinance, the drainage assumptions generally relate to only a portion of that maximum lot coverage, but there is no guarantee as to whether those drainage assumptions will be exceeded when the lot is the subdivision are developed.

3. The standards for major subdivision applications, particularly for single and two-family homes, do not, and legally cannot engender the same degree of scrutiny as the Site Plan Review Regulations for residential and non-residential site plans. However, on an ad hoc basis, the Board has established special conditions for lots with difficult terrain and wet conditions. Possible measures to be considered could include, but be not limited to, the regulation of the alteration of vegetative cover within subdivision lots, mandating that homes be built within the "useable area rectangle", and the imposition of requirements for driveway location and design for any lot that meets or exceeds certain thresholds.

The Board also discussed the extent to which the City can hold the developer responsible for corrections to the drainage system, and at what point the only means of recourse for aggrieved abutters becomes civil litigation.

While the Board had not set this matter for public hearing, members agreed to entertain comments from those interested parties who were in the audience. Richard Osborne, an abutter on Fisk Road, indicated that it appears that some of the remedial work on the drainage system has been effective, but he can not guarantee his satisfaction until all of the improvements have been completed and there has been enough time to determine that these improvements are truly effective. Jessie Osborne of Fisk Road indicated as Representative to the General Court on the Municipal and County Government Committee, that changes to the State statutes and regulations take a long time to enact, and she urged the Board to consider its own regulatory changes to standards related to storm drainage rather than wait for the State to act.

Mr. McGonagle moved and Mr. Swope seconded that the Planning Board forward to the City Council the report of the City Planner to the Board, and to indicate the following:

1. That the Board endorses the recommendations of the City Engineer for providing mitigative measures for the storm drainage problems at the Walker's Reserve Subdivision.
2. That the Board authorized the Planning Division, as assisted by the City Engineer and other City staff, to explore the following policy options and report back to the Planning Board with recommendations on regulatory amendments as may be appropriate:
 - a. Exploration of drainage system design standards that will address the volume of runoff and water quality as well as the peak rate of flow;
 - b. Investigation of maximum lot coverage limits for subdivisions that relate directly to the drainage assumptions presented for those subdivisions; and
 - c. Consideration of other regulatory measures including but not limited to the regulation of the alteration of vegetative cover within subdivision lots, mandating that homes be built within the "useable area rectangle", and the

imposition of requirements for driveway location and design for any lot that meets or exceeds certain thresholds.

3. That the Board recommends that the City extend its enforcement actions against the developer as far as the City Solicitor deems to be legally appropriate.

Motion carried, 8-0, Ms. Foss having left the meeting at 8:40 PM to attend the Zoning Board of Adjustment hearing in the City Council Chambers.

OLD BUSINESS

Item #8. The Board considered a communication from Brown Engineering relative to conditions of approval for **The Village at Thirty Pines**.

Mr. Woodward explained that Brown Engineering has forwarded a request on behalf of Mall Realty, owners of the multi-family portion of the development to be known as "The Village at Thirty Pines", to allow foundations for the two buildings which cannot be constructed until Phase 2B, to be installed along with the single building foundation in Phase 2A.

At its meeting on September 21, 2005, the Planning Board voted to table action on this request to change phasing until such time as the City has a report relative to the detention pond and whether it is properly constructed. Mr. Woodward presented a report from the City Engineer in which he reviewed the background of the development and the design of the detention pond, and concluded that the construction of the detention pond is acceptable and that it is functioning correctly.

Mr. Woodward reported that at this time the intersection improvements are well underway and completion, except for the signal mast arm, is expected at any time. The signal arm is expected by the first of the year, and then the signal will be functioning, which is the key aspect of the phasing plan approved by the Board. The intent was that vehicular trips generated by the units in Phase 2B would all be regulated by the new signal. Clearly, even if foundations were to be installed prior to the activation of the signal, there would be no new residents until some time next year, well after the signal will be activated and the intersection has been completed. The only thing that the developer is asking is to put in the foundations all at once, and then construct just the first building until such time as Phase 2B officially starts.

Mr. Swope moved that the Board accept the report of the City Engineer relative to the detention pond serving Sandwood and the Village at Thirty Pines, and grant the request of Brown Engineering on behalf of Mall Realty to allow the installation of the three multi-family building foundations prior to the start of Phase 2B, provided that the balance of the construction of two of the multi-family buildings cannot begin until Phase 2B officially starts.

Mr. Merrill seconded. Motion carried, 8-0.

Ms. Foss returned to the meeting at 9:00 PM

Item #9. The Board considered of request by Cheshire Oil Company, Inc. for a one-year extension of site plan approval granted to **Fuller Family Concord Realty Trust** for property at **242-244 Sheep Davis Road**.

Mr. Henninger provided a history of the Board's actions on this application and indicated that the current conditional Site Plan Approval will expire in February of 2006. The new owner is asking for a one year extension until February of 2007. He also noted that the project may have lost its Zoning Board of Adjustment approvals through expiration.

Mr. Swope moved to grant a one year extension of the conditional Site Plan Approval with the stipulation that this would be the final extension granted for this application. Mr. Gross seconded. Motion carried.

There was no further business to come before the Board and the meeting adjourned at 9:05 PM.

A TRUE RECORD ATTEST:

Douglas G. Woodward
Clerk

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