

A meeting of the City Planning Board was held on November 5, 2003 in the second floor conference room of the City Hall at 41 Green Street at 7:00 PM.

Present at the meeting were Members Drypolcher (who as Chair presided), Gross, McGonagle, Blanchette, and Alternate Member Foss. Messrs. Woodward, Henninger, and Pollock of the City Planning Division were also present.

At 7:05 PM a quorum was present and the Chair called the meeting to order. He explained that the purpose of the meeting was to complete the task assigned to each of the Master Plan committees by the facilitation consultants.

The Board's Clerk asked if the Board would first consider one other item of business relative to the preparation of the Board's minutes and the current backlog of incomplete minutes. The Board agreed to allow the Clerk to make a presentation on this matter.

The Clerk reminded the Board that at the September 17, 2003 meeting, he had advised the Board that the production of minutes had fallen behind, in a manner similar to what had occurred in 2000-2001, as a result of increased development application activity and the resultant number of Board meetings. He noted to the Board that the Planning Division had requested funding in the FY 2004 budget process for temporary help to provide relief to the Administrative Assistant so that she could focus more time on the minutes. The budget request was not granted by the City administration, and subsequently, the Community Development Director sought a part-time clerical position to provide support to all divisions in the Department. This request was not funded by the City Council.

The Division continued to working at catching up on the backlog of minutes. During the time when minutes have not been available, the Division continues to prepare letters to applicants relative to the actions of the Planning Board on the applications. These letters, which represent the official record of decision, are always completed in a timely manner and are available to the public in accordance with statutorily prescribed timeframes. The letters do not indicate certain information required by the so-called "right-to-know law" (RSA 91-A) which indicates that the minutes shall contain a record of the actual attendance of the Board members, and the names of those who addressed the Board during public hearings. On those occasions where someone has sought a particular section of minutes which have not been completed, the Division has prepared an excerpt of the minutes that is noted as being unofficial until it is adopted by the Board.

In early October 2003, Councilor Blanchard sought minutes for the meeting during which Alice Drive was first discussed. Upon finding that the minutes were not readily available, she submitted a memorandum to the City Manager primarily focused on the Alice Drive issue, but also asking how the backlog of minutes would be addressed. This has precipitated a response from the Community Development Director in which he proposed that the Division prepare an abbreviated set of minutes that meet the letter of the statute, followed by a more complete set of minutes for eventual consideration and adoption by the Board. He also proposed that the meetings be audio-taped so that the tapes will also be available prior to the preparation and

adoption of the official minutes. Finally, he asked the Board if draft minutes could be placed on the City's web site until official minutes are adopted. He also indicated that he is preparing to seek temporary, part-time help to assist the divisions within the Community Development Department. The new position would be used to provide relief to the Planning Division's Administrative Assistant so that she can focus more time on preparation and completion of the minutes.

While the Planning Board minutes have never been prepared as an official transcript of the Board's meetings, they have far exceeded the minimal statutory requirements to the point that the courts have cited the quality of these minutes when such have been submitted as part of the record during litigation. However, the preparation of these minutes is time consuming for the Administrative Assistant and eventually, for the Board's Clerk in the final review and editing. It was noted that the proposal for preparation of an abbreviated set of minutes that meet the letter of the statute would be relatively simple to accomplish and provide the necessary legal coverage. The audiotaping can be accomplished by the provisions of tapes to the CCTV personnel in the production booth in the Council Chamber. The tapes would be retained until the Board adopted the official minutes.

The placing on the City's website of the draft minutes raised concerns about potential inconsistencies that could arise within the minutes as they proceed toward a final version. Currently, in the draft minutes as prepared by the Administrative Assistant for review by the Board's Clerk, parenthetical notes are inserted to call certain items to the attention of the Board's Clerk in cases where the Administrative Assistant has questions about the testimony or discussion. If these draft minutes are posted on the website and are then amended in the review by the Clerk and possibly again by the Board, a potential litigant has the ability to raise these inconsistencies in court. The Clerk reported that the City Solicitor advised that the initial abbreviated set of minutes that are available within 144 hours become the official record until the Board adopts the final version, and these abbreviated minutes should be the ones posted on the website. When the Board is ready to adopt a final version, it would be appropriate to have a motion to adopt amended or revised minutes.

After discussion, Mr. Gross moved and Mr. McGonagle seconded, that the Board permit the placement of the initial abbreviated set of minutes as prepared by the Administrative Assistant on the website prior to the adoption of a final "revised" set of minutes by the Board. Motion passed.

The Board then proceeded to consider Task 1 assigned to the Master Plan committees by the public participation and facilitation consultants. The Clerk reminded the Board that they would be handling the Land Use, Community Facilities, and Public Utilities sections of the Master Plan. He also reminded the Board that they should have copies of the 1993 Master Plan which contained a Chapter on Land Use, and noted that the Planning Division had put up copies of the graphics from the 1993 Master Plan, as well as the official Master Plan amendments including the Garvins Falls Master Plan, the Downtown Master Plan, and the South Concord Master Plan. The Clerk also provided copies of background materials to the Board. With that introduction, the Board proceeded with the identification of key issues, of additional information needed by the Board, and of other committees with which the Planning Board will need to interact. Mr.

Woodward recorded with marker on a pad the information generated by the Board, a copy of which is attached.

There was no further business to come before the Board and the meeting adjourned at 9:10 PM.

A TRUE RECORD ATTEST:

Douglas G. Woodward
Clerk

**CONCORD MASTER PLAN
PLANNING BOARD
Land Use, Community Facilities, & Public Utilities
Meeting of November 5, 2003**

Key Issues Identified

Land Use

- Evaluation of the limits of the Urban Growth Boundary (UGB)
 - * Mapping of “unusable” land
 - * Mapping of “unavailable” land
 - * Identification of “buildable” land
- Setting the densities to be permitted inside and outside of the UGB
 - * Consideration of a “universal” density within the UGB
- Consideration of land use and land ownership of the State of NH
 - * Identification of the location of State land
 - * Identification of the location of private land and buildings used by the State
 - * Consideration of locations where the State should be encouraged to focus its growth
- Appropriate/acceptable locations for “locally unwanted land uses” (LULU’s)

Community Facilities

- Determination of which facilities are to be addressed in the Master Plan
- Not all facilities are municipal; schools, and hospitals and privately owned health care facilities should be included
- Consideration of police and fire substations, particularly for East Concord
- Need for provision of polling places
- Need to address public restrooms for Downtown, and other locations
- Consideration of emergency shelters

- Provision of an intermodal transportation center
- Consideration of public parking facilities
- Provision of solid waste transfer sites and facilities
- Need new sites for snow dumps; current sites are inappropriately used

Public Utilities

- Master Plan should address municipal and non-municipal utilities, including gas, electricity, telephone, cable, and wireless communications
- Plan for the location of wireless communications service areas and control the location of facilities
- The City's water supply must have the capacity to support growth
- Consideration of storm drainage systems
- Address service area voids in the cable systems

Interaction with Other Master Plan Committees & other organizations

- All Master Plan Boards, Commissions, and Committees
- Boards of Education of the City's School Districts
- Public utility companies
- State of New Hampshire – governor, legislature, departments

Additional Information or Resources Needed

- An updated buildout analysis
- A map of existing community facilities and, as appropriate, related service area
- Location and current capacity of snow dumps, projected need, transportation costs, and information on the toxicity of plowed snow
- Restrictions and requirements for the redevelopment of brownfields