

The regular monthly meeting of the City Planning Board was held on November 19, 2003 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), Gross, Kuhlman Brown, McGonagle, Swope, Blanchette, and Walker. Messrs. Woodward, and Pollock, and Ms. Osgood of the City Planning Division were also present, as was Mr. Edmonds, City Engineer.

At 7:05 PM a quorum was present and the Chair called the meeting to order.

### **DEVELOPMENTS OF REGIONAL IMPACT**

The Clerk reported there were no applications to be considered under Developments of Regional Impact.

### **ACCEPTANCE OF APPLICATIONS**

The Chair asked that the Board consider applications for approval of subdivisions, resubdivisions and site plans to determine whether they were complete in accordance with the regulations of the Board. The Board was advised that all applications were complete and ready for public hearing.

Mr. Swope moved and Ms. Kuhlman Brown seconded that the Board accept as complete the applications listed for hearing. Motion carried.

### **APPLICATIONS**

The Board considered applications for approval of certain subdivisions and site plans which were considered complete when submitted and were accepted by the Planning Board for the holding of public hearings:

#### Minor Subdivisions

1. Application by **Broken Bridge Corporation** for approval of an easement for a building development site on property at **13 Broken Bridge Road**.

#### Public Hearing

Mr. Woodward explained this application. Attorney Peter Roach of the McLane Law Office was present for the applicant. There were no members of the public speaking for or against the application. The Chair declared the hearing closed.

#### Deliberations and Action on Application

Mr. Swope moved to grant conditional approval subject to the following conditions:

1. Prior to the final plat being signed by the Planning Board Chair and Clerk, the applicant shall revise the plat drawings to address the minor corrections and omissions noted by City staff; and
2. Iron pins shall be set to denote the limits of the easement area to be created as part of this subdivision.

Mr. Gross seconded. Motion carried.

2. Application by **Alison E. Cullen** for approval of a subdivision of property at **45 Dunklee Street**.

#### Public Hearing

(Ms. Walker recused herself due to institutional conflict and left the table.)

Mr. Pollock explained this application. Les Mills, surveyor, was present for the applicant. There were no members of the public speaking for or against the application. The Chair declared the hearing closed.

#### Deliberations and Action on Application

Mr. Swope moved to grant conditional approval subject to the condition that prior to the final plat being signed by the Planning Board Chair and Clerk, the applicant shall revise the plat drawings to address the minor corrections and omissions noted by City staff.

Mr. Gross seconded. Motion carried with Ms. Walker abstaining from vote.

3. Application by **Hedley D. & Matthew A. Logan (DBA The Logan Boys)** for approval of a subdivision of property at **7½ & 9 Dakin Street**.

#### Public Hearing

Mr. Pollock explained this application. Steven Kuzusco, from the office of Joseph Wichert, Surveyor, was present for the applicant. There were no members of the public speaking for or against the application. The Chair declared the hearing closed.

#### Deliberations and Action on Application

Mr. Swope moved to grant conditional approval subject to the following conditions:

1. Prior to the final plat being signed by the Planning Board Chair and Clerk, the applicant shall revise the plat drawings to address the minor corrections and omissions noted by City staff;
2. The E-911 address shall be shown on the plat for the new lot; and

3. The applicant shall prepare an Agreement to Convey an Easement for the common driveway and such agreement shall be recorded with the plat at the Merrimack County Registry of Deeds.

Ms. Walker seconded. Motion carried.

#### Major Subdivision

4. Application by **Douglas and Barbara Wade** for preliminary approval of a cluster subdivision of property off **Hoit Road**.

#### Public Hearing

Mr. Pollock explained this application. John Rokeh of Holden Engineering was present for the applicant. There were no members of the public speaking for or against the application. The Chair declared the hearing closed.

#### Deliberations and Action on Application

Mr. Swope moved to table the application to allow the applicant to address issues related to the common open space and storm water drainage. Mr. Gross seconded. Motion carried.

#### Planned Unit Development

5. Application by **R. J. Moreau Communities LLC** for approval of a planned unit development of property on **Bog Road**.

#### Recessed Public Hearing

(Ms. Walker recused herself due to institutional conflict and left the table.)

Mr. Woodward explained this application. David Walker of Bedford Design was present for the applicant. Bob Bollinger of Stephen Pernaw's office appeared as traffic consultant to the applicant.

Members of the public speaking were Michael Morgan, Manager of Foxcroft Estates Mobile Home Park, and Cindy Hogan, of 67 Bog Road. There were no other members of the public speaking for or against the application.

Mr. Gross moved to recess the hearing until the next regular meeting on December 17, 2003, to allow for further public commentary on traffic issues related to this application. Mr. McGonagle seconded. Mr. Swope noted that the record should indicate that the Board would not be further considering the opening of Alice Drive through the Foxcroft Estates Mobile Home Park. Motion carried with Ms. Walker abstaining from vote.

Architectural Design Review

6. 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 Hearing

The Chair opened a public hearing for each application. Mr. Woodward explained each item and provided copies of drawings and graphics for the Board to examine. There were no members of the public speaking for or against any of the applications.

Deliberations and Action on Applications

- **5 Chenell Drive** at 5 Chenell Drive

Mr. Swope moved to grant conditional approval subject to the recommendations of the Design Review Committee which were that the sign is placed in conformity with the Zoning Ordinance, (i.e. with a five (5) foot setback from the right-of-way line), and that it be located adjacent to one of the driveway entrances from Chenell Drive. Ms. Kuhlman Brown seconded. Motion carried.

- **Electropac & Riverbend** at 70 Pembroke Road

(Mr. Gross recused himself as his law office represents one of the applicants and left the table.)

Mr. Swope moved to grant approval. Mr. Blanchette seconded. Motion carried with Mr. Gross abstaining from vote.

- **H & R Block** at 22 Bridge Street

Mr. McGonagle moved to grant approval. Mr. Gross seconded. Motion carried.

- **Hollis Commons** at 30 Cherry Street

Mr. McGonagle moved to table the application to allow the applicant to consider the concerns of the Design Review Committee and to revise the design of the sign accordingly. Mr. Blanchette seconded. Motion carried.

- **Mattress World** at 163 Loudon Road

Mr. Gross moved to grant approval. Mr. Blanchette seconded. Motion carried.

- **Riverbend** at 3-5 North State Street

(Mr. Gross recused himself as his law office represents the applicant and left the table.)

Mr. McGonagle moved to grant approval. Ms. Kuhlman Brown seconded. Motion carried with Mr. Gross abstaining from vote.

- **Riverbend** at 34-36 Pleasant Street

(Mr. Gross recused himself as his law office represents the applicant and left the table.)

Mr. Swope moved to grant conditional approval subject to the recommendations of the Design Review Committee which was that the sign be placed with the center of the sign in line with the bottom of the existing metal arches. Mr. McGonagle seconded. Motion carried with Mr. Gross abstaining from vote.

### REGULAR MEETING

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

Mr. Swope moved to approve the minutes of the special meeting of November 5, 2003 as presented. Mr. Gross seconded. Motion carried.

The Clerk advised the Board that the minutes of the regular meeting of October 15, 2003 had been prepared in the new abbreviated format in compliance with the Right-to-know Law. These will be submitted to the Board when they have been completed in the standard format.

2. Further consideration of applications for approval of developments on which public hearings have previously been held:

- a. Application by **David J. and Jennifer L. Albert** for approval of a site plan of property at **290 & 292 North State Street**

Tim Bernier, surveyor, was recognized on behalf of the applicant. He had submitted a letter on November 18, 2003 requesting that the Board re-open the public hearing to allow for further discussion of the conditions of approval relative to the installation of curbing along North State Street. The Chair noted that the applicant had been present at the public hearing on October 15, 2003, and that the purpose of the curbing is to create orderly access to this property. Mr. McGonagle requested new photographs of the premises showing improvements already made. Mr. Swope moved to re-open the hearing at the next regular meeting on December 17, 2003. Mr. Gross seconded. Motion carried.

- b. Application by **Paul S. Humphreys** for final approval of a subdivision of property on **Birchdale Road.**

Mr. Woodward explained this application. Tom Gioseffi was recognized as the applicant and he responded to questions from the Board. Mr. Swope moved to grant conditional final approval subject to the following standard and special conditions:

**Standard Conditions**

1. Prior to the final plat being signed by the Planning Board Chair and Clerk, the following State and federal permits shall be obtained and copies provided 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. Prior to the final plat being signed by the Planning Board Chair and Clerk, the applicant shall revise the plat drawings to address the minor corrections and omissions noted by the City staff.
3. Prior to the final plat being signed by the Planning Board Chair and Clerk, approvals of construction drawings for on-site improvements shall be obtained from the Engineering and Planning Divisions.
4. Prior to the final plat being signed by the Planning Board Chair and Clerk, 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. Prior to the final plat being signed by the Planning Board Chair and Clerk, the following easement documents, in a form acceptable to the City Solicitor and suitable for recording in the Merrimack County Registry of Deeds, will be provided to the Planning Division:
  - a) Deed of Easements for three (3) new streets
  - b) Easements for two (2) drainage retention basins.
  - c) Easements for two (2) drainage and access easements to retention ponds.
  - d) Conservation Deed for the two (2) open space lots.
6. 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.
7. No certificate of occupancy for any building or use shall be issued until all streets and other public improvements have been completed to the satisfaction of the City Engineer and accepted by the City Council.
8. Prior to the final plat being signed by the Planning Board Chair and Clerk, the applicant shall obtain approval of private utility plans from Unitil (Concord Electric) and Verizon.

9. 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.

**Special Conditions**

1. This subdivision may be developed in up to three phases with each phase not to exceed one year in duration and all phases not exceeding three years total from the date of approval. Each phase must have a financial guarantee for all improvements within or required to support that respective phase, and a plat will be recorded only for the lots in that respective phase. All open space parcels shall be included on the plat recorded for the first phase.
2. The accuracy of the delineation of the wetlands on the subdivision plans shall be subject to the review and concurrence of the Conservation Commission.
3. The wetlands and the wetland buffers within each house lot shall be clearly and permanently marked before, during and after construction of this subdivision.
4. No construction shall take place until the required financial guarantees are provided, a pre-construction meeting is held, and the required inspection fees have been paid.
5. The applicant shall pay a fair share contribution of \$25,625 for improvements to Birchdale Road planned by the City for 2007 with a total estimated cost of \$125,000. The contribution is based on the proportion of traffic generated by the subdivision to the total traffic on Birchdale Road.
6. The conservation deed shall allow for public access to the open space trails for non-motorized access, and allow for access by the City of Concord or its agents for logging activities on adjacent municipal conservation lands.
7. All logging debris and wood chips shall be removed from the wetland areas on the site within in thirty days after the start of construction on this subdivision.

Mr. Blanchette seconded. Motion carried

- c. Application by **KeySpan Energy Delivery** for approval of a Conditional Use Permit for property on **Broken Bridge Road**

Mr. Woodward explained this application. Larry Griffin was recognized on behalf of the applicant and he responded to questions from the Board. Mr. Gross moved to grant approval to the modification of the conditional use permit that had been previously granted on August 20, 2003 subject to the following conditions:

- 1) Recording of a minor subdivision plat creating a building site for KeySpan Energy Delivery on an easement area on property of the Broken Bridge Corporation, and
- 2) Compliance with the conditions of approval as established on August 20, 2003, which are as follows:
  - a) The buildings being a natural color, and
  - b) Landscaping being provided to buffer the site from Manchester Street and the Soucook River.

Mr. McGonagle seconded. Motion carried.

- d. Application by **Verres Financial Services Corporation** for approval of a subdivision of property on **Currier Road**.

Mr. Woodward explained this application. Marc Vanson was recognized on behalf of the applicant and he responded to questions from the Board. Mr. Gross moved to grant conditional approval of the drainage and access easement plan subject to the following conditions:

1. Final review and concurrence of the City Solicitor and the City Engineer with the details of the plan as well as the form and content of the easement deeds, and
2. Recording of the easement deeds concurrently with the recording of the easement plan.

Mr. Swope seconded. Motion carried.

### **ARCHITECTURAL DESIGN REVIEW**

3. Consideration of applications for approval of developments and for sign and building permits in locations subject to the provisions of Section 28-9-4(f) of the City's Zoning Ordinance.
  - a. Revisions to previously approved building plans related to renovations at **10 Centre Street for Upton & Hatfield Law Offices**.

Mr. Woodward explained this application. Tom Avalone was recognized on behalf of the applicant and he responded to questions from the Board. Ms. Walker moved conditional approval of the modifications to the building elevations subject to the recommendations of the Design Review Committee, which was to retain a granite band along the sill line on the rear elevation, and conditional approval of the modifications to the site plan subject to the approval of the City Engineer.

Mr. Swope seconded. Motion carried.

- b. Revisions to previously approved building plans for the community building at the **Centerstone Apartments on Loudon Road**.

Mr. Woodward explained this application. Mr. Swope moved conditional approval subject to the recommendations of the Design Review Committee, which was to eliminate the shutters.

Ms. Walker seconded. Motion carried.

### **OLD BUSINESS**

4. Consideration of request by Attorney Richard Uchida on behalf of Wayne F. Hall for extension of Planning Board's deadline to complete construction and cleanup of the site (#11-2).

Mr. Woodward explained this request for an extension of the time for completion of the clean-up of the site and construction of a compound to house snowmobile recycling operations which were to have been completed by October 31, 2003. Attorney Uchida requested an extension of time until June 30, 2004 due to illness of the applicant. Mr. McGonagle moved to grant the time extension as requested. Ms. Kuhlman Brown seconded. Motion carried.

5. Consideration of request by Attorney Richard Uchida on behalf of FCFC Realty for a one year extension of approval for the development of property at 412-414 South Main Street (#11-3).

Mr. Woodward explained this request for a one-year extension of the period of validity of the Board's Site Plan Approval as previously granted on December 19, 2001. Mr. Swope moved to grant the one-year extension of the Site Plan Approval. Ms. Kuhlman Brown seconded. Motion carried.

6. Consideration of request by Peter C. & Lorwen C. Nagle for a two-year extension of approval for the development of property at 34 Locke Road (#11-4).

Mr. Woodward explained this request for an extension of the period of validity of the Board's Site Plan Approval as previously granted on December 19, 2001. Mr. Swope moved to grant a one-year extension of the Site Plan Approval. Mr. McGonagle seconded. Motion carried.

- The Board agreed to consider a non-agenda item which was a request by Attorney John Cronin on behalf of Concord Kia for a one-year extension of the Board's Site Plan Approval as previously granted on April 17, 2002 for the development of property at Manchester Street.

Mr. Woodward explained this request for an extension of the period of validity of the Board's approval as previously granted in April of 2002. Mr. Gross moved to grant the one-year extension of the Site Plan Approval. Ms. Walker seconded. Motion carried.

## NEW BUSINESS

7. Consideration of a sketch plan for a development which will later become the subject of a formal application:
  - a. **Emmanuel T. Brochu, Jr. & Judith Brochu** for approval of a multi-family development at **1 Parmenter Road**.

Mr. Woodward explained this sketch plan for a development of attached dwellings at the end of Parmenter Road in West Concord. Attorney Richard Uchida was recognized on behalf of the applicant and he responded to questions from the Board. While the Board takes no formal action to approve or disapprove a sketch plan application, the Board did express concerns about the density of the proposed development relative to the adjacent neighborhood pursuant to Section 28-4-5(m), about traffic from the development entering and exiting onto North State Street, about the lack of alternative access to the site other than Parmenter Road, and about the extent of steep slopes on the site

8. Consideration of the request of Malachy Glen Associates, Inc., that the requirement for an escrow be eliminated, relative to sidewalk construction on Borough Road, which was established as part of the approval of the Hannah Crossing subdivision (#10-2).

Mr. Woodward explained this request for release of an escrow account required as part of the approval of Hannah Crossing Subdivision on October 18, 2000. This requirement had been carried forward from the approval of the Oak Creek PUD in the late 1980's. It was noted that Borough Road is a collector street within the Urban Growth Boundary, in an area that continues to be developed and is within walking distance of the all grade levels of the Merrimack Valley School District schools. Mr. Gross moved to deny the request and to communicate with the City Manager and City Council that sidewalk construction should proceed in this neighborhood. Mr. Swope seconded. Motion carried. Brent Edmonds, City Engineer, was recognized and he advised the Board that his office was preparing a priority program for the construction of sidewalks throughout the City.

9. Consideration of a proposed name of "Enterprise Way" for the new street in the Yukon Realty Subdivision southerly of Manchester Street.

Mr. Woodward explained that the proposed street in the Yukon Realty Subdivision had never had a name proposed during the public hearing and consideration of this subdivision. Recently, the applicant had submitted potential several names, one of which, "Enterprise Way" was deemed acceptable by the Fire Department. Pursuant to Section 9.04(2)(d)(viii) the Board must approve or assign a street name. Mr. Gross moved to approve the name "Enterprise Way". Ms. Kuhlman Brown seconded. Motion carried.

- The Board agreed to consider a non-agenda item which was a communication from Jim Mullaney concerning a reconsideration of a waiver from the subdivision standards for

contiguous useable area within each lot, to allow an additional lot to be created from Lot #6 in the Juniper Fells II Subdivision.

Mr. Woodward indicated that he had explained to Mr. Mullaney that the Juniper Fells II plat had been recorded, and that further consideration of the waiver to allow the establishment of another lot would require a new application for a minor subdivision accompanied by a request for a waiver. Mr. Mullaney was seeking guidance from the Board prior to preparing a minor subdivision application as to whether the Board would entertain such a request for a waiver. While the Board was aware that re-grading could occur that could establish compliance with the standards of the Subdivision Regulations, it was the sense of the Board that a request for a waiver would not be looked upon favorably.

### **FUTURE MEETINGS**

#### Master Plan Update

Mr. Swope noted that the next Master Plan meeting is December 4, 2003, when all of the committees will convene in the Community Room at Horseshoe Pond Place (former Page Belting building) at 7:00 PM. He briefly reviewed the events of the recent Public Forum, and asked for the opinions of the Board members on the Forum.

The meeting adjourned at 10:55 PM.

Prepared in accordance with the requirements of RSA 91-A.

Douglas G. Woodward  
Clerk