

The regular monthly meeting of the City Planning Board was held on June 20, 2001 in the City Council Chambers at 37 Green Street at 7:00 PM.

Present at the meeting were Members Drypolcher (who as Chair presided), Kuhlman Brown, O'Neill, Swope, Walker (who arrived at 7:11 PM), Blanchette (who arrived at 7:09 PM), and Alternate Member Foss (who was seated for Member Golde who was not expected). Messrs. Woodward, Henninger and Pollock, and Ms. Osgood of the City Planning Division were also present.

At 7:03 PM a quorum was present and the Chair called the meeting to order.

The Chair welcomed Douglas Woodward, the City's new City Planner and Clerk to the Planning Board.

DEVELOPMENT OF REGIONAL IMPACT

The Board reviewed applications to determine whether they were of potential regional impact.

- *Karen Carlson* sketch plan for a subdivision at 485 Josiah Bartlett Road.

Mr. Henninger explained this proposal for a ten lot subdivision located on Josiah Bartlett Road abutting the town of Loudon.

The Chair mentioned that he felt there was a chance that the Board could make a determination regarding regional impact in the sketch plan phase and then the project could change status so dramatically that the determination might change. Mr. Swope suggested that in a case like this that the Planning Board informally notify the abutting town and the Central New Hampshire Regional Planning Commission and then the Board could make a determination when a formal application was received.

(Mr. Blanchette arrived at 7:09 PM.)

Mr. Swope moved that, because of its proximity to the town of Loudon, there would be a regional impact associated with the application of Karen Carlson for a ten lot subdivision. Mr. O'Neill seconded. Motion carried.

(Ms. Walker arrived at 7:11 PM.)

ACCEPTANCE OF APPLICATIONS

The Chair asked that the Board consider applications for approval of subdivisions, resubdivisions and large scale developments 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 with the exception of the application by Peter Holden, who had asked that the public hearing be postponed until the Board's July meeting..

Mr. O'Neill moved and Mr. Swope seconded that the Board accept as complete the applications listed for hearing with the exception of the application by Peter Holden. Motion carried.

CONSENT AGENDA

The Board considered items recommended by the Architectural Design Review Committee for approval under the Consent Agenda.

- Building plans related to renovations by *Steenbeke & Sons* at *287 South Main Street*.
- Building plans related to renovations at *384 Loudon Road*.

Ms. Kuhlman Brown moved approval as submitted and Mr. Blanchette seconded. Motion carried.

The Board considered the following applications for approval of certain subdivisions and developments which were considered complete when submitted and recommended by the Planning Division for the holding of public hearings.

Minor Subdivisions

1. Application by *Michael & Lynne M. Arsenault and Robert A. Hall* for approval of a resubdivision and subdivision of property at *193 & 197½ East Side Drive*.

Public Hearing

Mr. Henninger explained this proposal to transfer 1.9 acres from 193 East Side Drive to an existing lot at 197 ½ East Side Drive. No new lots would be created.

Web Stout from FWS Surveying, was present to answer questions on behalf of the applicant.

There were no questions or comments and the Chair declared the hearing closed at 7:18 PM.

Deliberations and Action on Application

Mr. Swope moved approval of the subdivision subject to the applicant providing to the Planning Division a 25 foot wide bluff protection easement in a form acceptable to the City Solicitor and suitable for recording in the Merrimack County Registry of Deeds. Mr. O'Neill seconded. Motion carried.

2. Application by *the City of Concord, on behalf of the State of New Hampshire Adjutant General's Department*, for approval of a subdivision of property by virtue of lease on *Regional Drive*.

Public Hearing

Mr. Henninger explained this proposal to subdivide a 26.72 acre parcel from the Concord Municipal Airport for lease to the New Hampshire Army National Guard. He reported the application would require a short extension of electrical utilities in Regional Drive.

Lt. Col. Stephen Burritt was present to answer questions on behalf of the applicant.

Lorraine Spataro, 58 Airport Road, asked about the relationship between this plan and the extension of Regional Drive. She expressed concern about increased traffic on Airport Road. She asked if anyone had considered the few remaining residential homes in that area and noted that everyone was already using Old Turnpike Road to avoid some of the congestion on Loudon Road. She also expressed concern that Airport Road was turning commercial.

Mr. Henninger explained that the extension of Regional Drive had been delayed for a number of years because the existing National Guard facility was in the path of the extension and this was being proposed to help make the extension happen. The goal would be to complete the design this fall and bid it for a late winter start in 2002.

There were no further questions or comments and the Chair declared the hearing closed at 7:32 PM.

Deliberations and Action on Application

Mr. Swope moved approval subject to the following conditions:

1. The applicant shall revise the plat drawings to address the minor corrections and omissions noted by City staff.
2. The front property line shall be modified to conform to the existing Regional Drive right-of-way at its terminus at the cul-de-sac.

Ms. Kuhlman Brown seconded. Motion carried.

3. Application by *Ronald L. and Deanna P. Rush* for approval of a subdivision of property at *102 Sewalls Falls Road*.

Public Hearing

Mr. Henninger explained this proposal to create one new building lot from an existing lot. Because of the current location of the existing driveway relative to the Sewalls Falls

Road/Abbott Road intersection, a shared driveway for both lots at a new location away from the intersection and/or the relocation of the existing driveway to improve safety at the intersection should be considered. A proposed sewer easement shown on the new lot should be relocated to an area within building setback lines so as not to further diminish the amount of net buildable area on each lot and should be increased in width to 25 feet.

Joe Wichert, surveyor, was present to answer questions on behalf of the applicant.

The Chair asked how the applicant would respond to the recommendation that driveways be moved or combined to avoid the intersection. Mr. Wichert responded that they had hoped to deal with the driveway issue at the time the intersection was improved but if necessary they would consider a shared driveway.

Steve Wanta, 101 Sewalls Falls Road, asked the location of the existing municipal sewer. Mr. Henninger pointed it out on the plan. Mr. Wanta indicated he was concerned about his own septic system. He did not want his hands tied as far as requirements for sewer service. He asked for clarification about what uses could be made of the lot. Mr. Henninger explained neither lot would have the frontage to allow it to apply to the Zoning Board of Adjustment for a special exception for a duplex.

There were no further questions or comments and the Chair declared the hearing closed at 7:45 PM.

Deliberations and Action on Application

Mr. Henninger suggested that if the Board chose to require a shared drive, then the necessity for a sewer easement would be eliminated.

Mr. Swope moved approval subject to the following conditions:

1. 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. An agreement to convey an easement for the proposed sewer service line to the existing lot
 - b. An agreement to convey an easement for the common drive to serve both lots (if this option is selected).
2. The applicant shall revise the plat drawings to address the minor corrections and omissions noted by City staff.
3. The applicant shall either relocate the existing driveway to the south side of the existing building or provide a common driveway to service both lots at a location acceptable to the Engineering Division.

4. The applicant shall revise the plat so as to relocate the proposed sewer easement to be located along the common property line of the two lots. In the event the applicant chooses to employ a common driveway on Sewalls Falls Road on the proposed lot, this condition would not apply.
5. The applicant shall note the location of the Keyspan gas line on the plat.

Mr. O'Neill seconded. Motion carried.

Major Subdivisions

4. Application by *Lloyd Brower* for approval of a subdivision of property on *Elm Street in Penacook*.

Public Hearing

Mr. Pollock explained this proposal to subdivide an existing parcel into five lots.

Rusty Lovell, surveyor from Holden Engineering & Surveying, Inc., was present on behalf of the applicant and reported they had been asked to show the location of proposed houses on the plan. The applicant had responded that he did not want to limit prospective buyers to specific house locations.

Mr. Swope suggested that the Board request that buildable area be shown on the plan.

There were no further questions or comments and the Chair declared the hearing closed at 7:55 PM.

Deliberations and Action on Application

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

1. The applicant shall revise the plat drawings to address the minor corrections and omissions noted by City staff.
2. The applicant shall obtain the following State and federal permits and provide copies to the Planning Division:
 - a) NH Department of Environmental Services, Water Supply and Pollution Control Division, subdivision approval for on-site septic systems.
3. The applicant shall provide to the Planning Division a driveway easement for the lots abutting Lot #4 to the east in a form acceptable to the City Solicitor and suitable for recording in the Merrimack County Registry of Deeds.

Mr. Swope seconded. Motion carried.

5. Application by *Erik and Joan Pierce* for approval of a subdivision of property at *147 Clinton Street*.

Public Hearing

Mr. Henninger explained this proposal to subdivide an existing 35 acre parcel into 24 single family lots with the construction of 3800 feet of new city street. The plan showed a dead end road with a maximum length of 2650 feet. The applicant also proposed the extension of municipal water service to the property and the construction of a private sewer.

Mr. O'Neill asked whether General Services had commented regarding the sewer service and Mr. Henninger responded that their response was to point out problems the City had with Mountain Green in a similar situation. Mr. O'Neill requested that General Services make a written report to the Planning Board regarding private sewer service as well as the emergency access road.

Mr. Swope recalled that in his tenure on the Planning Board the only time a waiver of street length had been granted was when there was some indication that there would be continuation of the street to an abutting parcel.

Ms. Foss had questions relative to the configuration of the lots and whether there was an opportunity to do a cluster subdivision rather than a straight subdivision on this property. Mr. Henninger responded that in this zoning district, a cluster subdivision would be allowed.

Pat McNicholas, attorney with McNicholas and Willoughby, was present on behalf of the applicant and indicated the First Baptist Church had agreed to give them a right-of-way over their property.

He introduced Brian Vincent, engineer from Nobis Engineering, who was also present to answer questions on behalf of the applicant.

Mr. O'Neill had questions regarding the proposed emergency access, who would be responsible for it and who would construct it. Mr. Henninger responded that would be determined later but he expected there would be an agreement between the applicant and the church. Mr. O'Neill felt this would have to be defined before returning to the Planning Board for action. Maintenance would be an issue for him to consider.

There were no further questions or comments and the Chair declared the hearing closed at 8:15 PM.

Deliberations and Action on Application

Mr. O'Neill moved to table action on this application to allow the applicant to continue to resolve some of the outstanding issues. Mr. Swope seconded and indicated he would

vote against the extension of sewer to this lot. He also had serious questions about the cul-de-sac design.

The Chair indicated he would not be in favor of a private pump station.

Motion carried.

6. Application by *Thomas H. and Virginia K. Slayton* for approval of a subdivision of property at *1 Sanborn Road*.

Public Hearing

Mr. Henninger explained this proposal to subdivide an existing parcel into eight single-family lots. He explained that two of the four parcels with frontage on Mountain Road were proposed to use a shared access. He explained that no ditches or drainage had been shown along either Mountain Road or Sanborn Road. Runoff from the street sheet flowed onto the property and dispersed to low areas on the property.

Tim Bernier, surveyor, was present on behalf of the applicant and addressed concerns relative to septic systems noted in staff review. He had prepared the drainage report as requested by City Engineering, and noted that, because of the terrain, all of the drainage stayed on the lot.

Gerry Eaton, 413 Mountain Road directly across the road from this lot, explained his concerns. He discussed a problem with salt in his well. He requested that the drainage be designed to move away from his home and existing dug well.

Diana Harrison, 4 Sanborn Road, discussed her concerns about drainage. She explained she was most concerned about this subdivision's effect on the existing wells and septic systems. She reported she also represented Mrs. Smith whose questions related to lot size. Mr. Henninger responded that minimum lot size in that zoning district was 40,000 square feet with 200 feet of frontage and all of these lots were consistent with the zoning requirements.

Ms. Harrison also felt there was a need to do something about pedestrian and bicycle traffic. She felt there was no place for bicycles or for children to walk. She also mentioned that people living in the houses further down the road had had problems with their wells.

There were no further questions or comments and the Chair declared the hearing closed at 8:44 PM.

Deliberations and Action on Application

Mr. Swope moved to table action on this application to allow City staff to examine the drainage concerns and how that would affect abutters. Mr. O'Neill seconded.

Motion carried.

7. Application by *Jean Vogt* for approval of a subdivision of property at **219 Little Pond Road.**

Public Hearing

(Mr. Swope recused himself from discussion and vote on this application as he was an abutter to the property.)

Mr. Henninger explained this proposal which was to combine two lots containing a total of 66.17 acres and to create ten new single family residential building lots and a lot for the existing single family residence on the resulting lot. He explained the property had frontage on Fisk Road, Little Pond Road, and Long Pond Road, and the applicant proposed to construct a 1225 foot long cul-de-sac off Little Pond Road to provide access to the new development lots.

He reported the applicant had provided double frontage lots on the new road and Fisk Road, Little Pond Road and Long Pond Road for five lots, four of which had sufficient frontage and area to be further subdivided.

He reported the site had an elevation change of nearly 100 feet, most of which was in the western third of the property near Little Pond Road.

He reported the applicant had requested a waiver to allow the cul-de-sac to extend a distance of 1225 feet rather than the 1000 feet required by the Board's Subdivision Regulations. The beginning of the enlarged cul-de-sac at the end of the proposed public street would be at the 1000 foot extension.

Mr. Henninger reported the Subdivision Regulations required construction of a proposed City street to a 26 foot wide pavement section, with slope granite curbing, a closed drainage system, and underground utilities. The applicant had requested that the Board waive the requirement for the installation of the curbing, allow roadside swale drainage instead of a closed system, and allow construction of a pavement section of only 22 feet in width.

He reported the applicant showed the inside of the cul-de-sac to be a part of proposed lot #8. Since this was not a legal lot, it needed to be included in the right-of-way for the proposed street.

Ellen Arnold, attorney with the McLane Law Firm, reminded the Planning Board that 26 lots were allowable on this site under the current zoning ordinance. They only proposed ten new lots. She reported they were hoping to preserve and protect the beautiful old stone walls. If they needed to cut back the length of the road, they would have to significantly damage these old stone walls. Views would be cleared and fields brought back compatible with this area. She reported they intended to use the natural features of the land for drainage.

She explained the commitment of the developers to come up with a proposal that was the very best for the city. She reported they had the support of the fire department for the length of the cul-de-sac with the provision that they provide sprinklers in each house. She reported the developer was willing to put covenants on the property to limit the ability to further subdivide the lots. She reported they were trying to work with the City to address concerns about road design and drainage to allow for easy maintenance and better wear than traditional designs.

Ms. Arnold reported she understood the applicants had just received the Wetlands Board approval but had not received written confirmation yet. She mentioned the Board had received a number of letters of support for the project.

She asked also that the length of the road be maintained at the requested 1225 feet and not 1200 feet as suggested by staff. Cutting it back would make it impossible to maintain the stone walls as well as the frontage. She indicated they had looked at towns and cities of Merrimack County and found that a vast majority had a travel way of 22-24 feet. The national standard for the traffic generation for a subdivision of this size was 18-20 feet travel way.

Ms. Arnold introduced Lucia Kittredge, land planner, who explained the photos they had taken of nearby roads as well as Auburn Street and compared those standards to what they proposed. She also looked at similar roads in Concord and compared those roads as well as new subdivisions with roads similar to the proposal - two in Concord and two in Hopkinton. She reported the developers would like to respect the existing environment in this part of Concord.

Ms. Arnold then discussed the request for waiver of curbing. She explained the curbing and municipal storm water systems were related. Without municipal storm water systems, there was no good reason for curbing. She introduced Ken Koornneef, engineer from Nobis Engineering, who explained the storm water drainage system.

Mr. O'Neill asked whether the intent was to have this as an accepted City street and Ms. Arnold responded that it was.

Mr. Blanchette asked Mr. Koornneef to explain the response to the Engineering Division concerns relative to the cross section for the proposed road.

The Chair explained the City Manager had reported to the Planning Board that there would be a report from staff indicating support for these waivers. The City did not have a street standard written yet for the type of street for which they were requesting a waiver.

Mr. Blanchette asked for staff comment on what could happen if this land was developed to fully allowed development under the zoning ordinance.

Ms. Foss asked to what extent they considered a cluster subdivision concept instead of the large lots. Bob Dunning responded on behalf of the applicant that a cluster subdivision was not allowed under the Watershed (WS) zoning district.

There were no further questions or comments and the Chair declared the hearing closed at 9:28 PM.

Deliberations and Action on Application

The Chair asked the Clerk for comments in regard to waivers for street width, curbing, and drainage.

Mr. Woodward responded that, in general, the feeling was that the Subdivision Regulations had been around a while and could probably stand to be reviewed. The key feature here was that this was in the watershed, and the applicants had promised individual sprinkler systems which would relieve concerns expressed by the fire department. These were unusual circumstances on this property to be considered in these waiver requests. He reported Planning staff did not have feedback from other departments and divisions at this time.

Ms. Kuhlman Brown moved to grant a waiver to Section 9.04(2)(b) and Section 9.04(3)(h) of the Board's Subdivision Regulations to allow the extension of a dead end street to 1225 feet. Mr. O'Neill seconded. Motion carried.

Mr. O'Neill moved preliminary approval of the subdivision subject to the following conditions:

1. The applicant shall obtain a NH Wetlands Board (wetland alterations) permit and provide a copy to the Planning Division.
2. The applicant shall revise the plat drawings to address the minor corrections and omissions noted by City staff.
3. The applicant shall obtain approvals for the construction drawings and specifications for all public improvements from the Engineering Division prior to the commencement of any of the public improvements.
4. The applicant will provide to the City Solicitor a financial guarantee for all public improvements in an amount approved by the City Engineer and in a form acceptable to the City Solicitor.
5. The applicant will provide to the Planning Division the following easement documents in a form acceptable to the City Solicitor and suitable for recording in the Merrimack County Registry of Deeds:
 - a. High Field Lane deed of easement
 - b. Drainage and flowage easements as needed
 - c. Easements to prevent dual frontage access on Little Pond Road, Fisk Road and Long Pond Road.
6. No certificate of occupancy for any building or use shall be issued until all public improvements have been substantially completed to the satisfaction of the City Engineer.
7. The applicant shall obtain approval of private utility plans from Concord Electric and Verizon.

8. An as built plan shall be provided to the City Engineer in form and content acceptable to the City Engineer.

Ms. Kuhlman Brown seconded. Motion carried.

No action was taken on the request for a waiver to the standard street cross section pending receipt of a report from the City staff.

Large Scale Developments

8. Application by *Charles E. Blake* for approval of a site plan related to a large scale development of property at *178 Silk Farm Road*.

Public Hearing

Mr. Pollock explained this proposal to construct a 4800 square foot addition to the existing kitchen along with additional parking. He reported this would be a pole barn with a metal roof and natural wood siding designed to blend in with the overall landscape. He reported the Design Review Committee had reviewed the site and building plans and had found them to be appropriate for the use and location proposed and had recommended approval with the suggestion that the proposed trees be planted on the east side of the building facing Silk Farm Road.

Charles Blake was present as applicant to answer questions from the Board. In answer to a question by Mr. Swope, Mr. Blake indicated they were not certain what color the roof would be.

There were no further questions or comments and the Chair declared the hearing closed at 10:15 PM.

Deliberations and Action on Application Deliberations and Action on Architectural Design Review

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

1. The applicant shall obtain NH Department of Environmental Services, Water Supply and Pollution Control Division, approval for on-site septic systems and provide a copy to the Planning Division.
2. The applicant shall revise the plat drawings to address the minor corrections and omissions noted by City staff in a memorandum dated June 14, 2001.

Mr. O'Neill seconded. Motion carried.

9. Application by *Peter D. Holden* for approval of a site plan related to a large scale development of property at *19 Triangle Park Drive*.

The Board was reminded the applicant had requested that this public hearing be postponed.

10. Application by *New Hampshire Public Radio Inc.* for approval of a site plan related to a large scale development of property at *207 North Main Street*.

Public Hearing

Mr. Pollock explained this proposal to install a satellite receiving dish on the westerly side of the existing building in a location that would not be visible from the street. He reported the Design Review Committee had reviewed this proposal and found it to be appropriate for the use and location proposed, and had recommended approval.

Scott McPherson from NH Public Radio was present to answer questions from the Board.

There were no questions or comments and the Chair declared the hearing closed at 10:18 PM.

Deliberations and Action on Application Deliberations and Action on Architectural Design Review

Mr. Swope moved approval, including approval under Architectural Design Review. Mr. O'Neill seconded. Motion carried.

11. Application by *Second Congregational Society Concord Unitarian Universalist* for approval of a site plan related to a large scale development of property at *274 Pleasant Street*.

Public Hearing

Mr. Pollock explained this proposal to reconstruct an existing parking lot and to add twenty parking spaces to the lot. He reported the Design Review Committee had reviewed the site plan and found it to be appropriate for the use and location proposed, and had recommended approval subject to a landscape plan for the front edge of the parking lot being approved by City staff. He reported the parking lot should be brought to City standards by planting two trees as required under the City's zoning ordinance.

Chris Nadeau, engineer from Nobis Engineering, reported the applicant had agreed to place two additional trees along Pleasant Street.

There were no questions or comments and the Chair declared the hearing closed at 10:21 PM.

Deliberations and Action on Application
Deliberations and Action on Architectural Design Review

Ms. Walker moved approval, including approval under Architectural Design Review.

Mr. Blanchette seconded. Motion carried.

12. Application by *The State of New Hampshire, Adjutant General's Department* for approval of a site plan related to a large scale development of property on *Regional Drive*.

Public Hearing

Mr. Henninger explained this proposal to construct a freestanding 106,299 square foot building consisting of a two-story administrative wing and the equivalent of a five-story aircraft hangar for storage and maintenance of military helicopters and fixed wing aircraft, along with accessory buildings, offices and training facilities with associated parking, aprons, landscaping and utilities. The purpose of the plan was to relocate the NH Army National Guard Aviation Support Facility from other structures on their existing reservation.

He reported the Design Review Committee had reviewed the site and building plans and had made recommendations relative to the building design and the landscape plan and the applicants had agreed to return with updated plans.

Lt. Col. Stephen Burritt was present on behalf of the applicant to answer questions from the Board.

There were no questions or comments and the Chair declared the hearing closed at 10:30 PM.

Deliberations and Action on Application
Deliberations and Action on Architectural Design Review

Mr. O'Neill moved approval subject to the following conditions:

1. The applicant shall obtain the following state and federal approvals and provide copies to the Planning Division:
 - a. Federal Aviation Administration (FAA)
 - b. NH Aeronautics Commission (NHAC)
 - c. US Environmental Protection Agency (EPA)
2. The applicant shall obtain approvals of construction drawings for on-site improvements from the Engineering and Planning Divisions and the Fire Department.

3. The applicant shall obtain a driveway permit from the Engineering Division and provide a copy to the Planning Division.
4. The applicant shall obtain approval of private utility plans from Concord Electric, Verizon, and Keyspan.
5. The final exterior building façade design, signage, and landscape plans shall be submitted to the Architectural Design Review Committee for review and approval.
6. The accompanying plat creating the proposed 26.72 acre lease lot shall be recorded in the Merrimack County Registry of Deeds.

Mr. Blanchette seconded. Motion carried.

REGULAR MEETING

Annual Organization Meeting

A. Appointment of representative to the *Heritage Commission*

Ms. Kuhlman Brown volunteered to remain the Planning Board's representative to the Heritage Commission for the time being. There being no objection, the Chair declared Ms. Kuhlman Brown the Board's representative to the Heritage Commission.

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

- 2.b Application by *Maurice E. Needham, Jr., d.b.a. Mall Realty*, for modifications to a previously approved phasing plan of a subdivision and a multi-family development of property on *Borough Road in Penacook*.

Mr. Woodward explained the Planning Board had approved these applications on April 18, 2001 with a number of conditions including that "Prior to commencement of Phase I, the applicant shall design the signalized intersection improvements of Borough Road and Fisherville Road." It had subsequently been determined that it was the City Engineer's understanding that this condition should take place prior to commencement of Phase II for the intersection design to be submitted and approved by the City Engineer. A design could be submitted prior to Phase 1 but Phase II might not commence for several years. At a later time the City's intersection needs might be different and the City would be required to pay for the redesign. The City Engineer had asked that the condition be applied to Phase II.

Mr. O'Neill recalled that the Planning Board had probably placed this condition in Phase I because of the proposed construction of the new elementary school.

Board members felt the condition should remain with the expectation that the developer would provide a financial guarantee for the condition.

Mr. O'Neill moved to reaffirm the Board's earlier vote with the option that the applicant provide a financial guarantee for the design.

Ms. Walker seconded. Motion carried.

CITY COUNCIL REFERRALS

Item #7. The Board considered a request for the *discontinuance* of *Barrell Court*.

The Clerk explained that three of the four lots had been acquired by the same property owner who had proceeded with development of two of the lots. All the lots had other frontage, but all access was from Barrell Court. The discontinuance would provide flexibility for the further development of these lots in terms of relief from setbacks from Barrell Court. Each lot would retain access rights to Regional Drive by means of easements over the discontinued Barrell Court, and they anticipated the filing of a commercial condominium for the parcels. The property owner was willing to relinquish any further right of access to Pembroke Road or Regional Drive.

He reported storm drainage was the only utility in Barrell Court and it was connected to other municipal stormwater systems in Regional Drive and to infiltration-type systems that were within easements along lot lines between Pembroke Road and Barrell Court.

Mr. Swope moved that the Planning Board forward the staff report to the City Council with a favorable recommendation. Mr. O'Neill seconded. Motion carried.

Item #9. The Board considered a request that the City reconvey to *Capital Region Health Care Corporation* a parcel of land for placement of the *Bradley Monument* along *Pleasant Street*.

Mr. Woodward explained the Capital Region Health Care Corporation had requested that the City reconvey a small parcel of land given by the Hospital to the City for placement of the Bradley Monument along the Pleasant Street. The property was subject to a right of reversion to Concord Hospital in the event that the parcel was not used for monument purposes. As part of this request, the City would reserve an easement to continue the use of the property for the purpose of this monument. The easement would only be extinguished and the property revert to the hospital should the property cease to be used for the monument. The net effect of this request would be to continue the rights of the City indefinitely to maintain this monument with title to the property being held by the Hospital.

Mr. O'Neill moved that the Planning Board recommend that the City Council approve this request subject to provision of an easement to continue the use of the property for the purpose of the Bradley Monument and Mr. Swope seconded. Motion carried.

ARCHITECTURAL DESIGN REVIEW

The Board considered applications for approval of developments and for sign and building permits in locations subject to the provisions of Section 28-11-4 of the City's zoning ordinance.

13.c Building plans related to renovations by *Holiday Inn at 172 North Main Street*.

Mr. Henninger explained the Design Review Committee had reviewed the building plans and had recommended approval subject to the addition of classical detailing to the new entrance canopy, but had expressed no strong feeling about whether to construct the balustrades and whether there should be one or two sections of rooftop balustrades facing North Main Street.

He reported the Board had received revised plans showing classical details in four places, two on the westerly façade, one on the easterly façade and one on the south side.

Mr. O'Neill moved approval as revised and Mr. Blanchette seconded. Motion carried.

The Board considered the proposed placement and design of signs.

13.d.1 *Assist 2 Sell Flood Realty* at 33 Stickney Avenue

Mr. Henninger explained the Design Review Committee had found the proposed sign to be too big, too busy, and unattractive. Members also noted that not enough information had been submitted relative to location and whether or not any of the proposed tenants were off premise. He reported the Design Review Committee had recommended tabling until receipt of further information.

Mr. Blanchette moved to table action until receipt of further information for review. Mr. O'Neill seconded. Motion carried.

13.d.2 *Concord Kia* at 94 Manchester Street

Mr. Henninger explained the Design Review Committee had recommended approval of the affixed sign as submitted and approval of the freestanding sign conditioned upon it being reduced in size by one-third.

George Michaud, from Barlo Signs, was present and indicated it was important to the business owner that they be even in height with other signs in the area.

Mr. Swope moved approval of the affixed sign as submitted, and approval of the freestanding sign conditioned upon it being reduced in size by one-third or no higher than the Volvo sign across the street, whichever is lower. Ms. Kuhlman Brown seconded. Motion carried.

13.d.3 *Olive Garden* at 219 Loudon Road

Mr. Henninger explained the Design Review Committee had recommended approval of the freestanding sign as submitted and installed. The Committee further recommended that the applicant submit a new application for the affixed sign that would bring the sign below the roof line in compliance with the zoning ordinance.

Mr. Swope moved approval of the freestanding sign only but not the affixed sign because it was not in compliance with the zoning ordinance. Mr. O'Neill seconded. Motion carried.

13.d.4 *Pachamama* at 1 South Main Street

Mr. Henninger explained that, after a lengthy discussion relative to a variety of options, the Design Review Committee had recommended that the new sign constructed for the South Main Street frontage be centered and match in height the existing sign and placed on a black plastic glossy background material using the lower portion of the sign band. On the Pleasant Street side, the existing sign should be placed on the lower part of the band to match the other sign.

Mr. Swope moved approval as recommended by the Design Review Committee. Mr. O'Neill seconded. Motion carried.

OLD BUSINESS

Item #16. The Board considered a request by David P. Whelan, Jr. that the Board rescind its May 16, 2001 approval of the *Centerstone Apartments* application.

(Ms. Kuhlman Brown recused herself from discussion and vote on this item as did Mr. Henninger.)

Mr. Woodward explained this request and reported that once the Planning Board had made a decision, it could be appealed by the applicant or a revised plan submitted by the applicant that would supercede the approved plan. He explained the Planning Board had no power to rescind its approval once a decision had been made under either the Site Plan Review Regulations or the Subdivision Regulations. The appeal process was through the courts.

Mr. O'Neill moved to refer this to the City Solicitor for his opinion. Mr. Swope seconded. Motion carried with Ms. Kuhlman Brown abstaining from discussion and vote.

The Chair reminded the Planning Board of the recessed public hearing regarding the ATCNH Realty (Richmond Group) applications on June 27, 2001 at 7:00 PM in the City Council Chambers.

There was no further business to come before the Board and the meeting adjourned at 11:15 PM.

A TRUE RECORD ATTEST:

Douglas G. Woodward
Clerk

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