

The regular monthly meeting of the City Planning Board was held on July 18, 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, Blanchette, Golde, and Alternate Member Foss (who was present but not seated). Messrs. Woodward, Henninger and Pollock, and Ms. Osgood of the City Planning Division were also present.

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

DETERMINATION OF REGIONAL IMPACT

The Clerk reported that none of the applications scheduled for public hearing were of potential regional impact.

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.

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

CONSENT AGENDA

The Board considered items suggested by the Architectural Design Review Committee for placement on the Consent Agenda.

Consideration of the proposed placement and design of signs

- *The Barley House* at 132 North Main Street
- *Exxon* at 417 South Main Street
- *JD's Barber/Styling Shop* at 5 Chapel Street
- *Pachamama* at 1 South Main Street (2 signs)
- *US Cellular* at 1 Eagle Square

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

APPLICATIONS

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 *Avallone Properties LLC* for approval of a resubdivision and subdivision of property at *196-206 North State Street*.

Public Hearing

Mr. Henninger explained this proposal to subdivide an existing lot and annex portions of the lot to two abutting lots to allow for the reconfiguration of parking on each lot. He reported that one of the proposed parcels currently had two curb cuts. Staff had recommended that the southernmost curb cut nearest the new lot line be discontinued. This would require modification of curbing in the right-of-way. He reported the City had received numerous complaints regarding on-street parking along North State Street. The City's Traffic Operations Committee had recommended the elimination of the driveway and the establishment of a two hour time limit along this portion of North State Street to partially address the complaints in the area.

He reported the applicant proposed to relocate the existing retaining wall and reconfigure parking associated with each lot. A five foot landscape strip along North State Street as well as relocation of curbing would be required.

Tom Avallone was present as applicant and proposed a solution to the curb cut issue. He reported this was a 9,000 square foot building that had existed for a long time. He now had 30 legitimate parking spaces and hoped to create a total of 41 spaces. The biggest problem they had was parking. They needed about 15 additional parking spaces and planned to assign spaces to alleviate parking in front of the building on the street. Sight lines were difficult along that part of North State Street. He reported that if they had only one entrance and egress, it would be a problem for his employees, especially in the afternoon when they were trying to leave during the rush hour. He made an appeal for two curb cuts, at least one entrance and one egress, but preferably two full curb cuts. He felt they were both needed for good traffic flow for his business.

The Chair asked how the one way in and out curb cuts would be enforced and Mr. Henninger indicated it would have to be monitored by the property owner and as a condition of the driveway permit.

Richard Weed was present on behalf of the Spain family, abutters to the north of the site. He reported he was present to support the proposal to put more parking off street. For them it was a life safety issue. To the degree that on-street parking could be restricted, they would support getting vehicles off the side of the street. He suggested putting parking on the opposite side of the street to eliminate the sight distance problem.

Alan Herschlag, West Village resident, indicated that it was his understanding that the City would be actively pursuing ways to limit curb cuts and hoped that was the current policy of City administration.

There were no further questions or comments and the Chair declared the hearing closed at 7:24 PM.

Deliberations and Action on Application

Mr. O'Neill moved approval with the following conditions:

1. The applicant shall obtain a Driveway Alteration Permit from the Engineering Division 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 provide driveway curb cuts one way in and one way out with the understanding that staff will bring parking limits to the Traffic Operations Committee for referral to the City Council.
4. A five foot landscape strip shall be installed between the parking lots on both new lots and the right-of-way of North State Street.

Mr. Blanchette seconded.

Mr. Drypolcher indicated he was not in favor of keeping two curb cuts. He felt a single curb cut would be safer and control on-site traffic a little better. He felt the two curb cuts would be abused.

Motion carried, 6-1, with Mr. Drypolcher voting against.

2. Application by *KD Realty Trust and Milano Real Estate Associates, LLC* for approval of a subdivision of property by virtue of condominium at *74-80 Old Loudon Road*.

Public Hearing

Mr. Henninger explained the purpose of this application was to consolidate four lots into a single lot and then to create two lots which would then each have at least two condominium units. He reported the applicant proposed integrated access, parking and utility plans as provided in the Gateway (BF) zoning district which allow the Board to approve reduced lot area and frontage requirements.

Michael D'Amante was present to answer questions as applicant.

Candace White Bouchard asked whether there would be sidewalks on the Loudon Road side of the project. Mr. Henninger responded that the adopted Loudon Road plan called for sidewalks to be constructed as development occurred. There would be more discussion of that during the presentation relative to the site plan.

There were no further questions or comments and the Chair declared the hearing closed at 7:35 PM.

Deliberations and Action on Application

Mr. O'Neill 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 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 easement through lot 111F/2/9 to the west to access the main project entrance
 - b. Easement(s) for common utilities
 - c. Easement(s) for common pedestrian and traffic circulation
 - d. Easement(s) for common drainage facilities
 - e. Easement to the City of Concord for accessing and servicing water meters
3. The applicant shall submit revised condominium bylaws to include any amendments and/or easements as necessitated by large scale development review for the Vincenza and Milano sites.
4. The plan should be revised to show all proposed access and utility easements through the site. Easements should be described by bearings and distances. All physical easements should be shown on the plan.
5. Easement documents shall be provided clearly defining maintenance responsibilities for all utilities and common access drives and facilities.
6. An easement shall be provided to the City of Concord granting the City the right to access the site to turn on and off utility services to delinquent customers and for routine water meter maintenance.
7. Condominium documents shall clearly define utility and access maintenance responsibilities and ownership. Executed condominium documents shall be provided to the City.

Mr. Swope seconded. Motion carried.

3. Application by *Wade Rahmlow and Alison Fenwick* for approval of a subdivision of property on *Canterbury Road*.

Public Hearing

Mr. Pollock explained this proposal to subdivide an existing 2.73 acre parcel into four lots. This would create three new residential lots with frontage on Canterbury Road and a lot with the existing house with frontage on Pembroke Road. He reported the municipal sewer service extended to the intersection of Pembroke Road and Canterbury Road a distance of 520 feet from the proposed lots. Under the Board's Subdivision Regulations, the sanitary sewer would have to be extended if it was within 1500 feet of the proposed lot.

Wade Rahmlow was present as applicant and explained that the Planning Board had previously approved a subdivision of this property into two new lots on Canterbury Road for which he had planned on-site sanitary. He now proposed an additional lot which would help offset the cost of the required sewer extension.

There were no further questions or comments and the Chair declared the hearing closed at 7:40 PM.

Deliberations and Action on Application

Mr. Swope moved to rescind the prior approval and Mr. O'Neill seconded. Motion carried.

Mr. Swope moved approval subject to the following conditions:

1. The applicant shall extend the sanitary sewer from Pembroke Road southerly along Canterbury Road to the lots being created.
2. Some upgrade of Canterbury Road along the applicant's frontage to be determined by the City's Engineering Division will be needed.

Mr. Blanchette seconded. Motion carried.

4. Application by *Jeanne Skafidas, Trustee of Jeanne Skafidas Revocable Living Trust*, for approval of a subdivision of property at *16-28 Manchester Street*.

Public Hearing

Mr. Pollock explained this proposal to subdivide an existing parcel into two lots. He reported the site was partially wooded with one existing structure in violation of the building setback regulations.

Attorney Roy Weddleton was present on behalf of the applicant and explained they hoped by this application to create a lot for the existing Enterprise Car Rental agency as a conforming lot. That would leave only one lot non-conforming.

There were no further questions or comments and the Chair declared the hearing closed at 7:44 PM.

Deliberations and Action on Application

Mr. Swope moved approval subject to the condition that the applicant shall provide to the Planning Division utility easements for the electric service 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.

5. Application by *Mary Yost and Steven Brown* for approval of a subdivision of property at *35 Dunklee Street*.

Public Hearing

Mr. Pollock explained this proposal to subdivide an existing parcel into two lots. He reported access would be a common drive branching into two separate driveways. He reported the buildable area of the lot created a question as to whether a gravity sewer system would work or whether it would need to be a pump system.

Steve Brown was present and noted that the wet area to the rear of the lot was a seasonal wet area. It was pretty much dry most of the year. Also, the new house on the lot would be well away from the sloped area. He felt theirs was probably the largest house in the neighborhood. When the street numbering was laid out the City considered this a double lot because the numbering skipped #37.

Peter Sandberg, 32 Dunklee Street, reported his biggest concern about this was that this would be changing the character of an historic house in that neighborhood. A large number of pine trees would have to be removed and that would eliminate privacy for the neighbor. A house constructed to the rear of this property would be against the character of this neighborhood of homes constructed in the mid 1940s.

Dawn Sorrette, 39 Dunklee Street, indicated they believed there would be some difficulty in selling the existing house as a single family dwelling. They did not know if anyone would want to make an investment in a house of that size on a small size lot as proposed. She believed the new lot would change the quality of life experienced on Dunklee Street. She had a significant concern about the increase in traffic and the possibility of change from single family residential use. Trees along the property line were also an issue and she asked that if this was approved, a fence be a condition of approval. She also discussed the wetlands on the site. It was wet most of the year, but not standing water all year. It was muddy and wet back there. The Planning Board needed to think about the neighborhood. It was a wonderful place to live. She was afraid this would destroy what they had.

Susan Hoadley, who lived at the corner of Pillsbury and Dunklee, reported she had lived there for 31 years in a multi-family house. She had no problem with this proposed

subdivision. She could not imagine why the neighbors were anticipating some of the problems they had presented.

Mr. Brown asked to have the opportunity to respond to the comments. He reported they had put \$50,000 in improvements into the house and were now replacing the roof. He felt the house had not deteriorated. The house was built in the 1850s, there had been two fires since then and the house did not resemble the house originally constructed. He refuted comments made about wetlands to the rear of the property. He indicated it did dry out quickly.

There were no further questions or comments and the Chair declared the hearing closed at 8:00 PM.

Deliberations and Action on Application

Mr. O'Neill moved approval subject to the condition that the applicant provide to the Planning Division a driveway easement for the common driveway in a form acceptable to the City Solicitor and suitable for recording in the Merrimack County Registry of Deeds. Mr. Swope seconded. Motion carried.

Large Scale Developments

6. Application by *FCM LLC, KD Realty Trust, and Milano Real Estate Associates LLC* for approval of a site plan related to a large scale development of property at *80 & 84 Old Loudon Road*.

Public Hearing

Mr. Henninger explained this proposal to amend a previous approval of an application by Vincenza Realty by modifying the size of the proposed restaurants, as well as to construct one additional freestanding sit-down restaurant and one additional 10,000 square foot retail building with associated parking, loading, landscaping, and pedestrian facilities. He reported there would be no driveway access to Old Loudon Road.

The Chair asked why this was considered complete since the traffic study had not been reviewed, no elevations had been submitted, no lighting submitted, and there were a large number of comments by the City Engineering Division.

Mr. Henninger explained the drainage design had been worked out; they were fairly far along regarding municipal utilities. The basic concept was sufficient to review and get public comment. He indicated that the City was farther ahead regarding the traffic issues because in 1990 there was a traffic plan adopted for Loudon Road that this project was consistent with. What was really being looked at in this instance was turning movements, design of intersection, and design of median to facilitate left turn movements.

He reported only restaurant #1 would come under the old impact fee system. The other three buildings would be calculated under the new system.

He reported a large underground detention/infiltration system would facilitate groundwater recharge in this area. There would be no large retention pond in this area that would have been utilized in the past.

Attorney Raymond D'Amante was present for the applicant and pointed out that they had not submitted elevations and probably would not be prepared to do so next month. That was not uncommon for the Planning Board to see. He reported they were not asking for approval of the elevations at this time. The Board would probably see those one building at a time.

The Chair indicated he would be expecting to ask staff for a report on how the Loudon Road corridor study would affect this plan.

Alan Herschlag felt there might be legitimate reasons for denying this project. He asked if this development would add to the traffic count and if it would make any provisions for the already dangerous situation on Loudon Road. Slow moving or idling traffic could be as big a problem for air quality as for traffic volumes. Because of the type of business and traffic this was, he felt this lead to higher levels of air pollution. He urged the Planning Board to deny this project. At a minimum, a study should address the impact of this project to the quality of air.

At 8:30 PM Mr. Swope moved to recess the public hearing to August 15, 2001. Mr. O'Neill seconded. Motion carried.

7. Application by *Charles and Diane Souther* for approval of a site plan related to a large scale development of property at *580 Mountain Road*.

Public Hearing

Mr. Pollock explained this proposal to construct a 2880 square foot addition to an existing building for dormitory style housing for 6-12 people for use 6-8 weeks a year. He reported the Design Review Committee had reviewed the site and building plans, and had found the design to be appropriate for the location and use and recommended approval as submitted.

Charles Souther was present as applicant to answer questions.

There were no questions or comments and the Chair declared the hearing closed at 8:35 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.

8. Application by *Wheelabrator Concord Company LP* for approval of a site plan related to a large scale development of property at *11 Whitney Road*.

Public Hearing

Mr. Pollock explained this proposal to construct a 2400 square foot warehouse building behind the existing waste-to-energy plant. He reported the Design Review Committee had reviewed the site and building plans and had found the design to be appropriate for the location and use, and recommended approval as submitted.

John Larivierre was present on behalf of the applicant to answer questions.

There were no questions or comments and the Chair declared the hearing closed at 8:42 PM.

Deliberations and Action on Application Deliberations and Action on Architectural Design review

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

REGULAR MEETING

Minutes

Ms. Kuhlman Brown moved approval of the minutes of April 18, 2001 and May 16, 2001 as submitted. Mr. O'Neill seconded. Motion carried.

Mr. Swope moved approval of the minutes of January 31, 2001, February 15, 2001, March 21, 2001, and June 27, 2001 as submitted. Mr. Blanchette seconded. Motion carried.

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

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

Mr. Henninger explained this proposal to subdivide an existing parcel into eight single family building lots. Two of the four parcels fronting on Mountain Road would use a shared access. He reported there was no drainage along either Mountain Road or Sanborn Road. Runoff from the street sheet flowed onto the property and dispersed to low area on the property. The applicant had not provided a grading plan or any considerations for drainage along Mountain Road and had only partially addressed drainage along Sanborn Road. He reported City staff recommended requiring the applicant to provide a parallel drainage easement and a grading plan for the entire frontage along Mountain Road and Sanborn Road.

Mr. O'Neill moved that the Board grant a waiver to Section 7.03 Major Subdivision Procedure to allow the applicant to combine the preliminary and final approval phases. Mr. Swope seconded. Motion carried.

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

1. The applicant shall obtain the following State permits and provide copies to the Planning Division:
 - a. NH Department of Transportation Driveway Permit for access to a State highway and alterations to the State highway
 - b. NH Department of Environmental Services, Water Supply and Pollution Control Division for subdivision approval for on-site septic systems
2. The applicant shall obtain the following local permit and provide a copy to the Planning Division:
 - a. Driveway Alteration Permit for the Community Development Department
3. The applicant shall obtain approvals of construction drawings for on-site improvements from the Engineering and Planning Divisions.
4. The applicant shall provide the following easement documents in a form acceptable to the City Solicitor and suitable for recording in the Merrimack County Registry of Deeds:
 - a. Agreement to convey shared driveway easements and maintenance agreements for lots 4 and 5.
 - b. Drainage easements
5. The applicant shall revise the plat drawings to address the minor corrections and omissions noted by City staff.
6. The plat shall be revised so septic and well locations on sheets 2 and 3 are identical.
7. Protective well radii for all lots shall be contained completely on respective lots.
8. Each lot shall be provided with a turnaround for the proposed drive, which would allow egress without backing into the roads.

9. The applicant shall provide grading plans and drainage easements for the entire frontage of property along Mountain Road and Sanborn Road. Drainage design, easements, and construction of improvements shall be acceptable to the City Engineer and NH Department of Transportation.
10. Grading plans shall be provided for proposed drainage easements associated with Sanborn Road. The drainage easement shall be extended to onsite wetlands. Configuration of easements and grading shall be acceptable to the City Planner and the City Engineer.
11. The applicant shall provide to the City a 25 foot wide drainage easement along the frontage of Sanborn Road and Mountain Road.
12. An outfall or infiltration system for the drainage for the new lots along Mountain Road and Sanborn Road shall be provided acceptable to the City Engineer.

Mr. Swope seconded.

Mr. Golde asked if there was something more the Planning Board could do regarding drainage besides providing for easements since the City did not have the resources to construct drainage systems. If there was a problem, it would be the City's expense even though easements would be in place. He indicated he would like to see the installation of a dry well in the proposed easement area at the low point of the lot fronting on Mountain Road. He suggested that the motion be amended to include the addition of a dry well at the low point on the Mountain Road side of the property in the proposed easement area.

Mr. O'Neill agreed to the added condition as did Mr. Swope.

Motion carried as amended.

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

Mr. Pollock explained this application had received preliminary approval in June and the applicant had resolved most of the conditions. Because the property dropped off from Elm Street, they had been asked to provide a driveway profile. A note had been placed on the plan but no profiles had yet been submitted.

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

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

2. The applicant will 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. Golde seconded. Motion carried.

- 2.d Application by *Trinity Baptist Church* for revisions to a previously approved site plan for a large scale development of property at *80 Clinton Street*.

Mr. Pollock explained the approved traffic circulation pattern for this project provided an exclusive eastern entrance and an exclusive western exit from the property. The recently submitted plan proposed to widen the easterly entrance drive by over five feet. The currently approved 25-foot wide entrance allowed for two lanes of traffic entering the site and provided adequate turning movements by school busses and delivery trucks into the site. It also provided adequate turning movements by fire trucks. He reported it was the opinion of the City Engineer that widening this drive to greater than 25 feet promoted the use of this entrance as an exit from the main parking area, contrary to the intent of the traffic circulation scheme for this project. The entrance drive's offset alignment to Norwich Street mandated that this drive be limited to an entrance only. Additionally, an existing utility pole near the proposed drive widening presented a traffic safety hazard.

Mr. Pollock reminded the Board that there was public concern at the time of public hearing for the parking lot expansion about what would happen along Clinton Street.

He explained that the applicants proposed to cut the radius so that when large vehicles such as busses and trucks entered they would be able to access the building. According to the Engineering Division, the radius shown on the original plan worked.

He explained options included constructing according to the previous approval or raising the island at the drive entrance to help deter vehicles from using the entrance drive as an exit.

Mr. Swope moved that the applicant be advised that the driveway shall be constructed according to the plans as approved by the Planning Board on May 17, 2000. Any work done to widen the entrance shall be removed and reconstructed according to the approved plans. Mr. Blanchette seconded. Motion carried.

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

(Mr. Swope recused himself from discussion and vote on this applicant and Alternate Member Foss was seated.)

Mr. Henninger explained this proposal to combine two existing lots and to create ten new single family residential building lots along with a lot for the existing single family

residence. He reported the property had frontage on Fisk Road, Little Pond Road, and Long Pond Road and the applicant proposed to construct a 1225 foot cul-de-sac off Little Pond Road to provide access to the new development lots. Five of the proposed new lots would have double frontage, four of which would have sufficient frontage and area to be further subdivided. He reminded the Board that a waiver had been granted to allow the cul-de-sac to extend 1225 feet rather than the 1000 feet required by the Board's Subdivision Regulations. The Fire Department had requested, and the applicant agreed to provide, sprinkler protection in each of the proposed residences. He further reported the applicant had requested that the Planning Board grant waivers relative to the installation of slope granite curbing, to allow roadside swale drainage instead of a closed system, and to construct a pavement section of only 22 feet in width.

Mr. Woodward discussed the requests for waivers of the street standards. He explained City staff had discussed these requests and agreed that the current road standards should be reviewed, but this effort would not be likely to happen for some time. It was recognized that this development was proposed in the Penacook Lake watershed and at a very low density of about one unit per six acres, which was an unusual circumstance for a rural residential subdivision in the city. He reported it was agreed by City staff to recommend that the Board consider an alternative minor street standard for a lower density which could be tested as part of this proposed development.

He reported the applicant proposed to provide a sheet drainage system in lieu of a closed drainage system and therefore sought relief from the requirement for sloped granite curbing. City staff had found an open sheet drainage system with treatment swales could be desirable to undertake in the watershed area. However, there were concerns about designing and implementing an open drainage system for this subdivision, including the placement of underground utilities in relation to the open drainage system, access to and maintenance of some of the components of the system, post-development control of the actions of future owners that would destroy or diminish the functional capacity of the open drainage system, and potential liability that would accrue to the City for damage during maintenance activities or inundation of private property resulting from a malfunctioning drainage system. City staff agreed that if these issues could be overcome, there was an interest in pursuing the approach.

Mr. Woodward reported the applicant had sought a waiver to construct a road at a width of 22 feet rather than the 26 feet required in the Subdivision Regulations and had offered to provide individual sprinkler systems in each home. The Fire Department had indicated they found the reduced roadway acceptable if the residential sprinkler systems were installed. However, emergency access for fire fighting was only one of several considerations in establishing minimum pavement width. Snow plowing, trash collection, on-street parking, road maintenance, other emergency services, and general accommodation of traffic were all considerations in pavement width. A cross section had been recommended that City staff felt could work well with the open drainage system and was worthy of testing in the field.

He reported City staff viewed the proposed density of approximately one unit per six acres as an unusually low density for a rural residential subdivision. Given the location of the road, the majority of which would be in the Penacook Lake watershed, there

appeared to be an opportunity to test an open drainage system in conjunction with a rural road design standard. This should be regarded as experimental and not as a model for any other applications, and it would be the intent of staff to evaluate the performance of the resultant roadway and drainage system and use the information in updating the Subdivision Regulations.

Mr. O'Neill moved to grant waivers to Table 9-1 and Figure 9-B - Typical Section for Minor Street in Low Density Districts - of the Subdivision Regulations to allow a new road with a 22 foot travel way, with three-foot wide crushed gravel shoulders, and 3 ½ inch thick bituminous pavement instead of a 26 foot wide travel way with slope granite curbing. The details of the open drainage system, the placement of underground utilities, and the design elements of the new cross section shall be subject to the approval of the City Engineer. The circumstances of this project were unique, including the very low density of one unit per six acres, a location within the city's watershed, and the clustering of the limited number of units in the center of the property preserving the existing rural character of the property along Fisk, Little Pond and Long Pond Roads. This waiver would be approved due to the unique nature of this application and would not set a precedent for a relaxation of street standards for subdivisions in low density residential districts.

Mr. Blanchette seconded. Motion carried with Mr. Swope abstaining from discussion and vote.

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

1. The applicant shall obtain a NH Wetlands Board permit for wetland alterations 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 and to prevent further subdivision of the property.

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. The applicant shall provide an as built plan to the City Engineer in form and content acceptable to the City Engineer.

Ms. Walker seconded.

Ms. Kuhlman Brown noted that the waivers were experimental in nature and were not to be used as a model for future considerations.

Motion carried with Mr. Swope abstaining from vote.

CITY COUNCIL REFERRALS

Item #9. The Board considered an Ordinance amending Title V, Administrative Code, Chapter 30, Administrative Code, Article 30-3, Boards and Commissions, Section 30-3-6, Planning Board together with a report from the City Solicitor.

Mr. Woodward explained the City Solicitor had prepared an ordinance regarding Planning Board membership. He explained that recently the City Manager's participation in the Planning Board's consideration of a development application was challenged on the basis of prejudgment. The Manager had recused himself from further participation but because of court rulings it was necessary for the Board to rehear the matter. The City Manager saw the possibility of this situation reoccurring as he continued to pursue economic development projects that he felt were in the best interests of the city.

He reported the City Solicitor had recommended, in order to keep the process as fundamentally fair as possible and to avoid challenges of prejudgment based on the Manager or the administrative official performing his or her official duty of promoting economic development, that the ordinance amending the composition of the Planning Board be adopted. The proposed ordinance would make the following changes:

1. It would provide the City Manager, with the approval of the City Council, the opportunity to name a person to sit as his designee.
2. It would eliminate the administrative official from the Board.
3. It would increase from 6 to 7 the appointees to the Board made by the Mayor subject to the City Council's confirmation.
4. It would eliminate the language concerning the Planning Board chair selecting an alternate.

Mr. O'Neill indicated he had moved at the City Council meeting to table action on this. He felt this took all staff involvement out of development actions. There had always been City staff involvement on the Planning Board and his concern was that it was difficult to expect ordinary people without technical background to make an informed decision. He felt it was necessary that somebody from the Community Development Department be present to give objective input as a member and to make an informed decision. He wanted a commitment from the City Manager that those people would be available to the Planning Board.

Mr. Swope mentioned that when Dick Perkins as City Engineer was a voting member of the Planning Board, it was extremely valuable to the Board. He felt it would be very valuable to have the City Engineer available to the Board. Nearly every meeting there was a question that could be answered by the City's Engineering staff. He felt it should not necessarily be just any City employee but should be a member of the Engineering Division, not necessarily as a member of the Board but someone present at the meeting to provide input.

Staff was directed to ask Administration to provide an engineer at each Planning Board meeting to be available to answer questions.

Mr. Golde noted that, in his experience presenting to Planning Boards around the state, there was a different level of commitment between those staff members sitting on a Board and those assigned to attend Planning Board meetings.

Mr. Woodward also mentioned the Assistant City Manager had expressed concern about adding responsibility to more staff people if they now were assigned to attend Planning Board meetings.

There was a discussion about whether there was a need to always have a City engineer present. Mr. Blanchette indicated that a benefit to having an engineer present was that while the Planning Board members dealt with the particular project in front of them, the staff person had historical background and a view of the bigger picture beyond the parcel in question.

It was the consensus of the Planning Board to be in favor of the ordinance as proposed with the provision that a representative of the City's Engineering Division staff be present at Planning Board meetings.

The Chair expressed concern that the Planning Board needed desperately to be at full membership.

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.

11.b Consideration of proposed placement and design of signs.

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

Mr. Woodward explained the Design Review Committee had reviewed the proposed placement and design of this sign at its meeting in June and found it to be too big and too busy. A revised design had been submitted and the Design Review Committee had now recommended approval subject to landscaping at the base of the sign, lighting from above the sign, and "33 Stickney Avenue" separated from the rest of the sign to give it a distinctive identity. The applicant's agent was present at the Committee's meeting, agreed to the suggestions, and a revised design had been submitted.

Mr. Swope moved approval as revised. Mr. Golde seconded. Motion carried.

2. *Fairfield Inn at 4 Gulf Street*

Mr. Woodward reported the Design Review Committee had found this sign was very visible from the highway and had suggested that a changeable copy sign be attached to the existing freestanding sign. The Committee had recommended tabling to allow the applicant to return with another approach.

Mr. Swope moved to table to allow the applicant to return with another approach and Mr. O'Neill seconded. Motion carried.

3. *Toys R Us at 310 Loudon Road*

Mr. Woodward reported the Design Review Committee had reviewed the plan to place a star around the "R" and to add "Kids R Us" to the signage. There was some question as to whether this would be allowed under the current zoning ordinance and the Design Review Committee had recommended tabling until more information was available.

Mr. Golde moved to table action until more information was available. Mr. Swope seconded. Motion carried.

11.a Site and building plans related to renovations at *5 & 11 East Street in Penacook.*

Mr. Woodward explained this proposal for a second story addition to an existing building and reported the Design Review Committee had noted that the concept seemed to be acceptable but further information was necessary to make an informed recommendation.

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

NEW BUSINESS

The Board considered an application for approval of a development which was submitted, found to be incomplete at the time of submittal, and deferred for review to determine completeness:

- a. *Karen Carlson* for approval of a subdivision of property located at **485 Josiah Bartlett Road.**

Mr. Pollock reported that this proposal for a ten lot subdivision was ready to be set for public hearing. However, two issues still needed to be resolved.

First, there was a need for an action pursuant to the Wetland (WT) District on which the Board needed to advise the Zoning Board of Adjustment. He reported the Conservation Commission had visited the site recently and he had been informed they would be sending a report to the Zoning Board of Adjustment with a favorable recommendation relative to the proposed wetlands crossing. The second issue was that the proposed road was proposed at a 9.9% slope and the City's Subdivision Regulations allowed for 8% slopes.

After discussion about how to keep the application moving through the process, the Planning Board agreed to receive the recommendation from the Conservation Commission at the beginning of its planned meeting on August 1, 2001 and relay that information to the Zoning Board of Adjustment, which was also meeting that evening, with a recommendation form the Planning Board.

FUTURE MEETINGS

The Clerk reminded Board members that seven members of the Planning Board who were eligible to vote on the applications by ATCNH Realty, Inc. (Richmond company) would be meeting on August 1, 2001 at 7:00 PM at the Concord High School Auditorium to deliberate on the applications.

There was no further business to come before the Board and the meeting adjourned at 10:50 PM.

A TRUE RECORD ATTEST:

Douglas G. Woodward
Clerk

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