

The regular monthly meeting of the City Planning Board was held on October 17, 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, Golde, Gross, Swope, Walker, and Blanchette. Messrs. Woodward, Henninger and Pollock, and Ms. Osgood of the City Planning Division, and Jeremy Marsette from the Engineering Division, were also present.

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

DEVELOPMENTS OF REGIONAL IMPACT

The Clerk reported the City had received notice of applications from the Town of Boscawen Zoning Board of Adjustment for the redevelopment of the former tannery property on the Boscawen portion of that property. He reported the proposal was for the construction of seven new buildings, each containing six residential waterfront condominium units. The second application was for the redevelopment of the former Stratton Flour Mill building on Commercial Street in Boscawen into a dormitory for graduate students attending Franklin Pierce College. He reported there were some City concerns, including sewer issues.

The Chair suggested taking this up under New Business. Board members agreed.

The Clerk also noted that the Carlson application, which was listed as Item 2.b under further consideration, had been noticed as a Development of Regional Impact. The Board agreed to defer discussion of this until it came up in the normal order of the agenda.

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 Clerk advised the Board that all applications were complete and ready for public hearing with the exception of an application by Conrad and Joan Hardy et al for approval of a resubdivision and subdivision of property on Peaceful Lane in Penacook, and an application by CATCH for approval of a site plan for a large scale development of property at 41 Village Street in Penacook. He reported that at the time of staff review these applications were determined to not be complete and ready for hearing. However, since that time CATCH had submitted plans that brought them into completeness but the Hardy application needed a variance from the Zoning Board of Adjustment.

The Clerk reminded members of the Planning Board that the City was operating under two zoning ordinances at this time since a proposed zoning ordinance had been set for public hearing by the City Council. In terms of determining completeness of all of the applications this evening, they had all been reviewed under both ordinances.

Mr. Swope moved and Mr. Blanchette seconded that the Board accept as complete the applications listed for hearing with the exception of the application by Conrad and Joan Hardy et al. The CATCH application should be set for hearing on November 14, 2001. Motion carried, with Mr. Gross abstaining from vote since he was a member of the Board for CATCH.

CONSENT AGENDA

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

- Site and building plans related to construction of an infill at *Concord Hospital* at **250 Pleasant Street**.

Ms. Kuhlman Brown moved approval as submitted and Mr. Swope seconded. Motion carried with Mr. Gross abstaining from vote.

- Consideration of proposed placement and design of signs:
 1. *Cardinal Ridge* at 55 Second Street
 2. *Cardsmart* at Market Basket Plaza on Fort Eddy Road
 3. *Tokyo Joe's Karate* at 163 Loudon Road (2 signs)

Mr. Gross moved approval as submitted and Mr. Swope seconded. Motion carried.

APPLICATIONS

The Board considered 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 *Beede Electrical Instrument Co., Inc. and Merrimack Valley School District* for approval of a resubdivision and subdivision of property at **88 Village Street in Penacook**.

Public Hearing

Mr. Pollock explained this proposal for Beede Electrical Instrument Co., Inc. to convey two parcels to Merrimack Valley School District.

Sam Wasp, Village Street and Beede Drive, asked whether there was a complete survey done of this property. Mr. Pollock responded that the plan received by the City had been stamped by a licensed surveyor.

Tim Rockwood, surveyor from Pathways Consulting, appeared on behalf of the applicants and explained they had prepared a survey of the property being conveyed.

Mr. Wasp asked if the school district had indicated their plans for the property.

Bernard Davis, from Merrimack Valley School District, responded that they might construct athletic fields on some of the property being conveyed in the future but there were no immediate plans for the property.

Mr. Wasp also asked about the District's plans for Beede Drive and Mr. Davis indicated there were no plans to change Beede Drive since it was being used as access by Beede for their rear parking lot as well as for access to Mr. Wasp's properties. They also used Beede Drive for school bus access.

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

Deliberations and Action on Application

Ms. Walker moved final approval subject to the following conditions:

1. The title of the plan should read, "Subdivision and Re-subdivision plan of Merrimack Valley School District *and* Beede Electrical Instrument Co."
2. The remaining portion of the Beede Electrical Instrument property should be shown on the plan.
3. The boundaries of the land of the Merrimack Valley School District should be shown with the best dimensions available from reliable recorded records.
4. Buildings should be shown on the lots as well as any other existing site feature, such as parking lots, edges of tree line etc.

Mr. Swope seconded. Motion carried.

2. Application by *Concord East Ridge Realty Trust* for approval of a resubdivision and subdivision of property at *18 & 19 Bainbridge Drive*.
3. Application by *Concord East Ridge Realty Trust* for approval of a subdivision of property at *20 & 22 Bainbridge Drive*.
4. Application by *Concord East Ridge Realty Trust* for approval of a resubdivision and subdivision of property at *34 & 36 Groton Drive*.

Public Hearings

Since these applications were all by the same developer and in the same neighborhood, the Chair suggested combining hearings.

Mr. Pollock explained these proposals to adjust property lines between the two lots listed in each application with the exception of the application for property at 20 & 22 Bainbridge Drive, for which a new lot was proposed. He reported that under the proposed zoning ordinance, if there were to be any construction in a wetlands area, the applicant would be required to receive a Conditional Use Permit from the Planning Board. That requirement would apply to the application for property at 18 & 19 Bainbridge Drive.

He reported the creation of new lots brought up an old issue regarding this East Ridge Estates development. An eight-inch water line needed to be constructed and accepted by the City and the road paved before building permits could be issued for these lots. It was his understanding that this was very close to happening. The City Solicitor's opinion was that if the City was aware of water problems and had other water users on this line, the City had some responsibility, so to limit the City's liability the water service needed to be accepted by the City.

For those applications for which no new lots would be created, building permits could be issued but no Certificate of Occupancy could be issued until the water line was accepted by the City. For the new lots being created, there had not been any provision for underground utilities to these lots. The utilities were on the opposite side of the streets and would have to cut into the planned new roads to extend utilities. He reported that if that were to happen, the City would need financial guarantees to insure the roads were properly reconstructed.

Mr. Henninger also mentioned the new lots would be subject to the current impact fee ordinance while the existing lots were subject to the impact fee agreement filed with the original development.

Mr. Golde asked how far away they were from finishing the water line. Tim Bernier, surveyor for the three applications, responded that the water line was connected on Friday and the City was in the process of testing it but it had not been accepted by the City yet. If all went well, it should be about a week.

Mr. Bernier also reported that the contractor had made provisions for the utilities. The utilities buried in the streets had been coordinated with the contractor. The electric company and the gas company were putting in the utilities so the streets would not be torn up for the new lots.

There were no further questions or comments and the Chair declared the hearings for all three applications by Concord East Ridge Realty Trust closed at 7:42 PM.

Deliberations and Action on Applications

Mr. Swope moved approval of the application for 18 & 19 Bainbridge Street subject to the following conditions:

1. No building permits shall be issued for these lots until acceptance by the City of the water line in Cemetery Street.

2. Under the new Zoning Ordinance this will be in an RS zoning district, and the applicant must apply for a conditional use permit to build in a wetland buffer as required in Section 28-4-3(d).
3. The applicant shall coordinate with the private utility companies including underground telephone, electric and cable in order to determine how the connections will be made to these lots. City licenses shall be obtained for crossing a right of way. The applicant shall provide a financial guarantee for repairs to the road.

Mr. Blanchette seconded. Motion carried.

Mr. Swope moved approval of the application for 20 & 22 Bainbridge Street subject to the following conditions:

1. No building permits shall be issued for these lots until acceptance by the City of the water line in Cemetery Street.
2. The applicant shall provide documentation relative to amendment of the US Army Corps of Engineers wetland permit.
3. The applicant shall coordinate with the private utility companies including underground telephone, electric and cable in order to determine how the connections will be made to these lots. City licenses shall be obtained for crossing a right of way. The applicant shall provide a financial guarantee for repairs to the road.

Ms. Walker seconded. Motion carried.

Mr. Swope moved approval of the application for 34 & 36 Groton Drive subject to the following conditions:

1. No building permits shall be issued for these lots until acceptance by the City of the water line in Cemetery Street.
2. Under the new Zoning Ordinance this will be in an RS zoning district, and the applicant must apply for a conditional use permit to build in a wetland buffer as required in Section 28-4-3(d).
3. The applicant shall coordinate with the private utility companies including underground telephone, electric and cable in order to determine how the connections will be made to these lots. City licenses shall be obtained for crossing a right of way. The applicant shall provide a financial guarantee for repairs to the road.

Mr. Gross seconded. Motion carried.

5. Application by *Thomas Zalinski* for approval of a subdivision of property at **59 Cemetery Street**.

Public Hearings

Mr. Pollock explained this proposal to subdivide an existing parcel into three lots. He explained that the existing lot had gained new frontage on a public way as a result of the construction of the abutting East Ridge Estates development. He reported an existing barn was bisected by a proposed property line and would need to be demolished. He also reported that, based on earlier comments by the General Services Director, the City would have difficulty servicing these sites with municipal water until the water line in Cemetery Street was installed. Paving had been done on this road and crossing the road for utilities meant repaving the street.

Mr. Golde asked if Cemetery Street would be built to a consistent width as part of the work on installing the water line. Jeremy Marsette, project manager for the City's Engineering Division, responded that it would be constructed to 24 feet wide.

The applicant was not represented.

Lawrence Broderick mentioned this plan was inaccurate as far as wetlands was concerned. He reported the property owner had also filled in the wetlands with leaves and other material. Mr. Broderick expressed concern that there was a brook from the wetlands that would back up onto his own property. He felt the wetlands area extended considerably farther than shown on the plan.

Jacqueline Ogden, 60 Cemetery Street, also discussed the natural runoff that Mr. Broderick mentioned. She also asked what would happen to the existing culvert. Mr. Pollock responded that the culvert would remain.

There were no further questions or comments and the Chair declared the hearing closed at 7:59 PM.

Deliberations and Action on Application

Mr. Swope asked Mr. Pollock if he agreed that the wetlands were not properly delineated. Mr. Pollock reminded the Board that he was not a wetland scientist but he knew there was a brook on the property that was not shown on the plan.

Mr. Swope moved to table action on this application to allow the applicant an opportunity to address a number of outstanding items on the plan that needed to be completed. Mr. Blanchette seconded. Motion carried.

Major Subdivision

6. Application by *Howard Weston, Jennifer Germain and John Weston* for approval of a subdivision of property on *Currier Road*.

Public Hearing

(Messrs. Golde and Gross recused themselves from discussion and action on this application and left the table.)

Mr. Henninger explained this proposal to combine two existing parcels containing approximately 71 acres with frontage on Currier Road, and to create eight new single family residential lots from the resulting parcel. He reported the property was on the north side of Currier Road and the new road would access Currier Road 220 feet east of Deer Track Lane. There was one lot located at the end of the proposed 1500 foot cul-de-sac that contained approximately 43 acres and might be capable of further subdivision. Municipal water service was available along the project frontage on Currier Road and the applicant proposed to extend the service in the proposed road. The property was not currently served by municipal sewer service.

He reported Conditional Use Permits would be required to allow the construction of a new street within the 50 foot wetlands buffer and to allow the intrusion of driveways within the 50 foot wetland setbacks for lots 2, 3 and 4.

Mr. Henninger reported the applicant had requested consideration of a waiver for a dead end street in excess of 1000 feet. The proposed cul-de-sac was 1500 feet in length. The applicant had not provided documentation of the reasons for this request.

He also reported that the Board's Subdivision Regulations required the applicant to construct a city street with a 26 foot wide pavement section, slope granite curbing, a closed drainage system, and underground utilities. He reported the applicant had requested that the Planning Board waive the requirement for installation of the curbing, and allow roadside swale drainage instead of a closed system. City staff had advised the applicant that they saw no reason to waive the existing road standards, especially given that two subdivisions under construction further west along Currier Road were being developed using the City's current standards.

Mr. Henninger reported that there was also an issue associated with the northeast property line in relationship to the conservation land acquired by the City earlier this year. The City would look for resolution to the property line before recording the plat. He reported the City had received a warranty deed and had it surveyed when it was conveyed to the City.

Mr. Woodward reported the Conservation Commission had expressed interest in cooperating in resolving the property line.

Beth Golde was present as developer with David Still, engineer from CLD Consulting Engineers.

Ms. Golde reported that they proposed Diamond Hill Road as a revised street name. She pointed out the abandoned road by the same name running parallel to their property. She reported the land had dictated the use of the lot. There was a winding road going up the hill with driveways and building sites in keeping with the natural environment. She pointed out that at the 1000 foot point of the proposed road, the land would be on an 8% grade. It would be at 1400 feet before going to a 2% slope. She pointed out on the plan where a potential connection could be made to an abutting property.

She also mentioned they would be agreeable to placing a conservation easement on the wetland area near the Currier Road frontage.

Regarding the question of the boundary line discrepancy, Ms. Golde mentioned that the Westons since 1962 thought they owned this property but when the abutting property was conveyed to the City, there appeared to be a disagreement about the boundary line.

She reported they were also looking for a rural standard for the proposed road. She presented photos of the existing conditions as well as the open drainage system being constructed at the nearby recently approved High Fields subdivision. She reported they would like to do the same thing with this project. She presented photographs of developments they would like to emulate with a country lane appearance. She reported they felt the experiment with High Fields was a good one and they would like to be an extension of that, given the topography.

Mr. Drypolcher asked the last time this property was logged and Ms. Golde responded that it had not been clear cut, there had been some cutting, but it had grown back in. It had not been recent.

Jeffrey Proctor discussed the proposed open drainage system. He reported that about four years ago Thirteen Hills Associates timbered their land and used Dimond Hill Road for access, dug ditches, and left it a mess. Since that time there has been more drainage onto their abutting property.

Les Mills, land surveyor, reported he had surveyed most of the land between this lot and the Hopkinton town line over the years. He indicated they had no immediate plans for development of their land. He remembered the City initiative a number of years ago to get property owners together to look at an overall road system in this area, but that had not gone anywhere at that time. It was not the right time. This was a good opportunity to do some further planning for a road system for further development. He felt wetlands was a big issue. He reported quite a bit of water had been redirected by the logging operation mentioned by Mr. Proctor.

Ron Faille, Deer Track Lane, expressed concern about Currier Road. He reminded the Board that this was a real country, narrow road with no shoulder. He was concerned about traffic. Just past this property there was lots of land available for development.

He was concerned also that the frontage along Currier Road was a wetland – there were always swampy areas there. During the spring, water flowed across the road and sometimes froze. If more houses were constructed, this would only get worse. There were very popular and well used snowmobile trail runs through this and he was sure they would not be happy to lose this land.

Attorney James Cassidy, representing Paula Stephen, immediate abutter to the west, expressed concerns on her behalf. He reported she lived in an historic farmhouse to the west of the property. She was concerned that this historic property could be affected by heavy construction and excavation work causing damage to her property. Mr. Cassidy also discussed the discontinued Dimond Road, of which she as an abutter was a half owner. She was also concerned about the fact that once wetlands were disturbed, septic and leach systems and disruption of natural terrain could contaminate her well. Another concern was that if there was much change in the grades of the land, water would drain onto her property. Her property would be most affected by this development. There were a lot of mature trees there now and she wanted to be sure a buffer remained between the development and her property. Mr. Cassidy reported they were trying to work these concerns out with the developer but wanted to go on record with them.

There were no further questions or comments and the Chair declared the hearing closed at 8:53 PM.

Deliberations and Action on Application

The Chair asked the status of Dimond Road and Mr. Henninger explained it was discontinued but the owners maintained rights to use the discontinued way to access properties that would otherwise be landlocked. It could not be used as frontage but they did retain rights.

Mr. Swope expressed reluctance to grant a waiver regarding the road length. He was concerned about getting more and more requests for very long dead end roads unless there was a probability to get them connected.

The Chair explained an earlier waiver granted to another development regarding open drainage system was granted as a test case and was in the watershed area. The test was to take place over a period of time, until the City could see how it worked. It was intended to be one time only.

Mr. Blanchette felt the Planning Board had spent a lot of time discussing the length of dead end roads and had taken into account life safety issues in these deliberations. He asked how conditional use permits for wetlands would be processed under the new zoning ordinance. Mr. Woodward explained the Board could request a recommendation from the Conservation Commission if it chose. The ordinance was structured to follow the State law regarding filling of wetlands.

Mr. Swope moved to table action on the application as well as the requests for waivers in order to allow the applicants to address issues and concerns raised by City staff, to

address the boundary line dispute in the northwest section of the property, and to more fully document the requests for the waivers for street length and construction standards or to modify the plan to eliminate the need for the waivers. Mr. Blanchette seconded. Motion to table carried with Messrs. Golde and Gross abstaining from discussion and vote.

Large Scale Developments

7. Application by **Capitol Center for the Arts, on behalf of Nextel Communications of the Mid-Atlantic, Inc.**, for approval of a site plan related to a large scale development of property at **44 South Main Street**

Public Hearing

(Messrs. Gross and Swope recused themselves from discussion and vote on this application and left the table.)

Mr. Pollock explained this application to locate a telecommunications antenna and equipment on the roof of the building housing the Capitol Center for the Arts. He reported the Design Review Committee had reviewed the site and building plans, found them to be appropriate for the location proposed, and recommended approval as submitted.

He reported an abutter had inquired about vibration and noise and he deferred to the applicant for that information.

Patrick Nysten was present on behalf of Nextel Communications and introduced Bill Boyer from Nextel, Bill Baker, construction manager, and Robert Woodhouse, technical supervisor.

Mr. Nysten explained they were trying to fill a gap in coverage with this facility. They had tried to maximize coverage while minimizing visual impact. He explained there would be two sectors of antenna mounted on the roof. Each sector would have four panels. There would be a stealth wall to fully hide the sectors to make it look like an original part of the building. He explained the equipment shelter would be mounted lower on the building and would also be textured to match the original part of the building. Cables would run to the roof by means of cable tray painted to match the original building.

Mr. Blanchette asked whether there would be an emergency generator in the equipment buildings. Mr. Baker explained they would have the ability to bring in a portable generator in the event of a power outage. There would be a receptacle on the side to accommodate the emergency generator.

Mr. Woodward mentioned he had had a question from a tenant regarding noise and vibration. Mr. Nysten responded that the air conditioning system would generate the only noise from this facility.

Scott Beckett, 41-43 South State Street, asked how large the equipment shelter would be and Mr. Nysten responded it would be approximately 11' x 10' x 12'. Mr. Beckett also asked about access and Mr. Baker responded to that question.

Mr. Beckett asked if there was any potential for other providers to locate on this structure as well.

M. T. Mennino, executive director for the Capitol Center for the Arts, reported that their overall concern was appearance and how it would affect their neighbors and they had an agreement that there would be no further co-location.

Mr. Beckett asked about the length of time construction would take and where construction vehicles would be parked. Mr. Baker responded that it would take four to six weeks to construct this facility and vehicles would park on the street. All crane work would take place in about one day.

Ms. Mennino explained they were trying to time construction with the reroofing job that needed to take place at the same time. They were trying to get this all done at once to minimize disruption due to construction work.

Mr. Beckett mentioned that it was a very tight neighborhood and it was easy to get in each others way as things now existed.

Kathleen Doyle was present on behalf of the tenants at the condominium units next door at 46 South Main Street. She reported there were six different businesses in that building. She mentioned the concerns of those tenants related to noise. The equipment would be right next to them, at their back door. Mr. Baker explained the location of the air conditioning units. These units typically ran at about 60 decibels but they had not done any noise assessment on them yet.

Regarding health and safety, Ms. Doyle asked if this equipment would be emitting any vapors. Mr. Baker responded that this would be electrical equipment that emitted no vapors. There were no transformers. Mr. Nysten further noted that this facility would be in full compliance with FCC regulations regarding health and safety. There would be no risk factors. It should not interfere with any existing facilities. That was a requirement under their licensing with the FCC.

Ms. Doyle explained their biggest concern was that noise be fully controlled. During different times of the year, windows and doors were open. Mr. Nysten explained noise from the air conditioners was at 50-60 decibels - about the same as a conversation.

Mr. Boyer noted that the air conditioners would be facing away from the offices represented by Ms. Doyle. They were only air conditioning about 200 square feet of space. This was not the same as air conditioning a larger building. This would be a room-size air conditioner.

Mr. Woodhouse reported no other sounds should be heard from the outside.

There were no further questions or comments and the Chair declared the hearing closed at 9:44 PM.

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

Ms. Walker moved final approval, including approval under Architectural Design Review, as submitted. Ms. Kuhlman Brown seconded. Motion carried with Messrs. Gross and Swope abstaining from discussion and vote.

8. Application by **United Church of Christ Retirement Community, Inc., Havenwood-Heritage Heights**, for approval of a site plan related to a large scale development of property at **33 Christian Avenue**.

Public Hearing

Mr. Pollock explained this proposal to construct 19 residential units and a maintenance facility on the existing campus. Seven residential units and the new maintenance facility would be located off East Side Drive, and six duplexes totaling twelve units would be located off Ormond Street. He reported the Design Review Committee had reviewed the site and building plans and had made a number of recommendations related to the need to submit a landscaping plan for review as well as comments relative to fence treatment, sidewalks, and the East Side Drive cottage elevations.

Mr. Pollock explained that one of the problems with the Ormond Street duplex proposal was that the sewer line was a private line serving the State buildings. The applicants would need to arrange to get sewer service to these buildings with municipal service.

He reported that, a number of years ago, they had purchased several lots at the East Side Drive end of the property and demolished the buildings. They now proposed to construct the seven cottages at that location.

He reported the Design Review Committee had suggested a redesign of the cottages to make them look and feel part of the neighborhood by putting the appearance of the front door toward the East Side Drive elevation. As proposed, the front of the units would face in to Havenwood.

Mr. Pollock explained they also proposed to remove the existing maintenance building to construct a new maintenance building near the proposed cottage units. He pointed out his concern regarding the relationship of the tallest part of the proposed maintenance building and the cottages.

Ted Kupper, engineer from Provan and Lorber, was present on behalf of the applicant and introduced Michael Palmieri, president of Havenwood-Heritage Heights, and Barry Brensinger, architect from Lavalley Brensinger.

Mr. Kupper explained they were looking at expanding capacity, particularly in the nursing home wing. The proposal this evening was the first step in this expansion

program. Regarding traffic, he expected the two projects would generate five trips at the peak hour. They met all the parking requirements under the current zoning ordinance and met the buffer requirements for the proposed zoning ordinance. By meeting the buffer requirements, the site was tighter. He reported they were looking at Mr. Pollock's comment regarding the shadow line of the maintenance building, but there was not much space for re-orienting. He reported the architect had begun making the other changes recommended by the Design Review Committee. They were prepared to present landscape plan to the Design Review Committee. They also had lighting details available this evening. Havenwood would like to go to construction in November and had already hired a construction company. For that reason they requested conditional approval this evening.

Mr. Kupper explained the landscape plan for both parts of the development.

In answer to a question by Mr. Gross, Mr. Kupper explained the large trees would be about 2 ½" - 3 " caliper and about fifteen feet tall. They would get larger after a number of years.

Mr. Swope had questions related to lighting and to the relationship to the rest of the neighborhood. Mr. Kupper explained the lighting at the Ormond Street end would be rather minimal, mostly pedestrian lighting. There would be fourteen foot high cut-off fixtures. Parking lot lights would have an opaque lens on them.

George Wilkinson, 40 East Side Drive, directly across the street, mentioned he had asked the City to put up a radar trailer. For 94 hours from a Saturday to a Tuesday, it registered 30,430 cars. Most of that traffic was during the day. He had a problem with the amount of traffic this project would generate and felt that needed to be addressed. His second concern was noise. He felt putting a maintenance facility in a residential area was not a good idea. They should put it up at Heritage Heights about a mile down the road. They could enlarge that existing facility. He felt landscaping needed to be reviewed. He would like to see a noise study done on the maintenance shed.

Mr. Woodward explained they were not required to do a traffic study because the Planning Board's policy did not require one for projected traffic of less than 200 trips per day. He noted that eleven existing units were being demolished for a net increase of eight units, all for the elderly which had lower trip generation characteristics.

Mr. Gross asked what would be happening at the maintenance facility and Mr. Kupper responded there would be no doors or any kind of activity on the East Side Drive side of the building. He reported a lot of care had been taken in siting the maintenance facility to minimize impact on both the residents of the community and the neighborhood. He indicated there was no plan and no ability to expand the maintenance facility at Heritage Heights.

There were no further questions or comments and the Chair declared the hearing closed at 10:22 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. A lot consolidation shall be completed for the lot off East Side Drive.
2. A landscape plan shall be submitted, and reviewed and approved by the Design Review Committee.
3. Revised building elevations shall be submitted for review and approval by the Design Review Committee in compliance with recommendations made by the Committee.
4. The applicant shall submit a lighting plan for review.
5. The applicant shall provide a revised sewer system plan for servicing the units in the area to the satisfaction of the City Engineer.

He further moved that the applicant should reconsider the relationship of the tallest part of the maintenance building to the cottages.

Ms. Walker seconded. Motion carried.

REGULAR MEETING

Minutes

Mr. Swope moved approval of the minutes of the Planning Board's meeting of November 15, 2000 as submitted. Mr. Blanchette seconded. Motion carried.

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

- 2.a Application by *Noreen Burke* for reconsideration of a previously approved subdivision of property at *7 Heights Road*.

Mr. Henninger explained that this subdivision of a parcel with frontage on both Heights Road and Quincy Drive had been granted conditional approval by the Planning Board over a year ago. All the conditions of approval had now been addressed but it was outside the one year approval period. He noted that this would now be subject to the new impact fee ordinance.

Mr. Swope moved reapproval and Ms. Kuhlman Brown seconded. Motion carried.

2.b Application by *Karen Carlson* for approval of a subdivision of property at 485 *Josiah Bartlett Road*.

Mr. Pollock explained this proposal to subdivide an existing parcel into eight lots by creating seven new single family lots and retaining an existing single family home on the remainder of the original parcel. This application involved the construction of 900 feet of new City street terminating in a cul-de-sac. He reported this application was noticed as a development of potential regional impact, given its location on the Loudon town line.

He reported the applicant had originally submitted a request for a waiver to the maximum road grade provisions of the Subdivision Regulations in order to permit a grade of 9.97% where only 8% was allowed. As a result of discussions with City staff, the proposed road had been redesigned and a revised request for waiver had been submitted to permit a road grade of 8.2%. Revised plans had not been received to allow sufficient time for complete review by City staff.

Mr. Pollock reported the Fire Marshal had submitted a memorandum expressing concern about fire suppression outside of the municipal water service area. The Fire Marshal indicated that a residential sprinkler ordinance would be proposed within the coming year and suggested that the use of cisterns would be a desirable interim option.

He reported the Conservation Commission had walked the site, found the impact to be minimal, and recommended to the Wetlands Bureau that it was minimal.

Mr. Woodward mentioned he had discussed with the Assistant City Manager the intent to bring forward a rural sprinkler system ordinance to deal with issues of fire suppression and had learned it would be coming forward soon.

Mr. Swope asked, in response to a request by the Town of Loudon for \$34,000 in impact fees, if the City had a policy regarding sharing impact fees with neighboring towns as requested by Loudon. The Clerk reported that he had discussed this with the City Solicitor. The City Solicitor was of the opinion that the statute regarding developments of regional impacts did not provide for requiring, collecting, or sharing of fees.

Mr. Swope moved that the Planning Board grant a waiver of the maximum grade standard of Table 9-1 in Section 9.04 of the Board's Subdivision Regulations to allow a maximum grade of 8.2% for the proposed roadway. Mr. Blanchette seconded. Motion carried.

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

1. The applicant shall resolve the issue of fire suppression.

2. The applicant shall obtain the following State permits and provide copies to the Planning Division:
 - a. NH Wetlands Board (wetlands alterations)
 - b. NH Department of Environmental Services Site Specific Permit (RSA 485-A:17)
 - c. NH Department of Environmental Services Subsurface Disposal Permits
3. 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. Right of way easements
 - b. Slope and drainage easements
4. The applicant shall obtain approvals of construction drawings for on-site improvements from the Engineering and Planning Divisions.
5. 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.

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.

8.f. Site and building plans related to renovations at *13 Green Street*.

Mr. Henninger explained that the Design Review Committee had reviewed this application in September, had requested further information including a site plan and details showing the expected appearance of the building, and had again reviewed the proposal at its October meeting. The Design Review Committee again recommended tabling action to allow the applicant to present information about design and location of the proposed handicap ramp.

Mr. Swope moved to table action on this application to allow the applicant to present information about design and location of the proposed handicap ramp. Mr. Blanchette seconded. Motion carried.

8.g Consideration of proposed placement and design of signs.

2. *Xpress Pizza* at 169 Loudon Road

Mr. Swope moved to table action on this application to allow the applicant to present further information. Mr. Blanchette seconded. Motion carried.

1. *Kimball-Jenkins Community Art School* at 264 North Main Street

Mr. Henninger reported the Design Review Committee had reviewed the proposed placement and design of this sign and had recommended approval subject to the condition that the sign be lowered by one clapboard, the sign should be the same size as the existing sign, and the green border should be the same thickness as the other sign on this façade. He reported that the applicant's agent was at the Design Review Committee meeting and had agreed to all the recommendations.

Mr. Swope moved approval subject to the conditions that the sign be lowered by one clapboard and should be the same size as the existing sign, and the green border should be the same thickness as the other sign on this façade. Ms. Walker seconded. Motion carried.

8.e Revisions to previously approved building plans related to a site plan of a large scale development by *Concord Community Music School at 23 Wall Street*.

(Ms. Walker recused herself from discussion and vote on this item.)

Mr. Henninger explained the Design Review Committee had reviewed, and the Planning Board conditionally approved, site and building plans for renovations and additions to the Concord Community Music School. He reported that, during final inspections of the construction, it became apparent that changes had been made to the elevations, fencing, and lighting in the parking area that had not been approved.

He reported more light poles with lower wattage lights on each had been installed. The net effect was better but the original plan called for one pole that was taller and had a brighter light. A simpler fence than that approved had been installed in order to match the existing abutting fence. He reported the electrical service entry had also been modified because the utility had been reluctant to set another pole next to the building. This left the option of attaching the four conduits to the pole on the south side of the street and then running in a trench under the street, or attaching to the building directly overhead. Revised elevations showed a proposed modification to conceal the vertical conduit on the south façade.

Mr. Henninger pointed out that windows had been added to accommodate changes in room layout and a continuous dormer had been added. Also, the approved plan showed tip downs and radius curb at the parking entry. However, the sidewalk height was scheduled to be raised in 2002 or 2003 when that section of Fayette Street was scheduled for repaving. This would require the removal of concrete paving and

resetting the radius curb. In the short term, the sidewalk pavement was graded to eliminate the need for any transition at the driveway. The materials had been delivered and would be stored until the sidewalk project was completed, and the tip downs and radius curb could then be installed.

He reported the Design Review Committee had recommended approval of the revisions to the building, and had recommended adjusting the landscaping in front of the fence to add rosa regosa or something similar, and addressing the lighting to make certain it would not adversely affect the residential neighbor.

Eric Palson, architect from Sheerr McCrystal Palson, was present on behalf of the applicant.

Ms. Kuhlman Brown moved, and Mr. Golde seconded, approval of the revised plans subject to approval of construction drawings for on site and off site improvements from the Engineering and Planning Divisions. Motion carried with Ms. Walker abstaining from discussion and vote on this item.

NEW BUSINESS

Item #13. The Board considered amendments to the *Site Plan Review Regulations* to provide for Minor Site Plan review and Conditional Use Permits as enabled in the new zoning ordinance.

Mr. Swope moved and Ms. Walker seconded that amendments to the Site Plan Review regulations to provide for Minor Site Plan review and Conditional Use Permits as enabled in the new zoning ordinance be set for public hearing in November. Motion carried.

Item #12. The Board considered an application for a *Low Impact Development Pilot Project Grant* from the New Hampshire Department of Environmental Services.

Mr. Woodward explained that the New Hampshire Department of Environmental Services had invited the City to participate in a pilot project to evaluate and incorporate low impact development and water efficiency practices into the design and development of sites located within the watershed of Penacook Lake and, possibly, other rural areas of the city outside of the Urban Growth Boundary. The City's role would be to obtain grant funding through DES and hire an independent consultant to help develop low impact development procedures and guidelines.

He explained that the results of this project could lead to a reduction in the total area that would be cleared for development, improve effective management of stormwater runoff, increase the protection of groundwater, and maintain the natural hydrological features of a site. The project would lead to revisions in the Board's regulations and could serve as a model for future developments in the state where such development occurred in watershed areas.

Mr. Swope moved that the Planning Board recommend to the City Council that the City apply for grant funding that would help establish design standards to encourage the use of low-impact development principles and practices within environmentally sensitive areas. Mr. Blanchette seconded. Motion carried.

Item #11. The Board heard a presentation from the *Concord Fire Marshal* on the *length of dead end streets*.

Fire Marshal Brian Troxler made a slide presentation relative to the length of dead end streets. He explained that the City's fire department was set up operationally to support 1000 feet of street with a single access. He explained that pumpers were limited to 1000 feet of 4 inch diameter hose. The hose was on the ground for the duration of the incident and could not be moved or driven over. Once the hose was on the ground, additional apparatus was restricted from the site. The problem with a single access was the blocking of the road. A blocked road to a homeowner with two ways in and out was an inconvenience, but a blocked road to a homeowner with a single access was an emergency. He reported that, in addition to the length of a dead end road, driveway length also needed to be taken into consideration.

Mr. Gross asked for an explanation of a rural sprinkler system and Mr. Troxler responded it was a dry system with a reservoir and a small pump. He reported the fire department would like to see the City move toward that option.

There were no further questions and the Fire Marshal was thanked for his enlightening presentation.

Non-Agenda Item

Mr. Henninger reported the City had received notification of public hearings relative to two projects proposed by Hannah Dustin Holdings at the Boscawen town line. He explained the first proposal related to the so-called California Fields, a ten acre parcel along the Contoocook River on Crescent Street. The proposal was for the construction of seven six-unit waterfront condominiums. Access to the property would be through East Street in Penacook. The second proposal was the redevelopment of the old Stratton Flour Mill on Commercial Street in Boscawen. The proposal was to convert one of the empty mill buildings into a dormitory for graduate students attending Franklin Pierce College. The plan consisted of 16 studio-style single bedroom dormitory rooms with basic kitchen, bath and sleeping facilities. This would include the environmental cleanup of the property and restoration of the severely deteriorated structure.

Mr. Henninger reported there would be coordination issues related to the common intersection and to municipal utilities.

Mr. Gross requested that the Board be given copies of any communications sent to the Town of Boscawen relative to these applications.

There was no further business to come before the Board and the meeting adjourned at 11:33 PM with members reminded that the Board's November meeting would be held on November 14th instead of the third Wednesday of the month.

A TRUE RECORD ATTEST:

Douglas G. Woodward
Clerk.

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