

The regular monthly meeting of the City Planning Board was held on April 21, 2004 in the City Council Chambers in the City Hall Annex at 7:00 PM.

Present at the meeting were Members Drypolcher (who as Chair presided), Swope, Blanchette, Foss, Gross, Kuhlman Brown, McGonagle, and Walker. Messrs. Woodward, Henninger and Pollock, and Ms. Osgood of the City Planning Division were also present, as was Mr. Flynn, the City's Engineering Services Project Manager.

At 7:00 PM a quorum was present and the Chair called the meeting to order.

### DEVELOPMENTS OF REGIONAL IMPACT

The Clerk reported that there were no new applications for developments of regional impact. However, courtesy notices had been mailed to the Town of Loudon and Central New Hampshire Regional Planning Commission relative to the applications by KeySpan Energy Delivery for a number of Conditional Use Permits.

### ACCEPTANCE OF APPLICATIONS

The Chair asked that the Board consider applications for approval of subdivisions, resubdivisions and site plans to determine whether they were complete in accordance with the regulations of the Board. The Board was advised that all applications were complete and ready for public hearing. However, the agent for **Robert Covino** had asked that consideration of their sketch plan be postponed.

Mr. Gross moved and Mr. McGonagle seconded that the Board accept as complete the applications listed for hearing. Motion carried.

### APPLICATIONS

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

#### Minor Subdivisions

1. Application by **Mark A. and Cindy A. Fellows** for approval of a subdivision of property on **West Parish Road**.

#### Public Hearing

Mr. Pollock explained this proposal to subdivide an existing parcel into two lots. He explained this is the third subdivision of the parent parcel since 1999. As a result of those previous actions, three lots have already been created on Broad Cove Drive and two lots on West Parish Road.

F. Webster Stout, from FWS Land Surveying, 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 7:10 PM.

Deliberations and Action on Application

Mr. Gross 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 wetland buffers shall be clearly and permanently marked before, during and after construction of the sites. Building permits will not be issued until the buffers are marked.
3. The plat shall show all the bearings and dimensions for all of the lines of the 31.1 acre lot identified as Tax Map 104 - Block 1 - Lot 11.

Ms. Kuhlman Brown seconded. Motion carried.

2. Application by **Susan Taylor** for approval of a subdivision of property on **Shaker Road**.

Public Hearing

Mr. Pollock explained this proposal to subdivide an existing parcel on Shaker Road into two lots.

There was no one present wishing to speak for or against this application and the Chair declared the hearing closed at 7:17 PM.

Deliberations and Action on Application

Mr. McGonagle had questions relative to driveway locations for both lots, and commented that one of the driveways was proposed in an area of steep slopes. Mr. Pollock explained the applicant had provided evidence that a driveway could be constructed to the buildable area.

Ms. Kuhlman Brown moved and Ms. Walker seconded 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 wetland buffers shall be clearly and permanently marked before, during and after construction of the sites. Building permits will not be issued until the buffers are marked.

Motion carried.

3. Application by **Verres Financial Corporation and Joel & Maria Buckman** for approval of a resubdivision and subdivision of property at **13 & 15 Shenandoah Drive**.

#### Public Hearing

Mr. Pollock explained this proposal to convey a 0.03 acre parcel from the vacant lot at 13 Shenandoah Drive to the lot at 15 Shenandoah Drive on which a house was built within the side yard setback. He explained this would create a legal side yard setback for the parcel at 15 Shenandoah Drive and frontage for the lots will not change.

There was no one present wishing to speak for or against this application and the Chair declared the hearing closed at 7:20 PM.

#### Deliberations and Action on Application

Mr. Swope moved and Mr. Gross seconded 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 wetland buffers shall be clearly and permanently marked before, during and after construction of the sites. Building permits will not be issued until the buffers are marked.

Motion carried.

#### Major Subdivision

4. Application by **Philip Budrose & Scott Bussiere and Linda G. Couser** for preliminary approval of a resubdivision and subdivision of property on **Graham Road**.

#### Public Hearing

Mr. Henninger explained this proposal to subdivide an existing 62.66 acre parcel into ten single-family residential lots along Graham Road, and to combine a two acre parcel from this parent lot with an abutting lot to the south. Seven new lots will be located along a new 1,000 foot cul-de-sac to be built off Graham Road, and three frontage lots along Graham Road will be accessed by way of a private common drive.

He reported that clearing will be needed at the intersection of Julie Drive to the south along the west side of Graham Road to provide appropriate sight distance for this new intersection. If clearing needs to occur outside the right-of-way to provide the minimum sight distance, the applicant will need to acquire easements on the abutting parcel to allow the sight distance to be created and maintained at this new intersection. Minimum sight distances have been demonstrated for the common private drive.

He reported this application also involved a request for a Conditional Use Permit for alterations to the wetland buffer for a wetland crossing for both Julie Drive and the common private drive. City staff has suggested that the applicant request a waiver from the Subdivision Regulations to allow the side slopes on the common private drive to be increased from 3:1 to 2:1 at the proposed wetland crossing to minimize the wetland impacts.

Mr. Henninger explained there is a nearly continuous wetland along the Graham Road frontage. Permission will be needed from the NH Wetland Board for two wetland crossings to access the land west of the wetlands. The Conservation Commission has recommended favorably on the permit after opposing the previous application because they felt that there would be too much wetland disturbance at the Hoit Road end of the road as originally proposed. As a condition of their support of this Wetland Permit, the Commission requested that the applicant restrict any further subdivision of the proposed lots in order to limit the extent of future wetland disturbance.

The applicant has shown a conservation easement along and adjacent to the wetlands along Graham Road and Hoit Road to help maintain a wildlife corridor between a growing network of conservation areas in the northeast part of the city.

Ms. Foss expressed concern about the ability for wildlife to pass and asked whether it would be possible to utilize a box culvert under the road and the driveway in order to allow wildlife to pass beneath them.

Mr. Blanchette pointed out that a condition needs to be added requiring a site specific permit.

Mr. Drypolcher also mentioned that a condition should be added regarding marking wetland buffers.

Chris Nadeau from Nobis Engineering and Attorney Raymond D'Amante were present on behalf of the applicants and noted that Philip Budrose was also in the audience as applicant.

Mr. Nadeau submitted a letter for the record from Richard and Linda Couser supporting the project.

Mr. Nadeau answered questions from the Board relative to sight distance. He explained they will have to clear some vegetation to the south on Graham Road in order to attain the required 300-foot sight distance. They are confident that by clearing in the right-of-way they can accomplish the 300-foot sight distance. He also noted that a Site Specific Permit had been granted for the project.

Mr. D'Amante discussed the requested Conditional Use Permit relative to disturbance of the wetland buffers. He indicated there has been considerable opportunity for the Conservation Commission to review this site and he feels this is in line with comments made by them. He reported the application does not take advantage of all of the buildable area on site. They are not trying to maximize the site. There will be no further subdivision of lots or access to the remaining property.

Christopher Morgan, 68 Graham Road, indicated that, while he is a member of the Conservation Commission, he is speaking as an abutter. He reported he did not participate in the Conservation Commission's discussion on this application. He expressed the opinion that environmental damage should not be permitted in order to replace access that existed at other locations on the original lot in the past and was voluntarily sold off. He reported both the Planning Board and the Conservation Commission were on record during previous subdivision considerations that access to the proposed lots should not be from Graham Road, given the environmental sensitivity of the brook frontage and the steep slopes along the brook. At that time a conservation easement along the brook to the top of the adjacent slopes was recommended as the only way to protect the water resources of the brook.

Mr. Morgan reported that the proposed road crossing is over a seasonal stream. The rest of the stream is not seasonal but perennial, and the proposed crossing of the common driveway is definitely over a perennial stream with substantial flows during heavy rainfall or runoff. The soils in this area are sandy and the westerly bank of the stream is quite steep. He was of the opinion that the water quality in this stream will inevitably suffer from erosion and runoff from the driveway and lot development.

He recommended that, if the Board chooses to permit some impact in the area of the proposed road, several conditions should be placed on the approval including that, to protect the water quality of the stream, the property from Graham Road to the top of the westerly slopes as well as other large undeveloped areas should be deeded to the City to protect the remaining open space. A vernal pool near the southeast corner of the property filled in during logging should be restored and permanently protected. Finally, he felt a trail easement along the southerly edge of the property could connect Graham Road to the Richards and Spear trails and preserve these opportunities in the future.

Messrs. D'Amante and Nadeau discussed the suggestion for a trail easement and indicated that idea came up very early in the planning for this project and they did not think there was any way to make a connection, but they expressed a willingness to look into it and try to work something out. They reported the wetland crossings were designed to minimize disturbance and they had significant stabilization of the slopes near the private driveway.

There was no one else wishing to speak for or against this application and the Chair declared the hearing closed at 8:14 PM.

#### Deliberations and Action on Application

Ms. Kuhlman Brown asked the impacts of reducing the width of the driveways. Mr. Woodward reminded the Board that they had adopted a standard of 22 feet for the width of common drives in order to accommodate emergency apparatus.

Ms. Foss moved to table to the Board's recessed meeting on May 4, 2004, to allow the applicant to continue to work on unresolved issues and further to refer to the Conservation Commission the issue of a trail easement along the property. She also suggested that Board members visit the site. Mr. Gross seconded.

Mr. McGonagle asked if the two accesses are clearly marked so that members could visit and be able to see them. Mr. Nadeau responded that they would mark the access points.

Motion to table to May 4<sup>th</sup> carried.

#### Site Plan Review

5. Application by **Forest Street Realty LLC** for approval of an amendment to a previously approved site plan of property at **94-98 Manchester Street**.

#### Public Hearing

Mr. Pollock explained this proposal to construct a 1470 square foot addition to the existing one-story brick and masonry building. The applicant also proposes to add more outdoor display space for the automobile dealership on adjacent property recently acquired and merged with the existing site. The previously approved site plan and phasing plan are proposed to be slightly modified as a result of this application. He explained that the Planning Board had granted approval in April of 2002 with a one year extension to April 17, 2005, for an expansion of the dealership that included a drainage system composed of subsurface chambers. Earlier this year the City Engineer deemed acceptable a revised drainage system using a perforated pipe drainage system.

He explained the modifications to the previously approved plan include a slight reduction in the size of the proposed new building, the paving of the newly acquired and merged adjacent parcel, and some re-alignment of the internal layout. The phasing will be modified such that the new sales and service building will be entirely within the second phase whereas the building was originally expected to be built in two phases.

He reported the Design Review Committee had reviewed the proposed site and building plans and recommended approval of the white metal building addition with the understanding that the existing front façade remain and the EIFS covering on the sides and rear of the existing building match the color of the buff brick.

Roland Gamelin was present as applicant and explained the three-foot landscape strip would be increased to a fifteen-foot green strip. He also reported that the overhead electric line mentioned by Mr. Pollock is actually a temporary electric line and will actually disappear at the end of construction. Mr. Gross asked for clarification that the recommended condition should actually read that the overhead electric line will be removed rather than that it will be placed underground.

There was no one else wishing to speak for or against this application and the Chair declared the hearing closed at 8:14 PM.

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

Mr. McGonagle mentioned that a revised lighting plan should be added as a condition of approval.

Ms. Foss had questions relative to changes in the drainage system. Mr. Gamelin explained that the original plan called for about 25 catch basins. The current proposal takes only 13 catch basins with sumps and gas collectors in them and is a more efficient system. Ms. Foss was concerned that this part of the city is over the aquifer and she wanted to be sure it was protected from contamination.

David Flynn explained the current proposal for drainage. He reported that any runoff from the parking lot will drain back into the ground.

Mr. Gamelin reminded the Board that cars sitting on this lot will be primarily new cars and reconditioned cars and will not be likely to create a hazard. He explained, in answer to a question by Mr. Blanchette, that every structure in the drainage system is an oil/water separator as well as a sedimentation basin.

Mr. Gross moved approval subject to the following conditions:

1. The applicant shall revise the plan to address the corrections and omissions noted by City staff.
2. The overhead electric line from the brick and masonry building shall be removed.
3. A revised landscape plan shall be submitted to reflect the acquisition and merger of the adjacent parcel.
4. The vehicle display area must be paved pursuant to Section 28-5-19, Motor Vehicle and Recreational Equipment Sales, of the City's Zoning Ordinance.
5. The conditions of the previous approval shall remain in full force and effect and shall be completed prior to the issuance of any building permits for this project.
6. Each phase shall be for a period not to exceed two consecutive years beginning at the time that the construction is initiated or the permits are issued for the first phase. If Phase 2 is not initiated within two years after the initiation of Phase 1, either an extension must be requested from the Board or the approval will be deemed to have lapsed.
7. A revised lighting plan shall be submitted to reflect the acquisition and merger of the adjacent parcel.

Mr. McGonagle seconded. Motion carried.

Mr. Swope moved approval under Architectural Design Review subject to the condition that the existing front façade of the building with the proposed white metal addition remain and the EIFS covering on the sides and rear of the existing building match the color of the existing buff brick. Mr. Blanchette seconded. Motion carried.

6. Application by **New Hampshire Community Loan Fund, Inc.** for approval of a site plan of property at **14 & 16 South State Street.**

Public Hearing

Mr. Henninger explained this proposal to convert and connect two existing buildings on South State Street to a single 7,608 square foot building for office use, in addition to establishing twelve new parking spaces, and landscaping as well as the demolition of a garage and several additions to the existing buildings. Both existing buildings will be substantially renovated. He reported the applicant had obtained a number of variances from the Zoning Board of Adjustment to allow for the conversion of the existing duplex building and the retail/residential structure to the proposed office use. The lots at 14 & 16 South State Street will be merged into a single parcel but the lot at 7 Wall Street will remain as a separate parcel with no modifications.

He reported the Design Review Committee had reviewed the site and building plans and recommended approval of the revisions and addition subject to the reduction of the sloped roof of the addition between the existing buildings.

He reported the applicant will remove two existing curb cuts along South State Street, effectively increasing the number of on-street parking spaces by two. They will restore the curb line and sidewalk where the drives are being removed.

Mr. Henninger reported that access to the parking is provided by way of an existing substandard driveway off Wall Street. This is compounded by the current practice of parking along the driveway. The amount of all-day on-street parking is nearly non-existent in the surrounding area while short term 2-3 hour visitor parking is usually available in this area.

He also noted that, while it is not a Planning Board regulation to require relocation of existing tenants, the issue has been raised at several recent Planning Board meetings by the soon-to-be displaced residents.

Mr. McGonagle asked if a 15-foot wide driveway was adequate for a truck to access a dumpster. Mr. Henninger described the method by which a truck could access it but he felt it would be most feasible when the parking lot was nearly empty.

Mr. Blanchette noted that the proposed construction is about one foot away from the property line and asked whether the City should get involved by requiring construction easements or cooperation with the abutting property owners in order to get construction accomplished. Mr. Henninger indicated that was something the City usually left up to the individuals to work out.

Timothy Bernier, from T. F. Bernier, Inc., was present on behalf of the applicant and indicated they have spent considerable time planning this project and have received a number of variances from the Zoning Board of Adjustment as a result of working with the abutters. He reported the neighborhood was mostly concerned with traffic and streetscape and this proposal had received a lot of positive feedback from the neighborhood.

He reported that at its most narrow point the driveway is 15 feet wide, but it is wide enough for a one-way lane and there is plenty of room to maneuver a container vehicle in the parking lot. He explained that this expansion is designed to provide additional space for existing staff. The intention is to create only about two additional staff positions at some time in the future. The existing facility has adequate parking now except for the Monday morning staff meetings and this plan will relieve that parking problem.

He reported the Community Loan Fund had contracted with a construction manager who had already approached abutters to make arrangements for construction details.

Mr. Gross sought clarification that there are three residential units being displaced by this project.

Cindy O'Brien from the NH Community Loan Fund responded that there were three residential units displaced and explained they had handled the relocation of tenants by giving funds to CATCH to replace the units they have eliminated with this prospective construction.

There was no one else wishing to speak for or against this application and the Chair declared the hearing closed at 9:14 PM.

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

Mr. Swope moved approval under Architectural Design Review subject to the stipulation that the roof of the connecting structure be reduced to the height of the two existing structures. Ms. Walker seconded. Motion carried.

Mr. Swope moved approval of the site plan subject to the following conditions:

1. The applicant shall obtain approvals of construction drawings for on-site and off-site improvements from the Engineering and Planning Divisions.
2. The applicant will provide to the Planning Division an agreement to convey an easement for the proposed common drive at 7 Wall Street which will include parking restrictions on this drive in a form acceptable to the City Solicitor and suitable for recording in the Merrimack County Registry of Deeds.
3. The lighting plan shall be revised to conform to the provisions of the Zoning Ordinance.
4. The site plan shall be revised to include no parking signs on the common access drive.
5. A voluntary merger shall be completed combining the lots at 14 & 16 South State Street into a single parcel.

Ms. Walker seconded.

Mr. Gross again commented about the loss of affordable housing units and asked that staff research and propose changes in the Board's regulations to help alleviate this problem.

Motion carried.

7. Application by **E. Douglas Ryan** for approval of a site plan of property at **234 Loudon Road**.

#### Public Hearing

Mr. Woodward explained this proposal to change the use of the easterly portion of the existing building from a used car sales business to a transmission repair business, to expand the area within the existing building occupied by the transmission repair business, and to reorganize the parking, driveways, and circulation on the site. The westerly end of the existing building will continue to be occupied by a pawn shop although the floor area will be reduced from that which is currently occupied. He reported the Zoning Board of Adjustment had granted variances to allow elimination of the parking lot setback along a portion of the Branch Turnpike frontage; relief from the requirement for a five-foot landscape buffer in the same area; and reduction of driveway aisle widths.

He reported the Design Review Committee had reviewed the site and building plans and found them to be appropriate for the location and use, and recommended approval subject to the stipulations that the existing building paint scheme remain as it is currently, the phone numbers be eliminated from the proposed red awnings for AAMCO, and the applicant return with signage that conforms to the Zoning Ordinance for further review.

Mr. Woodward reported that the existing freestanding sign is in the right-of-way of Loudon Road. The original approval for this sign was for a location on the premises to the west of the present location and the sign must be relocated to conform with the Zoning Ordinance.

He noted the landscape plan called for extensive planting in the right-of-way of both Loudon Road and Branch Turnpike. A license for that planting will be required for the installation of this proposed landscaping.

He reported that the easterly driveway on Loudon Road is proposed to be moved closer to Branch Turnpike such that either a variance is required under Section 28-7-8(c)(2) relative to the separation of the easterly driveway from Branch Turnpike, or a Conditional Use Permit is needed pursuant to Section 28-7-11(f).

Henry Phillips was present from Eric Mitchell Associates on behalf of the applicant and indicated they are working on the drainage issues.

There was no one else wishing to speak for or against this application and the Chair declared the hearing closed at 9:39 PM.

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

Mr. McGonagle moved to table action on this application to allow the applicant to address the identified issues, particularly the revision and resubmission of the drainage designs, and to allow for a public hearing to be held on May 4, 2004 relative to the application for a Conditional Use Permit which is critical to the proposed site layout. Ms. Kuhlman Brown seconded. Motion carried.

Site Plan Review and Conditional Use Permits

8. Application by **Osprey Point Realty Inc.** for approval of a site plan of property at **33 Locke Road**, together with an application for a Conditional Use Permit pursuant to Section 28-4-3(d) of the Zoning Ordinance relative to disturbance of wetland buffers.

Public Hearing

(Mr. Blanchette and Ms. Walker recused themselves and left the table.)

Mr. Pollock explained this proposal to construct an 8,100 square foot storage building for vending machines and supplies with parking for 21 cars. He reported the majority of this lot had been previously filled pursuant to a dredge and fill permit from the NH Department of Environmental Services. He reported that when the original subdivision was approved, there were drainage swales that were constructed along the property lines. Those will remain as part of this application. He also reported the applicant is requesting a Conditional Use Permit to allow the construction of a portion of the building and driveway within the wetland buffer.

He reported the Design Review Committee had reviewed the site and building plans, found them appropriate for the location and use, and recommended approval with the stipulation that the mansard and doors be the same earth tone color.

Rick Brown, from Trapper Brown Corporation, was present on behalf of the applicant and indicated that they have worked very hard at putting a large building on this two-acre site with a driveway around the building. They have used the landscaping to best shield this building from the neighbors. They have developed a low-impact drainage system that is approved and recommended by EPA for this type of soil even if it is not a common system.

There was no one else wishing to speak for or against this application and the Chair declared the hearing closed at 9:55 PM.

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

Mr. McGonagle moved to table action on both applications until the May 4, 2004 meeting to allow staff the opportunity to review the proposed drainage system. Ms. Foss seconded.

Mr. Woodward mentioned that staff had received from an abutter a copy of a set of covenants for the industrial park. He reported that the City is not generally involved in enforcing covenants. He offered to provide copies to the Board if they wished.

In answer to a comment by the Chair relative to tabling action versus approval subject to a long list of conditions as sometimes recommended, Mr. McGonagle explained that it was his opinion that usually when there is a long list of conditions, they really amount to technical items. However, when the drainage system is the deciding factor, that is a serious question that he feels needs to be resolved before he feels comfortable voting for approval. He felt the Board should not be delegating that level of discretion to the staff.

Motion carried, 4-2, with Messrs. Swope and Drypolcher voting against and Mr. Blanchette and Ms. Walker abstaining from discussion and vote.

#### Conditional Use Permit

9. Application by **Hodges Development Corporation**, on behalf of **Verizon Wireless**, for approval of a Conditional Use Permit pursuant to Section 28-5-23, Wireless Telecommunications Equipment, of the Zoning Ordinance, for property at **197 Loudon Road**.

#### Recessed Public Hearing

(Mr. Gross recused himself and left the table.)

Mr. Pollock explained Verizon Wireless sought a Conditional Use Permit for the installation of wireless communication equipment on the rooftop of a building on land of Hodges Properties at 197 Loudon Road. He explained the proposed antenna is in the shape of a stealth flagpole which has internally mounted antennas and is 40 feet above the roof. An equipment building of 13 feet 8 inches in height is also proposed to be located on the roof. The maximum height limit in the CG (General Commercial) District is 45 feet and all proposed components would exceed that limit.

He explained that, while the application was submitted in December of 2003, the applicant's agent had requested postponement of consideration a number of times while trying to resolve compliance with the Zoning Ordinance. They had now applied to the Zoning Board of Adjustment and were granted a variance to the height limitation to allow the proposed tower to attain a height of 80 feet, and the related equipment to attain a height of 55 feet.

He reported the Design Review Committee had reviewed the revised site and building plans and recommended approval subject to the pole being painted to match the building.

Attorney Daniel Klasnick was present on behalf of Verizon Wireless to answer questions from the Board, as were representatives of Verizon Wireless.

Mr. Blanchette asked if the FAA had been consulted relative to whether this would be in the flight path for the airport. Mr. Klasnick responded there will be a submittal to the

FAA but the opinion of the Code Administrator and Verizon personnel was that there likely would be no impact.

There was no one else wishing to speak for or against this application 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 telecommunications tower shall be painted to match the color of the building.
2. The applicant shall provide the requisite financial guarantee under the terms of Section 28-5-23(i) of the City's Zoning Ordinance in an amount as approved by the City Engineer and in a form acceptable to the City Solicitor.
3. The FAA shall be consulted to ascertain proximity of this equipment to the flight path of the Concord Airport.

Ms. Kuhlman Brown seconded. Motion carried with Mr. Gross abstaining from discussion and vote.

10. Application by **KeySpan Energy Delivery** for approval of a Conditional Use Permit pursuant to Section 28-2-4(k), Principal Use K-11, Essential Public Utilities and Appurtenances, Section 28-4-3(d), Conditional Use Permits Required for Certain Disturbances of [Wetland] Buffers, Section 28-3-3(f), Conditional Use Permits Required for Disturbance of Buffer in the SP District, and Section 28-3-2(e), Conditional Use Permits Required for Encroachments in the Floodway and the F2 District, of the Zoning Ordinance, for property from **Break O'Day Drive to Josiah Bartlett Road and New Hampshire Route 106**.

Public Hearing

Mr. Woodward explained this proposal to further amend the Conditional Use Permits granted by the Planning Board last year for the installation of a new 12-inch natural gas distribution main from Loudon Road along Break O'Day Drive through an area of private property formerly owned by the State and subject to utility easements south of and adjacent to I-393, continuing under I-393, and along Josiah Bartlett Road to the Loudon town line within public highway rights-of-way of the City and the State. This will modify the prior approval for work under Break O'Day Drive and expand the scope of activities to continue the installation of the main along Josiah Bartlett Road to the Loudon town line, beyond which the main will join an existing main in Route 106 in Loudon. He explained that while all work will be done within existing street rights-of-way there are a number of wetlands adjacent to the rights-of-way such that the street itself is in the wetland buffer, albeit representing a pre-existing disturbance of the buffer.

He reported that the main will have to be installed on land at the end of Break O'Day Drive which was sold by the State in 2001 subject to rights for certain utilities, including KeySpan. KeySpan already has an existing 6-inch gas main in this area and an examination of the deeds to the former State parcel reveal that the rights that accrue to KeySpan are for the maintenance of their lines as they are presently located. Clearly this reservation in the deed does not contemplate the expansion of KeySpan's presence with the proposed 12-inch gas main.

Larry Griffin, right-of-way consultant for KeySpan, was present and introduced John Zimmer from Coler and Colantonio, Inc.

Mr. Griffin indicated he had been in discussion with the attorney for Two Loudon Developers and felt there was a mutual interest in working out agreements that would allow this project to go forward.

Kevin Dowd, general counsel for Developers Realty Corporation, confirmed that they are moving forward with agreement relative to the utility easement. They would not be adverse to moving this application forward tonight. They feel it can be worked out and documentation can be finalized.

There was no one else wishing to speak for or against this application and the Chair declared the hearing closed at 10:30 PM.

#### Deliberations and Action on Application

Mr. Swope moved to grant the Conditional Use Permit pursuant to Section 28-2-4(k), Principal Use K-11, Essential Public Utilities and Appurtenances, of the Zoning Ordinance, subject to the following conditions:

1. The applicant shall provide copies to the Planning Division of all recorded easements, licenses, and other agreements for the installation of the new gas main.
2. The applicant shall provide a financial guarantee for all work on City property and within City rights-of-way in an amount as approved by the City Engineer and in a form acceptable to the City Solicitor.
3. The applicant shall provide detailed design plans for the installation of the proposed gas main within City rights-of-way.
4. This approval extends to the plans as submitted; any change in the route that will involve additional properties and/or rights-of-way shall be subject to further consideration by the Board; and any change of route within the currently designated properties and/or rights-of-way that is deemed significant by the Clerk of the Board shall be subject to further consideration by the Board.

He moved to grant the Conditional Use Permit pursuant to Section 28-4-3(d), Conditional Use Permits Required for Certain Disturbances of [Wetland] Buffers, of the Zoning Ordinance, subject to the following conditions:

1. All of the excavation for the gas main installation shall be within the traveled ways and previously disturbed areas of the shoulders of Josiah Bartlett Road and Break O' Day Drive.
2. There shall be no disturbance of any wetland buffer other than in buffer areas that have been previously disturbed.

He moved to grant the Conditional Use Permit pursuant to Section 28-3-3(f), Conditional Use Permits Required for Disturbance of Buffer in the SP District, of the Zoning Ordinance, subject to the following conditions:

1. All of the excavation for the gas main installation shall be within the traveled ways and previously disturbed areas of the shoulders of Josiah Bartlett Road.
2. There shall be no disturbance or alteration of the Cemetery Brook culvert.

And he moved to grant the Conditional Use Permit pursuant to Section 28-3-2(e), Conditional Use Permits Required for Encroachments in the Floodway and the F2 District, of the Zoning Ordinance, subject to the following conditions:

1. All of the excavation for the gas main installation shall be within the traveled ways and previously disturbed areas of the shoulders of Josiah Bartlett Road.
2. There shall be no disturbance or alteration of the Cemetery Brook culvert.

Mr. McGonagle seconded. Motion carried.

#### Architectural Design Review

11. Applications by the following for approval of signs at the following locations under the provisions of Section 28-9-4(f), Architectural Design Review, of the Code of Ordinances.

- 55 North Main Fine Food Fine Wine at 55 North Main Street

Mr. Henninger reported the Design Review Committee found the design and placement of the sign to be appropriate for the location and use, and recommended approval provided they do not drill new holes in the granite and that the sign bracket be anchored in the mortar, not the brick.

Mr. Blanchette moved approval provided they do not drill new holes in the granite and that the sign bracket be anchored in the mortar, not the brick. Ms. Foss seconded. Motion carried.

- **Concord Billiards at 49 South Main Street (2 signs)**

Mr. Henninger reported the Design Review Committee found the design and placement of the sign for the South Main Street façade to be appropriate for the location and use, and recommended approval provided it is located between the pilasters and within the sign panel in the brick above the windows. The Committee found the design and placement of the sign for the rear facade to be appropriate for the location and use, and recommended approval provided they make the street address larger and leave off "Concord, New Hampshire".

Mr. Gross moved approval of the sign on the South Main Street façade with the stipulation that it be located between the pilasters and within the sign panel in the brick above the windows, and approval of the sign on the rear of the building facing Storrs Street with the stipulation that "Concord, NH" be removed from the sign and the copy "49 S. Main Street" may be enlarged. Ms. Kuhlman Brown seconded. Motion carried.

- **South Church at 27 Pleasant Street**

Mr. Henninger reported that the Design Review Committee found the design and placement of the sign to be appropriate for the location and use, and recommended approval as submitted.

Adria Cilley was present on behalf of the applicant and indicated the existing sign was too small and they wanted to replace the existing granite sign with this.

Mr. McGonagle moved approval as submitted and Ms. Foss seconded. Motion carried.

- **Eastern Mountain Sports at 68 Fort Eddy Plaza**

Mr. Henninger reported that the Design Review Committee found the design and placement of the sign to be appropriate for the location and use, and recommended approval as submitted.

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

- **K. M. Minemier & Assoc. at 31 Warren Street**

Mr. Henninger explained that the Design Review Committee found the design and placement of the sign to be appropriate for the location and use, and recommended approval provided it complies with the Zoning Ordinance.

Mr. Gross moved approval as submitted provided it complies with the Zoning Ordinance. Ms. Kuhlman Brown seconded. Motion carried.

- **Modern Woodsmen of America at 109½ South State Street**

Mr. Henninger reported that the Design Review Committee recommended tabling action on this application to allow the applicant time to resubmit a simplified sign with significantly less copy on it. Members noted that the amount of signage needed to be

reduced, and the hanging sign should be reduced in size to be more appropriate to the scale of the residential style building.

He reported the applicant had subsequently submitted revised plans to more closely conform with the Design Review Committee's comments.

Ms. Kuhlman Brown moved approval as revised and Ms. Walker seconded. Motion carried, 7-1, with Mr. Drypolcher voting against.

- **Nextel at 205 North State Street**

Mr. Henninger reported that the Design Review Committee recommended approval of the affixed sign on the east façade as submitted provided it was an externally illuminated sign. This sign needs to be illuminated from above to avoid impacting the residence on the second floor. The Committee further recommended approval of an awning sign with a replacement band of solid yellow fabric with lettering affixed to the yellow band instead of a second affixed sign for the north facade. The applicant concurred.

Mr. Kuhlman Brown moved approval of the sign on the east façade as an externally illuminated sign with illumination directed down on the sign, and an awning sign with a replacement band of solid yellow fabric with lettering affixed to the yellow band instead of an affixed sign on the north façade. Ms. Foss seconded. Motion carried.

- **Ocean National at 197 Loudon Road (2 signs)**

Mr. Henninger reported that the Design Review Committee found the design and placement of the signage to be appropriate for the location and use, and recommended approval as submitted.

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

- **Ocean National at 66 North Main Street**

Mr. Henninger reported that the Design Review Committee found the design and placement of the signage to be appropriate for the location and use, and recommended approval as submitted.

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

- **Tomatoes at 217 Fisherville Road**

Mr. Henninger reported the Design Review Committee recommended approval of the freestanding sign as proposed.

Mr. Blanchette moved and Mr. McGonagle seconded approval as submitted. Motion carried.

12. Application by **Harold E. and Judith A. Ekstrom** for approval of renovations to the site at **34 Warren Street**.

Public Hearing

(Mr. Drypolcher recused himself and left the table. Mr. Swope, as Vice Chair presided.)

Mr. Henninger explained this proposal for changes to the façade of the building to accommodate the expansion of the abutting Peter's Images into the empty storefront at 34 Warren Street. He reported the Design Review Committee reviewed the plans submitted by Mr. Ekstrom for the storefront, compared them to photographs of the storefront before the materials were removed, and commented that not only were the materials not appropriate but the proportions did not match those of the original design.

He reported that the Design Review Committee recommended that the storefront metal and glass removed from this building be replaced with clear glass and a wood or wood-like trim following the pattern that was there previously. The original proportions should be maintained.

Harold Ekstrom was present as applicant and explained that there were two rental units on the street level in this building - Peter's Images and the currently empty storefront. He reported that the wood frames and wood sash were in pretty poor shape and he decided to replace them with tinted glass and metal frame to match the existing Peter's storefront. He reported he is not changing the cast posts or granite that exists. The actual wood frame being replaced is inside the current plywood visible from the street. He planned to replicate the wood frame and wood sashes that are already there, following the same patterns, same height, and same openings. The only issue is the use of aluminum versus the use of wood. He reported the doorway is already metal and will be replaced with something that will match.

He reported that the windows, doors and frames of the former police station down the street on Warren Street are all metal. He understood the concern relative to window tinting but part of the reason for the tinting is privacy for customers and clients. He reported the tenant is agreeable to not having tinted windows but does want tinted doors. He reported that the proportions were being retained, unlike the assertions made in the report by the Design Review Committee.

Mr. Ekstrom reiterated that all he wants to do is replace the wooden frames that were rotted with metal frames. The proportions will be identical.

Mr. McGonagle asked if the metal pieces can replicate the dimension of the wooden crosspieces being replaced.

Mr. Blanchette asked how old the tinted glass at Peters was and Mr. Ekstrom responded that he felt it was about ten years old.

Nan Hagen, Main Street Concord, mentioned that they were about to offer \$60,000 in grant money for returning storefronts to their original appearance. This would be a 50/50 match grant and they are accepting applications now. She read a letter from

David Levine, the former tenant in this now vacant storefront, in which he indicated there was no rot in the wooden frame.

In the interest of historic preservation, Ms. Hangen urged the Planning Board to consider the recommendations made by the Design Review Committee.

Mr. Ekstrom responded and reminded the Board that he did not intend to change the proportions. The glass company will be doing measurements to insure that the proportions remain the same. The only issue he believes is whether he is allowed to use metal frames.

There was no one else wishing to speak for or against this application and the Chair declared the hearing closed at 11:26 PM.

#### Deliberations and Action on Application

Mr. Gross expressed concern that Peter's was allowed to remodel using metal and tinted glass and he felt the Design Review Committee should be more diligent.

Mr. Gross moved approval subject to the condition that the storefront metal and glass removed from this building is replaced with clear glass and wood, or wood appearing material, matching the color, proportions and pattern that were there previously. Ms. Kuhlman Brown seconded. Motion carried with Mr. Drypolcher abstaining from discussion and vote.

### REGULAR MEETING

#### Minutes

Mr. McGonagle moved approval of the minutes of the meetings of July 16, 2003, August 20, 2003, March 17, 2004, and March 30, 2004 as submitted. Mr. Swope seconded. Motion carried.

The Board considered a sketch plan for a development which will later become the subject of a formal application:

- a. **Emmanuel T. Brochu, Jr. & Judith Brochu** for approval of a subdivision of property at **1 Parmenter Road**.

Mr. Henninger explained this proposal to create a single-family residential subdivision of twelve lots on an extension of Parmenter Road west of North State Street on a 6.59 acre parcel. He reported this proposal includes the improvement of the existing Parmenter Road and the demolition of an existing house on the lot to make way for the road extension and detention pond. He reminded the Board that this property was the subject of a sketch plan last year for a 40-unit townhouse project.

He reported water supply and pressure are an issue at this site. Minimum allowable sill pressure is 20 psi and desirable pressure is 35 psi. By State regulations, in order to maintain the required minimum pressure of 20 psi, no sill elevation above 378 feet is allowed at this location and this restriction needs to be noted on the plans. Homes on

lots 7, 8 and 9 can only be built in the front portion of the lot where the sill elevation can be constructed at 378 feet or slightly below. Lots 4, 5, 8, 10 and 11 will have less than desirable water pressure and this should also be noted on the plans.

He reported the new street/turnaround at the end of Parmenter Road is not typical. It can either be viewed as an oversize turnaround or two dead ends without provision for a turnaround at each end.

Mr. Henninger reported that the proposed street width is only 26 feet, which is substandard in this high density zoning district where a thirty-foot wide pavement section is required by the Board's Subdivision Regulations. The existing section of Parmenter Road serves five houses and a three-unit multi-family building on North State Street. The street right-of-way is only forty feet in width. In order to allow the road to be constructed on the existing forty-foot wide right-of-way, City staff is recommending that two waivers be granted, one for 26 foot pavement width instead of thirty feet and one for sidewalk on one side of the street where two sides are required.

He reported drainage from this site currently discharges across several existing residential yards east of the site. Careful attention to the drainage design will be needed to insure that this drainage is handled appropriately.

He reported that four existing driveways will need to be reconstructed along the existing section of Parmenter Road and one eliminated. One of the driveways is located on City property, serves two houses, and a license may need to be granted to the abutting owners to allow this access to continue.

Attorney Richard Uchida was present on behalf of Spectrum Investments, the prospective developers of this property, as was Jennifer McCourt from Keach Nordstrom and Chloe Rowe from Spectrum Investments.

Mr. Uchida indicated that the last time they were here with a sketch plan for a multi-family project and one of the concerns was density as well as traffic. This proposal would allow for the interconnection of other projects if the abutting land was ever developed.

Mr. McGonagle expressed concern about the blasting that will need to occur on this site. Ms. McCourt responded that they would look at minimizing the amount of blasting that will have to be done to create the detention pond. They need to detain the runoff or it will cause problems downstream.

Mr. Uchida indicated they will look into protective measures they can take to minimize blasting damage.

Mr. McGonagle did not see any need for hammerheads at the end of the long hammerhead. Mr. Swope agreed unless General Services had a problem with the plan as shown.

Mr. McGonagle indicated he would like to see the standard street section in the interior part of the project.

There was no further business to come before the Board and the meeting recessed at 12:05 AM to Tuesday, May 4, 2004 at 7:00 PM in the City Council Chambers.

A TRUE RECORD ATTEST:

A handwritten signature in black ink, appearing to read "Douglas G. Woodward", with a long horizontal flourish extending to the right.

Douglas G. Woodward  
Clerk

o