

**CITY OF CONCORD PLANNING BOARD  
May 21, 2014 MEETING**

The regular monthly meeting of the City Planning Board was held on May 21, 2014, in City Council Chambers, in the Municipal Complex, at 37 Green Street, at 7:00 p.m.

Present at the meeting were Chair Drypolcher and Members Hicks, Lavers, Woodfin, Rosenberger, Smith-Meyer, Regan, and Kenison. City Planner Nancy Larson, Mr. Henninger, Ms. Hebert and Ms. Murray of the City's Planning Division were also present.

At 7:00 p.m., a quorum was present and the Chair called the meeting to order. Chair Drypolcher seated Alternate Member Kenison for Member Foss.

**PUBLIC HEARINGS**

**Architectural Design Review Applications**

1. 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 City of Concord's Code of Ordinances:

The Chair opened the public hearings for all the sign applications.

- a. **Application by Capital Plaza, LLC, on behalf of Rath, Young and Pignatelli, PC, requesting Architectural Design Review Approval for a new 4 sq. ft. hanging sign at 57-81 N. Main Street, within the Central Business Performance (CBP) District.**

Ms. Hebert informed the Board that this is a thermal sided projecting sign on Main Street with the name of the firm. The sign will be attached to a new bracket. She informed the board that the ADRC recommends approval as submitted. Ms. Smith-Meyer asked if there had ever been a hanging sign at this location. Ms. Hebert stated that there are signs hanging between the pillars and that the location was chosen because it was closest to the entryway. Mr. Woodfin inquired if the conditions for the denial letter from January 31, 2014 have been addressed. Ms. Hebert stated they had been. Ms. Larson stated that the Code Administrator has signed off on the conditions.

There were no other comments or discussions.

Mr. Lavers moved to grant Architectural Design Approval for a new 4 sq. ft. hanging sign at 57-81 N. Main Street as submitted by the applicant. Mr. Hicks seconded the motion. Motion carried unanimously.

- b. **Application by Boys and Girls Club of Greater Concord, requesting Architectural Design Review Approval for a new 12 sq. ft. non-illuminated monument sign, a new 6 sq. ft. wall sign and a new 7.6 sq. ft. window sign at 55 Bradley Street, within the Urban Transitional (UT) District.**

Mr. Henninger spoke to the application. He stated that they received previous approvals for the affixed signs but the monument needed amending. The concern was over the billing of "Bradley Street" and "Kimball Park". Mr. Henninger noted that the Recreation Advisory Committee advised that "Kimball Park" be the primary message on the signage and identify "55 Bradley Street" below. Chair Drypolcher

questioned the landscaping at the site and Mr. Henninger explained that the landscaping for the sign is part of the application and will be relocated a few feet away from its existing location to tie into the sign.

There were no further comments or discussions.

Mr. Lavers moved to grant Architectural Design Approval for a new 12 sq. ft. non-illuminated monument sign, a new 6 sq. ft. wall sign and a new 7.6 sq. ft. window sign at 55 Bradley Street as submitted by the applicant and with changes recommended by the ADRC that the order of text from top to bottom read "Kimball Park, 55 Bradley Street, City of Concord". Mr. Hicks seconded the motion. Motion carried unanimously.

**c. Application by Clark Tomassian, on behalf of RJ Ilg, requesting Architectural Design Review Approval for a replacement panel in an existing non-illuminated freestanding sign at 169 Loudon Road, within the General Commercial (CG) District.**

Mr. Henninger stated this was previously the Papa John's sign which is an aluminum background with channel letters. The new panel will be an overlay on the existing sign. He stated the top part of the sign that reads "Miele" will be blocked out. Chair Drypolcher questioned if that space on the sign would remain black and when affirmed by Mr. Henninger, Chair Drypolcher requested the color be changed to something other than black that will tie in with the rest of the sign.

Ms. Smith-Meyer moved to grant Architectural Design Approval as recommended by the Architectural Design Review Committee for a replacement panel in an existing non-illuminated freestanding sign at 169 Loudon Road as submitted by the applicant with the condition that the black area where "Miele" was, is a color which blends with the existing color scheme of the sign and is acceptable by Planning staff. Mr. Kenison seconded the motion. Motion passed unanimously.

**d. Application by MNP Realty, LLC, on behalf of Family Dollar, requesting Architectural Design Review Approval for a replacement panel in an existing internally illuminated wall sign, and a replacement panel in an existing internally illuminated freestanding sign at 108 Fisherville Road, within the General Commercial (CG) District.**

Mr. Henninger stated that ADRC recommended approval as submitted.

Ms. Smith-Meyer moved to grant Architectural Design Approval as recommended by the Architectural Design Review Committee for a replacement panel in an existing internally illuminated wall sign, and a replacement panel in an existing internally illuminated freestanding sign at 108 Fisherville Road as submitted by the applicant. Mr. Lavers seconded the motion. Motion passed unanimously.

**e. Application by ADN Realty Trust and ABS Realty Trust, on behalf of Fisherville Pharmacy, requesting Architectural Design Review Approval for a new 36 sq. ft. internally illuminated wall sign at 219 Fisherville Road, within the General Commercial (CG) District. (Recommendation is to table.)**

Ms. Larson explained that the applicant was not present at the ADRC meeting of May 13, 2014 and the ADRC was unable to recommend approval since several questions were unanswered. She also stated that the regulations state that the Planning Board needs a recommendation from the Design Review Committee. She stated that the applicant is aware of this and they will be present at the next ADRC meeting in June.

Ms. Smith-Meyer moved to table Architectural Design Approval as recommended by the Architectural Design Review Committee for a new 36 sq. ft. internally illuminated wall sign at 219 Fisherville Road as submitted by the applicant to the June 18, 2014 Planning Board meeting. Mr. Kenison seconded the motion. Motion passed unanimously.

**f. Application by The Duprey Companies, on behalf of Greater Concord Chamber of Commerce, requesting Architectural Design Review Approval for two (2) new 16 sq. ft. banners to be affixed to light poles at 49 South Main Street, within the Central Business Performance (CBP) District.**

Mr. Henninger stated the application consists of two new banners being added to the existing light poles.

Mr. Lavers moved to grant Architectural Design Approval as recommended by the Architectural Design Review Committee for two (2) new 16 sq. ft. banners to be affixed to light poles at 49 South Main Street as submitted by the applicant. Ms. Smith-Meyer seconded the motion. Motion passed unanimously.

**g. Application by Tedeschi Food Shops, on behalf of Bo and Pop Limited Partnership, requesting Architectural Design Review Approval for a replacement freestanding sign, a new internally illuminated 36 sq. ft. wall sign, a replacement 65 sq. ft. internally illuminated freestanding sign and two (2) new wall signs on the pump island canopy at 9 Village Street, within the General Commercial (CG) District.**

Mr. Henninger stated that ADRC recommended approval as submitted. The Board questioned the number of signs on the canopy and Mr. Henninger reiterated that the total is 2 on the canopy.

Ms. Smith-Meyer moved to grant Architectural Design Approval as recommended by the Architectural Design Review Committee for a replacement freestanding sign, a new internally illuminated 36 sq. ft. wall sign, a replacement 65 sq. ft. internally illuminated freestanding sign and two (2) new wall signs on the pump island canopy at 9 Village Street as submitted by the applicant. Mr. Kenison seconded the motion. Motion passed unanimously.

**h. Application by United Church of Penacook requesting Architectural Design Review Approval for two (2) replacement non-illuminated freestanding signs - 13.3 sq. ft. and 39.6 sq. ft. (with changeable copy) at 21 Merrimack Street, Penacook, within the Central Business Performance (CBP) District.**

Mr. Henninger stated that these are replacement signs; one on Canal Street on the back side and one on the front side facing Merrimack Street. Rev. Jerry McCann was present to speak to the application. The Board had no questions for the applicant.

Ms. Smith-Meyer moved to grant Architectural Design Approval as recommended by the Architectural Design Review Committee for two (2) replacement non-illuminated freestanding signs - 13.3 sq. ft. and 39.6 sq. ft. (with changeable copy) at 21 Merrimack Street, Penacook as submitted by the applicant. Mr. Regan seconded the motion. Motion passed unanimously.

### Site Plan Review

- 2. Application by Richard J. Day, on behalf of Sugar River Bank, requesting Major Site Plan Approval to construct a 3,350± square foot building to contain a branch bank with four (4) drive up lanes, parking, landscaping, signage, drainage and lighting at 198 Loudon Road, and requesting a**

**Conditional Use Permit (CUP) pursuant to Article 28-7-8(c) of the Zoning Ordinance, Separation of Driveways in Non-residential Districts, to allow for a single driveway onto Loudon Road with less than 200' of spacing from adjacent driveways. (2014-0012)**

- 1. Public Hearing**
- 2. Deliberations and Action on the Application**

The Chair opened the public hearing.

Ari Pollack; Gallagher, Callahan and Gartrell, Mark Pitkin; Sugar River Bank and Brian Vincent; Nobis Engineering were present to speak to the application. Mr. Pitkin gave an overview of the bank's history. The bank, which is a mutual savings bank, was founded in 1895. The main office is located in Newport, NH and they have not opened a branch in 22 years. They are very pleased to open a branch in Concord.

Mr. Vincent gave a technical presentation. The site is 1.4 acres and is located in the General Commercial District. The current use is an auto dealership. The proposed bank branch is composed of a 3,350 SF branch bank with four drive-up lanes, one of which is for an ATM. The project involves the complete removal of the existing buildings, lighting, pavement and signage, and the creation of new parking, drainage, landscaping and lighting to support the new facility. Included in the pedestrian access ways are two access ways off of Loudon Road; one at the driveway entrance and the other 70 feet to the east. The two additional access ways are in response to the request of the ADRC. The applicant is requesting the CUP for driveway separation. Mr. Vincent stated that per staff request, driveway connections are proposed to the east and west of the property. Conceptual format of the driveway connections to the west and east, near Goodwill, are provided and for future improvements. Mr. Vincent stated there are several screening trees proposed near the residential areas of the property. He noted there is a closed drainage system. He stated that the four drive-up lanes accommodate the stacking of 5 cars. Utilities, proposed off of Loudon Road, include water, sewer, natural gas, power and telephone which will be off an existing utility pole then underground onto the property.

Atty. Pollack commented on the width of the Right-of-Way off of Loudon Road. In response to Staff comments which address the future improvements to Loudon Road, they have increased the Right-of-Way by 7 feet.

Ms. Smith-Meyer expressed concerns regarding the amount of screening near the neighboring residences. Ms. Hebert explained that the south of the site includes some residences but is not in the Residential District. Ms. Smith-Meyer suggested using deciduous trees in place of the proposed trees in the parking area. Atty. Pollack said they would be happy to work with staff to provide the best landscaping for the site.

Mr. Lavers questioned how the pedestrian access was being addressed. Mr. Vincent explained there is a pedestrian access to the main entrance and pedestrian access to the drive-up ATM.

The Chair asked if members of the public had any comments or questions on the application.

Mr. Donald and Ms. Linda Matson spoke in opposition to the CUP. They reside at 61-63 Branch Turnpike, which is directly south of the site. Mr. Matson expressed concerns over drainage, lighting and traffic. Mr. Matson stated that drainage has been addressed and he is confident the staff and the Planning Board will make sure it is taken care of. Mr. Matson would like the lighting deferred to avoid shining on the property to the south on the residential areas. Mr. Matson also expressed concern over his property being used as a shortcut by people wanting access to the bank from Branch Turnpike where hundreds of residents reside in the condos and apartment complexes located there. He has experienced

people walking along the fenced area at Good Will using his property. He would like something other than a line of trees to inhibit people from using this area as a cut through and to block any lighting that may shine into the residential properties.

Atty. Philip Hastings with Cleveland, Waters and Bass was present representing HDC 192 Loudon Road, LLC aka Hodges Companies. Also present was Alan Johnson, Hodges Companies. Hodges owns the Movie Gallery property which is immediately to the west of the site as well as the former cinema property which is the next one to the west. There is currently a separate curb cut for the Movie Gallery property and a couple of curb cuts from the former theatre property. Although his client is generally welcoming of the proposed site, is supportive of the development of the Day property, and likes the design of the building and what it will do for that area, his real concern is with the driveway location. A letter was submitted to the Board today. Atty. Hastings expanded on a couple of points from the letter. First, the relocation of the driveway for the bank will take what is currently a very difficult traffic situation coming to and from both the bank property as well as the Movie Gallery property and will make it worse. The distance between the two curb cuts will be reduced from 85 feet currently to 40 feet. The Ordinance requires a 200 foot separation between driveways, hence the need for a Conditional Use Permit. Second, the driveway location will limit Hodges' ability to redevelop both the Movie Gallery parcel and the cinema property. There are a number of different redevelopment scenarios that his client has discussed with a number of different players. Those are not as far along as the Bank's proposals but there has been a lot of discussion about those and they are moving forward. By moving the driveway on the Dick Day parcel closer to the movie gallery, it greatly restricts Hodges' ability to redevelop and the Movie Gallery site has its own standalone parcel; if there was a change in use for example of the Movie Gallery piece, Hodges would likely need to come to the Planning Board for a similar Conditional Use Permit or would be forced to, if trying to relocate the existing curb cut at the Movie Gallery piece again because it's within 200 feet, they would have to submit a Conditional Use Permit application there as well. It would force Hodges to consolidate the existing curb cuts on the two parcels into one or at most two separate curb cuts which again limit Hodges ability to market and redevelop the property in a way that makes sense. Third, is in relation to the Conditional Use Permit requirements. The requirements allow the Board to grant the Conditional Use Permit to reduce the separation from 200 feet to something less but it has to be a minimal reduction according to the Ordinance. The proposed driveway location is not the most minimal curb reduction necessary. There are a number of different alternatives that could be considered. The Bank's location, the proposed configuration, is entirely driven, in his understanding, by the Bank's preferences to have four drive-through lanes to provide a certain level of convenience for the customers which is certainly understandable but it comes at Hodges' expense. Atty. Hastings asked this Board to seriously consider the effect that the Conditional Use Permit will have on the Hodges property and hopefully encourage the Bank to work with Hodges to come up with a mutually satisfactory location for the driveway.

Chair Drypolcher stated that the Bank does not have a 200 foot frontage so it would be a non-compliant driveway regardless of what happens. He asked Atty. Hastings where he would suggest the Bank put the driveway. Atty. Hastings replied that the current driveway is non-conforming but it's more in the center of the property. What they are essentially doing is increasing the separation between the Goodwill driveway to about 175 feet so they are creating a better situation vis-à-vis Goodwill but they are making a much worse situation vis-à-vis the Movie Gallery. What he suggests to the Sugar River Bank is that they consider putting the driveway location closer to the easterly side of the property; more in keeping with the existing curb cut, perhaps requiring the Bank to be slid farther to the south on the site to get correct turning radius. He stated he was sure there are a number of different design alternatives that could be considered.

Chair Drypolcher asked if he was able to give some indication of how the driveway location would affect the Hodges property. He asked if it was just a gut feel for what is going to happen or if there is a

problem. Atty. Hastings replied that they are trying to prevent a problem. Chair Drypolcher stated that he doesn't know if they have one to prevent. Atty. Hastings replied that if they are looking at the fact that they have four drive-through lanes with five potential stacking cars in each one of those, the Bank is looking at the potential of twenty vehicles trying to access that location and if the Movie Gallery spot were to be developed, being only 40 feet away from that with the proposed diet for Loudon Road that has the potential of stacking all of that traffic back beyond Hodges entranceway in order to get into the bank location. Chair Drypolcher inquired if the Movie Gallery has two driveway cuts now. Atty. Hastings replied that the movie theatre has two and the Movie Gallery has one. He stated it was somewhat of a theoretical concern but what is a real concern is that if Hodges were to come forward with a proposal to redevelop the Movie Gallery site, it seems highly likely that the Board would want Hodges to locate the curb cut somewhere other than where it is currently because now the Bank's curb cut is so close to Hodges' property line. Chair Drypolcher asked about the suggestion of sharing a driveway and move it more westerly so it's on the property line and there is one driveway for both the Movie Gallery and the Bank. Atty. Hastings stated they would certainly consider that but it may have some impact on potential suitors for the redevelopment of Hodges site but it would be worth considering. Chair Drypolcher stated he foresees problems with other requirements to gain access to abutting properties with moving the Bank to the south. He stated that by putting the driveway in the middle of the property line might satisfy the west side connection between two property lines. He stated that there are no properties on Loudon Road that are conducive for anything easy. Atty. Hastings stated that in terms of the 200 foot separation, obviously the Goodwill and the Dick Day property and other properties are all non-conforming. Hodges is trying to help make the best of a bad situation and his client is open to all the suggestions but are concerned that this particular suggestion makes Hodges share the burden of all of those problems. Chair Drypolcher asked if the driveway to the west was Hodges and if it was the only entrance. Atty. Hastings confirmed and stated that there are two separate curb cuts on the Movie Theatre property. He also stated part of this is a timing issue to some extent. If Hodges plans for the redevelopment were a little farther along, the ideal situation would be to work together with the Bank to come up with a common scheme but they are not there yet. The Bank is a little farther along in the process than his client is.

Ms. Smith-Meyer asked if because what the Bank has is non-conforming on the Bank site, would the Movie Gallery ever have the option of putting their driveway wherever they want. Chair Drypolcher replied that he doesn't know where they would want it at this point. He asked what the frontage of the Movie Gallery was. Atty. Hastings replied that it is less than 200 feet. Chair Drypolcher stated that they would have to come before the Board for a CUP also if they just do that lot rather than combining with the movie theatre; they would have a non-conforming driveway location that is grandfathered and if they redesign the lot so that the driveway could move it will still be non-conforming and close to other driveways. They would be faced with trying to locate it in the middle as well. He stated that if a shared driveway came out the middle, it might accomplish substantial cross traffic. He stated he feels the current location of the driveway is reasonable, as is the proposed location for the bank's driveway.

Chair Drypolcher asked Atty. Pollack to address the concerns over lighting and pedestrian issues. Atty. Pollack stated that all the concerns fit together. The goal of the project is to keep the commercial development of the property as close to the Loudon Road corridor as possible. Frankly, the City asked for some additional right-of-way which pushes them back an additional 7 feet into the residential zone. The idea was to keep the heavier part of the development to the front to leave as much buffering to the residents as possible. He stated the property is in a commercial zone but understands the residential uses in back. The lighting plan was part of the site plan submission and it shows no fugitive light emissions and studies are part of the site plan packet. Obviously, the plan is keeping with the Site Plan ordinances for downward facing fixtures so that the lighting is focused on one area.

Mr. Henninger stated that the lighting is addressed effectively in the plans. He stated they are using full cut off LED fixtures and there is no fugitive light going very far, even to the south. He stated the drainage outfall is designed to infiltrate up to and including the 100 year storm with the small exception of the driveway areas and a little grass panel. He stated the trespass issue is a new one to Planning and should be looked at. Atty. Pollack stated his client would be willing to work with staff to best address the trespass issue.

There being no comments from the members of the public, the Chair closed the public hearing.

Mr. Kenison moved to grant a Conditional Use Permit pursuant to Section 28-7-8(c) of the Zoning Ordinance regarding Separation of Driveways in Non-residential Districts, to allow for a single driveway to access the subject property with less than 200' of spacing from adjacent driveways. In accordance with Article 28-9-4(b)(4) of the Zoning Ordinance, the Planning Board shall approve an application for a Conditional Use Permit (CUP) if it finds, based on the information and testimony submitted with respect to the CUP application that:

- a) The use is specifically authorized in this Ordinance as a conditional use;
- b) If completed as proposed by the applicant, the development in its proposed location will comply with all requirements of this Article, and with the specific conditions or standards established in this Ordinance for the particular use;
- c) The use will not materially endanger the public health or safety;
- d) The use will be compatible with the neighborhood and with adjoining or abutting uses in the area in which it is to be located;
- e) The use will not have an adverse effect on highway or pedestrian safety;
- f) The use will not have an adverse effect on the natural, environmental, and historic resources of the City; and
- g) The use will be adequately serviced by necessary public utilities and by community facilities and services of a sufficient capacity to ensure the proper operation of the proposed use, and will not necessitate excessive public expenditures to provide facilities and services with sufficient additional capacity.

Ms. Smith-Meyer seconded the motion. Motion passed unanimously.

Ms. Smith-Meyer moved to grant Design Review Approval as revised for the site, landscaping and building design for a 3,350 SF branch bank with four drive-up windows, along with three (3) wall signs and a new free-standing sign.

Mr. Kenison seconded the motion. Motion carried unanimously.

Ms. Smith-Meyer moved to grant Conditional Site Plan Approval for the site, landscaping and building plans by Sugar River Bank for a 3,350 SF branch bank with four drive-up windows, subject to the following conditions to be fulfilled prior to issuance of the Certificate of Approval, unless otherwise specified:

1. Proposed Site Plan (Sheet C-2) to label and describe by metes and bounds, the proposed dedication of the Right-of-Way easement along the applicant's Loudon Road frontage.

2. Should the Planning Board vote to require that the applicant construct the “Location of Future Driveway Connection” (refer to Sheet Plan C-2) as a condition of the construction of the bank, the plan set is to be revised accordingly.
3. Prior to the issuance of a certificate of approval by the Planning Board Clerk (and issuance of any building permits for construction activity on the site), approvals of construction drawings and specifications for all public and private improvements shall be obtained from the Engineering and Planning Divisions.
4. Prior to the issuance of a certificate of approval by the Planning Board Clerk (and issuance of any building permits for construction activity on the site), the following executed easement documents, will be provided to the Planning Division which are acceptable to the Clerk of the Planning Board and in a form acceptable to the City Solicitor, suitable for recording in the Merrimack County Registry of Deeds:
  - a. A right-of-way easement for an additional seven (7) feet of widening for Loudon Road along the frontage of the property.
  - b. An easement to the City of Concord to allow for a future interconnected parking lot(s) to the parcels to east and west of this property.
5. Prior to the issuance of a certificate of approval by the Planning Board Clerk (and issuance of any building permits for construction activity on the site), the applicant will provide to the City Solicitor a financial guarantee for all public improvements on and off site and a guarantee for the site stabilization in an amount approved by the City Engineer, and in a form acceptable to the City Solicitor.
6. A pre-construction meeting shall be required prior to the start of any construction activities onsite. Prior to the pre-construction meeting seven copies of the final approved site plan shall be provided to the Planning Division for endorsement by the City Engineer as “approved for construction.” A note to be added to the Site Plan (Sheet C-2) to that effect.
7. No construction activity may commence prior to the payment of inspection fees in an amount approved by the City Engineer.
8. No certificate of occupancy for any building or use shall be issued until all public and private improvements have been substantially completed to the satisfaction of the City Engineer and City Planner.
9. Traffic impact fees shall be assessed for any non-residential construction contained within the limits of the approved site plan. The impact fees and procedures shall be those in effect at the time of the issuance of a building permit as set forth in the City of Concord Code of Ordinances, Title IV, Subdivision Code: Chapter 29.2, Public Capital Facilities Impact Fee Ordinance. The specific fees assessed are those contained in Section 29.2.1-1 Assessment and Collection; subsection (b) Computation of the Amount of Impact Fees; Table 3, Transportation Facilities Impact Fee per Variable Unit. Please see attached worksheet.
  - a. Transportation Facilities – Bank with Drive-up
10. The following improvements to be constructed are deemed to be eligible for credits against the assessed traffic impact fees. The procedures for determining the eligibility and the calculation of the credit shall be those in effect at the time of the issuance of a building permit as set forth in the City of Concord Code of Ordinances, Title IV, Subdivision Code: Chapter 29.2, Public Capital Facilities Impact Fee Ordinance.

- a. The conveyance in the form of an easement of an additional seven (7) feet of right-of-way for Loudon Road along the project frontage. Please see attached worksheet.
11. Prior to the issuance of a Certificate of Occupancy the sidewalk along the project frontage shall be entirely resurfaced to the satisfaction of the City Engineer. In addition, an additional walkway will be provided from the Loudon Road sidewalk opposite the ATM travel lane for pedestrians who will use this facility.
12. Cover Sheet to be amended to include a reference for the Architectural Elevations in the Sheet Index.
13. Prior to the issuance of a certificate of approval by the Planning Board Clerk (and issuance of any building permits for construction activity on the site), the applicant shall modify the Landscape Plan (sheet L-1) to relocate the three evergreen trees proposed at the rear of the parking lot to the rear of the property to enhance the proposed buffer screen and substitute three shade trees for the three Austrian Pines, immediately west of the dumpster
14. Prior to the issuance of a certificate of approval by the Planning Board Clerk (and issuance of any building permits for construction activity on the site), the applicant shall work with the City Planner and the residential abutters along Branch Turnpike to modify the site plan to prevent the use of their property as a pedestrian cut through from Branch Turnpike to Loudon Road including, but not limited to a fence along the rear property line of the bank site. .

Mr. Kenison seconded the motion. Motion carried unanimously.

#### Determination of Completeness

3. **Application by W&E Realty, on behalf of Key Auto Group, requesting Major Site Plan and Design Review Approval, at 94 Manchester Street, to construct three (3) new buildings including a 19,909 square foot collision center, a 2,696 square foot used car sales building, and a 6,638 square foot oil/lube center with service bays. The project also includes parking, vehicle display areas, enclosed towing & vehicle storage for collision center, walkways, stormwater controls, underground utilities and landscaping. Also requested is a Conditional Use Permit (CUP) pursuant to Article 28-4-2 of the Zoning Ordinance, Buffer Requirements for Residential Districts and Article 28-4-2(L)(2) of the Zoning Ordinance, Conditional Use Permits Required for Certain Buffers, to allow for a shifting of the required buffer. (2014-0019)**

- a. **Determination of Completeness**

Ms. Hebert recommended that the application be determined complete and set for public hearing.

Mr. Lavers moved to determine the application complete and set it for a public hearing on June 18, 2014.

Ms. Smith-Meyer seconded the motion. Motion passed unanimously.

#### Request for Amendments to Conditions

4. **Application by Ashwood Development Companies requesting an amendment to Special Condition #11 on the Planning Board approval granted May 31, 2006 which reads; "Prior to the issuance of a Certificate of Occupancy for the 26<sup>th</sup> unit in the development, a roundabout shall be designed and**

**constructed at the intersection of Manor Road and Abbott Road, including sidewalks within the intersection.” (2005-67)**

- a. Public Hearing**
- b. Deliberations and Action on the Application**

The Chair opened the public hearing.

Mr. Henninger gave a history of the project. He stated that the Oxbow Bluff Condominium project was a cluster single family subdivision that was approved in 2006. Construction was halted by the economy. There were 66 dwelling units proposed in condominium form on private internal streets. In 2011 they came in front of the board requesting an extension for the construction of Phases 2 and 3. Phase 2 has been started and plans for the start of Phase 3 are estimated in 2016. To date they have pulled permits for 23 units and 20 Certificates of Occupancy have been given. Condition 11 triggers the last major off site improvement which is the construction of a roundabout at Manor Road and Abbott Road. The applicant supplied an engineered plan and a financial guarantee to construct the roundabout. The conditions of approval stated that the roundabout would be complete before the 26<sup>th</sup> unit received a certificate of occupancy. Mr. Henninger informed the Board that the request is to postpone the construction of the roundabout until the 40<sup>th</sup> unit is granted a certificate of occupancy. Mr. Henninger noted that City Staff would also like to address several other issues at this time as noted in the conditions. He also stated that standards for roundabouts have changed since 2006 which necessitates the need for additional conditions of approval. Mr. Henninger also stated that staff’s reasoning beyond being sympathetic to the needs of the applicant have to do with road construction in the Sewall Falls Bridge area and Fisherville Road area. He stated that staff believes that traffic pattern would be less upset if the construction at Manor and Abbott Roads wait until after these two major construction projects.

Ms. Smith-Meyer raised concerns over the planting of street trees. She would like the trees planted now so that growth is expedited.

Mr. Carl Karzorski was present to represent the applicant. He stated that the landscaping was being planted as the houses were built, weather permitting. A discussion about the street trees ensued. Chair Drypolcher requested that staff go out and inspect the site for the compliance to the street tree condition.

Mr. Karzorski stated he had not reviewed the conditions and requested a continuance until the June meeting.

**Public Comments:**

Ms. Michelle Beauregard, neighbor, spoke against the extension of the roundabout construction. She has concerns about the danger the intersection of Manor Road and Abbott Road present. The intersection has a two-way stop as opposed to a four-way and there are multiple accidents. She stated that many drivers at the Manor Road stop sign are not aware that Abbott Road does not also have a stop sign. She feels that any other attempt to make that intersection safe, i.e., four-way stop, sidewalks, lower speed limit, were not considered because of the expectation of the roundabout construction. She would like to know why the request was made. She hopes that another 10 years won’t pass before the safety of this intersection is addressed.

Chair Drypolcher explained the applicant’s right to request the extension. Ms. Larson explained that by October 1, 2017 the applicant would be required to complete all off-site improvements whether the 40<sup>th</sup> Certificate of Occupancy had been granted or not. Mr. Henninger advised that she could also talk to the Ward Councilor about the installation of sidewalks or stop signs.

Chair Drypolcher closed the public hearing.

Ms. Smith-Meyer moved to continue the request to amend Special Condition #11 on the Planning Board approval granted May 31, 2006 which reads; "Prior to the issuance of a Certificate of Occupancy for the 26<sup>th</sup> unit in the development, a roundabout shall be designed and constructed at the intersection of Manor Road and Abbott Road, including sidewalks within the intersection.", until the June 18, 2104 Planning Board Meeting. Chair Drypolcher announced that the meeting will take place in the Council Chambers at 7:00 pm on June 18, 2014.

Mr. Lavers seconded the motion. Motion carried unanimously.

### **REGULAR MEETING**

#### **5. Approval of the minutes of the April 16, 2014 Planning Board meeting.**

Mr. Hicks moved to accept the minutes of the April 16, 2014 Planning Board Meeting as written. Mr. Lavers seconded. Motion passed unanimously.

#### **6. Consideration of amendments to Section 28-7-7, Signs of the City of Concord Zoning Ordinance related to the installation of mechanical scrolling message signs.**

Ms. Larson informed the Board that this request went before the Planning Board on April 2, 2014 and it consists of a request to adopt new language to permit mechanical scrolling message signs. The request is by the Zoning Board of Adjustment to City Council. The request resulted from an application for a variance some months ago. Ms. Larson stated that staff had reviewed sample Zoning Ordinances from several New Hampshire communities; Portsmouth, Rochester and Goffstown, submitted by Attorney FX Bruton, representing Cumberland Farms, at the April 2, 2104 Planning Board Meeting and also subsequent materials submitted by Atty. Bruton. Ms. Larson concluded that the City of Concord's Zoning Ordinances are vastly different than the subject communities that were reviewed. Ms. Larson stated that staff could revise the original language of the amendment to clarify the definitions of what would be allowed.

Craig Walker, City Zoning Administrator, was also present. A discussion regarding the amount of times per day the signs could be changed ensued. Mr. Walker stated that a four times a day change was the most reasonable for these signs and the businesses that would install them. A discussion of monitoring ensued.

Attorney FX Bruton, representing Cumberland Farms, was present. He stated that his client would be happy with a one-time per day change. He also reiterated his clients request to obtain the mechanical scrolling sign is mainly for the safety of their employees.

Following discussion of the most appropriate number of times per day scrolling should be allowed, the allowable size of signs, and the definition of a mechanical scrolling sign, Chair Drypolcher called for a vote of who supports the once a day change mechanical scrolling sign; the vote is 5 in favor and 3 against. Chair Drypolcher requested that staff write an update for City Council after defining a message board, establish the standard allowable size; in relation to percentage and maximum allowable square footage and define the once per day preferred allowance which can be manual or mechanical.

#### **7. Consideration of the draft Utility Section (XI) for the Master Plan 2030.**

Continued until June 18, 2014 Planning Board Meeting. The Board will arrive one half hour early; at 6:30pm, to discuss this item on June 18, 2014.

**8. Any other business which may legally come before the Board.**

**INFORMATION**

**9. Minutes of the May 13, 2014 Design Review Committee meeting.**

- Next regular monthly meeting on Wednesday, June 18, 2014.

There was no further business to come before the Planning Board and the Chair adjourned the meeting at 10:52 pm.

A TRUE RECORD ATTEST:

Nancy Larson  
Clerk